

# **ASBESTOS IN SOIL, MADE GROUND AND CONSTRUCTION AND DEMOLITION MATERIALS**

## **Joint Industry Working Group Meeting**

**MEETING No. 8 – URS Corporation, London SW1P 1PL**

**5<sup>th</sup> November 2014, 11am – 4pm**

**FINAL**

### **Attendees**

<b>NAME</b>	<b>REPRESENTING</b>
Steve Forster - Chair	EIC
Nicola Harries - Secretariat	CL:AIRE
Trevor Howard	EA
Simon Cole	SoBRA
David Wood	EIC Labs Group
Seamus Lefroy-Brooks	AGS
Rob Blackburn	ATAC and ARCA
Alan Jones	IOM
Tim Elliott	RICS
Rachael Adams	MoD
Sarah Dack	PHE
Garry Burdett	HSL
Richard Boyle	HCA
Barry Menzies	CECA and NFDC

### **Apologies**

Graham Booker	UKCG
Jason Stringer	ESA
Colette Willoughby	BOHS
Mark Wagstaff	UKAS
Craig Bell	HSE
Matthew Pearce	SAGTA
Tracy Braithwaite	SAGTA

### **Agenda**

1. Housekeeping
2. Welcome, apologies and introductions
3. Previous minutes
4. JIWG update:
  - a. Membership and participation
  - b. Funding
  - c. Programme
  - d. Strategy for completion
5. Update from SoBRA:
  - a. Activity based dust monitoring exercise
  - b. Risk assessment framework
  - c. Priority Activities
6. Update from HSE:
  - a. HSG 248: revision, consultation and re-issue programme
7. Update on SCA Blue Book – analytical methodology
8. Update from UKAS:
  - a. Lab 30 revision, consultation and re-issue programme
  - b. Interface with HSG248/JIWG work
9. Update from BOHS
  - a. Development of training modules

10. Planning and Asbestos Survey Recording Keeping
11. Managing and Working with Asbestos in Soil, Construction and Demolition Material Guide
12. Background Asbestos in Soils Research
13. AOB

No.	DISCUSSION	ACTION
1.	<p><b><u>Housekeeping</u></b></p> <p>Simon Cole (SC) provided the housekeeping and Steve Forster (SF) the chair thanked URS for providing the meeting room.</p>	
2.	<p><b><u>Welcome, Apologies and Introductions</u></b></p> <p>SF welcomed everybody to the meeting. Apologies had been received from Tracy Braithwaite, Matthew Pearce, Mark Wagstaff, Colette Willoughby, Jason Stringer and Graham Booker.</p>	
3.	<p><b><u>Previous Minutes</u></b></p> <p>It was agreed that the minutes from the last meeting were a true record.</p>	
4.	<p><b><u>JIWG Secretariat Update</u></b></p> <p><b><u>Membership</u></b></p> <p>SAGTA membership has changed from Tracy Braithwaite to Matthew Pearce due to Tracy's role change in her organisation. Nicola Harries (NH) also explained to the JIWG that no new members had been asked to attend. There were concerns raised that CIRIA had recently announced that they were embarking on producing another asbestos guide, this time a "site guide" which members of the JIWG had felt had caused confusion amongst industry groups as a number had been approached to help fund. In the Joint Position Statement agreed between CIRIA, EIC &amp; CL:AIRE (JIWG), once the CIRIA guide "Asbestos in soil and made ground: a guide to understanding and managing risks (C733)" had been published then the JIWG would follow on with the production of the CoP, which was to demonstrate to industry the collaborative working between the two groups. Why was CIRIA now developing another guide and how was this going to fit with the development of the Code of Practice? SF explained that he had asked these questions but up until the meeting had not received an answer. He was aware that the programme of the CIRIA site guide would overlap significantly with the development of the Code of Practice. There was concern how a site guide could be produced when there are still significant regulatory issues still to be clarified which the JIWG are working with HSE and EA on to clarify.</p> <p>As soon as SF receives any further information from CIRIA he will share it with the JIWG.</p> <p><b><u>Strategy for Completion</u></b></p> <p>The JIWG felt that by producing a statement explaining the progress of the JIWG (especially referencing the work that is currently being reviewed by the HSE) will help industry understand progress that has been made. It was agreed that the profile of the JIWG's work needs to be raised. It was suggested that a programme for delivering the Asbestos in Soil (AiS) CoP should be produced which includes a summary document identifying the individual chapters and their proposed content. This would help raise the profile of the code of practice and the progress that has been made. This then needs to be circulated to the JIWG members to circulate amongst their membership groups and then upload onto the website. In addition, it was suggested that promotional articles should be written in Trade Press. It was felt that it may also be useful to provide links to other useful documents "grey literature" whilst the CoP is in preparation. HSE often signpost to grey literature in this way to help industry. The development of a series of FAQs might also be</p>	<p>SF</p> <p>NH/SF</p>

	<p>useful but there were concerns that there may be liability issues associated with this.</p> <p>It was agreed to fast track some chapters where there are less contentious issues to be clarified. It was anticipated that some authors' briefs would be produced before Christmas 2014. These would identify key points that need to be answered for individual authors to work.</p> <p>It was discussed whether individual chapters once completed should be released for draft consultation inviting comments. It may be appropriate to release within individual task groups for comment but not totally open consultation to ensure some control of the document and intellectual copyright.</p> <p>It is anticipated as discussed at previous meetings that key areas of the code of practice that have been identified in the outline framework will be owned by a JIWG member who will have their own small working group to identify problems and gaps and see how these gaps can be plugged and how they interrelate with other key areas.</p>	SF
5.	<p><b>Update from SoBRA</b></p> <p><b>Following their list of research requirements published in October 2013, they have now progressed on the following activities:</b></p> <ol style="list-style-type: none"> <li><b>1. Activity based dust monitoring</b></li> <li><b>2. Risk Assessment framework</b></li> <li><b>3. Priority areas</b></li> </ol> <p><u>Activity based dust monitoring exercise</u></p> <p>Simon Cole (SC) reported that SoBRA has recently issued two protocols, one for industry to consistently obtain robust activity-based dust generation data and secondly airborne asbestos fibre generation. These are to assist SoBRA to be able to risk-rank different remediation, earthwork and construction activities, and better understand potential fugitive environmental emissions and employee exposures to support acceptance of low risk activities under CAR. This data will be created into a database and made freely available to industry. It is important to gather this data as HSE require it to substantiate assumptions that the JIWG will make in the Asbestos in Soil (AiS) Code of Practice. This work will also complement existing work published by RIVM in 2003. It is the intention that this database will remain as a "live" open source document for industry to continually add to.</p> <p>All were requested to use the protocols and circulate to their membership organisations.</p> <p>SC also confirmed that SoBRA continue to re-evaluate empirical data that has been presented by RIVM.</p> <p>PHE and the EA have agreed to work with SoBRA on the development of a GAC for asbestos in soil if this is seen as appropriate.</p> <p><u>Risk assessment framework</u></p> <p>SC presented the first draft of a risk ranking tool framework. This version would be circulated for comment. The framework tool is aiming to create a scoring system akin to that for buildings and aims to be a planning/predictive tool for use with CAR. It could also be used as a real life risk assessment tool as site monitoring data becomes available. The Scoring system is based on four categories of factors:</p> <ul style="list-style-type: none"> <li>• Hazard</li> <li>• Exposure</li> </ul>	ALL

	<ul style="list-style-type: none"> <li>• Receptor Sensitivity</li> <li>• Mitigation</li> </ul> <p>The scoring system is based on approximate order of magnitude difference in factor choices and the factor choices are designed to accommodate as many activities /land-uses as possible. The process of sense checking and scoring sensitivity testing is ongoing using a range of scenarios which is where JIWG members were requested for their assistance. SC requested that all JIWG members to review the spreadsheet and identify any issues or concerns prior to be released in BETA version for industry to use. All JIWG members thought that this would be a really useful tool.</p> <p>There was discussion whether the spreadsheet would reside and who would own the copyright. It was thought that the final spreadsheet would sit on the JIWG web pages and it was likely that CL:AIRE would maintain the copyright as the final AiS CoP publication will be a CL:AIRE document.</p> <p><u>Priority Activities</u></p> <p>SC confirmed that a request to input into the selection of site activities and exposure scenarios that could be considered in the risk assessment framework had been sent out to industry. The industry survey from 2012 identified the following broad categories: current land-use, site investigation, remediation, construction, and post-construction land-use which is what the framework has been built around, however there may be additional specific activities that the industry would like to be covered under the site investigation, remediation, or construction categories that need to feed into the spreadsheet. All were encouraged to circulate details to their members and feed in their thoughts.</p>	<p>ALL</p> <p>ALL</p>
6.	<p><b>Update from HSE</b></p> <p>SF provided an update on HSE activities in Craig Bell's absence.</p> <p><u>ACOP</u></p> <p>The ACOP paper version will be available in early December 2014. A small amendment has been made to a clause relating to ventilation of asbestos enclosures.</p> <p><u>HSG 248</u></p> <p>HSG 248 is now being worked on and an internal draft for consultation will be made available early in the New Year. It is anticipated that external consultation will be Summer 2015.</p>	
7.	<p><b><u>Update on SCA Blue Book</u></b></p> <p>David Wood (DW) reported that the Standing Committee of Analysts asbestos in soils working group have met several times and a final version (v8) detailing a unified analytical method for identifying asbestos in soil will soon be produced. It is anticipated that the final version will be circulated shortly for sign off. It will then be sent to the technical committee early in the New Year.</p> <p>The method agreed reflects industry's needs and will provide reliable and consistent results which are capable of being used in a variety of contexts. DW confirmed that the agreed method will be a staged approach and uncertainty will be a lot clearer which industry welcomed.</p> <p>DW also confirmed that the Asbestos in Soil Scheme (AISS – Proficiency Testing scheme) recently undertook an audit of 19 laboratories that are part of the scheme</p>	

	and 16 laboratories results were within a factor of 2 of the spiked sample with 2 laboratories within 10%. These results are extremely positive results and demonstrate consistency between laboratories.	
<b>8.</b>	<p><b><u>Update from UKAS</u></b></p> <p><u>Lab 30 revision, consultation and re-issue programme</u></p> <p>As UKAS were not present at the meeting SF had asked and received an update from UKAS.</p> <p>UKAS confirmed that for Lab 30 public consultation ended in September 2014 and all comments received are currently being reviewed with the aim to publish edition 3 of the document before the end of this year.</p> <p>DW confirmed that EIC Laboratory Group had submitted a response to the consultation as there were concerns with some aspects of the method and did not feel it was creating a level field for laboratories.</p>	
<b>9.</b>	<p><b><u>Update from BOHS</u></b></p> <p>Unfortunately nobody from BOHS was able to attend the JIWG meeting. It was noted that BOHS in association with HSE Autumn road shows are mostly about asbestos in soil and the development of training modules. Simon Cole confirmed that he was presenting on behalf of SoBRA and would be presenting on the progress of their work and would be presenting on how this fits into the JIWG overall AiS CoP.</p> <p>NH confirmed that she had liaised with Colette Willoughby with regard to their work on developing training modules and she had confirmed that they will be contacting JIWG when things progress and would not be developing anything in isolation they will look to work closely with the JIWG.</p>	
<b>10.</b>	<p><b><u>Planning and Asbestos Survey Recording Keeping</u></b></p> <p>SF presented on an issue that has been regularly talked about on asbestos/land contamination forums and needs to be addressed. Should local authorities specify specific planning conditions relating to asbestos when buildings are due for demolition?</p> <p>As JIWG members are aware it is not uncommon for building to be demolished without first having been decontaminated of all ACMs and there is an apparent disconnect between what happens at the demolition phase, pre-development, and the construction phase of a development. During the pre-construction design phase, when ground conditions are being investigated for contamination and geotechnical properties, asbestos may be encountered in the ground or in stockpiled crushed demolition material and there is normally no readily available means to investigate what ACMs were present in buildings on the site, what ACMs were removed and how these were removed.</p> <p>SF has been in discussions with a number of local authority contaminated land officers who felt that it was appropriate to specify planning conditions in respect of asbestos relating to buildings that are scheduled for demolition, though avoiding duplication of the requirements of other regulatory regimes, e.g. CAR 2012. It was felt that it was appropriate to standardise the conditions so all local authorities used these conditions and therefore it was felt that an approach to DCLG should be made explaining the issue and offering standard conditions for local authorities to use.</p> <p>The JIWG understood the dilemma but felt that asking developers to submit</p>	

	<p>additional information as part of the planning application would not be welcomed by DCLG as the current government is keen to remove any additional hurdles. Local planning authorities would also not be keen to store additional information. The JIWG felt that keeping records of what activities went on the site was a good idea and acknowledged that CAR 2012 did not require survey reports or plan of works to be lodged anywhere (other than for licensed or&gt;NNLW work) however the planning system through conditions was not seen as the right route.</p> <p>All were asked to think further about how to address the issue of poor record keeping and feedback.</p> <p>It was suggested that Land Registry could be an alternative place for people to lodge records as they have recently been privatised and have a data retrieval system.</p>	ALL
11.	<p><b>Managing and Working with Asbestos in Soil, Construction and Demolition Material Guide</b></p> <p>SF explained to the JIWG about the additional work stream of interpreting the HSE ACOP L143 in relation to asbestos in soil. The Asbestos Directive and CAR 2012, or the accompanying ACOP and Guidance, were not written specifically to apply to managing risks relating to exposure to asbestos from work with asbestos contaminated soil or C &amp; D materials. These documents set out how employers shall protect employees from risks related to exposure to asbestos when working with asbestos containing materials (ACMs) in buildings. However it is now generally accepted that the nature and degree of potential risks from exposure to asbestos when working with ACMs in buildings is significantly greater than that which might be expected when working with asbestos contaminated soil and C &amp; D materials.</p> <p>In light of this SF presented interpretations of the ACOP for the key clauses of :</p> <ul style="list-style-type: none"> <li>• Reg. 2 - Interpretation</li> <li>• Reg. 3 - Application</li> <li>• Reg. 4 - Duty to Manage asbestos</li> <li>• Reg. 5 - Identification of the presence of asbestos</li> <li>• Reg. 21 - Standards for analysis</li> <li>• Reg. 24 - Storage, distribution and labelling of raw asbestos and asbestos waste</li> </ul> <p>SF explained these interpretations are currently with the HSE for consideration. It is hoped that feedback will be received in the New Year. After which discussions will be had with HSE how best to present the final document. It is anticipated that the document will be a JIWG/CL:AIRE publication published ahead of the full AiS CoP.</p>	
12.	<p><b>Background Asbestos in Soils Research</b></p> <p>SC provided feedback on this new project that will support the work of the JIWG AiS CoP. Following the research needs published by SoBRA in October 2013 that was sent to Defra, some research funding has been obtained from Defra and match funded by industry. The steering group for the project will include Defra, Welsh Government, SAGTA, SoBRA, and Chair and Secretariat of JIWG. A statement of requirement and soil sampling protocol has been developed with provisional agreement with Reading University to design and carry out a soil survey, REC Ltd to undertake asbestos analysis using modified PCM method that reflects the revised blue book method but reduces MRL to 0.0001%wt/wt and HSL to provide TEM comparison for low levels of asbestos. It is anticipated that approximately 400 soil samples will be taken with the aim to establish natural levels of asbestos from airborne deposition in surface soils. The project will not be targeting known</p>	

	<p>naturally occurring areas, former manufacturing plants or brownfield land containing building demolition material. The project will be looking at distinguishing between rural, urban and semi-urban land type covering England and Wales but not Scotland.</p> <p>The JIWG were reminded that this project was working on significantly smaller budgets than other soil sampling surveys such as herbage survey or BGS soil survey but it is anticipated that the data that is collected will move the knowledge of asbestos levels in soil forward significantly.</p> <p>It is hoped that the project will start early December and complete at the end of May 2015.</p>	
13.	<p><b>AoB</b></p> <p><u>JIWG Logo</u></p> <p>Previously it was felt that a logo to represent the JIWG would be advantageous particularly as deliverables start to be presented to industry. A logo was presented with a series of cogs working together with CL:AIRE and EIC specifically being identified as the two organisations coming together to form the JIWG. There was discussion whether CL:AIRE and EIC should be identified specifically. A simplified version of logo without the cogs was also presented. The colours red and black were chosen as these are commonly used on asbestos danger signs.</p> <p>CL:AIRE was requested to circulate the two different logos so views from all the JIWG members can be obtained.</p> <p>Once the logo is agreed it will be used in promotional literature when required.</p> <p>As there was no further business the meeting was brought to a close.</p>	NH