

14th UKAS Asbestos Technical Advisory Committee Meeting Minutes

Tuesday 12th July 2011 at UKAS (Feltham)

Ms S Burbeck, Adams Environmental Ltd (Chair)
Dr G Burdett, HSL
Mr R Bettinson UKAS (Secretary)
Ms W Smith, UKAS (minutes)
Mr B Daunton, HSE
Mr J Lyons, BOHS
Mr. B Sutherland (Noble Asbestos Consultancy Ltd)
Mr J Francis (ATAC)
Mr S Sadley (ARCA)
Mr A Cobley, (Hampshire County Council)
Mr J Richards (RICS)
Mr S Forster (EIC – item 9 only)
Ms K Brooks (UKAS asbestos in soils focal point – item 9 only)

Apologies **Ms Sarah Mallagh, HSE, Policy**
 Ms Colette Willoughby (BOHS)
 Mr Ian Stone (ATAC)
 Mr Bob Clarke (ARCA)
 Mr Paul Winstone (RICS)
 Mr R Webster, consultant

1. Welcome and Apologies

SB welcomed all to the 14th meeting and acknowledged those apologies received.

2. Minutes of the last meeting

Were agreed with some minor changes required:

- LAB30 is not ready for publishing as stated in these minutes. It is under review.

3. Matters Arising/Progress with Actions

Action 220310/9.0 – Separate TAC working group to be set up for asbestos in soils and GB will be involved in this group. Action closed (see later agenda item).

Action 220310/10.0 – internal consultation on LAB 30 is now in progress. Action closed.

Action 220310/11.0 – RG8 in very final stages of publishing – action closed.

4. Update from UKAS

New business

UKAS are still receiving a number of enquiries, but the number of applicants appears to have slowed:

Applications so far 2011: Surveying – 4 (10 in same period during 2010)
Bulk ID – 2 (0 in same period during 2010)

Total applications: 2010 – 16 (15 IBs) 2009 – 15

Resignations – 5 so far during 2011 (reorganisations, liquidation, etc)

Initial grants – 8 surveying and 2 Bulk ID so far in 2011

Resource

There have been a couple of instances of illnesses of some of our Technical Assessor resource at beginning of 2011 which led to technical resource being stretched. UKAS have taken measures to address this:

Martin Saunders (Independent) has been interviewed and will be taken forward as a Technical Assessor – assessing both Testing & IB accreditation.

DARWIN

On 25th May 2011 UKAS went live with the new IT System – Microsoft Dynamics Integrated ERP (Enterprise Resource Planning), PSA (Professional Service Automation), CRM (Customer Relationship Management).

This is a fully integrated system that drives the UKAS business & processes which should help streamline previous systems and improve visibility & turn-around times. The next step is to implement web-based portals allowing customers to submit evidence direct to the system and to track it.

Extensive training of staff occurred in April 2011 but changes to current systems are significant and therefore training is on-going. As with all change-management projects some teething problems have been identified and are being worked on.

Awareness

UKAS have continued to present at asbestos events when invited: So far in 2011 have presented at BMTA event and also two lab-organised events.

UKAS have also contracted with a Third-party publication to send the hard-copy asbestos brochure to Facility Managers – 15,000 circulations.

All members were asked to contact UKAS if they can think of sectors that we need to target in awareness campaigns.

ACTION

UKAS have worked with AIB (Asbestos Inspection Bodies) to launch asbestos awareness survey aimed at general awareness and understanding of asbestos in buildings and the regulations, and the role of accreditation. UKAS will use its links to help with distribution of surveys via Unions, Trade Associations, Industry Institutions and Membership Organisations

Unaccredited Organisation

UKAS recently became aware of an unaccredited organisation falsifying bulk asbestos certificates (modifying an accredited laboratory's certificate format, displaying UKAS symbol).

HSE were not in a position to investigate this therefore UKAS has raised the issue with Trading Standards.

Questions?

What is the policy regarding 'flipping' IBs?, retroactive dates?, run down cover? Insurance cover still valid does it cover the previous work? UKAS confirmed there is no policy specifically. A test case is in progress. UKAS ran through the policy for transfer of legal entity and taking responsibility but UKAS had not specifically considered the insurance cover and may need to look at this.

ACTION

Does UKAS look at insurance excess? UKAS confirmed that this is outside of accreditation remit to look at excess. UKAS assesses the type of insurance but not the level – it's not a requirement of ISO17020. It could be possible under protecting an IB's customers from those rogue organisation that may have 100K turnover and hold insurance with 500K excess (thus running on a 'no claims' basis and would fold on the first claim), but how for does UKAS need to go on assessments?

5. Update from HSE

Due to other commitments the HSE Policy representative was unable to attend the meeting. A written update was submitted to UKAS to include in the meeting:

Legislation and Guidance

At earlier meetings, HSE explained that the UK faced infraction proceedings regarding aspects of the Control of Asbestos Regulations 2006 (CAR06). In February this year the Commission served a reasoned opinion, which said that the UK had omitted certain terms from the Directive in Regulation 3 of CAR06. The Commission argued that the omission of these terms had the effect of widening the scope of the exemption on low risk work with asbestos beyond that in the Directive, and that the UK had failed to fully implement it as a result.

The Government's response was submitted in April, confirming the UK's acceptance of the reasoned opinion. As a consequence, legislative changes are required. This will be done by adding the omitted terms to the UK's legislation.

The draft of the Non-licensed Asbestos Work Guide will need to be reviewed and revised to take account of the legal changes needed to comply with the reasoned opinion. At the moment, further work on this document is on hold.

Goal is to reissue the new regulations by April 2012. No change to licensing but notification is required for removal companies and also need to do monitoring, medical requirements. Impact on accreditation? No impact on IB's, test orgs might see slight increase in air testing / personnel testing but probably no other impact on the way work is done. But no impact that requires change in asbestos accreditation policy

Current HSE Issues and Future work

HSE remains committed to communicating asbestos safety messages to duty holders and workers and we are considering how to build upon the success of 'Hidden Killer'.

As part of this, we are exploring how we can work in partnership with other organisations and industry to develop an approach in which our messages would also be carried by influential third parties.

The web pages for the 'Hidden Killer' campaign and all the materials are still accessible and available and other activities are being actively conducted by HSE to help protect workers from the dangers of asbestos. Recent developments include the production of an asbestos awareness training package, which colleges can use to raise awareness of the dangers of working with asbestos to those new to the construction and maintenance industries.

6. Update from BOHS

Changeover to International Examinations

BOHS is moving all of its occupational hygiene modules over to the International courses and examination system during the next year or so.

Thus the examination S301 is scheduled to be replaced by International Module W504 in July 2012.

The W504 course manual [peer reviewed document], lecture slides and supporting course material is copyright but is freely available for use from the OH learning website [www.ohlearning.com/]. As it is an International course it contains best practice methods but not any specific country legislation. The course includes a compulsory formative practical assessment.

The examination is open book with short answer questions. The questions obviously have a different approach to those generally used for closed book examinations in

that they require the candidate to use their knowledge and deduce from the course manual the answers to many questions.

Candidates wishing to proceed, after obtaining a certificate of successful completion of the W504 course, to CCP/CoCA will need to complete a personal learning programme [PLP] which will require them to submit a portfolio of learning experience and reports. On successful completion of the PLP they can then go forward for an oral examination.

As the international module does not contain UK specific legislation, just good practice, the oral examination for CoCA [CCP] will be extended to 60 minutes to provide the examiners sufficient time to question on UK specific matters. The intent is to ensure that the standards for CCP/ CoCA in the UK remain the same as before. There will be an overlap period allowed for candidates with S301 to go forwards via the reporting stage to the oral examination. The length of this overlap period was not defined.

The exemption for the S301 written examination by completing P401, 402, 403, 404 and 405 would be transferred to an exemption for W 04 and its PLP. However there would still be a report submission requirement before proceeding for the oral examination.

Course Cancellations Study

This has been running for four months of the planned 6 month study. It is possible to draw some preliminary conclusions.

Over half of courses cancelled had no candidates. The majority of cancelled courses were P402 and P405. The most affected candidates being for P405. Very few candidates [circa 10%] involved P401/P403 cancellations [11]. This was contrary to earlier complaints saying that analysts were having problems with course cancellations. This study will be reported to Faculty Examinations committee in September.

However views are already being expressed that examinations and practical assessment only for P402, P405 are being considered, in principle, could be run at Derby [Perhaps quarterly]. This would give course providers with low numbers of candidates to still run the courses but not incur the exam fees and the minimum number penalties etc.

Course provider inspections scheme

BOHS have recruited and trained a group of course inspectors. They all hold CCP in Asbestos and significant higher qualifications.

We have successfully have run a pre pilot to test the inspection manual and this has confirmed the overall scheme. The techniques used in this scheme are based on several published and well established inspection schemes [ILCI, ISRS, Det Norsk Veritas et al]

The roll out will continue through the summer and at least 3 inspections are planned in July.

Analyst failure rates

There is some evidence that candidates and their laboratories are starting to heed the course pre-requirements. There have been some small improvements in the first time pass rate but a much more significant improvement in the pass rate at re-sit. We are still however getting candidates who cannot set up or operate a microscope. [these are often failed by the practical assessor before they attempt the samples or slides.]

Review of syllabi

All Module review has been delayed by the failure of the analysts guide to appear and due to individual business commitments.

UKAS queried the change re W504 and S301 as currently UKAS asks that an inspection body employs at least one person qualified to S301. As the W540 does not include UK legislation, UKAS needs to consider and establish what the requirements will be to replace this going forward in 2012.

Several questions followed and BOHS confirmed:

W504 examination is controlled by BOHS

OHTA (international body) control / set the syllabus for the exams

BOHS is part of OHTA – this move brings about harmonisation internationally

Candidates with colour-blindness can achieve the CoCA (this does depend on the degree of colour blindness)

The P modules will still exist

The oral examination is still available to those who have completed the P401 – P405 (inclusive) modules to gain the CoCA qualification.

April – July 2011 has seen 17 candidates undertake the S301 qualification.

P401, P402, P403, P404 & P405 plus oral examination = CoCA

W504 & PLP plus oral examination = CoCA

The meeting discussed the possible alternatives to S301 (plus P402) that UKAS could accept – W504 plus PLP or P402 / P405 and P407 were both proposed. The committee were in agreement in that at least one person within an IB needs to have more experience / knowledge than just the P402.

The replacement for the S301 & P402 requirements could not be agreed during the meeting. The Chair also noted that UKAS / TAC need to review and approve the syllabus for the W504 to ensure the changes to the path to CoCA in 2012 remain sufficiently robust for UKAS accreditation requirements. The syllabus for the W504 will be circulated to the committee prior to the next meeting. It will then be discussed at the next meeting for both acceptances as the replacement for the S301 / path to CoCA and also to finalise the acceptance replace for Inspection Body minimum requirements. The syllabus is available at - www.ohlearning.com

ACTION

7. ATaC / RSPH Qualifications (Jon Francis)

The revised syllabus for analysts (site) and surveyors and supporting documentation were circulated prior to the meeting. The committee members reviewed the available documentation and discussed at length the syllabus, examination process and pilot schemes for these. UKAS thanked all for input and confirmed UKAS needs to ensure no dissent on the equality of the qualifications for UKAS requirements and on that basis think there is no reason why UKAS cannot provisionally approve this.

UKAS acceptance is on the proviso that a pilot is undertaken and demonstrates that the objectives of the courses could be met within the timeframe. UKAS needs this confirmatory evidence to support this acceptance before it formally changes its policy to include RSPH. Verification on this will be sent to UKAS as it's completed (including comments review from both ATaC and RSPH. Any proposed changes to the course / examination must also be sent to UKAS. LAB 30 and RG8 will not be updated until these have undergone final UKAS approval.

ACTION

8. AOB

None discussed.

9. Presentation - Asbestos in soil, environmental sector viewpoint (asbestos in soil working group – EIC, Steve Forster)

EIC are recognised as a stakeholder with respect to asbestos in soil and so were invited to this meeting to give an idea of the issues they have with respect to consistency in asbestos in soils analysis and to give the viewpoint of the environmental sector.

Key Points Raised:

1. Mission Statement issued/overview of EIC Asbestos in Soil Sub-Group
2. Key concerns outlined:
 - a. Brownfield sector risk and uncertainty
 - i. Prosecution
 - ii. Insurance claims – EL from exposure
 - iii. Insurance claims – PI from negligence/bad advice
 - b. Risk to human health
 - i. Employees during investigations, sampling, remediation, analysis
 - ii. Public from in situ ACM's and during investigations, sampling, remediation
 - c. Inconsistencies
 - i. No standardised methodology for quantitative analysis
 - ii. Screening/gravimetric analysis still allowed
 - iii. Quantification does not require accreditation?
 - iv. Are non-accredited labs being reviewed and checked?
 - v. What about environmental labs. analysing non-scheduled samples that contain asbestos?
 - vi. Lack of client awareness (EIC survey – 47% had no detailed knowledge of methods)
 - vii. Training for sampling and analysis (EIC survey – 91% want formal training framework)
 - viii. Qualifications for sampling and analysis (EIC survey – 83% want formal qualifications framework)
 - d. Soils analysis – technical issues
 - i. HSG 264 - % of asbestos in ACM's □ over-estimate of hazard
 - ii. ACM type very relevant - free fibres represent real risk
 - iii. Respirable fibres – transfer from soil to air □ what risk is acceptable?
 - iv. Uncertainty in measurement and results (90% confidence/factor of 2 at 0.1%)
 - v. Uncertainty/bias in sampling methodologies
 - vi. UK laboratory capacity – number of labs/samples per day (HSG 248 – 20)
 - vii. Inter-laboratory comparison schemes – none available, ref ISO 17025
 - viii. Soil preparation – P401 vs. trained laboratory staff
 - e. Air sampling analysis – technical issues
 - i. Supreme Court ruling - ref. urban ambient environmental background (0.0001 f/ml)
 - ii. Clearance indicator limit too low ref. urban ambient environmental background
 - iii. Revised methodology?
3. Suggested actions
 - i. HSG 264 being revised 2011-2012 – valuable opportunity to impact change
 - ii. Improve process of cross-sector involvement/consultation
 - iii. UKAS sub-committee?
 - iv. HSE ALG TSC?
 - v. Technical event – November 2011

The EIC representative ran through the above key points to outline to the group who EIC are and their aims / objectives with a list of clear concerns that he needed to bring to the attention of the UKAS asbestos TAC members. Members agreed that some key points require further discussion. GB confirmed he has drafted a section on asbestos in soils for HSG 248 but this is not going forward at the moment. Members agreed the difficulty is the application of CAR in this field. To enable further progress on these issues a sub group of the asbestos TAC will be set up. **ACTION**

10. Date of next meeting
16th Feb 2012

End