

# ASBESTOS IN SOIL, MADE GROUND AND CONSTRUCTION WASTE

## Joint Industry Working Group Meeting with HSE and EA

### MEETING No. 1 – CL:AIRE's Office, London

3<sup>rd</sup> July 2012

#### Attendees

NAME	REPRESENTING
Steve Forster - Chair	EIC
Nicola Harries - Secretariat	CL:AIRE
Trevor Howard	EA
Tim Morris	EA
Jane Whitelaw	EA
Craig Bell	HSE

#### Agenda

1. Welcome and Introductions
2. Relevant Regulatory Regimes - HSE & EA interaction  
- Interface with Other Regulators
3. Guidance on Demolition – Dealing with Buildings that Contain Asbestos - ALG 02/08
4. EA Quick Guide - Asbestos Contaminated Soils and Rubble at Construction Sites (Draft for Review)
5. HSE Guidance on Worker Protection from Asbestos in Soils - HSG248 Annex (CFM WG2 Task Group)
6. UKAS Accreditation for Testing and Inspection
7. Training and Competence
8. Next Meeting

No.	DISCUSSION	ACTION
1.	<p><b><u>WELCOME and APOLOGIES</u></b></p> <p>The chair Steve Forster welcomed all to the meeting and thanked people for making the time available to meet. All attendees introduced themselves and described their roles and responsibilities within their organisations.</p>	
2.	<p><b><u>Relevant Regulatory Regimes</u></b></p> <p>Both HSE and EA welcomed the work of the Joint Industry Working Group (JIWG). They both agreed that they will work with the JIWG to find a satisfactory solution when dealing with asbestos in soil, made ground and construction &amp; demolition materials.</p> <p>EA explained they are responsible for protection of the environment and deal with issues relating to permitting and waste management that relate to asbestos. Contaminated land issues relating to asbestos are under the remit of local authorities.</p> <p>HSE explained that they are responsible for protecting the health and safety of workers that might be affected by work on asbestos and asbestos-contaminated materials (and also members of the public who may be affected by such work activities) HSE is currently reviewing and updating its Approved</p>	

	<p>Code of Practice and guidance material, including all those documents involving asbestos. It is HSE's objective to make this material simpler and easier to understand so that employers understand what they need to do to comply with the law. There is a general move towards consolidation of documents where practical. The review and updating of all HSE guidance needs to be completed by Autumn 2013.</p> <p>As the HSE updated guidance is some time away, it was agreed as a way forward as an interim deliverable and to help the whole development industry to understand the interaction between the different regulators, and to provide clarification on some of the key regulatory policy issues, we would work jointly on a framework/flow chart to see how the different regulatory systems interact, and to sign post people. This would be hugely helpful for the development of the JIWG Code of Practice.</p> <p>The JIWG had made a start by sharing the points that they felt the HSE and EA need to provide further clarification on. It was suggested that it would be beneficial if the JIWG developed this into a draft position statement for circulation within the next two months, prior to the next meeting, that could ultimately be issued by the JIWG and endorsed or supported by the HSE and EA.</p> <p>HSE and EA agreed that enforcement of the various regulatory regimes needs to be consistent both within and between organisations and that there was a case for considering the approach to 'legacy' scenarios differently from current situations moving forward. Sustainability and risk assessment criteria could be developed that still maintained environmental protection and health and safety compliance.</p> <p>HSE highlighted that enforcement for Carriage of Dangerous Goods (CDR)/ The European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) is the responsibility of the Department of Transport (DoT), who delegate the powers to the Police and Vehicle and Operator Services Agency (VOSA).</p> <p>It was agreed that this area is an important one for consideration as this regime, if enforced to the letter, could potentially affect how other aspects of the problem are addressed from a reasonable sustainability and risk assessment standpoint.</p> <p>Nobody had a contact within the DoT but HSE would make some enquiries. REACH is covered by a department with Defra.</p>	<p>JIWG</p> <p>HSE</p>
3.	<p><b><u>Guidance on Demolition – Dealing with Buildings that Contain Asbestos – ALG 02/08</u></b></p> <p>HSE explained that over the years a lot of asbestos guidance has been produced to deal with particular issues as they have arisen, this is probably why ALG 02/08 was originally produced.</p> <p>HSE explained that ALG 02/08 is not official HSE guidance and was produced by the Asbestos Liaison Group (ALG) which is a working group involving industry, trade unions, other Government Departments, etc . However, ALG memos are hosted on the HSE website which is why people often quote them as official guidance. ALG documents are not HSE's responsibility and they have not been through their internal review</p>	

	<p>procedures. HSE do however have regular meetings with ALG.</p> <p>HSE confirmed that the ALG 02/08 memo does not reflect the current legislation and therefore feels that it should be withdrawn. HSE will look to discuss with ALG for memo 02/08 to be withdrawn and removed or replaced as soon as is practicable. Another concern that HSE has is ALG 02/08 also refers to disposing of material containing asbestos which strictly speaking is not within its remit.</p> <p>HSE will ask Greg Haywood of the HSE's Asbestos Licensing Unit to meet Steve Forster in order to further discuss the issues arising from this.</p>	<p>HSE</p> <p>HSE</p>
<p>4.</p>	<p><b><u>EA Quick Guide – Asbestos Contaminated Soils and Rubble at Construction Sites (Draft for Review)</u></b></p> <p>The EA explained that the draft Quick Guide is for internal use and is to be used to help provide a consistent message across the EA staff in the regions. The JIWG welcomed the preparation of the guide but felt that in its current form there are inconsistencies with other guidance and could cause even further confusion. The EA welcomed the feedback and welcomed suggestions from the JIWG and waste sector for more consistent wording.</p> <p>EA explained that there have always been problems classifying asbestos when mixed with soil and construction waste. It is not the EA's intention to cause large volumes of material to be classified as hazardous waste and be sent to landfill unnecessarily or be inconsistent with other guidance. However they also do not think it is in the right spirit to permit uncontrolled crushing and mixing to dilute the volume of asbestos contained in construction material.</p> <p>EA welcomed the chair's suggestion that the JIWG propose appropriate words concerning classification of asbestos containing material for them to consider. The aim is to prevent unnecessary crushing but to enable people to appropriately reuse material that contains small discrete amounts of asbestos.</p> <p>The EA offered to start to prepare a draft flow chart of the guide for discussion at the next meeting.</p>	<p>ALL</p> <p>ALL</p> <p>EA</p>
<p>5.</p>	<p><b><u>HSE Guidance on Worker Protection from Asbestos in Soils – HSG248 Annex (CFM WG2 Task Group)</u></b></p> <p>HSE confirmed that HSL has been contracted to help draft a revised edition of HSG248 The Analyst's Guide. This will include material in relation to analysis of soil samples. The work aims to be finished autumn 2012, though publication may not be until November 2013.</p> <p>As the HSE are required to shorten all their guidance and amalgamate where possible, it was suggested that perhaps if space was tight, part of this work could be included in the JIWG Asbestos in Soil Code of Practice and signposted from HSG 248. This would also help ensure that the two pieces of work are consistent.</p> <p>HSE will discuss with colleagues to see if this is possible and appropriate.</p>	<p>HSE</p>

6.	<p><b><u>UKAS Accreditation for Testing and Inspection</u></b></p> <p>It was acknowledged that there is a lot of work currently being undertaken on standardising UKAS testing methods. When it comes to soil sampling, it is important that an appropriate number of samples are sent to the laboratories for confirmation of asbestos. Currently guidance is in place when undertaking inspections and testing for asbestos in buildings but not for soil. The JIWG Code of Practice will need to expand on this for asbestos in soil.</p> <p>One consideration that requires clarification is the definition of ‘identification’ of asbestos in relation to CAR2012 and the requirement to use a UKAS accredited laboratory for this work. HSE agreed to clarify whether ‘field visual screening’ of samples in order better to select appropriate samples for laboratory identification based on the presence of suspected ACMs and/or fibrous materials is classed as ‘inspection’, which does not require UKAS accreditation. This will be considered by the working group set up by HSL to help in drafting new sections of the Analysts’ Guide</p> <p>Given the potential wide and highly variable distribution of asbestos across contaminated sites and the consequent need for good quality data, it is important that guidance does not preclude appropriately trained and experienced contaminated land professionals from making sensible decisions about what samples to have analysed.</p>	HSE
6.	<p><b><u>Training and Competence</u></b></p> <p>It was agreed that it is important that professionals working in the field of contaminated land are competent to be able to adequately address the risks from asbestos-containing materials and asbestos in soil and construction &amp; demolition materials. It will be important to define what “competent” means. It will need to be an assessment based on experience, knowledge, training and understanding.</p> <p>Early discussions have already been taken place with BOHS to see how the current P Modules can be expanded to cover asbestos in soil and a matrix of potential inclusions was circulated for comment.</p>	All
7.	<p><b><u>Next Meeting</u></b></p> <p>It was agreed that this meeting was very useful and additional meetings should take place. It was suggested that the next meeting should occur just before the next JIWG meeting. NH to set up and circulate suggested dates.</p>	NH