

# HEALTH AND SAFETY UPDATE

## JANUARY 2007

### New Construction Regulations

Sadly, the accident and incident rates for the construction industry remain depressing reading. Since the Construction (Design and Management) Regulations (CDM) 1994 were introduced, concerns have been raised regarding their complexity, which meant that many simple health and safety objectives were often overlooked. Following extensive consultation, the Health and Safety Commission have revised CDM and the accompanying Construction (Health Safety and Welfare) (CHSW) Regulations 1996 into a single regulatory package.

The Construction (Design and Management) Regulations 2007, are expected to come into force on 6 April 2007, with an approved code of practice (ACoP) available in January 2007. The new regulations are meant primarily to revitalise health and safety within the construction industry, and promote the broader business benefits of a well-managed and co-ordinated approach to the management of health and safety in construction.

The main changes with the legislation include:

- An enhanced duty on clients to better reflect the influence which client's have on health and safety standards on sites;
- The removal of the facility for the client to transfer their criminal liabilities to an agent;
- The development of a new 'Co-ordinator' role, to replace the existing 'Planning Supervisor'. The role of the Co-ordinator will be to assist the client in meeting their duties under the Regulations;
- Co-ordinators will retain the existing duties of Planning Supervisors; and
- Much improved guidance for those who must assess the competence of persons / organizations, such as contractors and designers.

### New Asbestos Regulations

The Control of Asbestos Regulations 2006 came into force on 13 November 2006, bringing together the three previous sets of Regulations covering the prohibition of asbestos, the control of asbestos at work and asbestos licensing. The Regulations prohibit the importation, supply and use of all forms of asbestos. They continue the bans on blue, brown and white asbestos, including the second-hand use of asbestos products such as asbestos cement sheets, boards and tiles. However, if existing asbestos containing materials are in good condition, they may still be left in place, their condition monitored and managed to ensure they are not disturbed.

The new regulations require mandatory training for anyone liable to be exposed to asbestos fibres at work, for example, maintenance workers, cable installers and those involved in asbestos removal work. Employers and the self-employed must prevent exposure to asbestos fibres. Where this is not reasonably practicable, they must make sure that exposure is kept as low as reasonably practicable by measures other than the use of respiratory protective equipment. The spread of asbestos must be prevented, and the regulations specify the work methods and controls that should be used to prevent exposure and spread.

The new regulations now specify a single control limit for all types of asbestos (0.1 fibres/cm<sup>3</sup>). This is the maximum concentration of asbestos fibres in the air (averaged over any continuous 4 hour period) that must not be exceeded. In addition, short term exposures must be strictly controlled and worker exposure should not exceed 0.6 fibres/cm<sup>3</sup> of air averaged over any continuous 10 minute period, using respiratory protective equipment if exposure cannot be reduced sufficiently using other means.

Most work on asbestos containing materials must now be undertaken by a licensed contractor, however any decision on whether the work is licensable is based on risk assessment. Work may be exempt from licensing if:

- It is clear from the risk assessment that the exposure of employees to asbestos fibres is likely to be sporadic and of low intensity; and
- The work involves short, non-continuous maintenance activities and / or involves the removal of materials in which the asbestos fibres are firmly linked in a matrix and/ or the encapsulation or sealing of asbestos-containing materials which are in good condition.

**For further information on these and other issues, please speak to one of our advisors, call our offices or visit our website ([www.jwcope.co.uk](http://www.jwcope.co.uk)).**