

## **15<sup>th</sup> UKAS Asbestos Technical Advisory Committee Meeting Minutes**

Thursday 16<sup>th</sup> February 2012 at UKAS (Feltham)

**Ms S Burbeck, Adams Environmental Ltd (Chair)**  
**Dr G Burdett, HSL**  
**Mr R Bettinson UKAS (Secretary)**  
**Mrs K Brooks, UKAS (minutes)**  
**Mr J Francis, (ATaC)**  
**Mr A Cobley, (Hampshire County Council)**  
**Mr J Richards (RICS)**  
**Ms C Willoughby (BOHS)**

**Apologies**    **Mr C Bell, HSE, Policy**  
                  **Mr B Daunton, HSE**  
                  **Mr R Webster, consultant**

### **1. Welcome and Apologies**

SB welcomed all to the meeting and acknowledged those apologies received. C Bell has replaced S Mallagh as HSE representative. J Francis has formally replaced I Stone as ATaC representative, J Richards as replaced P Winstone as RICS representative. K Brooks has replaced W Smith from UKAS.

### **2. Minutes of the last meeting**

Were agreed by all.

### **3. Matters arising**

Action 120711/01 – UKAS awareness campaign. Publication contacting labs for a brochure due out in March. This was UKAS-backed. Action on-going  
Action 120711/02 – Members to contact W Smith with specific sectors to target awareness campaign towards – Action on-going  
Action 120711/03 – Insurance for asbestos IBs – Action on-going  
Action 120711/04 – Replacement of S301 – discussed at this meeting – Action closed  
Action 120711/05 & 06 – ATaC/RSPH qualification pilot – Action closed  
Action 120711/07 – Asbestos in soils working group – on-going.

### **4. Update from UKAS (R Bettinson)**

Miss Wendy Smith has been seconded to UKAS's Certification Bodies section for the next 12 months and is due to return end January 2013. Mrs Kate Brooks will take over the role of asbestos focal point with support from the other asbestos Assessment Managers.

There has continued to be an increase in applications, with the main driver being HSG264. Since the last meeting there have been 8 new applications for accreditation. In 2011 there were 11 applications – 7 of which for surveying and 4 bulk analysis. There have been 9 resignations, 2 of these were withdrawal of

application; the resignations were a mix of testing and inspection. There have been no new applications for 4SC, however this activity may have been added as an extension to scope for already accredited laboratories. Applicants are generally small organisations.

RG8 was issued at the end of January 2012.

At the last meeting UKAS's new ERP system (DARWIN) was discussed. DARWIN was implemented in May 2011, and introduced some big changes to our working processes. The system is now bedding in but there are still some issues that are being worked on. This has had implications on the implementation of the asbestos in soils working group. Customer portals will be the next stage in development of the system to provide greater visibility. The roll out of these has been delayed until we are satisfied with the robustness of the system internally. These could be trialled later in 2012: Some customers and assessors have registered an interest in participating in a pilot.

### Questions

- Could UKAS provide a description of “dunning” letter”?
  - This is simply a finance chasing letter: UKAS Terms & Conditions specify 30 day payment, and it is important that we chase up non-payment. Their wording has been raised with the UKAS finance section and changes proposed. UKAS has moved away from standing orders as there were serious issues that made this non-viable. However, on occasion we have agreed a payment plan over three months.
- Does UKAS have any government links to raise accreditation awareness?
  - Yes, we are sponsored by the Department of Business, Innovation & Skills (BIS). We also have Malcolm Hynd who was on secondment from DTI who strengthens bonds in Government, and Lord Lindsay is the UKAS Chairman. However, funding from central government for our awareness campaign has been significantly cut.
- Are RICS requirements for insurance more stringent than UKAS IBs?
  - Yes – you can only obtain insurance from an approved insurance panel. If the organisation ceases to trade they must get run-off cover for 6 years. Retroactive dates on policies are very important as this will mean cover will only be from a certain date. IBs must be aware of this implication.

Comment made by committee member that HSE has undertaken a study on accredited versus unaccredited surveys. Early indications from study indicated that accredited surveys were better – this may increase requests for accredited work.

## 5. Update from HSE

### Legislation and guidance

In previous updates HSE explained that it is carrying out work to replace the Control of Asbestos Regulations 2006 (CAR06). This is necessary in order to comply with a reasoned opinion from the European Commission relating to the way that Regulation 3 of CAR06 implemented the requirements of the Asbestos Worker Protection Directive. It was decided that this would be done by repealing CAR06 and replacing it with a new set of regulations incorporating the changes covered by the reasoned opinion. The proposed new regulations introduce a notification requirement for certain types of non-licensed work. There will also be a requirement for health monitoring and keeping of health records for employees involved in the newly notifiable work. There will not be an extension of licensing to cover these activities and the other requirements of the Regulations such as duty to manage, risk assessment, control measures, training, etc. are not being changed.

Consultation on the new regulations, known as the Control of Asbestos Regulations 2012, took place at the end of 2011. The Regulations are now undergoing the Parliamentary scrutiny process and it is planned that they will come into force in April 2012. HSE is currently drafting guidance on the changes which will be made available on the HSE website.

### Current HSE Issues

HSE has embarked on a major review of all of its Guidance and Approved Codes of Practice (ACoPs). This includes:

- Reviewing and where necessary updating all HSE's guidance documents. As a first stage, work on the 'Top 100' documents (in terms of numbers purchased, downloaded, etc.) will be completed by the summer of 2012.
- Reviewing all ACoPs to ensure they remain relevant, provide clarity on what the law requires and are suitably presented. Work on this will continue throughout 2012.

As part of this wider review, all of the guidance documents and ACoPs for asbestos will be looked at. Comments and views will be sought from industry, trade unions and other organisations as part of this process.

### General Questions

- What is the status on HSG248 revision?
  - This was finished 18 months ago; there are still 1 or 2 sections that require further work. Working Group 2's involvement has finished. The publication has been held up by the new regulations. However publication is not imminent as there are still sections that need drafting.
- Will MDHS87 be incorporated?
  - The whole MDHS series is being reviewed with a view to reduction in number of titles. There is a possibility it will become an annex to HSG 248.

- Publication of RICE results. The RICE results have not been published publicly for the last few years. There has been agreement in the past to publish Category 1 and 2 labs. If labs return an unsatisfactory rating they are supposed to inform UKAS, however it has been found that 1 organisation has been unsatisfactory for several rounds and not informed UKAS. It is proposed that the RICE manual is reworded to say if an organisation gets a 2<sup>nd</sup> unsatisfactory classification then HSL would inform UKAS. (All agreed this was a good move and should prove useful). Responding to a question from JF, GB confirmed that RICE does have an appeals process.
  - Clarification was requested on when notification of status would be given by HSL to UKAS. Confirmed that should be at the end of the 2<sup>nd</sup> Round, as this will allow for appeals. The lab should have contacted UKAS in any case. This may also trigger unannounced visits.
    - UKAS would like to see investigations from the lab into the reasons for the unsatisfactory classification.

Discussion followed: In summary, a final round list will be sent to UKAS, not publicly published. HSL then do not need to inform UKAS after a 2<sup>nd</sup> unsatisfactory result. This will have to be agreed by CFM as it will be a change to the schemes terms.

## 6. Update from BOHS (C Willoughby)

A list of P module candidates was circulated.

There has been a slight reduction in pass rates – but generally they are stable. It was disappointing that the P402R pass rate was not 100%. The practical element of the P403 is the main reason for failure in this exam.

Query raised as to whether the candidate was informed of reasons for failure: Feeling was that helpful feedback not always provided.

In the last 6 months there has been a change in providing feedback to candidates. Particularly P401 where candidates were only told how many errors they had made in the practical. Errors are now categorised and the feedback is more detailed. The scoring criteria are the same as AIMS, although it is slightly more lenient as only one score is given per sample. Course providers are given the information about samples – for example the number of fibre types in each. Samples are AIMS samples which are screened to ensure they are not ones which have been queried, and they do not contain trace amounts of fibre.

A request was made for detailed feedback to be provided to CoCA candidates. This will be taken back to BOHS faculty meeting for consideration.

The CCP exam was going to be extended by 15 mins to include regulations; this will now be 30 minutes as there is now more guidance than when the syllabus was first set.

There has been a review of course providers; this is still at a pilot stage until end 2012. There has been some negative feedback from the course providers as there is a charge for this. The pilot is looking at the standard of course delivery and course tutor. There is a meeting in May/June to review the findings so far. Some course providers have dropped out due to the costs involved.

Course cancellations – Looked at over a 6 month period. 164 courses were cancelled during this time, 64 had no candidates booked in. 72 of these were P405 and 68 P402. Of the 100 that were cancelled with candidates booked on 52% were cancelled with 1 candidate confirmed, 37% with 2 and 11% with 3. 45% were P405 and 35% were P402. 159 candidates were affected in total. Only small number affected by P401 cancellations. BOHS are looking at addressing this – a meeting is due to be held to discuss the possibility of BOHS providing an exam facility for P402 and P405 to stop cancellation of exams due to a minimum of 4 candidates.

Concern re-raised over the delay in issuing results. BOHS will look into this again but it should be 4 weeks.

A new exam management database was introduced on 1<sup>st</sup> January to manage the whole process. Since this date the certificates have reverted to A4 size.

A query was raised regarding the authenticity of certificates, i.e. possibility of using holograms etc.: BOHS could investigate this.

BOHS also confirmed that employers could query qualifications.

As of 1<sup>st</sup> March CCP letters will change to CoC (Asbestos).

## **7. ATaC/RSPH Qualification – update/finalisation (R Bettinson)**

At the last Asbestos TAC meeting it was formally agreed that UKAS would recognise these qualifications subject to the satisfactory outcome of a pilot scheme. The pilot has since been conducted and indicated that the examination process was robust: A report was submitted by ATaC and circulated to the TAC membership for return of comment prior to this meeting. UKAS had received unsolicited feedback of a positive nature, however there was some concern over the independence between trainer & examiner: Confirmation given that this had been addressed. BOHS raised concerns that the surveying module does not include reporting in the way the P402 does: UKAS stated this was not a significant concern as this was something that its assessment teams was required to assess, and also pointed out that this was no different to the RSPH qualification that the TAC approved in the past.

There was general discussion on the reporting element within the qualification. ATaC stated that the course was designed for surveyors within an accredited system, and therefore the reporting format would be suitable.

UKAS emphasised that it does not endorse any course, but the qualifications will be acknowledged as part of a competency demonstration: Similarly UKAS is not in a position to state if one course is better than another. Based on the pilot UKAS will recognise the new ATaC/RSPH qualifications – a formal announcement will go onto the website after it has been reviewed for accuracy. UKAS requested that ATaC provide further feedback at future meeting.

## **8. UKAS TAC in soils WG (K Brooks)**

The setting up of this working group had to be delayed as UKAS priorities were switched to deal with its new IT system: Darwin. However, the process has now been initiated and potential participants contacted. The purpose of the working group will be to determine if there is a need for guidance to laboratories on the analysis of asbestos in soils, and if so what involvement UKAS should have in this.

GB stated that SIRIA & EIC/Claire have decided to put out joint guidance. HSE will be including asbestos in soils as an annex to HSG248. The annex will be from worker protection point of view – from surveying, sampling to analysis. Under CAR regulations 4 & 5 require determination of asbestos type. WG2 will be drafting guidance that is compatible with EA Part 2.

He confirmed there will be examples of sampling strategy, but it will be basic as other documents cover this already.

Query raised as to whether weight becomes important for disposal, and whether it will be covered in the draft annex?

GB – Yes it does. It will mainly look at fragments of material as it is unusual to have just free fibre. There is a way to determine weight in the draft annex. The plan is to get the annex drafted and out with HSG248.

SB – Will this be reviewed by TAC?

GB – Yes, with the review of HSG248.

UKAS asked whether it should look at the possibility of including surveying of contaminated land as an accredited activity? This may result in environmental labs looking to gain surveying accreditation.

It was considered that this may be appropriate under ISO 17020: The basic strategies may go into HSG264.

Concern has been expressed over the schedule wording “ screening and ID” – screening is not a method. UKAS will consider this within its working group.

## **9. ISO 17020 new revision (R Bettinson)**

ISO 17020 was issued in 1998 and contains little detail when compared with ISO 17025. Therefore IAF/ILAC-A4 was produced to provide further guidance on the rationale behind each clause. ISO 17020 has been under revision and is expected to be published in the next few weeks. This will be updated in line with the 17000 series, and will incorporate some of the content of IAF/ ILAC-A4 guidance and bringing it more in line with ISO 9001. UKAS is not expecting large scale changes. The transition is likely to be managed over a 2-3 year period, although this is still under debate internationally. How the transition will be managed is yet to be determined, but it may include questionnaires and self-declaration. The questionnaire will cover the key issues and it will be up to the IB to perform their own gap analysis. This isn't anticipated to have a significant impact on RG8.

## 10. S301 replacement criteria for IBs (R Bettinson)

Currently UKAS requires inspection bodies to have 1 person in a position of responsibility holding, as a minimum, the S301 and P402 qualifications (supported by knowledge & experience). With the announced change by BOHS that this will be replaced by the international qualification, W504, in Summer 2012 this policy needs to be reviewed: It is only an issue for IBs as labs will still require CoCA. A proposal, considered at previous TAC meeting was tabled: Would it be appropriate to accept the P405 in place of the S301 as it has better coverage of UK legislation than the W504?

CW confirmed that the training requirement is 4 days for both modules.

SB – The S301 was chosen as it provided acknowledgement of greater understanding for interpreting results for advising clients.

CW – P405 tests people better than the S301, and also includes expectations of analysts.

RJB – UKAS used to require CoCA, but it was felt this was too restrictive for IBs, therefore the current requirement was an alternative. Many new applicants still query the S301 requirement.

GB – Is the W504 relevant now, or are the occupational hygiene modules more relevant?

CW – If you have the W504 then you need to have a portfolio to demonstrate practical knowledge. The Certificate of competency will be country specific – so you would need to do the oral exam in each country.

JR – In light of acceptance of the RSPH courses – will these be included as acceptable? How would these be mixed & matched?

RJB – Would have P402 or RSHP plus P405 referred to in RG8. We would still encourage IBs to go for CoCA, and still recognise the S301 until it is replaced, so it would need to stay in RG8.

GB – There should be an experience requirement. P405 has changed over the years, more so than the S301, maybe the P405 should only be accepted from when it became a 4 day course.

RJB – Asked BOHS to recommend a date for acceptance based on upgrade of the qualification to its present format

**Action – BOHS to feedback date of change in course to becoming a 4 day course.**

<p><b>POLICY DECISION: UKAS will now accept the P405 in addition to P402 or RSPH qualification in place of the S301. However, only P405's issued after the date to be confirmed by BOHS will be accepted. The S301 will continue to be accepted.</b></p>
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## **11. Stage 1 assessment requirements (A Cobley)**

The ARCA technical committee had asked for this query to be raised regarding stage 1 assessment of the 4SC. The query was whether it was the responsibility of the analyst to assess the suitability of the NPU at stage 1 and if it was deemed insufficient air changes were being made then should the analyst fail stage 1. UKAS confirmed that it was already aware of this query. HSG248 does say the analysts should check the NPU.

Dust disturbance should only occur in a clean environment. HSE licensing view would be that it is not the analysts remit to assess the suitability of equipment, but they do need to check it is in situ and turned on.

**Members agreed/accepted that this was not the responsibility of the analyst**

**Action – UKAS to feedback to TA's and discuss at next technical assessor meeting**

An ARCA/ATaC query was raised regarding certificates for work that is not a 4-stage clearance. UKAS confirmed that laboratories should have separate certificates for this type of work that is not related to 4SC's.

TAC members emphasised that certificates need to be very clear on what has been done and what has not been included

## **12. AOB**

None

**13. Next meeting – To Be Determined.**