

Asbestos Liaison Group (ALG)

ALG Memo 01/10

ALG memos are produced by the ALG to provide information and guidance to the asbestos industry and other interested stakeholders.

Date: November 2010

Subject: Ancillary asbestos licences for scaffolding

Permissioning

- 1) Asbestos licensing is a permissioning regime.
- 2) Permissioning regimes build on the fact that the legal duty to manage risks lies with the organisations that create them. They are resource intensive and are only implemented where the work activities involve significant hazard, risk or public concern. Asbestos is a category 1 carcinogen and working with it meets this criteria.

Legislation

- 3) Regulation 8 of the Control of Asbestos Regulations 2012 requires any employer who undertakes work with asbestos to hold a licence, granted by HSE. This is qualified by Regulation 3(2) which exempts certain lower risk asbestos work from licensing.
- 4) You will need a licence for putting up and taking down scaffolding to provide access for licensable work where it is foreseeable that the scaffolding activity is likely to disturb the asbestos.
- 5) Licences to work with asbestos are **not required** if Regulation 3(2) applies, which is when:
 - a) the exposure of employees to asbestos fibres is sporadic and of low intensity;
 - b) it is clear from the risk assessment that the exposure of any employee to asbestos will not exceed the control limit; and
 - c) the work involves:
 - i) short, non-continuous maintenance activities,
 - ii) removal of materials in which the asbestos fibres are firmly linked in a matrix,
 - iii) encapsulation or sealing of asbestos-containing materials which are in good condition, or
 - iv) air monitoring and control, and the collection and analysis of samples to find out if a specific material contains asbestos.
- 6) Therefore, no ancillary scaffolding licence to work with asbestos will be required where it is not providing access for licensable work or, where it is, Regulation 3(2) applies.
- 7) A full asbestos licence holder will always be involved in any "licensed scaffold job". This is because the scaffold will be provided to provide them with access to carry out the licensable work.

- 8) The full licence holder will have to **assess the need for an ancillary scaffold licence holder**. This will be based on the need for access and the potential for exposure to asbestos from the scaffolding activity. If it is foreseeable that asbestos is likely to be disturbed and Regulation 3(2) is not applicable, a licensed scaffolder will be required. It therefore follows that the scaffolding licence holder will be a sub contractor of the full licence holder. The flow chart at Annex 1 may be of assistance.

Examples (for illustration only):

- a) An access scaffold is required, in order to provide the licensed removal contractor with access to AIB ceiling tiles. The AIB tiles are in good condition. **The scaffolding contractor does NOT require a licence. ✗**
- b) Access scaffolding is required, in this case to provide access to pipe work for a lagging removal job. The pipe lagging is in good condition. **A licence is NOT required. ✗**
- c) A scaffold is required as part of an environmental clean. The asbestos containing materials are in poor condition: there is debris, such as broken AIB tiles in the work area. **A licence IS required. ✓**
- d) Scaffolding is required for a licensed removal job in a boiler house. The design of the scaffold is complex, it is a very restricted space and work will be in very close proximity to ACMs. **A licence IS required. ✓**
- e) Scaffolding is required in a live asbestos enclosure. **A licence IS required. ✓**

i.e. a licensed scaffolder is only required when contaminated working will take place, or is likely to take place.

- 9) Both the full licence holder and the scaffold licence holder are required to notify the job to the relevant enforcing authority. Details of the other licence holder need to be provided on the notification form ASB5. Both licence holders are required to notify at least 14 days before the work starts. Therefore, it is important that both parties cooperate to ensure start dates are coordinated.

- 10) The licensed scaffolder must prepare a written plan of work before the work starts. This should provide details of how the work is to be carried out and prepared with the co-operation of the full licence holder. The purpose of it is to provide guidance and instructions to site personnel. It must include the following information:

- the nature and probable duration of the work;
- the number of persons involved in the work;
- the address and location where the work is to be carried out;
- the methods to be used to prevent or reduce exposure;
- the type of PPE and RPE;
- equipment to be used for decontamination, including the decontamination unit (DCU);
- emergency procedures;
- a plan including site layout and a description of the location and nature of the asbestos which will be disturbed by the work;
- how the asbestos zone will be established and transit routes to the DCU
- the scaffold design; and
- details of scaffold inspections.

This plan must be prepared prior to the notification of the work and be made available to the enforcing authority on request.

- 11) It is important that during licensed scaffolding work equipment is provided and ready for use to ensure decontamination can take place and to prevent any spread of asbestos. This will include:
- decontamination Unit;
 - spray kit with suppressant;
 - polythene sheeting to cover any disturbed asbestos (with means to weigh it down);
 - asbestos warning signs; and
 - tape to create an asbestos zone.

Applying and requirements for an ancillary asbestos licence for scaffolding

- 12) Applying for a licence should not be undertaken lightly. Licensing is an addition to the general framework of health and safety law. It is very resource intensive and exemplary management standards are expected of licence holders. As a matter of principle there will be a greater degree of regulatory control.
- 13) All licence holders have to be able to work in asbestos contaminated environments. This will include ancillary licensed scaffolding contractors.
- 14) Licensed scaffolders will therefore be required to provide the training that includes the following:
- The health risks of asbestos and avoidance of exposure.
 - Practical training covering respiratory protective equipment (RPE) (see para 16); personal protective equipment (PPE); transit procedures and decontamination; and emergency procedures.
 - Scaffold supervisors, managers and directors require additional management training covering risk assessment; plans of work; the need for enclosures and how they are built; monitoring site conditions; site set up; and emergency procedures.
 - This training will need to be refreshed once a year. The content of this refresher training needs to be based on a training needs analysis.

Further details of the training required can be found in chapter 4 of HSG247 Asbestos: The licensed contractors' guide.

- 15) Training on its own does not make people working with asbestos competent. Consolidation of skills and knowledge will be required together with some form of assessment which can be incorporated into the training needs analysis.
- 16) All workers involved in licensed asbestos work will be required to be provided with adequate RPE and PPE. This will include TM3 power assisted respirators with full face masks and P3 filter as well as other half masks, PPE (type 5 category 3 coveralls (BS EN ISO13982-1:2004).
- 17) A quantitative face fit test for full face masks and a qualitative face fit test for half masks is required.
- 18) All workers exposed to asbestos (i.e. those carrying out the licensed scaffolding work) need to be under adequate medical surveillance by an appointed doctor with a health record maintained and kept for at least 40 years, for each employee.

- 19) All ancillary asbestos licences for scaffolding have the following additional condition; 'This licence shall only apply to putting up and taking down scaffolding, including any scaffolded frame, which provides access for licensable work, where it is foreseeable that the scaffolding activity is likely to disturb the asbestos'.

Asbestos Liaison Group
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(updated November 2013)

Annex 1

