



LEAFLET 54

MANAGEMENT OF ASBESTOS AND ASBESTOS CONTAINING MATERIALS

AMENDMENT RECORD

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REVISION NOTE:

February 2012

Leaflets 54 (Previously Management of Asbestos in Non-Domestic Premises) and Leaflet 40 (Asbestos Prohibitions) have been revised and consolidated to form this single leaflet covering the management of asbestos and asbestos containing materials.

This leaflet follows a similar format to the Health and Safety Executive (HSE) Approved Code of Practice (ACoP) with guidance contained in boxes separating it from policy.

Note:

Following the introduction of the Registration, Evaluation, Authorisation and Restriction for Chemicals Regulations (REACH) Regulations, exemptions for new asbestos use (previously under the Control of Asbestos Regulations) are now handled under the REACH regulations. See Section 7 for further information.

HISTORICAL RECORD:

Original Leaflet created in October 2001

Revised April 2003

This policy has been equality and diversity impact assessed in accordance with Departmental policy. This resulted in a Part 1 screening only completed (no direct discrimination or adverse impact identified) This policy is due for review in February 2015

Leaflet 54**MANAGEMENT OF ASBESTOS
AND ASBESTOS CONTAINING MATERIALS****CONTENTS****Foreword**

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FOREWORD

This JSP 375 leaflet is published under the authority of the Director of the Defence Safety & Environment Authority (DSEA) following consultation with departmental stakeholders and is to be applied across all areas of MOD and the Armed Forces to ensure compliance with UK and host nation legislation/standards and/or MOD policy.

1. SCOPE

1.1 This leaflet provides MOD policy and guidance for all staff (Service and civilian) responsible for the management, maintenance, procurement or disposal of materials, premises, vessels, equipment, and munitions which are known or suspected to contain asbestos and staff who work with materials or in areas suspected or known to contain asbestos.

1.2 In accordance with MOD policy; MOD operating overseas shall comply with host nation legislation or that of the UK which ever applies the higher standard – therefore the policy and guidance in this document shall be applied with this caveat.

2. INTRODUCTION

2.1 Asbestos was widely used throughout industry until legislation changes in 1985/1999 prohibiting its new use; this does not however prohibit the continued use of existing products and/or equipment which contain asbestos providing the risks of exposure to air borne fibres are properly managed. Therefore anything manufactured for the domestic market (structures or equipment) after 1999 should not contain asbestos; however some structures or equipment may have been built after this time using existing stocks of materials containing Asbestos Containing Materials (ACM)s.

2.2 Notwithstanding the prohibitions for new use, the MOD has exemptions in place allowing the continued use of ACMs in the manufacture of some equipment and munitions post 1999.

2.3 There are three principle UK pieces of legislation for the management and use of asbestos in the workplace:

- Control of Asbestos Regulations (CAR) applies in full to the MOD and covers the continued use of and management of any asbestos found in defence equipment, premises, vessels, munitions etc;
- Registration, Evaluation, Authorisation and restriction of Chemicals (REACH) Regulations which control the prohibitions regarding the supply, use and importation of asbestos; and
- Merchant Shipping & Fishing Vessels (Health & Safety) Asbestos Regulations.

2.4 The MOD is required to prevent, or where this is not possible, control risks of exposure to airborne asbestos fibres to protect staff, contractors and visitors in the workplace. CAR includes a duty to manage the use of asbestos in work processes, or the removal and/or repair of ACMs (identify and record the location of all ACMs, provide information and establish suitable warning and emergency arrangements); and it imposes duties on staff concerning their own protection from exposure to asbestos.

2.5 The presence of ACMs in itself does not create a health risk. The main risks to health are from the inhalation/ingestion of individual airborne asbestos fibres; this may happen when fibres are released into the air by:

- undertaking work that disturbs dust or material containing asbestos fibres eg drilling holes, cable installation works, knocking down internal walls, replacing gaskets or seals in equipment/munitions/plant;
- impact damage (however minor eg surface paint scraped off) to ACMs caused by vehicles manoeuvring, or movement of objects (trolleys etc).

2.6 The inhalation or ingestion of asbestos fibres can cause a number of serious diseases that can often take 15-60 years to develop noticeable symptoms. The most common diseases are:

- Mesothelioma is a cancer which affects the lining of the lungs and the lining surrounding the lower digestive tract. It is almost exclusively related to asbestos exposure and by the time it is diagnosed, it is almost always fatal;
- lung cancer (asbestos related lung cancer presents similar symptoms to lung cancer caused by smoking);
- Asbestosis is a serious scarring condition of the lung that normally occurs after exposure to asbestos over many years. This condition can cause progressive shortness of breath, and in severe cases can be fatal;

- Pleural Thickening is generally a problem that happens after heavy asbestos exposure. The lining of the lung thickens and swells. If this gets worse, the lung itself can be squeezed, and can cause shortness of breath and discomfort in the chest; and
- Ingested asbestos fibres may build in the stomach and intestines and may cause other cancers.

3. MOD POLICY

3.1 CAR and REACH apply to the MOD and shall be complied with in full. Where exemptions exist under these regulations the MOD shall implement standards at least as good as those required by statute so far as is reasonably practicable. Overseas, MOD shall comply with host nation standards/legislation and, where more stringent, apply UK standards.

3.2 The MOD shall eliminate the use of ACMs where possible in all new equipment, components, munitions and/or premises etc.

3.3 Asbestos surveys shall be undertaken (in accordance with HSG 264 –Asbestos: The Survey Guide) to identify the presence, location and condition of ACM in all MOD premises/vessels, fixed plant, machinery, vehicles, stores (components), etc . If unable to categorically verify that there is no asbestos present, its presence shall be presumed and recorded/managed accordingly.

3.4 An Asbestos Register (AR) which shall capture all ACMs in premises, equipment, machinery or vehicles on the establishment or vessel, together with an Asbestos Management Plan (AMP) for detailing the actions to be carried out to manage the ACMs present shall be put in place and maintained for each establishment or vessel.

GUIDANCE

If there is the potential for the release of asbestos fibres but the material is in otherwise good condition and is functional, it may be appropriate to seal or encapsulate the material (in situ), label, record and manage this action through the AMP and update the Asbestos Register.

3.5 The risk of exposure to asbestos by staff associated with legacy equipment shall be reduced to 'As Low As Reasonably Practicable' (ALARP)¹.

3.6 The MOD shall remove or replace ACMs in legacy equipment/components/munitions where reasonably practicable.

3.7 Only activities that meet the requirements of CAR Regulation 3(2) (sporadic and low intensity exposure where it is clear the statutory "fibre release to air" control limits will not be exceeded) may be carried out by MOD staff.

¹ The ALARP principle is that the residual risk shall be as low as reasonably practicable. It has particular connotations as a route to reduce risks. For a risk to be ALARP it must be possible to demonstrate that the cost involved in reducing the risk further would be grossly disproportionate to the benefit gained.

GUIDANCE

The removal of asbestos is not mandated from all legacy equipment *except* where the continued presence of asbestos presents a significant risk to the operator, maintenance staff or other persons. However, advantage should always be taken of maintenance periods and upgrades to substitute the ACM with a less hazardous material provided that:

- a suitable replacement exists;
- the act of removing the ACM does not increase/create risk to staff/visitors/contractors (eg ACM was acting as a fire prevention barrier).

3.8 Asbestos containing components and some munitions are managed by the Defence Equipment and Support (DE&S) Restricted Materials Secretariat (RMS); information about the type and content shall be detailed in the Material Safety Data Sheets (MSDS) for the item(s).

3.9 The removal of asbestos insulating boarding (ceiling tiles and/or wall partitions, thermal lagging, etc.) in premises shall only be undertaken by Licensed (or competent if overseas) Contractors. MOD personnel shall not undertake any such removal activity.

GUIDANCE

MOD guidance on the requirements for licensed asbestos removal can be found in DIO Practitioners Guide PG 02/2007.

4. ROLES AND RESPONSIBILITIES

4.1 Procurement or Acquisition Teams

4.1.1 Procurement/Acquisition Teams are responsible for the management of hazardous substances and restricted materials within their projects and shall maintain an Asbestos Elimination Plan ensuring that wherever possible any new equipment/munitions are asbestos free. Where the use of asbestos in any new equipment/munitions cannot be avoided, a defence exemption for the ACM component shall be obtained before purchase/supply (see Section 7).

4.1.2 Procurement/Acquisition Teams shall ensure that information about the type and content of asbestos contained in components or equipment/munitions (eg washers, gaskets) is forwarded to the DE&S Restricted Materials Steering Group (RMSG) for inclusion in the central database of Material Safety Data Sheets and kept up to date.

GUIDANCE

The DE&S RMSG monitors the progress of the MOD in eliminating asbestos use from the inventory and reports annually to HSE and the Defence Board.

4.1.3 Procurement and Acquisition teams shall actively seek the cooperation of the UK Defence Industry to eliminate the use of asbestos in existing components, equipment and munitions required in the support of the defence imperative. Procurement/Acquisition Teams shall ensure that any asbestos containing components/equipment or munitions

are suitably labelled (see Section 5) unless too small, in which case the packaging should be labelled. The ACM shall be packaged in such a way that stores personnel shall not be exposed to the component and will not need to break into the packaging before issue.

4.1.4 If during the lifetime of a materials/supply contract which necessitates use of ACMs, an asbestos-free alternative becomes available, (Defcon 624 refers) the contractor and Procurement/Acquisition Team shall determine its suitability. During the period of this determination, the Procurement/Acquisition Team shall, if practicable, request the suspension of the contract supply, as soon as possible, demonstrating MOD policy of eliminating the new use of ACMs.

4.1.5 Procurement/Acquisition Teams shall ensure that any supplier of products containing asbestos under the Exemptions detailed in Section 7 complies with the requirements set out in Control of Asbestos Regulations Schedule 2 or Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Article 67 and Annex XVII Appendix 7 for labelling of the products.

4.1.6 Procurement/Acquisition Teams with responsibility for premises/infrastructure shall follow the guidance in the Defence Infrastructure Organisation (DIO) Practitioners Guide Number PG 02/2007 'Management of Asbestos Containing Materials on the Defence Estate'.

4.2 Premises, Establishment, Equipment, etc. Managers

4.2.1 Under Control of Asbestos Regulations (CAR), a dutyholder is every person who controls access to, or has responsibility for, the maintenance or repair of premises/establishments, vessels or equipment etc,. Within the MOD the role of dutyholder shall be undertaken by the:

- CO/HoE for MOD managed establishment, training estate, premises, vessels, equipment, vehicles etc;
- Leaseholder for PFI managed establishment, training estate, premises /assets;
- MMC² Manager responsible for an MMO;
- MMO³ for establishment, training estate, premises or assets for which they are contracted to maintain;
- MOD sites occupied by United States Force (USF), the USF assume the dutyholder's responsibilities in respect of the GB's Control of Asbestos Regulations.

GUIDANCE

On MOD sites occupied by United States Force (USF), asbestos is managed as an environmental issue and USF personnel are not governed by JSP 375.

4.2.2 MMC and CO/HoE shall, where a MMO (within the scope of their contract) undertake and manage the practical and technical aspects of the asbestos management programme, ensure the associated documentation and processes are effectively implemented and maintained.

² Maintenance Management Contract (e.g Prime Contract)

³ Maintenance Management Organisation

GUIDANCE

The dutyholder will need to refer to the practical guidance on the management of asbestos in non-domestic premises given in the Approved Code of Practice (L127), the Comprehensive Guide (HSG227) and to relevant guidance given in the Defence Infrastructure Organisation (DIO) Practitioners Guide PG 02/2007. The duty holder will need to consult their Maintenance Management Organisation (MMO) and any other duty holders, when seeking to comply with this Regulation. Additional information can be found on the HSE's website 'Asbestos Essentials' (www.hse.gov.uk/asbestos/essentials/index.htm)

4.2.3 Where establishment, training estate, premises, vessel or equipment asbestos management responsibilities are shared, each dutyholder shall communicate and cooperate with each other and the CO/HoE who in his role as Coordinating Duty holder shall ensure that an establishment/vessel wide Asbestos Register (AR) and an Asbestos Management Plan (AMP) are produced and maintained.

GUIDANCE

The Defence Infrastructure Organisation (DIO) Practitioners Guide Number PG 02/2007 'Management of Asbestos Containing Materials on the Defence Estate' provides guidance on developing an AR/AMP.

4.2.4 Each dutyholder for the assets or equipment for which they are responsible, shall ensure that:

- all known and presumed ACMs are identified (check plans, drawings, specifications, etc.).
- appropriate surveys in accordance with HSG 264 are undertaken to confirm/identify the location, content and condition of all ACMs present (eg premises, vessels, equipment (fixed or mobile) or stores).
- surveys are carried out by competent persons on a frequency proportionate to the risk but at least annually and the information passed to the CO/HoE for inclusion in the AR/AMP.

GUIDANCE

There are two types of survey:

- **Management** - Standard survey designed to locate, as far as is reasonably practicable, the presence and extent of any suspect ACM's in the building/plant or equipment which could be damaged or disturbed during normal occupancy, including foreseeable maintenance and installation, and to assess their condition (para 43 – 50, HSG 264)
- **Refurbishment** - A refurbishment or demolition survey will be needed before any refurbishment or demolition is carried out. This type of survey is used to locate and describe, as far as is reasonably practicable, all ACM's in the area where the specified work is to be completed, or if the whole building is to be demolished or the plant dismantled. This type of survey is fully intrusive and destructive in nature.

Organisations/persons carrying out surveys must comply with the competence requirements laid down in HSG 264 – Asbestos: The Survey Guide.

4.2.5 The location of all ACMs in premises, vessels, equipment and stores shall be compiled and recorded in the unit/establishment/vessel Asbestos Register (AR).

GUIDANCE

Each AR should list (by asset reference number) the location, type and condition of all ACMs known or presumed, together with plans and drawings (identifying where asbestos warning notices have been placed) for the premises/vessel/estate and/or assets (equipment/stores).

4.2.6 A unit/establishment/vessel Asbestos Management Plan (AMP) shall be compiled for all ACMs in premises, vessels, equipment (fixed or mobile) and stores under the dutyholders control which records actions required to ensure the risks from ACMs are properly managed. The AMP (and relevant extracts of the AR) shall be made available to all contractors and/or staff who may disturb the ACMs.

4.2.7 ACMs shall be labelled in accordance with section 5 paragraph 5.2 of this leaflet. Warning notices (see JSP 375, Volume 2, Leaflet 44) shall be clearly displayed wherever ACMs are present or suspected, together with details of where further information/advice can be obtained. The warning notices shall be affixed to the ACM itself, at entry points to unoccupied spaces (e.g roof hatches) or the covering material where the ACM is encapsulated. The location of the warning notices shall be detailed in the AR and condition/clarity of the label monitored through the AMP.

4.2.8 The condition of known/presumed ACMs shall be monitored through regular inspections (at least annually) to check that it has not deteriorated or been damaged and any revised actions and/or removal of ACMs shall be recorded in the AMP and the AR. If there is evidence of fibre release, immediate action shall be taken to evacuate personnel and seal or remove the material. Where required under CAR, licensed contractors shall be used for the removal of ACMs.

GUIDANCE

Factors which should be taken into account in deciding on a course of action are:

- the function that the ACM performs;
- the type and condition of the material;
- the frequency of disturbance or damage to the material;
- the amount of fibre that could potentially be released;
- the use of the premises, vessel, equipment;
- the difficulty and cost of sealing or removal;
- the cost of replacement, if required.

4.2.9 Procedures shall be put in place to ensure that information on the location and condition of any ACM is provided to all staff/contractors and visitors (in accordance with JSP 375, Volume 2, Leaflet 34). These procedures shall include effective inspection and fault reporting to ensure early notification of suspected ACM related degradation or damage or the discovery of previously unidentified ACMs.

4.2.10 Appropriate health surveillance (JSP 375, Volume 2, Leaflet 2) shall be arranged for all staff who undertake tasks in the normal course of their duties which are liable to disturb ACMs or require access to areas where the presence of free asbestos fibres/dust is suspected.

4.2.11 Asbestos contaminated waste and ACMs (including equipment component parts) shall be disposed of in accordance with HSE L143 in correctly sealed and marked containers (bags, skips etc) and via a licensed disposal route. The removal contractor shall provide the dutyholder with a copy of the consignment note and/or waste transfer note; the copy of the consignment note shall be retained for 3 years and waste transfer note for 2 years.

4.3 Commanding Officer (CO)/Head of Establishment (HoE)

4.3.1 CO/HoE's shall complete the Defence Learning Portal (course No. V398) "Asbestos Awareness" training package or equivalent; this course provides a basic understanding of what is required of a dutyholder and shall be retaken at least every three years as refresher training.

4.3.2 The CO/HoE is responsible for ensuring that a suitable AR and AMP covering the totality of each establishment/vessel is prepared, implemented and maintained. This is to be achieved through the compilation and review of asbestos management arrangements put in place by the CO/HoE and other MOD, MMO or third party (eg tenants) dutyholders in accordance with TLB arrangements.

GUIDANCE

The AR and AMP should be a compilation of all ACMs for the premises/vessels (building by building/compartment by compartment), vehicles, equipment, and stores, together with copies of plans and drawings; it should identify the measures that must be taken to ensure the risks are properly managed.

4.3.3 The CO/HoE shall lead consultation with all other asbestos dutyholders (eg TLB users of equipment, vehicles, vessels, stores containing ACMs) to ensure that each contribute to the development and upkeep of the AR/AMP and the MOD asbestos elimination programme.

4.3.4 Arrangements shall be put in place to ensure that the relevant extracts of the AR and AMP are communicated to all staff, visitors, or emergency services that through their work activity may disturb known or suspected ACMs.

4.3.5 The CO/HoE shall ensure that line managers undertake workplace inspections (see JSP375, Volume 2, Leaflet 21) to include checking for signs of degradation or visible damage to ACMs and ensure that reports received requiring remedial work or associated approvals are acted upon and monitored for completion within agreed timescales

4.3.6 The AR and AMP shall be reviewed at regular intervals (at least six monthly) to confirm the information remains accurate and monitored for effectiveness of actions detailed, and the review recorded.

4.3.7 Where it is identified that people may have previously been unknowingly exposed to asbestos fibres at the premises/estate/vessel; the CO/HoE shall take all reasonable steps to identify those persons that may have been exposed (including contractors and visitors) so that information relating to the possible exposure may be added to their personnel files.

4.4 MOD Maintenance Management Contract (MMC) Manager

4.4.1 The MMC manager shall monitor compliance, with the AMP, of the MMO and their supply chain, limited to those establishment, training estate, premises, vessels, equipment or activities for which they are contractually responsible to deliver and/or as agreed with the CO/HoE in his role as Coordinating Dutyholder.

4.5 Maintenance Management Organisation (MMO)

4.5.1 The MMO's duty holder responsibilities are limited to the activities, establishment, training estate, premises, or equipment, for which they are contractually responsible, and to cooperate with the MMC and CO/HoE bringing to their attention any heightened risk relating to ACMs that they are contracted to manage.

4.5.2 On establishments, training estates and premises where the MMO is engaged/managed by DIO, the DIO PG 02/2007 shall take primacy over this leaflet with regard to the MMO activities.

4.6 Line Manager (LM) – with staff who are routinely involved in work with ACMs

4.6.1 LMs shall not permit or instruct staff to undertake work unless a risk assessment has been completed and is brought to the attention of all staff who may be affected by work involving known or presumed ACMs and a copy displayed where the work is to be carried out. The LM shall ensure that adequate information, instruction (including ACM fault reporting procedures, removal of PPE/RPE etc.) and training is provided to staff, contractors and visitors which is appropriate to the duties or tasks to be undertaken.

4.6.2 Where staff are to undertake “non-licensable” work with known or presumed ACMs the LM shall:

- ensure that staff are competent and given adequate asbestos information, instruction and training as is necessary to safeguard themselves and others who may be affected. As a minimum the “Asbestos Awareness” training package which is available from the Defence Learning Portal (DLP) - Course No V398 shall be completed annually;
- design work processes, systems and engineering controls to prevent, or where prevention is not reasonably practicable, reduce fibre release/exposure to the lowest practicable levels at source; and implement procedures for the provision, disposal or cleaning of suitable protective clothing and respiratory protective equipment;
- put in place and communicate procedures to deal with the unplanned discovery or release of asbestos fibres in the workplace;
- prevent, or where this is not reasonably practicable, reduce the spread of asbestos from the working area (decontamination procedures, enclosures, etc);
- ensure on conclusion of the work that the asset and equipment used is thoroughly cleaned/decontaminated prior to returning to service;

- ensure that eating, drinking or smoking is prohibited in areas where work with ACMs is conducted (suitable welfare facilities outside of the area where the work is conducted shall be provided for eating, washing and changing [including separate storage for personal and work clothing, RPE, etc]);
- ensure any asbestos contaminated waste (including disposable RPE and PPE), materials, etc are stored, labelled, transported and disposed of in accordance with regulatory requirements (HSE L143) and disposed of as Hazardous/Special waste (as appropriate);
- undertake regular checks to ensure the above procedures are followed.

GUIDANCE

LMs should contact their local health and safety advisor in the first instance before starting any work that may involve ACMs or the potential to disturb ACMs. If the local health and safety advisor is unable to assist then LMs should contact their TLB Chief Environmental Safety Officer (CESO) for advice.

4.6.3 LMs shall ensure that where the presence of known or presumed ACMs have been identified within their area of responsibility all required control measures are implemented and monitored for effectiveness (eg visual checks of the ACMs); and that all appropriate maintenance and inspection regimes are adhered to. Any reported defects with or damage to known or presumed ACMs shall be immediately reported to the relevant dutyholder.

GUIDANCE

If the ACM is loose, friable (crumbles easily), damaged or deteriorating, then it is reasonable to suspect that fibres are likely to be released; a further indicator is if there is asbestos dust or debris in the immediate area. Undamaged bonded materials such as insulating board and asbestos-cement, especially if coated, are much less likely to release dust

4.6.4 MOD staff who work with asbestos on a regular basis but below the Action Level (as defined in CAR) and are not MOD Registered Asbestos Workers⁴ shall receive 2 yearly occupational health surveillance (for MOD Registered Asbestos Workers this may be more frequent if the medical officer considers it appropriate); this includes a questionnaire and spirometry (lung function tests), and access to an occupational health practitioner/medical officer to discuss the results if requested or required.

4.6.5 Where, as a result of health surveillance or a medical report, a member of staff is found to have an identifiable disease or adverse health effect which is considered by a relevant doctor to be the result of exposure to asbestos at work, the line manager shall immediately:

- Review all relevant activity/task risk assessments;
- Review all relevant control measures;

⁴ MOD Registered Asbestos Workers are MOD civilian personnel who are employed and/or who previous to the 1987 Control of Asbestos at Work Regulations are/were directly engaged on work with asbestos/ACMs, including those who are or have been subsequently transferred to other areas of work in MOD.

- Consider assigning the employee to alternative work where there is no risk of further exposure to asbestos, taking into account any advice given by a relevant doctor;
- Provide for a review of the health of every other employee who has been similarly exposed, including a medical examination (which shall include a specific examination of the chest) where such an examination is recommended by a relevant doctor or by the Health and Safety Executive;
- Report the incident in accordance with JSP 375, Volume 2, Leaflet 14.

4.6.6 LMs shall ensure that staff are made aware that following exposure to asbestos or suspected exposure to asbestos the exposure should be recorded on their personnel file/medical file by completing MOD Form 960 – Personnel Record Annotation (rev 02/12). The completed MOD Form 960 once countersigned by the LM shall be passed to the local Services medical officer (for Service personnel - hardcopy) or DBS CHR (civilian personnel – electronic copy).

4.7 Line Manager (LM) – All

4.7.1 LMs shall ensure that the relevant extracts of the AMP and the policy/guidance contained in this leaflet is brought to the attention of all staff and visitors where the presence of known or presumed ACMs have been identified within their area of responsibility, and that any defects with or damage to ACMs are immediately reported to the relevant dutyholder.

4.7.2 The LM shall ensure that workplace Inspections undertaken in accordance with JSP 375, Volume 2, Leaflet 21 include the monitoring for signs of deterioration or unreported damage to the condition of known or presumed ACMs.

4.7.3 Where the LM is the MOD host for contactors or visitors they shall investigate and record any incident (in accordance with JSP375, Volume 2, Leaflet 14) where the contractor/visitor believes they may have been exposed to asbestos whether on MOD property (on board ships, in workshops and offices) or when undertaking activities on behalf of MOD.

4.8 Staff

4.8.1 Staff shall not undertake work with ACMs, or undertake work which is likely to disturb ACMs (eg break the fabric of the building or enter areas/equipment where asbestos debris or fibres may be present) unless they have received adequate information, instruction and training and been deemed competent to operate under the task related risk assessment and governing regulations under CAR.

4.8.2 All staff shall cooperate with LMs and comply with all control measures put in place to prevent or reduce exposure to asbestos and undertake any training requirements identified for the safe implementation of those control measures.

4.8.3 Staff shall immediately report any defects, accidents or damage to known or presumed ACMs to their LM or if they suspect ACMs have been disturbed during the course of their duties. Staff are to cease working in the area concerned until corrective measures have been taken and it has been confirmed that the area is safe (Annex A provides a guide to actions required on discovery of ACMs).

4.8.4 Staff that have been exposed to asbestos or believe they have been exposed to asbestos during their careers in MOD can have it recorded on their personal files by completing MOD Form 960 – Personnel Record Annotation (rev 02/12). The completed shall be signed by the LM prior to being passed to the local Services medical officer (for Service personnel - hardcopy) or DBS CHR (civilian personnel – electronic copy).

GUIDANCE**MOD Form 960 (rev 02/12)**

Personnel files should be annotated with MOD Form 960 Asbestos - Personal Record Annotation. Three copies of the completed form are required:

- One copy will be placed on the individual's personnel file;
- Two copies for the individual, who may at his/her own discretion retain one and pass the other to his/her own General Practitioner or Service Medical Centre.

4.8.5 For staff involved in maintenance work on plant or equipment etc; personal protective clothing (PPE) which is impermeable to dust and close fitting at the neck and cuffs shall be worn when undertaking work which may result in exposure to asbestos fibres/dust. Any Respiratory Protective Equipment (RPE) shall be examined before use to ensure that it is not damaged and is in good working order. All protective clothing used for work involving asbestos shall be removed (RPE shall be the last item to be removed) and placed in appropriately labelled and sealed bags or containers for disposal or cleaning by approved contractors.

4.8.6 Staff who routinely undertake tasks (maintenance etc) which are liable to disturb ACMs or require access to areas where the presence of free asbestos fibres/dust is suspected shall where required by Line Management present themselves (during working hours) for health surveillance in accordance with JSP 375, Volume 2, Leaflet 2.

GUIDANCE

Smokers are significantly more at risk of contracting asbestos related lung disease when working with asbestos.

5. STORAGE, DISTRIBUTION, DISPOSAL AND LABELLING OF ACM

5.1 Storage, Distribution and Disposal

5.1.1 Munitions, equipment or products containing ACMs shall be stored, distributed, labelled and disposed of in accordance with its UN Hazard Marking and/or Material Safety Data Sheet.

5.1.2 ACMs or waste which contains asbestos (e.g contaminated PPE/RPE, building rubble; roof sheeting; vehicle parts, etc) shall not be stored, received into or dispatched from any MOD premise/vessel/estate unless it is contained in a suitable and sealed container clearly marked identifying it as containing asbestos in accordance with CAR and JSP800, Volume 4b: Dangerous Goods by Road, Rail and Sea.

5.2 Labelling of ACMs

5.2.1 All notices warning of ACMs shall contain the standard symbol shown in Figure 1. Asbestos Warning notices can be obtained through the MOD Safety signs contract detailed in JSP 375, Vol 2, Leaflet 44.

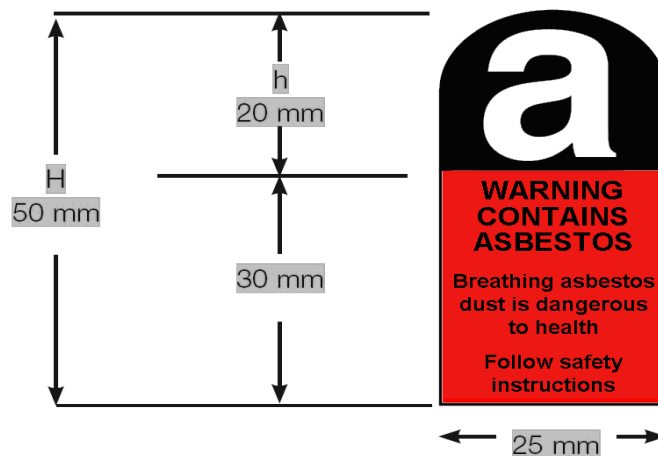


Figure 1 Asbestos Warning Label

6. RISK ASSESSMENT

6.1 All work which has the potential to disturb ACMs causing asbestos fibres to be released or free asbestos fibres to become airborne (eg where there are vehicle movements/potential for impacts on walls, regular maintenance activities requiring minor force to remove suspected ACMs, drilling, or cable installation works), shall require a formal risk assessment to be undertaken by a competent person before the work commences to determine whether the risks of exposure to asbestos fibres can be eliminated, and if not, then decide on the necessary control measures (in accordance with HSE L143 and JSP 375 Volume 2, Leaflet 5).

GUIDANCE

If during maintenance, handling and/or fitting new and unused stores/components containing asbestos in which the fibre is contained within a robust sealed unit, a formal risk assessment may not be required.

6.2 Risk assessments conducted for exposure to asbestos shall be specific to asbestos; risk assessments for other hazardous materials used in the activity/process shall be conducted separately (eg use of spray adhesive or expanding foam, in the construction of enclosures).

GUIDANCE

HSE's Asbestos Essentials provides further guidance on the types of activities which could involve work with ACMs likely to be encountered within the MOD and the required controls; available via the HSE Website.

6.3 Asbestos risk assessments shall include the following factors:

- the type of work and its expected duration;
- whether licensed contractors will need to be engaged;
- type and quantity of asbestos;
- potential exposures, the following points shall also be taken into account and actioned as necessary;
 - are exposures likely to be other than sporadic and low intensity?;
 - who will be exposed? (consider staff working in the building/vessel).
- emergency procedures;
- other work activity hazards (eg electricity);
- the provision, type and use of RPE and any other PPE that is required;
- thermal environment;
- air movement;
- environmental issues (land contamination);
- removing asbestos waste – Hazardous/Special Waste Regulations.

6.4 For activities carried out by MOD staff (meeting the requirements of CAR Regulation 3(2) - sporadic and low intensity exposure where it is clear the statutory “fibre release to air” control limits will not be exceeded), the risk assessment process shall need to determine that the activity does not require:

- the use of contractors holding a license to work with asbestos;
- notifying HSE of the work to be carried out;
- the need to keep workers under health surveillance;
- the preparation of specific asbestos emergency procedures; and
- the activity to be contained in a signed and enclosed “Asbestos Area” for the duration of the task.

If the risk assessment is not supported with strong evidence to demonstrate that Regulation 3(2) of CAR applies then the task/activity shall only to be carried out by licensed contractors (or competent contractors if overseas).

7. EXEMPTIONS

7.1 Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulations

7.1.1 The REACH defence exemption process covers only the new use of asbestos in equipment/munitions. An application for a defence exemption under REACH for the use of asbestos shall only be raised where:

- there is an operational imperative and no suitable alternative material exists;
- a replacement item poses a greater risk than the continued use of the item containing asbestos.

7.1.2 An exemption granted by the Secretary of State for Defence (SofS) is conditional upon it being demonstrated that all reasonable steps have been taken to identify a suitable alternative⁵. An alternative non-asbestos product would not be deemed suitable if:

⁵ “suitable alternative” is a non-asbestos product which will perform reliably and adequately the function performed by the asbestos containing material.

- The consequence of failure of the non-asbestos replacement could lead to increased risk to health and safety of the individuals using it or the environment;
- The non-asbestos product is not fully tested and approved for the specified function in time to satisfy the acquisition programme, without incurring unacceptable delays;
- The increased cost of obtaining an alternative product adversely affects the defence capability.

7.1.3 All applications for exemptions for use of asbestos shall be sent to Defence Equipment & Support Restricted Materials Steering Group (DES RMSG).

7.1.4 The application for an exemption shall not delay the onset of, or reduction in, funding of research and development programmes necessary to identify alternative materials or technologies. If an exemption application is unsuccessful, the supply and use of the related ACMs shall be suspended.

7.1.5 Full guidance on the REACH defence exemption process can be found on the MOD Website REACH Defence Exemption Process Guidance or obtainable from DES RMSG.

7.2 Control of Asbestos Regulations (CAR)

7.2.1 The CAR defence exemption process covers only the use of asbestos in premises. Part 4, Regulation 33 of CAR gives authority to the SofS in the interests of national security, to exempt any person or class of persons from all or any of the prohibitions imposed by Part 3 of the CAR by a certificate in writing.

7.2.2 Any such exemption granted by the SofS is subject to conditions and will be time limited and may be revoked at any time. All submissions for defence exemptions under CAR shall be staffed through DES RMSG.

7.3 Exemption Case Submission (ECS)

7.3.1 An exemption from the REACH/CAR will only be granted where the SofS is satisfied that the activities detailed in the Exemption Case Submission (ECS) is carried out in the interests of national security.

7.3.2 The ECS must demonstrate that in order to protect operational capability the MOD is reliant on the exemption being granted, and the conditions stipulated in the regulations have been satisfied. The ECS shall include the following information:

- The name and purpose of the particular equipment/system giving rise to the problem;
- An outline of the problem and its magnitude – i.e. without exemption how particular activities (e.g. training) will be adversely affected, numbers of people placed at potential risk, the impact on front line operational capability (eg military tasks that will become impossible to undertake, or otherwise severely hampered), etc;
- Actions undertaken and/or considered to comply with the regulations – where compliance is being ruled out on cost grounds provide cost data;
- An action plan for compliance in the short and medium to long term – ie mitigation options available, likely costs and timescales, etc;

- The time period for which an exemption is required and the rationale for it;
- The plan for health monitoring and assessment by the users;
- Where renewal of an existing exemption is being sought, details on the success or otherwise of the previous action plan, including the results of health monitoring;

7.3.3 The preparation of the ECS will require input from operating authorities, acquisition teams and medical personnel etc. as appropriate. The completed ECS should be passed for scrutiny to the relevant subject matter experts and the DES RMSG. After passing scrutiny, the ECS shall be passed to DSEA for endorsement. Once endorsed, the sponsor shall forward the ECS and draft exemption certificate to the SofS.

7.3.4 If the case is successful, a certificate will be issued allowing the activity to go ahead. If not successful, the activity shall be discontinued until such time as it can either comply with the regulations, or a new ECS is approved.

8. RECORDS

8.1 All records shall be retained in accordance with JSP 375, Volume 2, Leaflet 55.

9. RELATED DOCUMENTS

9.1 The following documents are a source of supplementary advice and should be consulted in addition to this leaflet:

JSP 375:

- Leaflet 5 – Management of Hazardous Substances
- Leaflet 21 – Conducting Health and Safety Inspections of the Workplace
- Leaflet 39 – Health and Safety Risk Assessment
- Leaflet 44 – Safety Signs
- Leaflet 55 – Retention of Records

Other MOD Guidance:

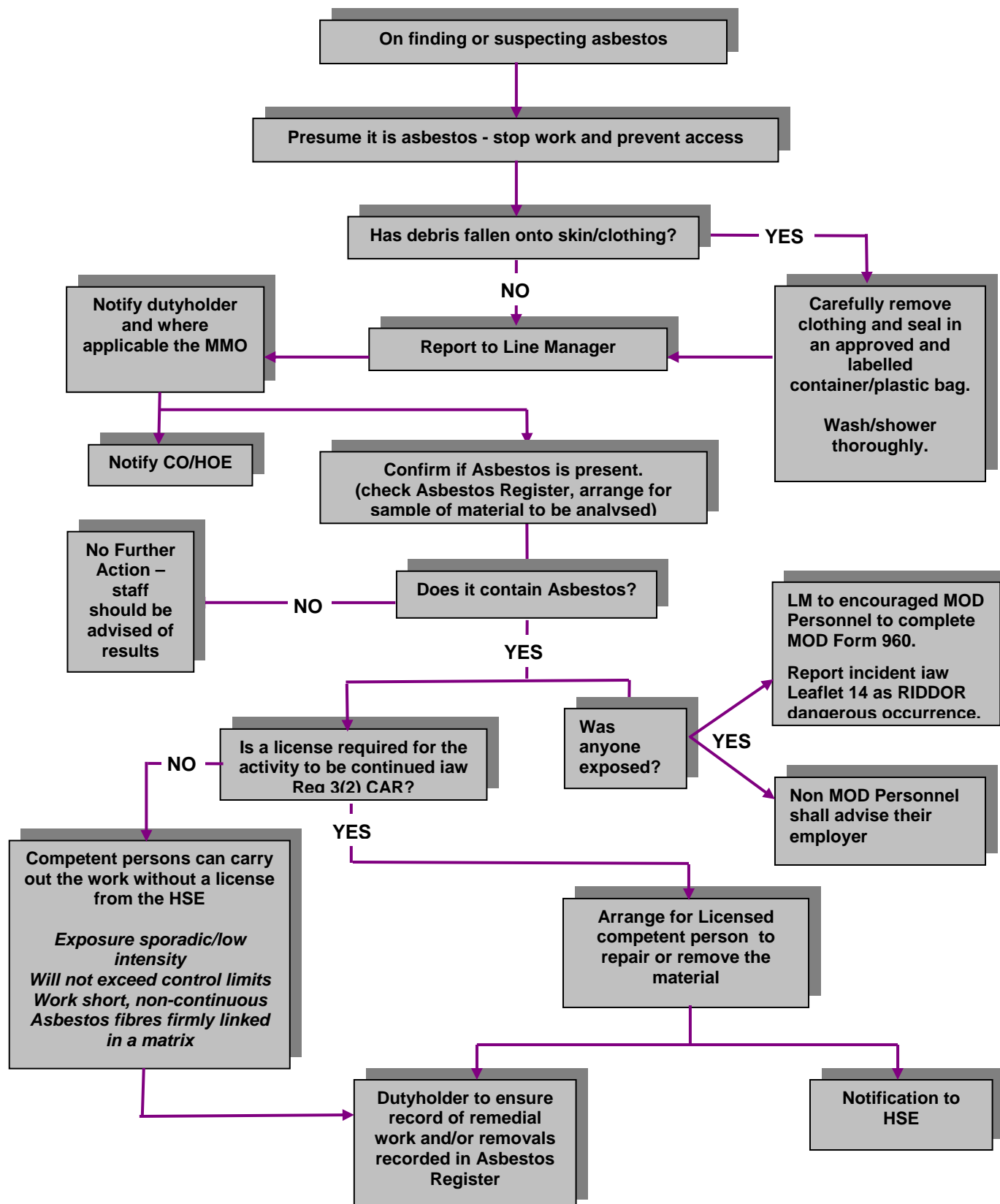
- Defence Infrastructure Organisation (DIO) - Practitioners Guide Number PG 02/2007 - 'Management of Asbestos Containing Materials on the Defence Estate'

Legislation and Guidance:

- HSE Approved Code of Practice and Guidance L127 - the Management of asbestos in non-domestic premises <http://www.hse.gov.uk/pubns/priced/l127.pdf>
- HSE Approved Code of Practice and Guidance L143 - Work with materials containing asbestos. Control of Asbestos Regulations <http://www.hse.gov.uk/pubns/priced/l143.pdf>;
- HSE Health and Safety Guidance HSG227 - Comprehensive Guide to Managing asbestos in Premises . <http://www.hse.gov.uk/pubns/priced/hsg227.pdf>
- HSE - Methods for the Determination of Hazardous Substances Guidance <http://www.hse.gov.uk/pubns/mdhs/>
- HSE - 'Asbestos Essentials' <http://www.hse.gov.uk/asbestos/essentials/index.htm>

- OPSI - Hazardous Waste (England and Wales) Regulations
<http://www.opsi.gov.uk/si/si2005/20050894.htm>
- OPSI - Special Waste (Scotland) Regulations
<http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040112.htm>
- OPSI - Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations
<http://www.legislation.gov.uk/ukxi/2009/1348/contents/made>
- HSE Health and Safety Guidance HSG 247 – Asbestos: Licensed Contractors Guide.
- HSE Health and Safety Guidance HSG 258 - Controlling Airborne Contaminates At Work <http://www.hse.gov.uk/pubns/priced/hsg258.pdf>
- HSE Health and Safety Guidance HSG 264 – Asbestos: The Survey Guide
<http://books.hse.gov.uk/hse/public/saleproduct.jsf?catalogueCode=9780717663859>
- OPSI - Merchant Shipping & Fishing Vessels (Health & Safety) Asbestos Regulations - <http://www.legislation.gov.uk/ukxi/2010/2984/contents/made>

ACTION TO BE TAKEN IN THE EVENT OF FINDING ASBESTOS WHEN WORKING ON PLANT, EQUIPMENT, PREMISES OR VESSELS





Health & Safety at Work

PROTECT - STAFF
(when completed)MOD Form 960
(Revised 02/12)

Asbestos Personal Record Annotation

Part 1

Self Certification (To be completed by staff concerned)

| | | | | | | |
|---|---------------------------------|--|--------------------------------|---|---------------------------------|-------------------------------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title <input type="text"/> | Surname <input type="text"/> | Forename(s) <input type="text"/> |
| Date of Birth <input type="text"/> | | National Insurance No. <input type="text"/> | | Staff/Service/Payroll No. <input type="text"/> | | |
| Location Now (establishment/unit) <input type="text"/> | | | | Rank/Grade Now <input type="text"/> | | |
| Location at time of suspected exposure if different <input type="text"/> | | | | Rank/Grade at time of suspected exposure if different <input type="text"/> | | |

Job Description at time of suspected exposure

Description of Exposure/Occurrence

Type of asbestos if known (eg chrysotile (white), amosite (brown), crocidolite (blue))

Any further information; (eg chest X-ray, screening etc and dates)

CERTIFICATION

This is to certify that

I am ☐ or have been ☐present at
(unit/establishment)
and believe that I may have been exposed to airborne asbestos dust
during the period

to

Signature

Date

PROTECT - STAFF
(when completed)

| | |
|------------------------------|---------------|
| MOD Health & Safety Handbook | JSP 375 Vol 2 |
| | Annex C |

Template EXEMPTION CERTIFICATE (...*name of Regulations and date*...)

For persons undertaking [...*name of activities to be exempt*...] using [...*name of equipment/system*...].

1. [...*name of Regulation and date*...] cannot be complied with fully when undertaking [...*name of activities to be exempt*...] using [...*name of equipment/system*...].

2. I having considered the case made for exemption at Ref [...*Exemption Case Submission reference*...] do hereby exempt, in accordance with the power vested in me by virtue of regulation [...*number*...] of [...*name of Regulation and date*...], in the interests of national security, all persons undertaking [...*name of activities to be exempt*...] using [...*name of equipment/system*...].

3. This exemption is granted subject to the following conditions:

- a.
- b.
- c.

4. I may vary or revoke this Exemption at any time by a certificate in writing, and in any event this Exemption shall expire, unless renewed, on [...*date*...].

Signed..... Date.....
Secretary of State for Defence

Certificate No:.....