

The Methodist Property Office - Resourcing Mission

Asbestos

It is a legal requirement (Control of Asbestos Regulations 2006) that the managing trustees have a “duty to manage” any risk from asbestos in church buildings. The first stage is to prepare a risk assessment to determine whether asbestos is present in your buildings, and if so, there are only two options: either the asbestos must be removed, or if it is considered to be of low risk, it can be sealed and left in position, together with warning notices (it may be possible to undertake minor repair).

There has been some misunderstanding about the requirement for the initial survey and subsequent inspections of asbestos. The **initial** survey should be undertaken by a **specialist** who will prepare a formal report which should be kept in the Church log book. It is then the Church Council as **managing trustees** who have the responsibility as ‘duty holders’ under the Control of Asbestos Regulations 2006 to ‘manage’ the **ongoing risk**.

The HSE guidance on the matter states:

“The duty to manage asbestos is contained in regulation 4 of the Control of Asbestos Regulations 2006. It requires the person who has the duty (ie the “dutyholder”) to:

- take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in;
- presume materials contain asbestos unless there is strong evidence that they do not;
- make, and keep up-to-date, a record of the location and condition of the asbestos containing materials - or materials which are presumed to contain asbestos;
- assess the risk of anyone being exposed to fibres from the materials identified;
- prepare a plan that sets out in detail how the risks from these materials will be managed;
- take the necessary steps to put the plan into action;
- periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date; and
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

There is also a requirement on anyone to co-operate as far as is necessary to allow the dutyholder to comply with the above requirements.

In the case of Methodist churches, the dutyholder is the Church Council as Managing Trustees, having clear responsibility for the maintenance or repair of the premises.

What premises are affected?

The duty to manage covers all non-domestic premises. Such premises include all industrial, commercial or public buildings such as factories, warehouses, offices, shops, hospitals and schools.

Manse are also included by reason that the responsibility for maintenance and repair rests with the Circuit Meeting, with the incumbent treated as a “tenant” under the Act.

The Health & Safety Executive produces comprehensive information about asbestos, and much of this is available on their web-site www.hse.gov.uk

Here are some basic principles to remember:

- asbestos is only dangerous when disturbed. If it is safely managed and contained, it doesn't present a health hazard;
- don't remove asbestos unnecessarily - removing it can be more dangerous than leaving it in place and managing it;
- not all asbestos materials present the same risk. The measures that need to be taken for controlling the risks from materials such as pipe insulation are different from those needed in relation to asbestos cement;

- don't assume you need to bring in a specialist in every case (for example, you can inspect your own building rather than employ a surveyor).
- if you are unsure about whether certain materials contain asbestos, you can presume they do and treat them as such;
- remember that the duty to manage is all about putting in place the practical steps necessary to protect maintenance workers and others from the risk of exposure to asbestos fibres. It is **not** about removing all asbestos.

If any ACMs need to be sealed, encapsulated or removed, remember you will need to employ a licensed contractor if the materials are high risk (eg pipe insulation and asbestos insulating panels). If the materials are lower risk (eg asbestos cement) then an unlicensed but competent contractor may carry out this work.”

How do dutyholders comply?

- Find** You must check if materials containing asbestos are present or are liable to be present
- Condition** You must check what condition the material is in
- Presume** You must assume the material contains asbestos unless you have strong evidence that it does not
- Identify** If you are planning to have maintenance or refurbishment of the building carried out or the material is in poor condition, you may wish to arrange for the material to be sampled and identified by a specialist
- Record** Record the location and condition of the material on a plan or drawing
- Assess** You must decide if the condition or the location means the material is likely to be disturbed
- Plan** Prepare and implement a plan to manage these risks

Minor damage	Good condition
The material should be repaired and/or encapsulated The condition of the material should be monitored at regular intervals. Where practical the material should be labelled Inform the contractor and any other worker likely to work on or disturb the material	The condition of the material should be monitored at regular intervals Where practical the material should be labelled Inform the contractor and any other worker likely to work on or disturb the material
Poor condition	Asbestos disturbed
Asbestos in poor condition should be removed	Asbestos likely to be disturbed should be removed

Further details of these steps can be found the downloadable file “A short Guide to Managing Asbestos” www.hse.gov.uk/pubns/indg223.pdf

Managing trustees should also bear in mind that a risk assessment is needed in order to satisfy the conditions of your insurance policy.

We realise that these regulations may be imposing a considerable additional burden on local churches, but the government now believes that asbestos poses such a danger to health that it considers a risk assessment to be essential.

revision June 2011: paragraph added to clarify initial survey by specialist