

The Control of Asbestos Regulations 2012 ("CAR 2012" summary of changes)

Applies from 6 April 2012 and revokes The Control of Asbestos Regulations 2006 ("CAR 2006").

This will affect anyone who owns, occupies, manages, or otherwise has responsibilities for the maintenance and repair of buildings that may contain asbestos.

This is in response to the European Commission's view that the UK has failed to fully implement Article 3(3) of the corresponding Directive. Article 3(3) deals with exemptions in relation to low risk work with asbestos.

CAR 2006 had two categories: licensed and non-licensed with non-licensed work being exempt from certain requirements. CAR 2012 now splits the original non-licensed work category into two, creating a third category of work known as "notifiable non-licensed work" ("NNLW"). Work falling into NNLW will no longer benefit from the exemptions.

Non- licensed work	Notifiable Non- licensed work	Licensed work
Compliance with risk assessment	Notification before work starts	Licensing
Control of exposure	Compliance with risk assessment	Notification 14 days in advance
Training	Control of exposure	Designation of asbestos areas
	Training	Compliance with risk assessment
	Emergency arrangements	Control of exposure
	Medical examination every 3 years	Training
	Health records	Emergency arrangements
		Medical examination every 2 years
		Health records
Lower Risk	—————→	Higher risk

In practice, the changes are relatively limited.

The words “**friable**” and “**without deterioration of non-graded material**” have now been added to Regulation 3(2) which defines the types of work required to be notified, that requires medical examination and record keeping

The main consequence is that some types of non-licensed work will now require employers to:

- provide notification of the work;
- ensure workers have a medical examination at least once every three years; and
- keep a record of the type and duration of work done with asbestos for 40 years along with copies of all medical records.

In relation to medical examinations for non-licensed work, a three year transition period to 30 April 2015 will apply providing employers with time to put suitable arrangements in place. Licensed workers will not require an additional medical to carry out notifiable non-licensed work.

Under CAR 2012 work will now only be non-notifiable if:

- (a) the exposure to asbestos of employees is sporadic and of low intensity;
- (b) it is clear from the risk assessment that the exposure to asbestos of any employee will not exceed the control limit; and
- (c) the work involves:
 - short, non-continuous maintenance activities in which only non-friable materials are handled; or
 - removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix; or
 - encapsulation or sealing of asbestos-containing materials which are in good condition; or
 - air monitoring and control, and the collection and analysis of samples to ascertain whether a specific material contains asbestos.

Other requirements remain unchanged. This includes identification, risk assessments, plans of work, the asbestos control limit, training requirements and medical surveillance arrangements for licensed work.

Summary of tasks notifiable and non-notifiable

Work included as Notifiable Non-Licensed:-	Minor works	where one person works for less than 1 hour per 7 day period or where all persons working does not exceed 2 hours per 7 day period, for the following tasks
	Minor removal works	of asbestos insulating board (AIB) that meets the definition of "short duration works" e.g. removing AIB panels fixed with screws/nails.
	Maintenance work	on asbestos cement which is not "short and non-continuous" but exceeds the control limit yet is not licensed work.
	Removal	of asbestos paper and cardboard products not firmly bonded in a matrix
work involving decorative textured coatings (e.g. Artex) which would cause deterioration of the material when removed.		
work on asbestos cement that is substantially degraded and significant breakage is unavoidable, yet is not licensable as the control limit is not exceeded.		
Work not included as Notifiable Non-Licensed:-	Short, non-continuous	maintenance work on decorative textured coatings e.g. drilling holes/inserting screws.
		work maintenance work on AIB which is in good condition. E.g. drilling holes in AIB to attach fittings or pass cables/pipes through; repairing very minor damage; lifting AIB for inspection purposes.
		work on asbestos cement.
	Removal	of decorative textured coatings that can be kept intact by "dropping" that material to which it has been applied.
		of asbestos cement that is not significantly degraded.
		of gasket/rope materials without causing damage.