

36 Asbestos

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Introduction

1. This chapter sets out the procedures and guidance for the management, maintenance, procurement or disposal of materials, premises, vessels / platforms, equipment, and munitions which are known or suspected to contain asbestos; also, Defence personnel who work with materials, or in areas suspected or known to contain asbestos. In some respects, the process for managing asbestos and its elimination will be different for fixed 'infrastructure' and for 'equipment' fitted to platforms, vessels, vehicles, munitions and other equipment. Where this is the case, it will be emphasised.

2. Asbestos was widely used throughout industry until legislation changes between 1985 to 1999 prohibited its new use. This legislation does not, however, prohibit the continued use of existing products and / or equipment which contain asbestos (fitted prior to 1 January 2005) providing the risks of exposure to airborne fibres are properly managed. Therefore, anything manufactured for the UK 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).

3. Notwithstanding the prohibitions for new use, where a compelling argument exists for its use, the Secretary of State (SoS) has the power to enact exemptions to allow the new or continued use of ACMs in the fitting or manufacture of some equipment and munitions post 1999.

4. There are three principle UK pieces of legislation for the management and use of asbestos:

- a. 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 / platforms, munitions, etc.;
 - b. Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulations which control the prohibitions regarding the supply, use and importation of asbestos; and
 - c. Merchant Shipping & Fishing Vessels (Health & Safety) Asbestos Regulations.
5. The law requires the prevention, or where this is not possible control of the risks of exposure to airborne asbestos fibres to protect personnel, contractors and visitors in the workplace. CAR includes a duty to manage the use, removal or repair of ACMs. This includes the identification and recording of the location of all ACMs, provision of safety and environmental information, and establishment of suitable warning and emergency arrangements. This legislation also imposes a duty on all personnel to make full and proper use of any control measure for their own protection from exposure to asbestos.
6. The presence of ACMs in itself does not create a health risk. The main risks to health come from the inhalation or ingestion of individual airborne asbestos fibres; usually when fibres are released into the air by:
- a. undertaking work that disturbs dust or material containing asbestos fibres, e.g. drilling holes, cable installation works, knocking down internal walls, replacing gaskets or seals in equipment, munitions or plant; or
 - b. impact damage (however minor, e.g. surface paint scraped off) to ACMs caused by vehicles manoeuvring, or movement of objects (trolleys, etc.).
7. 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:
- a. Mesothelioma. 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;
 - b. Lung Cancer. Lung cancer (asbestos related lung cancer presents similar symptoms to lung cancer caused by smoking);
 - c. Asbestosis. 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;
 - d. Pleural Thickening. 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

e. Other Cancers. Ingested asbestos fibres may build in the stomach and intestines and may cause other cancers.

8. CAR and REACH apply to Defence and must be complied with in full. Where exemptions are enacted under these regulations, accountable persons are to demonstrate they have implemented standards at least as good as those required by Statute so far as is reasonably practicable.

9. Defence aims to eliminate the use of ACMs where possible in all new equipment, components, munitions and / or premises, etc. and remove or replace ACMs in legacy equipment / components / munitions where reasonably practicable.

10. Only those activities that are below the threshold 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, can be carried out by Defence personnel. Activities of higher risk should be conducted by specialists trained in asbestos handling.

Roles and Responsibilities

Procurement or Acquisition Teams

11. Procurement and acquisition teams are responsible for the management of hazardous substances and restricted materials within their projects and should maintain an Asbestos Elimination Plan (AEP) ensuring that ACMs are managed in a compliant manner through to disposal and, wherever possible, any new or replacement equipment and munitions are asbestos free. Where the use of asbestos in any new equipment or munitions cannot be avoided, a ‘REACH Defence Exemption’ for the ACM component is required.

12. Procurement and acquisition teams should ensure that a REACH compliant safety data sheet (SDS) reflecting the ACM within components or equipment / munitions (e.g. - washers, gaskets) is forwarded to the Defence Equipment and Support (DE&S) Hazardous Stores Information System (HSIS) team, part of QSEP, for inclusion in the central database of SDS and kept up to date (should be renewed every 2 years). DE&S QSEP team monitors the progress of the MOD in eliminating asbestos use from the inventory. QSEP Head reports annually to HSE and the Defence Board on behalf of the MOD.

13. A central Asbestos Register (AR) for equipment should be held and maintained by the acquisition and support organisation, normally DE&S, Submarine Delivery Agency (SDA) or Defence Digital. The acquisition and support organisation shall provide all relevant information to the user on the use and management of ACM fitted to platforms, vessels, vehicles, munitions and other equipment that it supplies or supports.

14. Procurement and Acquisition Teams should actively seek the co-operation 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 and ensure that Defcon 681 and 6242 are applied to all contracts for Defence materiel. Procurement and 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 cannot be exposed to the component and will not need to break into the packaging before issue.

15. 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 or acquisition team should determine its suitability. During the period of this determination, the procurement or acquisition team should, if practicable, request the suspension of the contract supply, as soon as possible, in accordance with Defence policy of eliminating the new use of ACMs.

16. Procurement and 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.

17. Procurement and acquisition teams with responsibility for infrastructure should follow the guidance in the Defence Infrastructure Organisation (DIO) Policy Instructions PI 02/15 'Management of Asbestos in Fixed Infrastructure'.

Accountable Person

18. Under Control of Asbestos Regulations (CAR), the Accountable Person is titled a 'Duty Holder' if they are a person who controls access to, or has responsibility for, the maintenance or repair of premises, establishments or vessels. Defence Duty Holders are for high hazard management (DSA01-1 and 1-2). Within Defence the role of Accountable Person will normally be undertaken by the:

- a. Commanding Officer (CO) / Head of Establishment (HoE) for MOD managed establishment, training estate, premises, etc;
- b. the leaseholder for PFI managed establishment, training estate, premises / assets;
- c. MMC3 Manager responsible for an MMO;
- d. MMO4 for establishment, training estate, premises or assets for which they are contracted to maintain; or

¹ Defcon 68 covers 'Supply of Data for Hazardous Articles, Materials and Substances', ie – SDS.

² Defcon 624 covers 'Use of Asbestos' – including exemptions and the requirement to write to the Authority should a non-ACM replacement become available.

³ [Infrastructure] Maintenance Management Contract (eg - Prime Contract).

⁴ [Infrastructure] Maintenance Management Organisation.

e. United States Force (USF) for USF occupied Defence estate (USF assume the Duty Holder's responsibilities in respect of the UK's Control of Asbestos Regulations, but it is managed as an environmental issue. USF personnel are not governed by JSP 375).

19. The Accountable Person shall ensure they are provided with all relevant information on the use and management of ACM in infrastructure or fitted to platforms, vessels, vehicles, munitions and other equipment within their Area of Responsibility (AOR). This information should be included in the Unit or Establishment AR and inform those responsible for carrying out any condition monitoring checks for ACM and anyone else potentially at risk.

20. Where an MMO (within the scope of their contract) undertake and manage the practical and technical aspects of the asbestos management programme, the Accountable Person shall ensure the associated documentation and processes are effectively maintained and implemented.

21. The Accountable Person will need to refer to the practical guidance on the management of asbestos given in HSE Managing and Working with Asbestos (L143), the Comprehensive Guide (HSG 227) and to relevant guidance given in the Defence Infrastructure Organisation (DIO) Policy Instruction PI 02/15 - 'Management of Asbestos in Fixed Infrastructure'. The accountable person will need to consult their Maintenance Management Organisation (MMO) and any other accountable persons, when seeking to comply with this regulation. Additional information can be found on the HSE's website 'Asbestos Essentials'. MMC and CO / HoE should complete "Asbestos Awareness" training which provides a basic understanding of what is required of an accountable person and should be retaken at least every three years as refresher training.

22. Where asbestos management responsibilities are shared, each Accountable Person shall communicate and co-operate with each other and the CO / HoE who in his role as Co-ordinating Accountable Person will need to ensure that an establishment or vessel-wide AR and an Asbestos Management Plan (AMP) are produced and maintained. The DIO Policy Instruction PI 02/15 provides guidance on developing an AR or AMP.

23. Each Accountable Person, shall ensure that for their AOR:

a. all known and presumed ACMs are identified (check plans, drawings, specifications, equipment safety cases, stores etc.);

b. appropriate surveys in accordance with HSG 264 are undertaken to confirm / identify the location, content and condition of all ACMs present (eg – premises and vessels); and

c. 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 and AMP.

24. Organisations or persons carrying out surveys shall comply with the competence requirements laid down in HSG 264 – Asbestos: The Survey Guide. There are two types of survey relevant to infrastructure / vessels:

- a. 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 vessel which could be damaged or disturbed during normal occupancy, including foreseeable maintenance and installation, and to assess their condition (para 43 – 50, HSG 264 – Asbestos: The Survey Guide); and
- b. refurbishment - A refurbishment, demolition or disposal survey will be required before any refurbishment, demolition or disposal is carried out. This type of survey is used to locate and describe, so far as is reasonably practicable, all ACMs in the area where the specified work is to be completed, or if the whole building is to be demolished or the vessel dismantled. Note: this type of survey is fully intrusive and destructive in nature.

25. A unit, establishment or vessel asbestos management plan (AMP) should be compiled for all ACMs in premises, vessels, equipment (fixed or mobile) and stores under a specified Accountable Person's control which records actions required to ensure the risks from ACMs are properly managed. The AMP (and relevant extracts of the AR) should be made available to all contractors and / or Defence personnel who may disturb the ACMs.

26. ACMs shall be labelled in accordance with this Chapter. Warning notices (see JSP 375, Volume 1, Chapter 6) shall be clearly displayed wherever ACMs are present or suspected, together with details of where further information and advice can be obtained. The warning notices should 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 should be detailed in the AR and condition / clarity of the label monitored through the AMP.

27. The condition of known and 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 recorded in the AMP and the AR. If there is evidence of fibre release, immediate action must be taken to evacuate personnel and seal or remove the material. Where required under CAR, licensed contractors must be used for the removal of ACMs. Factors which should be taken into account in deciding on a course of action are:

- a. the function that the ACM performs;
- b. the type and condition of the material;
- c. the frequency of disturbance or damage to the material;
- d. the amount of fibre that could potentially be released;
- e. the use of the premises, vessel, equipment;

- f. the difficulty and cost of sealing or removal; and
- g. the cost of replacement, if required.

28. Procedures shall be put in place to ensure that information on the location and condition of any ACM is provided to all Defence personnel, contractors and visitors (in accordance with JSP 375, Vol 1, Chapter 34). These procedures will need to include effective inspection and fault reporting to ensure early notification of suspected ACM related degradation or damage or the discovery of previously unidentified ACMs.

29. Appropriate health surveillance (JSP 375, Vol 1, Chapter 14) should be arranged for all Defence personnel 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 or dust is suspected.

30. 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 should provide the accountable person with a copy of the consignment note and / or waste transfer note; the copy of the consignment note is to be retained for 3 years and waste transfer note for 2 years.

Commanding Officer / Head of Establishment

31. CO / HoE should complete “Asbestos Awareness” training that provides a basic understanding of what is required of a “Duty Holder” and refresher training should be undertaken at least every 3 years.

32. The CO / HoE is responsible for ensuring that a suitable AR and AMP covering the totality of each establishment or vessel is prepared, implemented and maintained. This is achieved through the compilation and review of management arrangements put in place by the CO / HoE and other Defence, MMO or third party (e.g. tenants) and are in accordance with TLB arrangements. The AR and AMP should compile all ACMs for the premises or 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.

33. The CO / HoE should consult with all other accountable persons (e.g. TLB users of equipment, vehicles, vessels, stores containing ACMs) to ensure that each contribute to the development and upkeep of the AR and AMP and the Defence asbestos elimination programme.

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

35. The CO / HoE should ensure that managers undertake workplace inspections (see JSP375, Vol 1, Chapter 4) 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.

36. The AR and AMP should 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.

37. Where it is identified that people may have previously been unknowingly exposed to asbestos fibres at the premises, estate or vessel; the CO / HoE should 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.

Maintenance Management Contract (MMC) Manager⁵ (Infrastructure)

38. The MMC manager should 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 their role as Co-ordinating accountable person (CAR Duty Holder).

Maintenance Management Organisation (MMO) (Infrastructure)

39. The MMO's responsibilities as Accountable Person are limited to the activities, establishment, training estate, premises, or equipment, for which they are contractually responsible, and to co-operate with the MMC Manager and CO / HoE bringing to their attention any heightened risk relating to ACMs that they are contracted to manage.

40. On establishments, training estates and premises where the MMO is engaged or managed by DIO, the DIO is to publish guidance compliant with the spirit of this Chapter regarding the MMO activities.

Manager of Defence Personnel Routinely Involved in Work with ACMs

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

42. Managers should contact their local health and safety adviser in the first instance before starting any work that may involve ACMs or the potential to disturb ACMs. If the local health and safety adviser is unable to assist, then LMs should contact their TLB Safety Centre (SC) or Chief Environment Safety Officer (CESO) for

⁵ Usually the DIO Service Manager

advice. Where Defence personnel are to undertake “non-licensable” work with known or presumed ACMs the manager shall:

- a. ensure that all personnel 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 “Asbestos Awareness” training that provides a basic understanding of what is required of them should be undertaken at least every 3 years;
- b. 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;
- c. put in place and communicate procedures to deal with the unplanned discovery or release of asbestos fibres in the workplace;
- d. prevent, or where this is not reasonably practicable, reduce the spread of asbestos from the working area (decontamination procedures, enclosures, etc.);
- e. ensure on conclusion of the work that the asset and equipment used is thoroughly cleaned and decontaminated prior to returning to service;
- f. 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 must be provided for eating, washing and changing (including separate storage for personal and work clothing, RPE, etc.));
- g. 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 or Special waste (as appropriate); and
- h. undertake regular checks to ensure the above procedures are followed.

43. Managers shall ensure that, where the presence of known or presumed ACMs have been identified within their area of responsibility that all required control measures are implemented and monitored for effectiveness (e.g. 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 should immediately be reported to the relevant accountable person. 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.

44. Defence personnel who work with asbestos on a regular basis but below the Action Level (as defined in CAR) and are not Defence Registered Asbestos Workers⁶ shall receive 2 yearly occupational health surveillance (for Defence 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.

45. Where, as a result of health surveillance or a medical report, any Defence personnel are 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 should immediately:

- a. review all relevant activity and task risk assessments;
- b. review all relevant control measures;
- c. 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;
- d. provide for a review of the health of every other employee who has been similarly exposed, including a medical examination (which should include a specific examination of the chest) where such an examination is recommended by a relevant doctor or by the Health and Safety Executive; and
- e. report the incident in accordance with JSP 375, Vol 1, Chapter 16.

Manager

46. Managers should ensure that the relevant extracts of the AMP and the guidance contained in this chapter is brought to the attention of all Defence personnel 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 accountable person.

47. The manager should ensure that workplace Inspections undertaken in accordance with JSP 375, Vol 1, Chapter 4 include the monitoring for signs of deterioration or unreported damage to the condition of known or presumed ACMs.

48. Where the manager is the Defence host for contactors or visitors they shall investigate and record any incident (in accordance with JSP375, Vol 1, Chapter 16) where the contractor / visitor believes they may have been exposed to asbestos whether on Defence property (on board ships, in workshops and offices) or when undertaking activities on behalf of Defence.

⁶ 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.

49. Managers should ensure that Defence personnel are made aware that following exposure to asbestos or suspected exposure to asbestos the exposure should be recorded on their personnel file or medical file by completing MOD Form 960 – Personnel Record Annotation. Forms may be raised by any Accountable Person. The completed MOD Form 960 is to be countersigned by the manager and passed to the local Services medical officer (for Service personnel) or DBS CHR (civilian personnel) for their personal file.

All Personnel

50. Defence personnel shall not undertake work with ACMs or undertake work which is likely to disturb ACMs (e.g. 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.

51. All Defence personnel are to co-operate with managers 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 risk control measures.

52. Defence personnel should immediately report any defects, accidents or damage to known or presumed ACMs to their manager or if they suspect ACMs have been disturbed during the course of their duties. Defence personnel 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).

53. Defence personnel who have been exposed to asbestos or believe they have been exposed to asbestos during their careers in Defence can have it recorded on their personal files by completing MOD Form 960 – Personnel Record Annotation. For Service personnel, the completed form is to be forwarded to the local Services medical officer for inclusion in their medical file or to the DBS CHR for civilian personnel for their personal files to be annotated.

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

55. Defence personnel who routinely undertake tasks (maintenance, etc) which are liable to disturb ACMs or require access to areas where the presence of free asbestos fibres or dust is suspected, should, where required, present themselves (during working hours) for health surveillance in accordance with JSP 375, Vol 1,

Chapter 14. Smoking is synergistic with asbestos and therefore smokers are significantly more at risk of contracting asbestos related lung disease.

Identification and Recording of ACM

56. The first step in the process of managing or the elimination of asbestos is the identification of ACM and recording it, with its location and condition, in an AR. This information can be obtained from the original equipment manufacturer (OEM) / supplier, other documentation or plans provided at the time of acquisition or through an asbestos survey. Where the presence of asbestos is suspected but it is not possible to verify that there is no asbestos present, its presence should be presumed and recorded / managed accordingly.

57. Where an asbestos survey is required, it should be undertaken (in accordance with HSG 264 – Asbestos: The Survey Guide) to identify the presence, location and condition of ACM in Defence premises / vessels, fixed plant, machinery, vehicles, etc.

Risk Assessment

58. Risk assessments are to be applied at two levels. For equipment, the initial risk (hazard) assessment is to form part of the development of the equipment safety case for the system. This activity is normally the responsibility of the senior safety engineer (Platform, Type Airworthiness Authority or Senior Safety Responsible) within the responsible acquisition organisation, e.g. DE&S, SDA or Defence Digital. A key source of safety information is the mandated Safety Data Sheet (SDS). This hazard assessment is to consider the measures to reduce the risk; principally, in isolating or eliminating the ACM health hazard. The acquisition and support organisation must ensure appropriate warnings and cautions are placed in operator and maintenance manuals; packaging and labelling is compliant, and system training identifies the presence of ACMs.

59. All activity which has the potential to disturb ACMs causing asbestos fibres to be released or free asbestos fibres to become airborne (e.g. where there are vehicle movements or potential for impacts on walls, regular maintenance activities requiring minor force to remove suspected ACMs, drilling, or cable installation works), requires a formal workplace risk assessment to be undertaken by a competent person. Such risk assessment shall take place before the work commences to determine whether the risks of exposure to asbestos fibres can be eliminated, and if not, then decide the additional control measures necessary (in accordance with HSE L143 and JSP 375, Vol 1, Chapter 11). If the maintenance, handling or fitting new or unused stores or components are found to contain asbestos but the fibre remains at all times contained and undisturbed within a robust sealed unit, a formal risk assessment may not be required.

60. Risk assessments conducted for exposure to asbestos should be specific to asbestos; risk assessments for other hazardous materials used in the activity or process should be conducted separately. HSE 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.

61. Asbestos risk assessments should include the following factors:

- a. the type of work and its expected duration;
- b. competence of individuals involved;
- c. whether licensed contractors will need to be engaged;
- d. type, quantity and condition of the asbestos;
- e. frequency of exposure by single individuals;
- f. who will be exposed? (consider other personnel working / operating in the building / vessel);
- g. emergency procedures;
- h. other work activity hazards (e.g. – working at height, electricity);
- i. the provision, type and use of Respiratory Personal Equipment (RPE) and any other Personal Protective Equipment (PPE) that is required;
- j. thermal environment;
- k. air movement;
- l. environmental issues (land contamination); and
- m. removing asbestos waste as Hazardous or Special waste.

62. For activities carried out by Defence personnel (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 should determine that the activity does not require:

- a. the use of contractors holding a license to work with asbestos;
- b. notifying HSE of the work to be carried out;
- c. the need to keep workers under health surveillance; or
- d. 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.

63. If the risk assessment is not supported with strong evidence to demonstrate that Regulation 3 (2) of CAR applies, then the task or activity should only to be carried out by licensed contractors (or competent contractors if overseas). For example - the removal of asbestos insulating boarding (ceiling tiles, wall partitions, thermal lagging, etc.) in premises can only be undertaken by licensed (or competent if overseas) contractors; Defence personnel must not undertake any such removal activity. Guidance on the requirements for licensed asbestos removal can be found in DIO Policy Instructions.

64. 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 personnel 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. a suitable replacement exists; and
- b. the act of removing the ACM does not increase or create risk to Defence personnel, visitors or contractors (e.g. - ACM was acting as a fire prevention barrier).

Asbestos Use Justification

65. Where the use of a Hazardous Substance or Restricted Material (HSRM) is unavoidable, i.e. its use is necessary to achieve or sustain a critical military capability, JSP 418 (Leaflet 5) requires a MOD Technical Dossier to be produced. The leaflet includes a template for the Dossier which will record the information required to justify the use of the HSRM (ACM in this case) in Defence equipment. A key element of this evidence is the Safety Data Sheet (SDS) required under REACH, a copy of which must be passed to the Hazardous Stores Information System (HSIS) team within DE&S. Where a Defence exemption is required, the MOD Technical Dossier will provide the evidence basis for any submission to the Secretary of State.

Asbestos Elimination

66. For equipment, Defence has stated its intent to eliminate all ACM. Where this cannot be immediately undertaken, an AEP should be produced, justifying retention of the ACM (reflecting the equipment risk assessment) and describing the plan for elimination. The AEP must be linked to the respective Safety and Environment Management Plan (SEMP), reviewed regularly and on change of responsible owner. It must also be consistent with the system Disposal Plan.

67. For all ACMs in infrastructure or equipment on the Defence estate, an AMP linked to the local AR and which details the actions to be carried out to manage the ACMs present should be put in place and maintained for each establishment or vessel. 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. The management plan should address such

aspects as limiting access to areas where ACM is present, timing of surveys, implementation of modification campaigns to equipment, etc.

Storage, Distribution, Disposal and Labelling of ACM

Storage, Distribution and Disposal

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

69. ACMs or waste which contains asbestos (contaminated PPE or RPE, building rubble; roof sheeting; vehicle parts, etc) shall not be stored, received into or dispatched from any Defence premises, vessel or 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.

Labelling of ACMs

70. 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, Volume 1, Chapter 6.

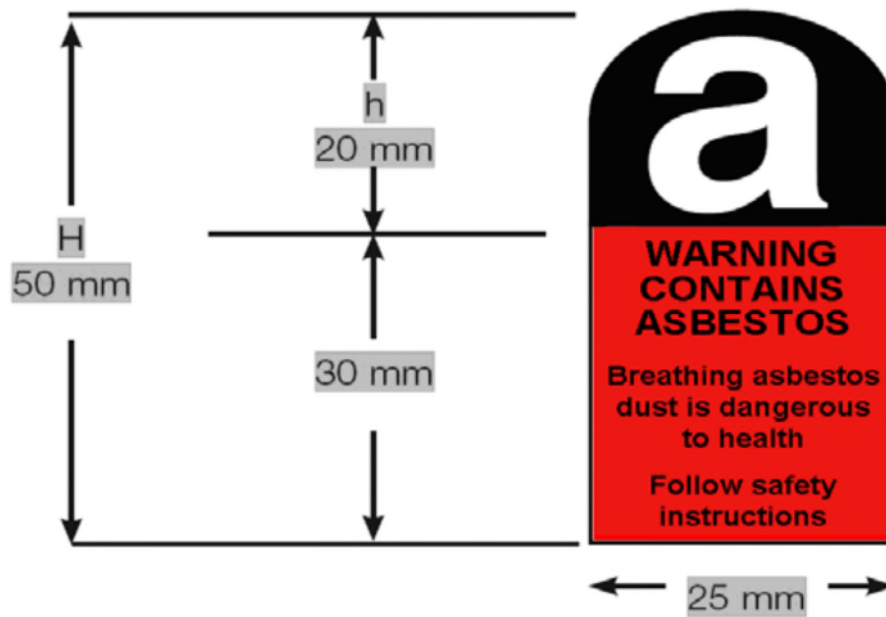


Fig 1. Asbestos Warning Label

Exemptions

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

71. The REACH Defence exemption process covers only the new use of asbestos in equipment and munitions. An application for a Defence exemption under REACH for the use of asbestos should only be raised where:

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

72. An exemption granted by SofS is conditional upon it being demonstrated that all reasonable steps have been taken to identify a suitable alternative⁷. An alternative non-asbestos product would not be deemed suitable if:

- a. 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;
- b. 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; or
- c. the increased cost of obtaining an alternative product adversely affects the Defence capability.

73. All applications for exemptions for use of asbestos in equipment should be sent to Defence Equipment & Support, QSEP Head (DES QSEP Hd).

74. The application for an exemption should 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 should be suspended.

75. Full guidance on the REACH Defence exemption process can be found on the DES Safety Portal – ‘Hazardous Materials and REACH’ page.

Control of Asbestos Regulations (CAR)

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

77. Any 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 should be staffed through DES QSEP Hd.

Exemption Case Submission (ECS)

78. An exemption from the REACH or 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.

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

- a. the name and purpose of the equipment or system giving rise to the problem;
- b. 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 (e.g. military tasks that will become impossible to undertake, or otherwise severely hampered), etc;
- c. actions undertaken and / or considered to comply with the regulations – where compliance is being ruled out on cost grounds provide cost data;
- d. an action plan for compliance in the short and medium to long term, i.e. mitigation options available, likely costs and timescales, etc;
- e. the period for which an exemption is required and the rationale for it;
- f. the plan for health monitoring and assessment by the users; and
- g. 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.

80. 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 QSEP Hd. After passing scrutiny, a copy of the ECS should be passed to DSA and the sponsor forwards the ECS and draft exemption certificate to the SofS.

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

Retention of Records

82. All records should be kept in accordance with JSP 375, Volume 1, Chapter 39.

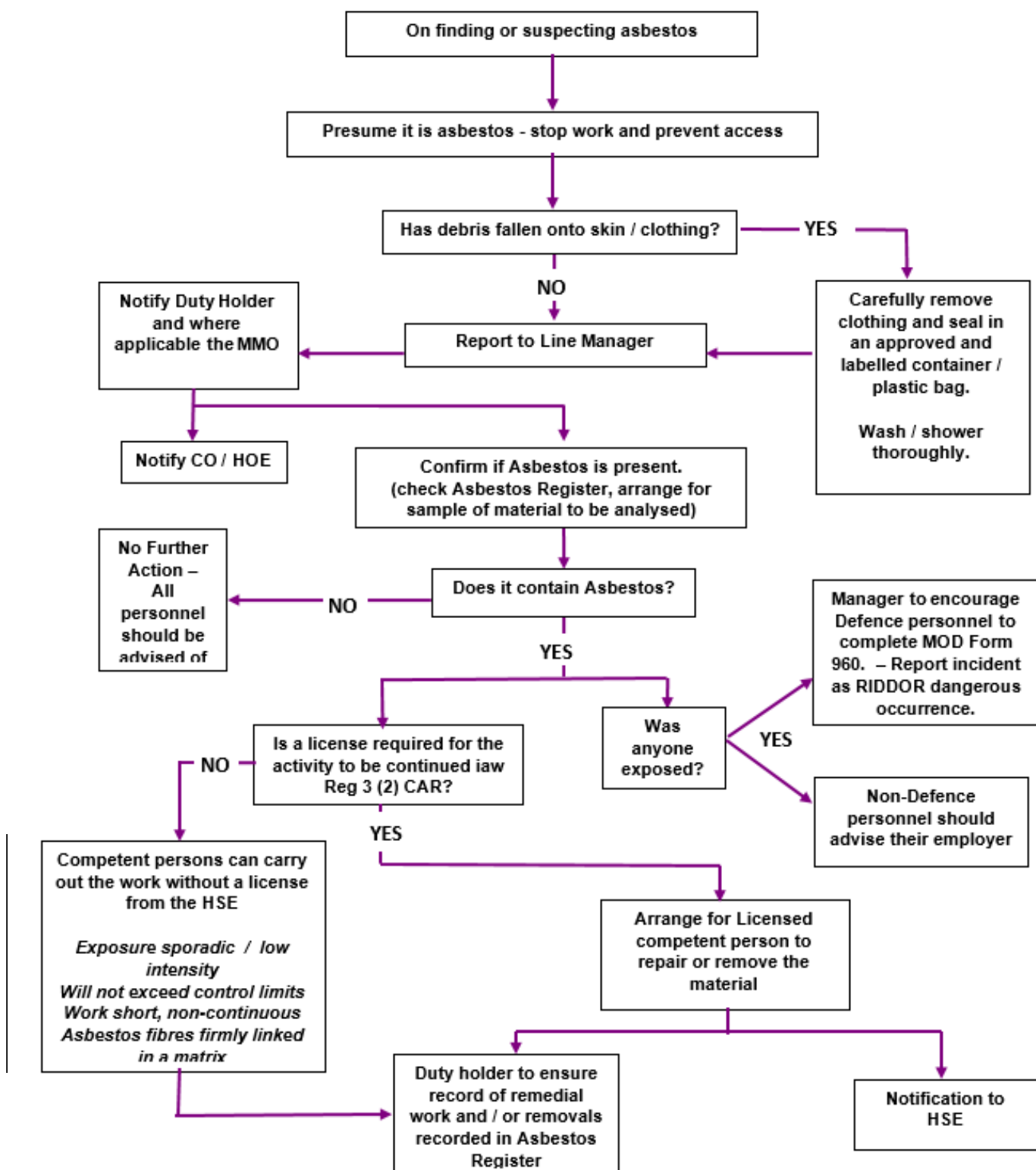
Related Documents

83. The following documents should be consulted in conjunction with this chapter:

- a. JSP 375, Volume 1;
 - (1) Chapter 04 - Workplace Inspections;
 - (2) Chapter 06 - Safety Signs;
 - (3) Chapter 08 - Health and Safety Risk Assessment;
 - (4) Chapter 11 - Hazardous Substances;
 - (5) Chapter 15 - Personal Protective Equipment; and
 - (6) Chapter 39 - Retention of Records.
- b. JSP 418;
 - (1) Leaflet 5 – Management of Hazardous Substances and Restricted Materials.
- c. Other MOD Publications;
 - (1) Defence Infrastructure Organisation (DIO) – Policy Instruction PI 02/15 - ‘Management of Asbestos in Fixed Infrastructure’;
 - (2) DSA01.1 – Defence Policy for Health, Safety and Environmental Protection; and
 - (3) DSA01.2 Chapter 2 – Requirement for Safety and Environmental Management Systems in Defence.
- d. Legislation and Guidance;
 - (1) [Hazardous Waste \(England and Wales\) Regulations.](#)
 - (2) [Waste \(Scotland\) Regulations;](#)
 - (3) [Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations;](#)
 - (4) [The Control of Asbestos Regulations;](#)

- (5) [Merchant Shipping & Fishing Vessels \(Health & Safety\) \(Asbestos\) Regulations;](#)
- (6) [HSE L143 – Work with materials containing asbestos. Control of Asbestos Regulations;](#)
- (7) [HSE HSG227 – Comprehensive Guide to Managing asbestos in Premises;](#)
- (8) [HSE – Methods for the Determination of Hazardous Substances Guidance;](#)
- (9) [HSE – ‘Asbestos Essentials’;](#)
- (10) [HSE HSG 247 – Asbestos: Licensed Contractors Guide;](#)
- (11) [HSE HSG 258 – Controlling Airborne Contaminates at Work;](#)
- (12) [HSE HSG 264 – Asbestos: The Survey Guide.](#)

Annex A: Action to be taken in the event of finding Asbestos when working on plant, equipment, premises or vessels



Annex B: 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:.....