

36 Asbestos

This chapter is split into two parts:

Part 1: Directive. This part provides the direction that **must** be followed to help you comply with (keep to) health and safety law, Government and Defence policy.

Part 2: Guidance. This part provides the guidance and good practice that **should** be followed and will help you to keep to this policy.

Contents

Title	Page
Amendment record	1
Terms and definitions	2
Scope	3
Assurance	3
Part 1: Directive	
Introduction	4
Background	4
Statutory legislation	5
Policy statements	7
Part 2: Guidance	
PLAN - identify problems and opportunities	16
DO - implement potential solutions	18
CHECK - assess the results	23
ACT - implement improved solutions	24
Retention of records	24
Related documents	24
Annex A - Labelling of articles containing asbestos	A-1
Annex B - Action to be taken in the event of finding asbestos	B-1

Amendment record

This chapter has been reviewed by the Directorate of Defence (DDS) together with relevant subject matter experts and key safety stakeholders. Any suggestions for amendments should be sent to COO-DDS-GroupMailbox@mod.gov.uk.

Version No	Date of Publication	Text Affected	Authority
1.3	Oct 2020	Interim update post-handover of policy from DSA to D HS&EP.	D HS&EP
1.4	Sep 2022	Release of two-part structure.	D HS&EP
1.5	28 July 2023	Inclusion of consideration of exemptions early in the procurement process (Policy Statement 1).	DDS

Terms and definitions

The following table sets out definitions of some of the key terms used in this chapter. General safety terms and definitions are provided in the [Master Glossary of Safety Terms and Definitions](#) which can also be accessed via the [GOV.UK](#) page.

Accountable Person (AP)	The person whose terms of reference state that they are responsible for making sure there are suitable and sufficient systems in place to control health, safety and environmental protection risks in their establishment, unit or platform. This term 'Accountable Person' is used in place of Commanding Officer (CO), Head of Establishment (HoE), Officer Commanding (OC), Station Commander and so on, which are sometimes used by Defence organisations.
Asbestos Containing Materials (ACM)	Any material or article that, as part of its design, contains asbestos (such as insulating boards, lagging, gaskets, and so on).
Asbestos survey	A formal assessment carried out by accredited / certified https://www.hse.gov.uk/asbestos/surveyors.htm personnel to determine and record the location, quantity, type and condition of Asbestos Containing Material (ACM).
Asbestos Inspection	A periodic check carried out by a competent person to determine the condition of known Asbestos Containing Material (ACM).
Competent person	A person who has the training, skills, experience, and knowledge necessary to perform a task safely, and is able to apply them. Other factors, such as attitude and physical ability, can also affect someone's competence. See www.hse.gov.uk/competence/what-is-competence.htm for information on competence.
Control limit	A concentration of asbestos in the atmosphere when measured in accordance with the 1997 WHO recommended method, or by a method giving equivalent results to that method approved by the Health and Safety Executive (HSE), of 0.1 fibres per cubic centimetre of air averaged over a continuous period of 4 hours (CAR Regulation 2).
Defence acquisition organisations	Defence organisations responsible for the acquisition of infrastructure and equipment. Normally Defence Infrastructure Organisation (DIO) for infrastructure, and Defence Equipment and Support (DE&S) / Submarine Delivery Agency (SDA) / Defence Digital (DD) for equipment. However, this could refer to any Defence organisation, team, or individuals within that organisation, which takes on infrastructure or equipment acquisition responsibilities, which includes the design, procurement, support, maintenance, and disposal.
Defence organisations	This refers to Military Commands, Top Level Budgets (TLBs), Defence Nuclear Organisation (DNO) and Enabling Organisations (EOs) collectively.

Defence Registered Asbestos Workers	Defence civilian personnel who are employed and / or who previous to the 1987 Control of Asbestos at Work Regulations are / were directly engaged on work with asbestos / ACMs, including those who are or have been subsequently transferred to other areas of work in Defence.
Licensed specialist	An employer, or self-employed person, who has been granted a licence to work with asbestos by Health and Safety Executive (HSE).
Personal Protective Equipment (PPE)	All equipment (including clothing) which is intended to be worn or held by a person at work and which protects that person against one or more risks to that person's health, and any addition or accessory designed to meet that objective. (CAR Regulation 2 in this chapter).
Respiratory Protective Equipment (RPE)	A particular type of Personal Protective Equipment (PPE), used to protect the individual wearer against the inhalation of hazardous substances in the workplace air.
Senior Responsible Owner (SRO)	The Senior Responsible Owner (SRO) is the formally appointed individual with overall accountability for ensuring that a project / programme is governed effectively, meets its objectives and delivers the projected benefits.

Must and should

Where this chapter says **must**, this means that the action is a compulsory requirement.

Where this chapter says **should**, this means that the action is not a compulsory requirement but is considered best practice to comply with the policy.

Scope

This policy applies to all those employed by Defence (military or civilian) as well as those working on behalf of Defence (for example, contractors). It applies to all Defence activities carried out in any location (UK or overseas).

Assurance

The application of this policy **must** be assured (that is, its use **must** be guaranteed). As part of their overall assurance activity, the commander, manager or accountable person (AP) **must** make sure that this policy is followed and put into practice effectively.

Assurance **must** be carried out in accordance with JSP 815 Element 12.

Part 1: Directive

Introduction

1. This chapter sets out the procedures and guidance for the use, management, maintenance, procurement or disposal of infrastructure and equipment (including materials, premises, vessels / platforms, equipment, and munitions) which are known or suspected to contain asbestos in order to appropriately manage the health and safety risks to personnel and to comply with the MOD's legal obligations. This policy does not seek to replicate the policy, advice and guidance on asbestos management provided by the statutory regulator (the Health and Safety Executive (HSE) or HSE Northern Ireland (HSENI)), but rather explain its application within Defence. Defence personnel are therefore to make sure that they read this Defence policy alongside the HSE documentation (see Related Documents).
2. In most cases, the underlying processes for infrastructure and equipment are the same. However, in some specific areas, there are differences. Where this is the case, it will be emphasised. This policy chapter should be read in conjunction with JSP 850 for infrastructure and JSP 418 Leaflet 5 for equipment.
3. This policy is based on the implementation of UK legislation and is therefore only directly applicable to the management of asbestos in the UK. However, in line with the Secretary of State's (SofS) Policy Statement on Health, Safety and Environmental Protection (HS&EP), it should be read alongside Host Nation laws when operating overseas and implemented where reasonably practicable and Host Nation requirements fall short of UK standards.

Background

4. Asbestos was widely used throughout industry until legislation changes between 1985 to 1999 prohibited its new use. This legislation does not, however, prohibit the continued use of existing products and / or equipment which contain asbestos providing the risks of exposure are properly managed. Therefore, anything manufactured for the UK domestic market (structures or equipment) after 1999 should not contain asbestos; however, some structures or equipment may have been built after this time using existing stocks of materials containing Asbestos Containing Materials (ACM).
5. Defence aims to eliminate the use of ACMs where possible in all new infrastructure and equipment and remove or replace legacy ACMs where reasonably practicable.
6. The presence of ACMs does not in itself create a health risk. The main risks to health come from the inhalation or ingestion of individual airborne asbestos fibres; usually when fibres are released into the air by:
 - a. undertaking work that disturbs dust or material containing asbestos fibres, (for example, drilling holes, cable installation works, knocking down internal walls, replacing gaskets or seals in equipment, munitions, or plant); or
 - b. impact damage (however minor, for example, surface paint scraped off) to ACMs caused by vehicles manoeuvring, or movement of objects (trolleys, and so on).
 - c. weathering, ageing or deterioration of ACM's.

7. The inhalation or ingestion of asbestos fibres can cause a number of serious diseases that can often take 15-60 years to develop noticeable symptoms. The most common diseases are:

- a. **Mesothelioma.** Mesothelioma is a cancer which affects the lining of the lungs and the lining surrounding the lower digestive tract. It is almost exclusively related to asbestos exposure and, by the time it is diagnosed, it is almost always fatal;
- b. **Lung Cancer.** Lung cancer (asbestos related lung cancer presents similar symptoms to lung cancer caused by smoking);
- c. **Asbestosis.** Asbestosis is a serious scarring condition of the lung that normally occurs after exposure to asbestos over many years. This condition can cause progressive shortness of breath and, in severe cases, can be fatal;
- d. **Pleural Thickening.** Pleural Thickening is generally a problem that happens after heavy asbestos exposure. The lining of the lung thickens and swells. If this gets worse, the lung itself can be squeezed, and can cause shortness of breath and discomfort in the chest; and
- e. **Other Cancers.** Ingested asbestos fibres may build in the stomach and intestines and may cause other cancers.

Statutory legislation

8. The safe management and use of asbestos is covered by the Health and Safety at Work, etc Act 1974 and the Merchant Shipping Act 1995. Supporting these primary legislations are three principal regulations.

- a. Control of Asbestos Regulations ([CAR](#)) 2012 and The Control of Asbestos Regulations ([Northern Ireland](#)) 2012 covers the continued use of and management of any asbestos found in infrastructure and equipment. It applies to Defence in full, including Royal Navy (RN) ships¹ but not including other Defence shipping;
- b. The Regulation of the European Parliament concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) [Regulation](#) (which has been retained as domestic law following the UK's exit from the EU) as amended by REACH etc (Amendment etc) (EU Exit) Regulations 2019, control the prohibitions regarding the supply, use and importation of asbestos and applies to Defence; and
- c. The [Merchant Shipping & Fishing Vessels \(Health & Safety\) Asbestos Regulations 2010](#) as amended, places similar obligations to CAR on ships. It does not apply to RN ships, which are covered by CAR regulations. While other Defence shipping is disapplied from these Merchant Shipping regulations², the statutory requirements are applied as a matter of policy in accordance with the SofS Policy Statement.

¹ [CAR 12 3\(5\)](#) excludes ships other than 'a ship forming part of Her Majesty's Navy' and includes all ships in dock (3(4)).

² The [Merchant Shipping Act 1995](#) Reg 308 (1) (and its subordinate secondary legislation) 'shall not apply to ships belonging to her Majesty'.

9. Under this legislation, the overriding requirement is to manage the risks to personnel to a level that can be demonstrated to be as low as reasonably practicable (ALARP). The law requires the prevention, or where this is not possible control of the risks of exposure to airborne asbestos fibres to protect personnel, contractors and visitors in the workplace and members of the public who may be affected by the activity. CAR includes a duty to manage the use, removal, or repair of ACMs. This includes the identification and recording of the location of all ACMs, provision of safety and environmental information, and establishment of suitable warning and emergency arrangements. This legislation also imposes a duty on all personnel to make full and proper use of any control measure for their own protection from exposure to asbestos.

10. Notwithstanding the prohibitions for new use, where a compelling argument exists for its use, the SofS has the power to enact exemptions to statutory regulations to allow the new or continued use of ACMs.

Accountable Person(s)

11. Each Defence organisation is structured differently in order to deliver their individual outputs. It is therefore not possible to allocate some responsibilities in this policy to specific appointments and the generic term 'Accountable Person' (AP) has been used. Defence organisations **must** make sure that these responsibilities are formally allocated to competent personnel within their structures.

The statutory 'dutyholder' for infrastructure

12. For infrastructure, CAR (as defined in Regulation 4) requires certain asbestos safety responsibilities to be allocated to a 'dutyholder'. Within Defence, the SofS's role as 'dutyholder' is delegated through their HS&EP Policy Statement to the controlling Defence organisation and then down through their chain of command to the AP who discharges those responsibilities on their behalf at establishment level. As such, Defence organisations should allocate the responsibilities for infrastructure given to APs in this policy to the HoE. In discharging those responsibilities, the AP should be supported by a Defence acquisition organisation (for example DIO) and / or contractors (for example the Maintenance Management Organisation (MMO)) but these arrangements do not remove the responsibilities from the AP.

Policy statements

13. Defence has established the following policy statements to provide direction on the management of asbestos, which **must** be followed. Policy statements 1 through to 5 cover permanent use of infrastructure³ and equipment; Policy statement 6 is applicable to temporary use of infrastructure and equipment on overseas operational or exercise deployments.

a. **Policy Statement 1.**

- (1) Infrastructure **must not** be procured or constructed containing ACMs.
- (2) Equipment containing ACMs **must not** be procured or used unless an exemption from statutory legislation, where required, has been approved.

b. **Policy Statement 2.** Defence acquisition organisations who are responsible for the design, procurement, support, maintenance and disposal of infrastructure and equipment **must:**

- (1) identify and register the presence of asbestos in an asbestos register;
- (2) assess the risk posed by that asbestos hazard; and
- (3) pass relevant information on to commanders, managers and APs of those personnel who might be exposed to the asbestos.

c. **Policy Statement 3.** Commanders, managers and APs **must** make sure that the risk of asbestos exposure is managed and no activity involving asbestos or suspected asbestos is conducted unless :

- (1) a suitable and sufficient workplace risk assessment is completed;
- (2) the required control measures to prevent exposure are implemented; and
- (3) all persons involved in the activity have access to all relevant safety information.

d. **Policy Statement 4.** During the lifetime of infrastructure or equipment that contains asbestos, APs (supported by the Defence acquisition organisations) **must** continue to assess the elimination of the asbestos while delivering the required capability.

e. **Policy Statement 5.** Commanders, managers and APs **must** make sure that all personnel with responsibilities for the procurement, management or use of asbestos are appropriately trained to carry out their role effectively.

³ This includes Permanent Joint Operating Bases (PJOBs)

When conducting overseas operational or exercise deployments, the following policy statement must also be followed:

f. **Policy Statement 6.**

For **exercises** in overseas locations:

(1) Commanders and managers **must** undertake an assessment during the planning stage to identify the presence of asbestos or suspected asbestos and assess the risk of asbestos exposure.

(2) This assessment **must** be undertaken by persons trained and competent in the identification of asbestos.

For **operations** in overseas locations:

(1) Commanders and managers **should**, undertake an assessment during the planning stage to identify the presence of asbestos or suspected asbestos and assess the risk of asbestos exposure.

(2) This assessment **should** be undertaken by persons trained and competent in the identification of asbestos.

Policy Statement 1

- (1) Infrastructure **must not** be procured or constructed containing ACMs.
- (2) Equipment containing ACMs **must not** be procured or used unless an exemption from statutory legislation, where required, has been approved.

14. It is Defence policy that new infrastructure containing asbestos **must not** be procured or constructed. Existing infrastructure that is known to contain ACMs as defined in the AMP, can still be used with the appropriate control measures in place.

15. For equipment, the SRO, supported by the Defence acquisition organisations, **must** make sure that the requirement to avoid the use of asbestos is included in the tender process. If the use of asbestos cannot be avoided then the SRO **must** declare where it will be used, and how that equipment will be operated, stored, maintained and disposed of (in accordance with DEFCON 68⁴).

16. For equipment, the SRO **must** formally consider the use of asbestos (against other non-asbestos options if available) and whether its use will meet the necessary requirements to obtain a statutory exemption through the SofS before the submission of the Full Business Case (FBC) for agreement by the Approving Authority.

17. An application to the SofS for a Defence exemption under REACH for the use of asbestos **must** only be submitted where the equipment is essential to the conduct of activities that are in the interests of national security. The requirement for an exemption does not apply to articles containing asbestos which were installed and / or in service before 1 January 2005. However, articles containing asbestos **must** be properly labelled, in accordance with Annex A of this chapter. The disposal of such articles through sale or gifting is illegal without an exemption in place.

18. The application for an exemption **must** be made by means of an Exemption Case Submission (ECS), which **must** demonstrate that:

- a. the equipment is necessary to achieve or sustain a critical military capability;
- b. no suitable alternative material exists, that is to say non-asbestos product which will perform reliably and adequately the function performed by the asbestos containing material; or
- c. a replacement item, or the process of replacement, poses a greater risk than the continued use of the item containing asbestos;
- d. all other conditions stipulated in the statutory regulations have been satisfied.

19. The ECS **must** be supported by a MOD Technical Dossier⁵.

⁴ DEFCON 68 (Supply of Data for Hazardous Substances, Mixtures and Articles) sets out the safe management and control of hazardous substances and restricted materials. Guidance can also be found in the [Commercial Toolkit](#) that can be accessed via the Defence Gateway.

⁵ See JSP 418, Leaflet 5 for details.

20. If the case is successful, an exemption certificate will be issued allowing the use of the equipment. The equipment **must not** be used until the exemption certificate is issued. If not successful, the equipment **must not** be used until it can either comply with the regulations, or a new ECS is approved and exemption certificate issued. The exemption certificate process is set out in Annex B of JSP 815 Volume 2.

Policy Statement 2

Defence acquisition organisations who are responsible for the design, procurement, support, maintenance and disposal of infrastructure and equipment **must**:

- (1) identify and register the presence of asbestos in an asbestos register;
- (2) assess the risk posed by that asbestos hazard; and
- (3) pass relevant information on to commanders, managers and APs of those personnel who might be exposed to the asbestos.

21. Defence acquisition organisations **must** identify the presence of asbestos in infrastructure and equipment, which **must** be recorded in the appropriate Asbestos Register (AR) and regularly reviewed. Where the presence of asbestos is suspected but cannot be confirmed, its presence **must** be presumed and recorded as presumed in the asbestos register. Where an asbestos survey is carried out, it **must** be conducted by an accredited or certified surveyor in accordance with HSG 264 – Asbestos: The Survey Guide (for infrastructure, this service can be provided through DIO).

22. For equipment, Defence acquisition organisations **must** provide a REACH compliant Safety Data Sheet (SDS) to the Defence Equipment and Support (DE&S) Hazardous Stores Information System (HSIS) team for inclusion in the SDS central database (see JSP 515).

23. Defence acquisition organisations **must** inform commanders, managers, and APs of the presence of asbestos in infrastructure and equipment within their area of responsibility. Commanders, managers, and APs **must** acknowledge the presence of asbestos in their area of responsibility to the Defence acquisition organisations.

24. Wherever ACMs are present or suspected, Defence acquisition organisations **must** assess the risk as part of the safety management process in preparing the infrastructure or equipment for use. In conducting the risk assessment, the following hierarchy of control **must** be used so the asbestos risk can be:

- a. eliminated
- b. substituted
- c. managed via engineering controls
- d. managed by procedural controls
- e. managed by Personal Protective Equipment (PPE) or Respiratory Personal Equipment (RPE)

25. APs, supported by the Defence acquisition organisations, **must** develop, own, and maintain Asbestos Management Plan(s) (AMP) that detail the control measures to be implemented to mitigate the asbestos exposure risk from the infrastructure and equipment within their areas of responsibility. The review of the AMP **must** be undertaken annually, unless the AMP determines that it is reviewed more frequently. In particular where an asbestos inspection has identified that ACM has deteriorated or been damaged, to confirm that the information remains accurate, make sure that control measures remain appropriate and reflect any revised actions needed.

26. Defence acquisition organisations **must** make sure appropriate warnings, cautions and processes are placed in infrastructure and equipment use and maintenance instructions.

27. Defence acquisition organisations **must** consider the future harmful effects on human health and the environment as part of their disposal plan for ACMs. Further information on the disposal of hazardous material can be found in JSP 515 and JSP 418 Leaflet 5.

28. Defence acquisition organisations **must** make sure that suitable labels are made available for infrastructure and equipment items that contain asbestos. Commanders, managers and APs **must** clearly display warning notices containing the standard symbol shown at Annex A, together with details of where further information and advice can be obtained.

29. Defence acquisition organisations **must** make sure that infrastructure or equipment items that include asbestos are packaged in such a way that any personnel involved in the supply, storage and distribution cannot be exposed and will not need to break into the packaging before issue.

Policy Statement 3

Commanders, managers and APs **must** make sure that the risk of asbestos exposure is managed and no activity involving asbestos or suspected asbestos is conducted unless:

- (1) a suitable and sufficient workplace risk assessment is completed;
- (2) the required control measures to prevent exposure are implemented; and
- (3) all persons involved in the activity have access to all relevant safety information.

30. Before any activity is conducted that has the potential to disturb ACM, commanders, managers and APs **must** make sure that a workplace risk assessment is completed by a competent person (in accordance with Chapter 8 of JSP 375 Volume 1) in order to identify the control measures (including the wearing of appropriate PPE/RPE) and develop the written plan of work as defined in CAR Regulation 7, that details how that work is to be carried out needs to be followed to reduce the exposure risk to a level that is ALARP.

31. Commanders, managers and APs **must** make sure that control measures identified in the AMP(s), workplace risk assessments and written plans of work are implemented and that personnel have the ability and resources to comply with the instructions provided.

32. Commanders, managers and APs **must** make sure all personnel, including contractors, visitors⁶, and Emergency Services are provided with all relevant information on the location, condition, use and management of ACM in infrastructure and equipment within their area of responsibility.
33. Where a contractor (within the scope of their contract) undertakes and manages the practical and technical aspects of the asbestos management programme in infrastructure or equipment (for example, MMO for infrastructure), the AP **must** make sure the contractor is provided with the information and support to carry out the tasks safely, including the maintenance of associated documentation and processes.
34. Commanders, managers and APs **must** make sure that any asbestos contaminated waste (including disposable PPE and RPE), materials, and so on, are stored, labelled, transported, and disposed of as Hazardous or Special waste (as appropriate) in accordance with regulatory requirements (HSE L143) and Defence Dangerous Goods Manual (DGM)⁷.
35. Commanders, managers and APs **must** make sure that asbestos inspections of the infrastructure and equipment in their area of responsibility are carried out by competent persons, and that these inspections are updated on a frequency proportionate to the risk but at least annually to confirm the condition of all ACMs present and stored.
36. If there is evidence of / or suspected fibre release, all personnel **must** take immediate action to cease work, evacuate and decontaminate personnel and report the incident to the appropriate commander, manager or AP. In addition, consideration **should** be given to sealing off the area (restrict access) and placing signage to highlight the potential danger to others. Commanders, managers and APs **must** then record and report the incident⁸, investigate and conduct a risk assessment to determine the most appropriate course of action.
37. Commanders, managers and APs **must** make sure that all personnel under their area of responsibility who have or may have been exposed to asbestos complete MOD Form 960 – Personal Record Annotation and pass it to the local Services medical or personnel records centre (for Service personnel) or Defence Business Services Civilian Human Resources (DBS CHR) (for civilian personnel) for inclusion in their personal file. This recording action will provide evidence should an individual / family make a personal injury claim against Defence during or after employment.
38. Commanders, managers and APs **must** make sure that Defence personnel who work with asbestos on a regular basis but below the control limit and are not Defence Registered Asbestos Workers receive occupational health surveillance⁹ every 2 years. Commanders, managers and APs **must** make sure health surveillance (Chapter 14 of JSP 375, Volume 1) is arranged for all Defence personnel who work with asbestos on a regular basis in the normal course of their duties which are liable to disturb ACMs or require access to areas where the presence of free asbestos fibres or dust is suspected.

⁶ JSP 375, Volume 1, Chapter 34 - 4C System - Management of Visiting Workers / Contractors.

⁷ DSA03 DLSR - Movement and Transport Safety Regulations - Regulation 6 - Schedule 1 Dangerous Goods Manual (DGM).

⁸ JSP 375, Vol 1, Chapter 16 - Accident / Incident Reporting and Investigation.

⁹ JSP 375 Vol 1, Chapter 14 - Health Surveillance and Health Monitoring.

Policy Statement 4

During the lifetime of infrastructure or equipment that contains asbestos, APs (supported by the Defence acquisition organisations) **must** continue to assess the elimination of the asbestos while delivering the required capability.

39. Where asbestos is present, APs (supported by the Defence acquisition organisations) **must** develop an Asbestos Elimination Plan (AEP) to either justify the retention of the ACM or describe the plan for elimination.

40. APs (supported by the Defence acquisition organisations) **must** regularly review the infrastructure and equipment inventory to determine if there is a suitable alternative that will provide a viable option for the elimination of ACM.

Policy Statement 5

Commanders, managers and APs **must** make sure that all personnel are appropriately trained where they have responsibilities for the procurement, management or use of ACMs.

41. Commanders, managers and APs with responsibility for managing asbestos **must** complete asbestos awareness training (for example Defence Learning Environment (DLE) Asbestos Awareness), with refresher training undertaken at least every 3 years.

42. Commanders, managers and APs (in conjunction with the appropriate Defence acquisition organisations and support and maintenance contractors) **must** define the training requirement and make sure training in identification, inspection, risk assessment, management and safe handling is put in place for users and maintainers of infrastructure and equipment that contain asbestos. Commanders, managers and APs **must** make sure that Defence personnel undertaking management or work with infrastructure or equipment that contain asbestos have received the required training and consider them to be competent to operate under the workplace risk assessment.

When conducting overseas operational or exercise deployments, the following policy statement must also be followed:

Policy Statement 6

For **exercises** in overseas locations:

- (1) Commanders and managers **must** undertake an assessment during the planning stage to identify the presence of asbestos or suspected asbestos and assess the risk of asbestos exposure.
- (2) This assessment **must** be undertaken by persons trained and competent in the identification of asbestos.

For **operations** in overseas locations:

- (1) Commanders and managers **should**, undertake an assessment during the planning stage to identify the presence of asbestos or suspected asbestos and assess the risk of asbestos exposure.
- (2) This assessment **should** be undertaken by persons trained and competent in the identification of asbestos.

43. On overseas deployed operations/exercises, commanders and managers may be required to use infrastructure and equipment that has not been procured through the normal UK Defence processes (such as being occupied during operational activity or provided by another organisation or a Host Nation) and consequently the presence of asbestos and the risk of exposure may not have been assessed. Duty of care on deployments is set out in Annex C of JSP 815 Volume 2.

44. During the planning of an overseas deployed exercise, the commander or manager **must** undertake an Environmental and Industrial Hazards (EIH) assessment of the infrastructure or equipment to identify the presence of asbestos or suspected asbestos. This assessment **should** be conducted as part of a reconnaissance visit. This EIH assessment **must** be conducted by a person trained and competent in the identification of asbestos.

45. For overseas deployed operations, there may be times where, in order to meet operational objectives (for example to meet deployment timelines within operational readiness levels¹⁰, or to occupy infrastructure quickly in order to complete an operational task), it may not be possible to fully comply with the requirement to assess the risk of asbestos exposure prior to deployment or use of infrastructure or equipment. However, during the planning of an overseas deployed operation, the commander or manager **should** where practicable undertake an EIH assessment of the infrastructure or equipment to identify the presence of asbestos or suspected asbestos. This assessment **should** be conducted as part of a reconnaissance visit where practicable to do so and **must** be conducted by a person trained and competent in the identification of asbestos.

¹⁰ Readiness level 3 (high readiness -10 days' notice) or lower, an EIH assessment would normally be expected to take place. However, it is accepted that for operations conducted at Readiness Level 2 (very high notice - 5 days) or higher, it may not be practicable for an EIH assessment to take place.

46. If for operational reasons an EIH assessment cannot be conducted via a reconnaissance visit, the commander and manager **must** document these reasons and assume that asbestos is present. The commander or manager **should** make sure that the EIH assessment is completed prior to use of the infrastructure or equipment (or as soon as practicable after start of use if operational circumstances dictate) by a person trained and competent in the identification of asbestos.
47. Where the presence of asbestos is identified or is suspected following the EIH assessment, commanders and managers **must** identify who may be at risk of exposure, assess the risk and make sure that appropriate control measures are identified to reduce the exposure risk to a level that is ALARP, and to inform the operation or exercise plan. This risk assessment **must** be conducted by a person trained and competent in the management of asbestos.
48. Commanders and managers **must** make sure that the control measures identified in the risk assessment are implemented, including the provision and use of appropriate PPE by deployed personnel.
49. Commanders and managers **must** record in a local asbestos register where infrastructure or equipment is used that contains asbestos. Where the infrastructure or equipment is handed over to new users, commanders and managers **must** make sure that the information about the presence of asbestos is handed over to the new users.
50. Commanders and managers **must** make sure that the risk assessment is reviewed at a frequency that is appropriate to the operation or exercise and amended if necessary.

Part 2: Guidance

This part provides the guidance and best practice that **should** be followed using the Plan, Do, Check, Act approach and will help you to keep to this policy.

PLAN - identify problems and opportunities

Policy Statement 1

- (1) **Infrastructure must not be procured or constructed containing ACMs.**
- (2) **Equipment containing ACMs must not be procured or used unless an exemption from statutory legislation, where required, has been approved.**

1. The start point for the management of asbestos is a formal decision by the programme Senior Responsible Owner (SRO) to use asbestos in the first place. For such a decision to be legal, it requires the approval of an ECS by the SofS. The exemption certificate process is set out in Annex B of JSP 815 Volume 2.
2. For equipment, the SRO, supported by the Defence acquisition organisations, **should** prepare and submit the ECS to the SofS as early as possible after FBC approval, noting that it will take time to gather all of the required information (including considerations of any non-asbestos options) from the equipment supplier. This will allow time for the SofS to seek clarification, and together with appropriate supporting evidence to make an informed decision, while reducing the risk of an impact on programme delivery and the equipment entering service.
3. The Defence organisation should address any safety considerations during their assessment of how equipment will be taken out of service and appropriately disposed of or how any services are terminated. The Disposal and or termination phase should be considered and planned for throughout the equipment lifecycle and constantly updated and refined throughout each subsequent phase.
4. The ECS **should** include the following information:
 - a. the name and purpose of the equipment giving rise to the problem;
 - b. an outline of the problem and its impact, that without an exemption, it will have on front line operational capability (for example military tasks that will become impossible to undertake, or otherwise severely hampered), how particular activities (for example training) will be adversely affected, numbers of people placed at potential risk, and so on;
 - c. actions undertaken and/or considered to comply with the regulations – where compliance is being ruled out on cost grounds, then cost data **should** be provided;
 - d. an outline of the risks and the control measures required for the operation, storage and disposal of ACMs;
 - e. an action plan for compliance in the short and medium to long term, including mitigation options available, likely costs and timescales, and so on;
 - f. the period for which an exemption is required and the rationale for it;

g. the plan for health monitoring and surveillance, and assessment by the users; and

h. where renewal of an existing exemption is being sought, details on the success or otherwise of the previous action plan, including the results of health monitoring.

5. The period for which an exemption is requested **should** usually be either the expected life of the equipment, or the date by which a non-asbestos alternative is expected to be available, whichever is sooner.

6. An application for an exemption **should** not impact on funding of the research and development programmes necessary to identify alternative materials or technologies.

7. For REACH exemptions, the ECS is to be directed through DE&S Quality, Safety & Environmental Protection (QSEP) to DESEngSfty-QSEPSEP-Reach@mod.gov.uk as outlined in JSP 418 Leaflet 5.

8. A new ECS **should** be submitted as soon as it is identified that there will be a need to continue to use the infrastructure or equipment beyond the end of the existing exemption, or the expected date of the non-asbestos alternative will not be met. To use infrastructure or equipment beyond the end date of an exemption certificate would be in breach of statutory legislation.

Policy Statement 2

Defence acquisition organisations who are responsible for the design, procurement, support, maintenance and disposal of infrastructure and equipment must:

(1) identify and register the presence of asbestos in an asbestos register;

(2) assess the risk posed by that asbestos hazard; and

(3) pass relevant information on to commanders, managers and APs of those personnel who might be exposed to the asbestos.

9. In cases where asbestos is suspected but not confirmed, an asbestos survey **should** be conducted to identify the presence, location, and condition of the ACM. However, in a very limited number of instances where for example; undertaking a survey may disturb or damage the ACM, then the AP may decide to demonstrate the requirements of the policy by alternative means, for example by sample testing by a qualified surveyor.

10. Particular care **should** be taken when systems, sub-systems and components are procured from countries which permit the use of asbestos, including where it is possible to describe items using terms such as 'asbestos free' while still allowing asbestos content. Under UK REACH legislation, any trace of asbestos contained in a substance, mixture or article means it cannot be claimed to be 'asbestos free'. There is no acceptable minimum percentage. Defence acquisition organisations **should** also take care when supply contractors are changed to make sure the items supplied by a new contractor do not contain asbestos.

11. For equipment, each Defence acquisition organisation **should** hold and maintain a central AR.

12. For infrastructure, local ARs (central AR when available) **should** be held and maintained by each AP for asbestos in their area of responsibility. For further detail, see JSP 850 - Infrastructure and Estate Policy, Standards and Guidance.

13. The AMP **should** record the locations of the ACMs (including copies of plans and drawings if appropriate) and actions required to make sure the exposure risks are properly controlled. The AMP **should** address such aspects as limiting access to areas where ACM is present, timing of asbestos inspections, and the implementation of modification campaigns. For infrastructure, the AMP **should** be linked to the local AR.

14. ARs and AMPs **should** be reviewed at least annually to confirm the information remains accurate and monitored for effectiveness of actions detailed, and the review recorded.

15. For equipment, SDS **should** be regularly reviewed and updated by Defence acquisition organisations, in line with JSP 515, to make sure that the information held by the HSIS team and available to users is up to date and accurate.

16. For infrastructure, APs **should** make sure warning notices are affixed to the ACM itself, (making sure that there is no damage to the ACM, for example by using an adhesive) at entry points to unoccupied spaces (for example roof hatches) or the covering material where the ACM is encapsulated. The location of the warning notices **should** be detailed in the AR and condition/clarity of the label monitored through the AMP.

DO - implement potential solutions

Policy Statement 3

Commanders, managers and APs must make sure that the risk of asbestos exposure is managed and no activity involving asbestos or suspected asbestos is conducted unless:

- (1) a suitable and sufficient workplace risk assessment is completed;**
- (2) the required control measures to prevent exposure are implemented; and**
- (3) all persons involved in the activity have access to all relevant safety information.**

17. In addition to the generic workplace risk assessment requirements in Chapter 8 JSP 375 Volume 1, asbestos risk assessments **should** include the following factors:

- a. the type of work and its expected duration;
- b. competence of individuals involved;
- c. whether licensed contractors will need to be engaged;
- d. the need to notify the HSE of the work to be carried out;
- e. type, quantity, and condition of the asbestos;
- f. frequency of exposure by single individuals;

- g. who will be exposed (consider other personnel working/operating in/on the infrastructure or equipment);
- h. the need to keep workers under health surveillance;
- i. asbestos-specific emergency procedures;
- j. whether the activity should be contained in a signed and enclosed “Asbestos Area” for the duration of the task;
- k. other work activity hazards (for example working at height, electricity);
- l. the provision, type and use of PPE and RPE that is required;
- m. thermal environment;
- n. air movement;
- o. environmental issues (land contamination); and
- p. removing asbestos waste as Hazardous or Special waste.

18. Where Defence personnel are to undertake work with known or presumed ACMs, the written plan of work **should** include:

- a. the prevention, or where prevention is not reasonably practicable, reduction of fibre release/exposure to the lowest practicable levels at source;
- b. the provision, disposal, or cleaning of suitable PPE and RPE;
- c. the management of the unplanned discovery or release of asbestos fibres in the workplace;
- d. the prevention, or where this is not reasonably practicable, reduction of the spread of asbestos from the working area (decontamination procedures, enclosures, and so on);
- e. the cleaning and decontamination of assets and equipment at the conclusion of the work prior to returning to service;
- f. the provision of suitable welfare facilities outside of the area where the work is conducted for eating, washing, and changing (including separate storage for personal and work clothing, RPE));
- g. the storage, labelling, transport, and disposal of any asbestos contaminated waste (including disposable PPE and RPE), materials, and so on in accordance with regulatory requirements (HSE L143) and disposed of as Hazardous or Special waste (as appropriate);
- h. the conduct of regular checks to make sure that procedures are followed; and
- i. the notification to the HSE (or equivalent local body) if the work is of a nature that is Notifiable Non-Licensed activity.

19. When undertaking work which may result in exposure to asbestos fibres or dust, Defence personnel **must** wear the appropriate PPE and RPE as identified by the risk assessment. Defence personnel **should** examine PPE and RPE before use to make sure that it is not damaged, remains in good working order and an RPE fit test is carried out in accordance with Chapter 15 of JSP 375 Volume 1. Defence personnel **should** make sure that all protective clothing used for work involving asbestos is removed and placed in appropriately labelled and sealed bags or containers for disposal or cleaning by approved contractors.

20. APs **should** make sure that regular workplace inspections (see Chapter 4 of JSP 375, Volume 1) are carried out in accordance with the AMP. Inspections **should** include checking for signs of degradation or visible damage to ACMs. APs **should** make sure that reports received requiring remedial work or associated approvals are acted upon and monitored for completion within agreed timescales.

21. Annex B provides a guide to actions required on discovery of defects with or damage to known or presumed ACMs. Commanders, managers and APs (in conjunction with the appropriate Defence acquisition organisations and support and maintenance contractors) **should** consider the following factors in deciding on a course of action:

- a. the function that the ACM performs;
- b. the type and condition of the material;
- c. the frequency of disturbance or damage to the material;
- d. the amount of fibre that could potentially be released;
- e. the use of the infrastructure or equipment;
- f. the difficulty and cost of sealing or removal; and
- g. the cost of replacement, if required

22. If the ACM is loose, friable (crumbles easily), damaged or deteriorating, then it is reasonable to suspect that fibres are likely to be released; a further indicator is if there is asbestos dust or debris in the immediate area. Undamaged bonded materials such as insulating board and asbestos-cement, especially if coated, are much less likely to release dust. If there is the potential for the release of asbestos fibres but the material is in otherwise good condition and is functional, it may be appropriate to seal or encapsulate the material (in situ), label, record this action in the AR and manage the risk through the AMP, including periodic inspections.

23. Where it is identified that people may have previously been unknowingly exposed to asbestos fibres, the commanders, managers and APs **should** take all reasonable steps to identify those persons that may have been exposed (including contractors and visitors) so that information relating to the possible exposure may be added to their personnel files.

24. Where, as a result of health surveillance or a medical report, any Defence personnel (past or present), contractors or visitors are found to have an identifiable disease or adverse health effect which is considered by a relevant doctor to be the result of exposure to asbestos, the manager **must**:

- a. review all relevant activity and workplace risk assessments;
- b. review all relevant control measures;
- c. consider assigning the individual (where currently employed by Defence) to alternative work where there is no risk of further exposure to asbestos, taking into account any advice given by a relevant doctor;
- d. provide for a review of the health of other Defence personnel who may have been similarly exposed, including a medical examination where recommended by a relevant doctor or by the HSE; and
- e. report the incident in accordance with Chapter 16 of JSP 375, Volume 1.

25. Commanders, managers and APs **must** make sure that adequate information (including the relevant extracts from the AMP, AR, ACM fault reporting procedures) is provided to Defence personnel, contractors or visitors whose duties or tasks might bring them into contact with ACMs.

26. If there is any doubt, commanders, managers and APs **should** seek advice, for example their local health and safety adviser in the first instance before starting any work that may involve ACMs or the potential to disturb ACMs. If the local health and safety adviser is unable to assist, then the Defence Organisation Safety Centre or Chief Environment and Safety Officer (CESO) or equivalents, **should** be approached for advice.

Policy Statement 4

During the lifetime of infrastructure or equipment that contains asbestos, APs (supported by the Defence acquisition organisations) must continue to assess the elimination of the asbestos while delivering the required capability.

27. Defence acquisition organisations **should** actively seek the co-operation of the industry to eliminate the use of asbestos in existing infrastructure and equipment and make sure that Defcon 68¹¹ and 624¹² are applied to all contracts for Defence materiel.

28. If during the lifetime of a materials/supply contract which necessitates use of ACMs, an asbestos-free alternative becomes available, (Defcon 624 refers) the contractor and Defence acquisition team **should** determine its suitability. During this period of determination, the Defence acquisition team **should** request the suspension of the contract supply, as soon as possible, in order to minimise the entry of new asbestos into the supply chain.

29. In order to minimise the impact on operational capability, APs (supported by the Defence acquisition organisations) **should** always seek to take advantage of planned maintenance periods and upgrades to substitute the ACM with a less or non-hazardous material.

¹¹ Defcon 68 covers 'Supply of Data for Hazardous Articles, Materials and Substances', for example – SDS.

¹² Defcon 624 covers 'Use of Asbestos' – including exemptions and the requirement to write to the Authority should a non-ACM replacement become available.

Policy Statement 5

Commanders, managers and APs must make sure that all personnel with responsibilities for the procurement, management or use of asbestos are appropriately trained to carry out their role effectively.

30. Commanders, managers and APs with responsibility for managing asbestos **should** complete Asbestos Awareness¹³ training, with refresher training undertaken at least every 3 years.

31. Defence acquisition organisations **should** make sure that commanders, managers and APs are made aware of the appropriate training for Defence personnel whose duties involve the use of infrastructure and equipment that contains asbestos.

32. All Defence personnel whose duties involve the use of infrastructure and equipment that contains, or is thought to contain, asbestos **should** be trained in the identification and safe handling of asbestos as part of their operator and maintainer training.

When conducting overseas operational or exercise deployments, the following policy statement must also be followed:

Policy Statement 6

For exercises in overseas locations:

(1) Commanders and managers must undertake an assessment during the planning stage to identify the presence of asbestos or suspected asbestos and assess the risk of asbestos exposure.

(2) This assessment must be undertaken by persons trained and competent in the management of asbestos.

For operations in overseas locations:

(1) Commanders and managers should, undertake an assessment during the planning stage to identify the presence of asbestos or suspected asbestos and assess the risk of asbestos exposure.

(2) This assessment should be undertaken by persons trained and competent in the management of asbestos.

33. Where infrastructure or equipment has been provided for use by another organisation, such as a Host Nation, commanders and managers **should** obtain evidence (such as survey / inspection reports) from the providing organisation on the presence and state/condition of asbestos in the provided infrastructure or equipment. Where evidence cannot be obtained from the providing organisation, commanders and managers **should** include an assessment as part of the EIH assessment in their planned reconnaissance activities.

34. Where the providing organisation states that asbestos has been present but has now been removed, commanders and managers **should** request evidence on the standard to which the removal has been completed, including certificates of removal, and the competence of the removing organisation.

35. In addition to conducting an EIH assessment, commanders and managers **should** obtain information on the potential presence of asbestos from previous reports on the use of the infrastructure or equipment.

¹³ Such as Defence Learning Environment (DLE) Asbestos Awareness.

36. Where it is not possible to conduct reconnaissance activities due to operational or exercise constraints, commanders and managers **should** include the EIH assessment in the operational or exercise risk assessment to reflect the greater level of unknown asbestos hazards.

37. Although asbestos exposure does not provide a significant risk to the success of a single operation or exercise due to the long time between exposure and potential health effects, it may be pertinent to the longer-term capability of the organisation. Therefore, commanders and managers **should** make sure that potential asbestos exposure is recorded and considered as a 'risk to health' alongside 'risks to mission'. Further information regarding the duty of care on deployments is set out in Annex C of JSP 815 Volume 2.

38. Once the risk assessment has been completed and control measures determined, commanders and managers **should** make sure that they are included in the operational or exercise instructions.

39. Prior to the start of the operation or exercise, commanders and managers **should** make sure that all personnel involved in the activity have completed the appropriate asbestos awareness training. Commanders and managers **should** also make sure that personnel are briefed on the presence, or suspected presence, of asbestos, the control measures to be implemented to reduce the risk of exposure and the actions to be taken if exposure is suspected, including completion of MOD Form 960 if appropriate.

40. Due to the nature of operations and exercises, it may not be possible for personnel who have, or may have, been exposed to asbestos to complete MOD Form 960 immediately after the suspected exposure. Commanders and managers **must** therefore make sure that all personnel suspected of exposure are required to complete MOD Form 960 as soon as the operation or exercise has been completed.

CHECK - assess the results

Review and measure performance

41. Commanders, managers, or APs **must** assess how well the risks are being controlled and that a safe working environment is being achieved. In some circumstances formal audits may be useful, however there **should** be continual review of control measures to assure effectiveness.

42. An initial review **should** take place shortly after implementation, in order to check the effectiveness of control measures.

43. In addition to the regular reviews required under Part 2 paragraph 13, subsequent reviews **should** be undertaken:

- a. when an accident or incident has occurred;
- b. where there has been a significant change in the activity or process (for example location, duration, quantity);
- c. where there is reason to suspect that the previous assessment is no longer valid; and
- d. where there is a change in key personnel for example the operator or manager.

44. Each review **should** include an assessment of the effectiveness of control measures, and any changes to controls that may be required, including the following:
- a. exposure monitoring and health surveillance where required;
 - b. review of written instructions and operating procedures; and
 - c. check process regularly for signs of effectiveness / failure, for example visible dust on surfaces = possible leakage.

ACT - implement improved solutions

45. Commanders, managers, APs and Defence acquisition organisations **should** make sure that actions and recommendations resulting from accidents or incidents, ill health data, errors and relevant experience picked up through the risk assessments and assurance audits are completed in a timely manner.

46. Commanders, managers, APs and Defence acquisition organisations **should** identify any areas of good or bad practice, including actions and recommendations from audits, which may have wider applicability and make sure that they are passed to those that are responsible for the management of asbestos.

Retention of records

47. All records including the establishment/unit/platform risk register, risk assessments, and so on **should** be kept in accordance with JSP 375, Volume 1, Chapter 39.

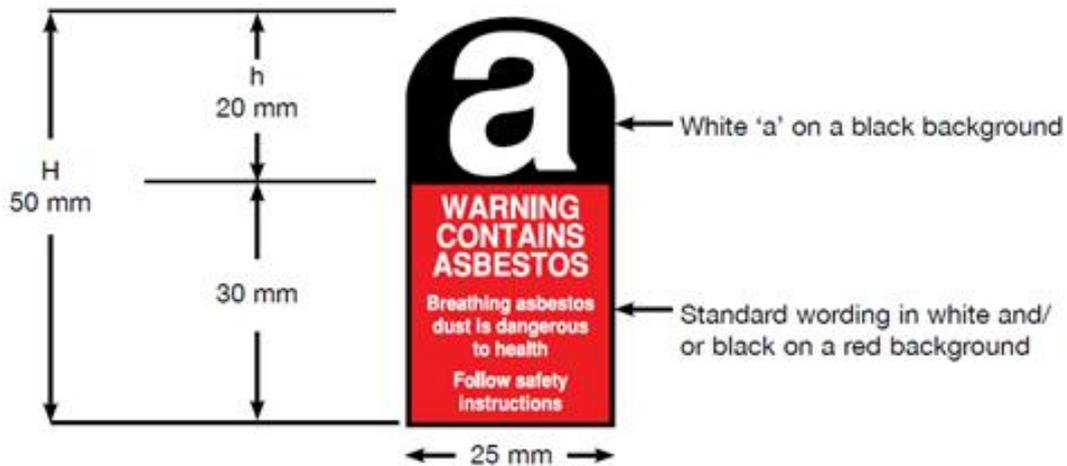
Related documents

48. The following documents **should** be consulted in conjunction with this chapter:

- a. **JSP 375: Management of Health and Safety in Defence (Volume 1)**
 - (1) Chapter 4 – Workplace Inspections;
 - (2) Chapter 6 – Safety Signs;
 - (3) Chapter 8 – Safety Risk Assessment and Safe Systems of Work;
 - (4) Chapter 11 – Management of Hazardous Substances;
 - (5) Chapter 14 – Health Surveillance and Health Monitoring;
 - (6) Chapter 15 – Personal Protective Equipment (PPE) and Respiratory Protective Equipment (RPE);
 - (7) Chapter 16 – Accident/Incident Reporting and Investigation;
 - (8) Chapter 34 – 4C System – Management of Visiting Workers / Contractors; and
 - (9) Chapter 39 – Retention of Records.
- b. **JSP 815: Defence Safety Management System (SMS) Volume 2**
 - (1) Annex B – Exemption Certificate Process; and
 - (2) Annex C – Duty of Care on Deployments.

- c. **JSP 418: Management of Environmental Protection in Defence**
 - (1) Leaflet 5 – Management of Hazardous Substances and Restricted Materials.
- d. **JSP 515: The MOD Hazardous Stores Information System**
- e. **JSP 850: Infrastructure and Estate Policy, Standards and Guidance**
- f. **Other MOD Publications**
 - (1) Defence Infrastructure Organisation (DIO) – Policy Instruction PI 2019/06 - 'Management of Asbestos in Fixed Infrastructure';
 - (2) DSA01.1 – Defence Policy for Health, Safety and Environmental Protection; and
 - (3) DSA01.2 Chapter 2 – Requirement for Safety and Environmental Management Systems in Defence.
- g. **Legislation and Guidance**
 - (1) [The Control of Asbestos Regulations 2012](#);
 - (2) [Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH\), Regulation \(EC\) No 1907/2006, and The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#);
 - (3) [Merchant Shipping & Fishing Vessels \(Health & Safety\) \(Asbestos\) Regulations 2010](#);
 - (4) [Hazardous Waste \(England and Wales\) Regulations 2005](#).
 - (5) [Waste \(Scotland\) Regulations 2012](#);
 - (6) [Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009](#);
 - (7) [HSE L143 – Managing and working with asbestos: Control of Asbestos Regulations 2012. Approved Code of Practice and guidance](#);
 - (8) [HSE HSG227 – Comprehensive Guide to Managing asbestos in Premises](#);
 - (9) [HSE – Methods for the Determination of Hazardous Substances Guidance](#);
 - (10) [HSE – 'Asbestos Essentials'](#);
 - (11) [HSE HSG 247 – Asbestos: Licensed Contractors Guide](#);
 - (12) [HSE HSG 258 – Controlling Airborne Contaminates at Work](#);
 - (13) [HSE HSG 264 – Asbestos: The Survey Guide](#).

LABELLING OF ARTICLES CONTAINING ASBESTOS



The dimensions in millimetres of the label **must** be those shown on the diagram, except that larger measurements may be used, but in that case the dimension indicated as 'h' on the diagram **must** be 40% of the dimension indicated as 'H'.

In the case of a product containing crocidolite, the words "contains asbestos" shown in the diagram **must** be replaced by the words "contains crocidolite/blue asbestos"

Asbestos Warning notices can be obtained through the MOD safety signs contract detailed in JSP 375, Volume 1, Chapter 6.

Further information can be found in Schedule 2 of Control of Asbestos Regulations 2012.

ACTION TO BE TAKEN IN THE EVENT OF FINDING ASBESTOS

