

# Powys Safety Solutions

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## Control of Asbestos Regulations 2012

Newsletter from associate company Bradley Environmental - who are running free seminars about this important topic The Control of Asbestos Regulations (CAR) 2012 were laid in Parliament on Monday 5th March and, subject to Parliamentary approval, will come into force as planned on 6 April 2012.

The Control of Asbestos Regulations 2006 has been reviewed due to them failing to comply with the European Asbestos Worker Protection Directive.

The changes reflected in Control of Asbestos Regulations 2012 relate to Regulation 3 (2). The exclusions from certain provisions, in particular licencing, which allowed too many types of low risk work to be exempt from requirements concerning notification, medical examinations of those undertaking such work and record keeping. Bradley Environmental will be running a series of free seminars on the changes to the regulations, to book your place complete the booking form which can be found here.

The changes made to CAR 2012 in effect will create a new category of work; 'Notifiable Non-licenced Work.' This will require certain types of work on asbestos containing materials to be notified to the enforcing authorities before it begins, that medical examinations of those personal undertaking such work is carried out every three years and that records of employee exposure to asbestos fibre undertaking such work are kept by the employer for 40 years.

CAR (2012) will result in three categories of work with asbestos, these being:

Licenced Work - This remains unchanged from CAR (2006);

Non-Licenced Work - This is exempt as today from certain requirements such as;

- (i) Notify work with/on asbestos to the enforcing authority;
- (ii) Carry out medical examinations to staff;
- (iii) Hold a licence;
- (iv) Have arrangements to deal with accidents, incidents and emergencies;
- (v) Keep records of employee exposure to asbestos fibre;
- (vi) Designate asbestos areas.

Notifiable Non-Licenced Work - A new category of work due to the changes made in CAR (2012), this category of work will be exempt from requirements to;

- (i) Hold a licence;
- (ii) Have arrangements to deal with accidents, incidents and emergencies
- (iii) Designate asbestos areas.

Please note that the requirement for medical examination for the new category of work will not come into force for three years, to allow people to comply.

This requirement must be in place by 30th April 2015 and medicals must be repeated every three years after that. What does all this mean?

CAR (2006), allowed a lot of work with asbestos to be undertaken without a licence, some of which was sensible and practicable as the risk to those undertaking the work from exposure to asbestos fibre was negligible.

However, some of the work that would have been undertaken because of the wording of regulation 3 (2) would have resulted in others being exposed whilst undertaking inappropriate work with inadequate training and controls in place to prevent worker exposure to asbestos fibres.

For contractors who choose to continue undertaking work that will fall into the new category of work they will now have to notify such work, keeps records of the work done, records of the employees involved in such work and their likely exposure to asbestos fibre and introduce those staff to having medical examinations every three years. Whilst enforcement visits to notified jobs will probably be rare, those organisations undertaking a lot of such work, making numerous notifications will be open to scrutiny and an enforcement visit will occur at some time. Such organisations will have to demonstrate evidence of adequate employee training, as well as demonstrating compliance with the Control of Asbestos Regulations 2012.



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