



Health and Safety Bulletin

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Asbestos

Generally, people think that asbestos is no longer an issue in Great Britain, because (apart from specialist uses) it was banned in 1999. Unfortunately, that does not take into account the legacy of commercial, public and even domestic homes still containing asbestos and the high risk when maintenance or refurbishment activities are carried out in these buildings.

The health effects of asbestos exposure

Inhaling asbestos fibres has a number of potential consequences, from the relatively minor thickening of lung tissue (known as pleural thickening) through to a variety of cancers such as: -

- Mesothelioma – almost always linked to work-related exposure to blue asbestos (crocidolite), this disease is frequently fatal within 12 months of the symptoms (such as chest pain, shortness of breath and persistent cough) being identified, although exposure is likely to have occurred more than 20 years before. Approximately 2,500 work-related deaths per year are caused by mesothelioma
- Asbestos-related lung cancer – it is difficult to accurately identify the number of cases, but the HSE estimates the annual work-related fatality rate for GB to be about 2,500, although the fatality rate is expected to fall in the future as the number of smokers reduces. Lung cancer is usually fatal within two years of diagnosis
- Other cancers – the International Agency for Research on Cancer (IARC) has recently confirmed that there is evidence that asbestos exposure can also cause cancer of the larynx, ovary, pharynx and stomach. Approximately 30 fatalities were attributed to these types of cancers in GB during 2013-2018



Exposure to asbestos fibres can also cause asbestosis - scarring and inflammation of the lung tissue. Although it is non-malignant, this disease can lead to complications, which can be fatal – in 2018, 503 death certificates mentioned asbestosis, although not all cases are recorded accurately as they may be identified as other types of lung fibrosis.

What are employer's duties?

The main focus for employers who own or control their own premises is to identify any potential locations of asbestos on site and ensure any Asbestos Containing Materials (ACMs) are maintained in a good condition. The website [Where can you find asbestos? \(hse.gov.uk\)](http://www.hse.gov.uk) provides a good overview of where asbestos is likely to be located in industrial or residential property.

If any work activity is likely to disturb the asbestos – such as electrical, plumbing or decoration, it needs to be planned to minimize the risk of exposure – this may involve controlled removal by specialists or carrying out the work in a way that does not disturb the ACMs.

Conclusion

Asbestos was widely used in construction because it has some excellent properties – for example, as a fire retardant and a heat insulator. If it is in good condition and protected, it should be left. However, because exposure to it can have a devastating effect on health, it must be managed. Its condition should be checked regularly and if any work is being arranged that might disturb it, this should be planned and managed to a high standard.

Recently issued health and safety information:

- HSE stress talking tool kit <https://www.hse.gov.uk/stress/asets/docs/talking-toolkit-construction.pdf>
- Health and Safety Recording and Reporting Pack <https://books.hse.gov.uk/bookstore.asp?FO=1356943&action=book&productid=9780717667437>
- Welding fume and metalworking fluid webinar <https://register.otowebinar.com/recording/3865332441449451526>
- IChemE Good practice in virtual HAZOP <https://www.icheme.org/media/16259/good-practice-in-virtual-hazop.pdf>
- ACAS long covid guidance <https://www.acas.org.uk/long-covid>

Ladder guidance update

The Ladder Association has produced new guidance, endorsed by the HSE for the safe use of ladders and stepladders. It is proposed that this new guidance will replace INDG455: Safe use of ladder and stepladders, originally issued in 2014.

The new guidance now includes the use of ladders used for scaffold platform access, and, combination and multi-purpose ladders as well as standard ladders and stepladders. It contains guidance on when this type of access equipment is suitable, how much training users should have and how to use the equipment safely.

The Ladder Association has also updated their approved code of practice, and this includes information on the safe use of additional temporary access equipment, such as telescopic ladders and roof ladders.

The guidance is free to download from <https://ladderassociation.org.uk/la455/>

Case Law update

This issue focuses on recent cases involving asbestos or asbestos containing materials (ACMs)

Building contractors were fined **£22,000** with **£5,000** costs and a property owner was ordered to carry out **120 hours** unpaid work with costs of **£7,500** after the HSE identified that a building was being refurbished and partially demolished whilst ACMs remained in-situ during a proactive inspection. Asbestos debris and dust had spread throughout the building

An engineering firm was fined **£11,000** with **£1,610** costs for failing to complete and document an asbestos management plan to control the risk of exposure,

even though they had been made aware that ACMs were present

A businessman arranged for asbestos to be removed by a general contractor rather than a licensed contractor, following the HSE's investigation of a complaint. The businessman knew the asbestos was present through an asbestos survey. He was fined **£8,000** with **£7,400** in costs

A labourer who worked on various construction sites was awarded **£725,000** after he developed mesothelioma. As part of his work he was involved in erecting and dismantling scaffolding used by other tradesmen to insulate pipework

with asbestos lagging. He was diagnosed in June 2019 and his case was fast-tracked so the initial hearing was in March 2020 – his employers at the time of his exposure could not defend the claim

A former publications officer at Cadbury was awarded **£100,000** after he developed mesothelioma. It is thought he was exposed to asbestos when he went onto the shopfloor to interview colleagues for the monthly works magazine. During shutdown periods, when some areas were closed for repair, some of these workers were involved in stripping asbestos from pipelines – it is assumed this is how he came into contact with the material

About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.



Changes to the PPE at Work Regulations

The HSE is currently carrying out consultation on proposed changes to the Personal Protective Equipment at Work Regulations 1992, following a High Court judicial review.

The Court found that the law's original requirement for employers only to provide PPE to employees needs to be updated to include both employees and "limb (b) workers, defined as an individual who "undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual" e.g. a self-employed person working directly for an employer who does not have the right to substitute themselves for that activity.

The consultation runs for four weeks from 19th July 2021 at <https://www.hse.gov.uk/>.



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