

ASBESTOS CASE STUDY

BHSEA / WWT ASBESTOS EVENT

30 APRIL 2019

Urban Workspaces Ltd has recently acquired the freehold of a small 1960's building on the outskirts of Birmingham that it wants to refurbish into a funky and flexible urban working space for start-up businesses. The potential rental yields for this project mean that the quality of the refurbishment will be acceptable but modest; budgets are tight and so is the timetable for the work to take place. Urban Workspaces carries out similar projects throughout the UK and has a turnover of £25million.

After a short tender process Quick Build Ltd the cheapest bidder, has been appointed as the principal contractor (PC) and CDM designer and principal designer (PD). It has been told that due to borrowing requirements and financial year end considerations Urban Workspaces requires the work to start on site 4 weeks after the contracts have been signed during which time it will be relocating existing tenants in the building.

Quick Build recognises that this is a very short mobilisation period but agrees to start with a programme of initial strip out works to get things moving as it believes Urban Workspaces may have other projects coming up in the near future.

Urban Workspaces makes it clear that it has very little information about the building that it can provide to Quick Build as it has only just bought it and the run down building was built years ago. It does have an asbestos management survey that the previous owner commissioned a couple of years ago and this is provided to Quick Build.

Although the survey has a number of caveats attached to it Quick Build considers the survey to be quite good and was prepared by a reputable UKAS accredited survey company. The survey states that almost all of the asbestos in the building was removed around 5 years ago. The only material that remains is in 2 difficult to access areas in an old boiler room. Quick Build checks the area and finds the material where the survey says it should be, it is marked with asbestos warning stickers and appears to be in good condition. This gives Quick Build added confidence regarding the accuracy and content of the survey.

As a result Urban Workspaces and Quick Build agree that work will start on the basis of the existing management survey but as the work progresses further intrusive surveying will take place if suspicious material is identified and work suspended in the relevant area where necessary – Urban Workspaces makes it clear that there is no possibility of a full intrusive survey taking place before mobilisation as there are tenants still in the building. No asbestos notification is made to the HSE as the work is considered to be non-licensed work.

In the first week of work the strip out contractor – Strip It Ltd - a small local firm, begins to take down partition walls and ceilings in an area adjacent to the boiler room. This involves smashing down poor quality plaster boarding with hand tools and disc cutters. At 10am on the Tuesday the 5 operatives involved take a break outside. At this time the PC's construction manager passes through the area and notices debris on the floor that causes him to be suspicious – he thinks it looks like asbestos insulating board.

The supervisor stops the works and the area is closed off. An analyst is called to site and the sub-contractor operatives disappear from site as they have been told the analyst won't be there until at least 2pm. On arrival the analyst confirms that the material is AIB and appears to have been sitting in an area directly behind what would have been an old boiler system; broken bits of AIB are clearly still in place.

Quick Build has had to apply to the HSE for a 14 day emergency licenced asbestos work waiver so that the AIB can be dealt with and an HSE inspector has made contact to arrange to visit the project to determine the reasons why this has been necessary.

In the meantime Quick Build undertakes its own investigation. Its conclusions are:

- Happily no asbestos waste has been removed from the site and so can be safely disposed of in a safe manner
- In addition to the Strip It operatives working in the affected area approximately 8 other individuals from Quick Build and another contractor has passed through the area when the work was taking place
- The preliminary root cause conclusion blames the inaccurate survey for failing to identify that the asbestos was present in the relevant area
- As a secondary issue it highlights the prompt action of its own construction manager in contrast to the strip out operatives who – it has been confirmed - have not had asbestos awareness training.

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DISCUSSION SHEET

Format	Questions / topics	Answers / discussion points
Whole group discussion	Who is the Reg 4 <u>dutyholder</u> ?	Urban Workspaces Other parties also have duties
Whole group discussion	Asbestos management <u>survey</u> – was it suitable and sufficient? What should have been done differently?	Quick Build did take steps to confirm validity But need demolition / refurbishment survey
Whole group discussion	<u>Immediate steps</u> - what needs to happen / what should have happened?	RIDDOR report Notify insurer Appoint lawyers Inform people exposed – health records and health surveillance Prevent further spread / decontamination
Whole group discussion	Interface with <u>CDM</u>	Duties under CDM Pre-construction information H&S file
Split into groups for discussion then feed back	<u>Internal investigation</u> by Quick Build: <ul style="list-style-type: none"> • What documentation would you want to collate? • Who would you want to interview? • What would you want to ask them? 	Asbestos register RAMS Training and induction records Employee briefings / instructions Contracts
Split into groups for discussion then feed back	Split into groups to <u>represent each party</u> (Urban Workspaces, Quick Build and Strip It). <ul style="list-style-type: none"> • What did you do well • What else should you have done / what would you do differently in future 	Good – had survey, UKAS accredited company, given to PC, took some steps to confirm accurate (stickers), Quick Build Construction Manager took action when spotted asbestos Bad – wrong survey, didn't check accurate,

	<ul style="list-style-type: none"> • Do you think you are vulnerable to prosecution? Why? • Would you plead guilty or not-guilty? 	not passed to Strip It, didn't identify AIB or stop works to investigate further, lack of training, allowed operatives to spread asbestos, time pressure, profit before safety
Split into groups for discussion then feed back	Urban Workspaces has been prosecuted by the HSE – what <u>sentence</u> do you think the Judge will impose?	Refer to sentencing guidelines and talk through culpability, harm and potential range of sentences.