

UKAS Asbestos Technical Advisory Committee

Meeting Minutes (SUMMARY) of the 13th Meeting (combined UKAS Asbestos TAC and HSE Committee on fibre Measurement (CFM), 3rd Joint meeting) – Tuesday 30th November 2010 at UKAS (Feltham)

Attendees:

S Burbeck, Adams Environmental Ltd (SB)
W Smith, UKAS (WS - minutes)
G Burdett, Health & Safety Laboratory (GB - Chair)
B Sutherland, Noble Asbestos Consultancy Ltd (BS)
I Stone, Representing Asbestos Testing and Consultancy (ATaC) (IS)
R Bettinson, UKAS (RJB – UKAS TAC Secretary)
Sarah Mallagh, Health & Safety Executive, Asbestos Policy (KH)
B Daunton, Health & Safety Executive (BD)
A Cobley, Hampshire County council (Local government) (AC)
C Willoughby, British Occupational Hygiene Society (CW)
Bob Clark, ARCA representative (BC)
M Gibson, HSE HU (MG)
Mr Rob Blackburn, (ATaC) (RB)
Ms. Karin Virco, (OHS) (KV)
Dr AD Jones, IOM (CFM Secretary) (AJ)

Apologies:

Bob Webster, Independent technical assessor
Paul Winstone, Royal Institute of Chartered Surveyors
G Haywood, HSE ALU
D Bard, HSL
R Jackson, ROMAR Consultants
JW Cherrie, (IOM)
C Houghton, EURISOL
B Brown, ECFIA
H Ratcliffe HSE DR4

1. Welcome and Apologies

GB welcomed all to the 13th Meeting of the UKAS Asbestos TAC meeting & 3rd joint meeting with CFM (2 years since the last joint meeting). GB acknowledged the apologies received.

2. Minutes of the last meeting

Minutes from the last meeting were agreed by committee members

3. Matters Arising/Progress with Actions

- **Action 220310/4.0 regarding UKAS TAC membership** UKAS had contacted Aaron Cobley who was present at this meeting. Action completed and closed.
- **Action 220310/5.0**, regarding UKAS marketing in internet search engines such as Yell.com and Google, UKAS reported that this had been considered but costs were extremely high and therefore found to be prohibitive. Action closed
- **Actions 2200310/8.1 to 8.3** Action closed.
- **Action 220310/9.0**, that GB would raise the issue regarding analysis of soils for asbestos with the Environment Agency. GB reported that cutbacks in staff at the Environment Agency had led to the loss of his contacts there. However, he believed that one member of staff has been re-employed on a contract basis and may be a suitable contact. GB to update at the next meeting.

Action

- **Action 220310/10.0**, regarding various actions in relation to the review of LAB 30. UKAS stated that LAB 30 is now in the final stages of review before public consultation.

- **Action 220310/11.0**, UKAS received no further internal feedback. RG8 is now being prepared for public consultation. Action closed.

4. Update from HSE

Legislation and Guidance

- (a) HSE reported that the UK continues to face infraction proceedings regarding aspects of the Control of Asbestos Regulations 2006. Action is pending and lies in the hands of EU officials.
- (b) On guidance, the Survey Guide is out, and has been well received. There had been comments back from training providers, in particular from a meeting held the previous week on the topic of non-licensed work with training providers.
- (c) HSE stated that the Non-licensed Asbestos Work Guide draft is nearing completion and will be reviewed internally at HSE shortly.
- (d) HSE stated that hoped to have the draft non-licensed guide out to HSE staff by the end of 2010. The aim will be to have it available on the website. An alert as to its availability will go out the asbestos web community.
- (e) As regards revisions to the Analysts' Guide, HSE stated that there is currently a freeze on HSE communication documents and consequently the revision of this document has gone on hold.
- (f) HSE commented that WG2 had been developing some of the technical revisions to the Analysts' Guide, e.g. on the 4-Stage Clearance. Comments have been sought and received from ATAC.

Current HSE Issues and Future work

- (g) Asbestos remains a high priority within HSE despite the spending cuts. However, there would have been a further "Hidden Killer" campaign but for the spending freeze. It is intended to submit a bid for an exemption from the communications freeze to the Cabinet Office to take the campaign work forward.

4-Stage Clearance

- (h) HSE reported that there was consultation with other parties in progress on the revisions to the guidance for the 4-Stage Clearance. The intention is to include the suggestions in the new draft of the Analyst Guide.

5. Update from UKAS

Operations / Business update

- (a) UKAS stated that under EU regulations, each Member State had been required to formally appoint a national Accreditation Body during 2008/9. In December 2009 UKAS was formally appointed as the UK's National Accreditation Body in accordance with EU Regulations (Implemented through Statutory Instrument No 3155/2009). Under the EU Regulations, organisations need to use their appointed National Accreditation Body.
- (b) UKAS stated that the Government spending cuts had not affected UKAS too much. In some specific areas – on international representation and on raising awareness of accreditation – there had been some withdrawal of funding.
- (c) UKAS stated that UKAS is in the midst of developing a new IT-based system (known as "Darwin") to help manage the process of accreditation. This will replace an internal system with an adapted off-the-shelf system. The implementation is planned to take place in 2011; staff are scheduled for training in April/May. UKAS are also seeking to incorporate customer access to relevant information via portals; this should help to further speed up the process.
- (d) As regards resources at UKAS, UKAS stated that Peter Bodsworth had retired as an asbestos assessor in August. UKAS now has 5 permanent AMs recruited

from the asbestos sector and who also provide technical assessing services. UKAS is continuing with regular (6 monthly) asbestos assessor meetings.

- (e) As regards numbers of organisations accredited, there are currently 166 accredited testing laboratories, and 142 accredited Inspection Bodies (for Asbestos surveying). There was a personnel certification scheme ABICS, but ABICS has resigned as a personnel certification body.
- (f) In terms of applications to become accredited, there have been 15 so far in 2010, 14 of which were for conducting surveys. HSG264 did appear to be a driver for a number of these applications. There have been 7 accreditations granted in this period.
- (g) UKAS are still seeing a low yet steady number resigning; there have been 7 so far in 2010, there were 8 in 2009. Mostly, these resignations have been Inspection Bodies, many claiming they could not justify the cost of accreditation as some tenders are still being awarded to non-accredited bodies and they were finding it very hard to compete. Some left with a declared intention of joining ABICS.

Standards

- (h) ISO/IEC 17025: (2005) – ISO Committee recently considered the status of this standard to determine whether a formal review & revision was required. The outcome was that a review is not required at this time. Therefore no change is expected for the next 4 or 5 years.
- (i) ISO/IEC 17020: (1998) – The ISO Committee is currently in the process of reviewing this standard, with revised version expected in 2012. The revision should incorporate the current guidance document IAF/ILAC-A4 as well as the principles of ISO 9001.
- (j) RG8 – Has been reviewed in order to update it (e.g. regarding the change from MDHS 100 to HSG 264). It is currently awaiting posting on UKAS website for a 30-day public consultation.
- (k) HSG264 – UKAS managed this transfer by way of self-declaration, as previously discussed with the TAC. UKAS worked hard to ensure that all IBs met the deadline for transfer (end of July 2010). However, some recent audits have indicated that some IBs signed the declaration form before completing all the required changes; where this happened, appropriate sanctions have been imposed.

Communications

- (l) UKAS stated that UKAS's "awareness budget" had been cut, but there had been substantial activity to spread the message. Staff presented at numerous events over past year, including ATaC road shows, BMTA conferences, independent conferences.
- (m) An Asbestos Brochure has been circulated electronically to 70,000 facility managers. UKAS had worked with the Federation of Small Businesses and the CBI (Confederation of British Industry) to get articles in electronic newsletters sent to all members. The brochure has been made available on Trade Association Forum websites.
- (n) UKAS commented that a lot of these things are not too expensive and UKAS is keen to contribute to conferences.

Technical Decisions

- (o) There had been a number of technical decisions taken by UKAS since the last Assessors' Meeting. Technical decisions made by UKAS since last TAC meeting (March 2010):
 - P403: UKAS had been concerned that the P403 on its own did not adequately cover air sampling. UKAS are now satisfied that the syllabus does now adequately cover

air sampling and therefore acknowledges that analysts who gained the P403 after 01 Sept 2010 as being competent to do air monitoring (except air monitoring for 4SC, where the P404 is still required).

- Survey Reports: There had been discussions held with BOHS regarding the expectations that Bulk ID certificates should be included within survey reports. It had been agreed that a separate bulk analysis certificate needs to be included within the survey report. The analyst's signature is not required but the analyst's name, and that name / signature of the authorising person, must be included. MDHS 100 and/or HSG 264 do specify signatures, but it had been agreed that the analyst's signature is not required but an authorising signature is required.
- Averaging of flow rates: It had been queried as to whether this was being undertaken routinely by all analysts. The guidance in HSG 248 (A1.25) is clear on this issue. UKAS has clarified that assessors will look to ensure this is properly covered by labs, and implemented by analysts.

Developments and issues

- (p) UKAS stated that there had been a pilot on legionella surveying, and UKAS has now accredited an organisation for undertaking legionella surveys to ISO/IEC 17020. There is a possibility of many asbestos consultancies to following suit over the next year.
- (q) UKAS identified two issues that deserve consideration. There is a lack of a specification for the frequency of calibration for working flowmeters. A maximum time interval has not been specified in HSG248 or LAB30. Some labs are now extending the interval to annually, whereas most assessors expect 3 monthly, which suggests there is a need for a maximum interval to be defined.
- (r) UKAS stated that there appears to be a need for greater clarity on who is responsible for determining whether a 4-Stage-Clearance must be done. There have been situations where a lab informs a contractor that a 4-Stage-Clearance is required but the request has been only for a reassurance test, and if the lab is not prepared to do a reassurance test then they will be moved off the contract and a replacement found (this was further discussed in AOB).
- (s) Several points were raised in discussion of the above issue on 4-Stage-Clearance testing. It was noted that a reassurance test need not necessarily include dust disturbance
- (t) A query was raised as to what UKAS does if HSE prosecute an organisation? UKAS stated that it has in the past suspended one organisation and then terminated their accreditation. It was recognised that once integrity is lost, it is very hard to get it back. However, UKAS would not necessarily automatically suspend an organisation that is being prosecuted; the organisation may be able to demonstrate that action has been taken to rectify the problem by the time that UKAS become aware of the case. UKAS would investigate first.
- (u) UKAS noted that it used to have a regular informal line of communication with the HSE's Asbestos Licensing Unit in Edinburgh. It was agreed UKAS & HSE should discuss re-establishing a regular interchange of information. **Action**
- (v) HSE may issue notices (Improvement Notices or Prohibition Notices), without necessarily undertaking a prosecution. Whenever a notice is served, it goes onto a public register (<http://www.hse.gov.uk/notices/>).
- (w) It was noted to the committee that there is a procedure for putting complaints to UKAS. However, HSE noted that with 650 Inspectors, there is no co-ordination of complaints that might go to UKAS. There may be an opportunity to improve this with the asbestos initiative that is coming up. There could be more Improvement Notices or Prohibition Notices during this initiative which is due to start in mid-February 2011.
- (x) UKAS asked if it was possible to access all the relevant notices. HSE suggested that HSE's internal systems may have greater flexibility than the public access

website and that it might be possible for HSE to provide these notices.
Action

Customer Feedback regarding BOHS

- (y) The papers circulated prior to the meeting included letters between UKAS and BOHS. The letter from UKAS had raised concerns from UKAS customers who had complained that training courses were being cancelled. UKAS confirmed a positive meeting with BOHS had taken place to discuss these issues.
- (z) BOHS commented that they were aware that BOHS did have a reputation for not being flexible, but BOHS has strived to turn that around. Some of the specific points raised in the letter of complaint had been addressed in the letter of reply. In relation to a concern that the samples used in the examination of the P401 module were unfairly difficult, BOHS stated that these samples had been AIMS samples that were selected partly to give a good cross-section of types of samples and partly based on the statistics of the AIMS data to choose samples that had produced relatively consistent results in AIMS; these samples might therefore be the easier samples from AIMS scheme.
- (aa) Cancellations of courses arise because course providers find that the number of candidates booked on a course may be too low to run a particular scheduled course. It was recognised that this is a genuine constraint on course providers.
- (bb) The P-modules are mostly 2-day courses that do require the candidates to have prior experience (e.g. with a microscope).
- (cc) The P403 does have a fairly high failure rate, but the samples used in the exams are slides from the RICE scheme and therefore representative of the quality control samples that analysts will be counting.
- (dd) It was noted that the P402 is a preliminary level of proficiency; UKAS look for a surveyor to have a minimum of 6 months experience of surveying.
- (ee) There are further Proficiency Modules: P406 Supervision of asbestos removal workers; P406R – refresher; and a new module, P407 on management of asbestos within premises, that will cover how to put together an asbestos plan, how to coordinate works. This P407 will assume prior knowledge from a P405. The P407 is being targeted to serve clients who commission asbestos works.
- (ff) HSE would be continuing an inspection initiative on the Duty to Manage during 2011. It was recognised that there might be a market for a shorter course aimed at the Duty Holder, either the “property professional” or the person who runs a business in a building.
- (gg) BOHS listed the numbers of candidates taking some of the P-modules and the pass rates. For example, in 2010, from January to October,
 - The P401 had 118 candidates, and the pass rate was 51%;
 - The P402 had 929 candidates, and the pass rate was 70%.
- (hh) BOHS are introducing steps that should help to reduce the occurrence of course cancellations.
- (ii) It was noted that BOHS does keep a list of the course providers, and it is available from the BOHS website
<http://www.bohs.org/education/examinations/course-providers/>.

6. ATAC/RSPH Alternative Qualification

- (a) ATAC (Asbestos Testing and Consultancy Association) and RSPH (Royal Society of Public Health <http://www.rsph.org.uk/en/>) had provided papers setting out proposals for alternative examinations to bring competition to the market place for qualifications relevant to asbestos surveying and analytical work. These papers had been circulated prior to the meeting.

- (b) ATAC commented on some of the key points in the proposals. The proposals were based on what the membership of ATAC had asked for. In particular, they had met with UKAS to discuss if the proposed schemes could be recognised qualifications within the accreditation process.
- (c) In terms of the size of the market for such qualifications, it was noted that in the past year there had been:
 - 118 individual examinations taken for the bulk analysis qualification, 60 achieving a pass
 - 132 for fibre counting, with 69 achieving a pass;
 - 100 for the 4-stage clearance qualifications, with 76 achieving a pass.
 It was not apparent how many of the individual examinations were the same candidate re-taking an examination.
- (d) There were comments that were in favour of the idea of an alternative provision of examinations.
- (e) The committee agreed that the syllabus / qualifications would need to be equivalent in terms of the invigilation, the quality control, and the standards of the questions, as those of the BOHS modules.
- (f) Several members expressed a concern that there were not adequate numbers of candidates to support two examination systems.
- (g) UKAS clarified that the viability of the scheme was not a matter for the Asbestos TAC, but rather its purpose was to consider and advise on whether alternative examinations could be accepted as equivalent for the purpose of acceptability for accreditation. It was recognised that it would be a substantive task to assess the equivalence of two examination systems.
- (h) It was agreed that ATAC would confirm whether they were satisfied that the scheme was sufficiently viable to proceed, and then to provide confirmation of this, together with evidence of 'equivalence' to UKAS for a technical decision to be made.

Action

7. UKAS Policy on actions to be taken when significant failings in accredited asbestos site work are identified

- (a) UKAS stated that the draft paper circulated prior to the meeting set out UKAS Policy on actions to be taken when significant failings in site work are identified; This was not a new UKAS policy, but a clarification of existing policy. Paragraph 1.4 of the draft paper sets out the question being addressed: *"As part of a UKAS assessment the technical assessor will accompany an analyst or surveyor out on site to observe them conducting a specified activity (e.g. 4SC or survey). However, although the assessor is checking on competence demonstrated on site, this is not actually an assessment of the individual themselves but of the effectiveness in the company's management system: Is the management system sufficiently robust and effective to ensure that only competent staff are authorised to conduct accredited activities unsupervised?"*
- (b) UKAS explained that given the feedback on 4-Stage-Clearance tests, there was a need to raise the level of UKAS involvement. Those labs that have been identified as doing a bad job were bringing down the reputation of all. UKAS would need to consider why that person was on site if they were not competent. The draft paper states that *"UKAS will need to determine whether the identified failings are restricted to the staff member of concern or representative of an overall weakness in the management system. Such a weakness, which results in incompetent staff undertaking site work unsupervised, will significantly reduce the confidence that UKAS can have in that organisation and will lead to the*

suspension of the accredited service of concern, and possibly the full service covered by the scope of accreditation.”

- (c) The proposed steps to determine whether there were organisational failings would involve significant additional costs which would be charged to the organisation. HSE commented that the measures were quite severe and could be costly to the accredited organisation. However, it was acknowledged that this would only affect poor performers.
- (d) There was a concern that these measures should be applied only where there was serious incompetence that was beyond doubt. UKAS confirmed that it should affect only a relatively small percentage.
- (e) HSE queried if these procedures might be adopted if HSE has taken formal action against an organisation. UKAS confirmed that by the time that UKAS became aware of HSE's formal action, the organisation might well have taken action to ensure that repetition would not occur. Therefore, these procedures could not be an automatic consequence of HSE taking formal action.
- (f) It was agreed that there was general approval for the draft paper on UKAS policy to deal with systematic failures of a management system to adequately ensure competence of authorised staff on site. This agreement will now be fed back in to the UKAS Executive.

Action

8. ABICS – what happens now?

HSE guidance sets out what clients should ask to establish that the surveyor they engage is competent to undertake asbestos surveys. It was reported that surveyors are asking for other organisations to carry out audits of their competence. It was stated that some Inspection Bodies are using ISO 9000 as an assurance of quality. However, ISO 9000 is not a demonstration of technical competence. UKAS reiterated deep concern that any assessment that does not cover technical competence would provide false assurance to the client. There was also a risk of creating a two-tier system that would disadvantage accredited bodies that had demonstrated competence in surveying.

9. Respiratory Protective Equipment

It was noted that analysts mostly use non-powered respirators. It was accepted that it should be a matter for the risk assessment and would be likely to depend on the conditions on the site.

10. AOB

- UKAS suggested that the issue of what would be an acceptable maximum time interval between calibrations of working flow meters should be defined in the next revision of HSG 248.
- The problem of labs being asked by a client to do a reassurance test where the lab considers and advises that a 4-Stage-Clearance is required was raised. UKAS asked if the position could be made clearer in the Contractors' Guide. HSE commented that, in such situations, the lab has responsibilities to ensure that the area is safe for reoccupation through the issue of the clearance certificate, and should walk away from the job rather than do a reassurance test where a 4-Stage-Clearance is needed. The lab may be liable for enforcement action under Section 3 of the Health and Safety at Work Act if inappropriate clearance had been given. Other HSE representatives strongly supported this view.

11. Date of next meeting

To be arranged for around June / July 2011. Date to be confirmed.

CFM Chair thanked all members for their attendance and contribution to a successful meeting

End