

ASBESTOS IN SOIL, MADE GROUND AND CONSTRUCTION WASTE

Joint Industry Working Group Meeting with HSE and EA

MEETING No. 2 – CL:AIRE's Office, London

25th September 2012

Attendees

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

Apologies

Jane Whitelaw	EA
Trevor Howard	EA

Agenda

1. Interface between HSE and EA on policy, regulation and enforcement
 - a. Review draft position statement
2. HSE Guidance on Demolition – Dealing with Buildings that Contain Asbestos - ALG 02/08
 - a. Update on HSE/ALG advice on recycling demolition materials containing asbestos
 - b. Review of implications on environmental risk management framework
 - c. Meeting/contact with ALU
3. REACH update
4. CDG/ADR update
5. EA Quick Guide - Asbestos Contaminated Soils and Rubble at Construction Sites
 - a. Review EA flow chart
6. HSE Guidance on Worker Protection from Asbestos in Soils - HSG248 Annex (CFM WG2 Task Group)
 - a. Update on progress
 - b. Interface with CIRIA and JIWG guidance
7. UKAS Accreditation for Testing and Inspection
 - a. Update on HSE clarification on application to field visual screening
8. Laboratory analysis
 - a. EIC Task Group – UK standardised methodology
 - b. CAR2012 definition of asbestos/HSG248 definition of 'trace'
9. Training and Competence
 - a. BOHS update
10. AOB
11. Next Meeting

No.	DISCUSSION	ACTION
	<u>WELCOME and APOLOGIES</u> The chair Steve Forster (SF) welcomed all to the meeting and thanked people for making the time available to meet. Apologies were given for Trevor Howard and Jane Whitelaw of the Environment Agency.	
1.	Interface between HSE and EA on regulation and enforcement a. Review draft position statement	

	<p>SF provided a draft position statement that he requested that the EA and HSE review and come back with comments. The aim of the statement is to gain agreement with the regulators on the three key areas that need further clarification in order to allow the development of the Asbestos in Soil Code of Practice to proceed on a sound footing. The HSE and EA have agreed to work with the JIWG to endeavour to resolve these issues as a matter of priority.</p> <p>The position paper covers areas under waste classification, permitting and licensing and recycling and reuse.</p> <p>It identifies that the REACH regulations will need to be clarified in respect to asbestos along with the CDG Regulations. Defra is responsible for the REACH regulations (although HSE is identified as the UK Competent Authority) and DoT is responsible for CDG. HSE agreed to provide contacts within Defra and DoT to follow up.</p> <p>It was agreed that it is important to get buy in and agreement from everybody for the position paper to be effective.</p> <p>It was agreed that HSE and EA will review in detail and come back with comments by 19th October 2012.</p>	<p>HSE</p> <p>EA & HSE</p>
2.	<p><u>HSE Guidance on Demolition – Dealing with Buildings that Contain Asbestos - ALG 02/08</u></p> <ol style="list-style-type: none"> a. Update on HSE/ALG advice on recycling demolition materials containing asbestos b. Review of implications on environmental risk management framework c. Meeting/contact with ALU <p>Craig Bell (CB) provided an update on ALG 02/08. He confirmed that he had spoken to Greg Heywood. There is agreement that all ALGs are to be reviewed by the end of 2012 and whilst they are being reviewed may be temporarily removed from the website. There is also discussion within HSE that, as the ALG memos are not official HSE documents, they may be located elsewhere on the website to prevent confusion that they are official HSE documents.</p> <p>CB has requested that SF meet with Greg Heywood to discuss issues with the ALG document. CB to provide the introduction for SF.</p>	HSE
3.	<p><u>REACH Update</u></p> <p>HSE are working with DEFRA in relation to REACH. They are dealing with Keith Bailey – International Chemicals. New regulations will be coming into force in April 2013 which HSE are supporting DEFRA with and have carried out an impact assessment for rolling the new regulations out to industry. They are waiting to get feedback from DEFRA. CB confirmed that there is an opportunity for the JIWG to feed into the public consultation that is currently open about proposed changes to REACH regulations in relation to asbestos. CB to forward the link.</p>	HSE
4.	<p><u>CDG/ADR update</u></p> <p>SF confirmed that he has made contact with Department of Transport in</p>	SF

	relation to transportation of asbestos. He will be following this up.	
5.	<p><u>EA Quick Guide - Asbestos Contaminated Soils and Rubble at Constructions Sites</u></p> <p>Following the last meeting, the EA had prepared a very draft regulatory flow chart in relation to asbestos in soil. It was extensively discussed how the HSE and EA regulate and how best this can be depicted on a flow chart. It was agreed that HSE and EA will work on their own flow charts and JIWG will endeavour to knit them together. It was agreed that both EA and HSE will circulate to each other for JIWG to bring them together. It was agreed that the flow charts would be forwarded to CL:AIRE by 31st October 2012.</p>	EA & HSE
6.	<p><u>HSE Guidance on Worker Protection from Asbestos in Soils - HSG248 Annex (CFM WG2 Task Group)</u></p> <ol style="list-style-type: none"> a. Update on progress b. Interface with CIRIA and JIWG guidance <p>HSE confirmed that the proposed asbestos in soils Annex to HSG248 is best retained in HSG248 with extensive signposting to the JIWG Asbestos in Soil Code of Practice because HSG248 is used by UKAS as it covers the analytical methodologies. The new Annex will address asbestos in soil but only in relation to worker protection. Working Group 2 are continuing to meet to move the preparation of the Annex forward, however there is still a lot of work that needs to be carried out to finalise this.</p> <p>HSG248 can't and won't address what do the laboratory results mean in terms of environmental issues. This is where it needs to signpost to Part 2A and Planning legislation and dovetail with JIWG Code of Practice.</p>	
7..	<p><u>UKAS Accreditation for Testing and Inspection</u></p> <ol style="list-style-type: none"> a. Update on HSE clarification on application to field visual screening <p>HSE agreed to discuss with UKAS regarding what is defined as "testing and inspection" operations in the context of investigating soil potentially contaminated with asbestos. When an operative is surveying a building for asbestos, it is not mandatory, but is highly desirable, to have UKAS accreditation for surveying. There does seem to be some confusion within the industry as regards the need to have UKAS accreditation for the inspection of soil samples. HSE to seek clarification and report back.</p>	HSE
8.	<p><u>Laboratory Analysis</u></p> <ol style="list-style-type: none"> a. EIC Task Group – UK standardised methodology b. CAR2012 definition of asbestos/HSG248 definition of 'trace' <p>SF explained that EIC has set up a Laboratory Task Group to discuss and develop a standard UK methodology for identifying asbestos in soil. At present UKAS accredited laboratories undertake the process in different ways which makes it difficult to interpret the results. This work will be feeding into the JIWG Code of Practice.</p> <p>There was discussion about the difficulties of measuring very low levels of asbestos in soils and C&D materials and how to ensure consistency and reproducibility of results as the allowable limit is very close to the level of</p>	

	<p>detection.</p> <p>A method for defining 'trace' asbestos is included in HSG248 but this needs to be reconsidered as applied to soils and C&D materials in terms of a pragmatic de minimis level which would serve as an appropriate benchmark for all relevant regulatory regimes. At present there does not seem to be a satisfactory defined method. UKAS accredited laboratories rarely now report 'trace' with the result that a single fibre bundle may be reported as "[type] asbestos identified".</p> <p>The difficulty is that asbestos may be detected at very low levels, which may represent an extremely low level of risk, but the material may still be classified as contaminated and not suitable for reuse.</p> <p>Should there be some form of benchmarking in relation to 'ambient' levels of asbestos in soil?</p> <p>This is an issue currently being addressed by Working Group 2.</p>	
9.	<p><u>Training and Competence</u> a. BOHS update</p> <p>At present there is a number of training courses for Asbestos Awareness however the content varies hugely and may not necessarily address the key issues especially in relation to asbestos in soil. There needs to be commonality in the subject matter so people understand what they have been trained to be able to do.</p> <p>SF explained that he is aware that BOHS are planning to develop a further two, possibly three, P-Cert courses to cover asbestos in soil.</p> <p>It is important that the broad construction industry identify the key competencies that are needed for identifying asbestos in soil so that the training courses are developed and are fit for purpose. The training courses need to cover a broad range of topics including planning and environmental issues that typically are not covered. HSE confirmed that currently in the Asbestos Code of Practice they identify that training is required but do not approve training providers.</p>	
10.	<p><u>AOB</u></p> <p>SF raised the issue of the possibility that Reg. 4 Duty to Manage might/should apply to developed sites where asbestos has been identified and retained on site, in order to facilitate the proactive management of asbestos in the ground. This would also fall under CDM.</p> <p>CB undertook to consider this with colleagues and revert.</p>	HSE
11.	<p><u>Next Meeting</u></p> <p>It was agreed that the next meeting should take place just before the next JIWG meeting which will be in early January 2013. NH to set up and circulate suggested dates.</p>	NH