

Independent Asbestos News

in association with The Independent Asbestos Group

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Welcome to the December edition of the
Independent Asbestos Newsletter published by

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Asbestos Licence Renewal Food for Thought

The time leading up to an HSE licence assessment is always an anxious time for a licence holder no matter how efficient the business is set up and operating.

Very often a contractor thinks that the assessment will be a formality and a three year full licence issued as a matter of course, unfortunately even for the best prepared contractor this is not always the case and the result of the assessment is often a reduced term licence with specific conditions for the licence holder to comply with, we have listed below a number of oversights which contractors fail to take into account which can have an adverse effect at the time of assessment:

- Failure to acknowledge HSE site visit reports.
- Failure to review operative, supervisory and management competences.
- Failure to review Health and safety Policies and procedures.
- Failure to update asbestos procedures.
- Failures to maintain training, medical, face fit records etc.
- Failure to have adequate health and safety management procedures in place.
- Failure to monitor performance at both site and management level

In order to meet the assessment criteria it is important to understand the assessment process, HSE inspectors at assessment are nowadays not just looking at a contractor's asbestos records, the process is now much more complicated, a contractor is assessed regarding the company's attitude and knowledge regarding not only asbestos legislation but also general Health and Safety legislation, its health and safety management system, its attitude to health and safety and the measures it takes to protect its employees and provide a safe working environment for the workforce, all this in addition to the asbestos procedures, control equipment inspections and recording processes which must be carried out.

HSE Site visit records:

During every HSE site visit and inspection

the inspector will not only assess whether the contractor is working safely with asbestos but will inspect the contractor's general health and safety management on the site, an enforcement action is just as likely to be taken as a result of poor housekeeping on site as it is for decontaminating improperly, and of course the record and comments regarding that visit will be reviewed at licence assessment time and taken into consideration.

Management Competence:

The majority of contractors rely on their site managers / supervisors to have sufficient knowledge to set up and manage a site successfully, and, as a result very often neglect their own training in the process, this can and often does lead to a shortfall in relevant legislative knowledge which makes assessing competence very difficult indeed. It is worth noting that the majority of failures on site are down to basic errors which are generally a result of operative / supervisor lack of in depth knowledge of legislative requirements.

General Health and Safety Policies and Procedures:

Most contractors who have health and safety policies fail to realise that their policies should be adequate and relevant to the company's operations, and refer specifically to managing the health and safety issues that arise during the course of their day to day working, at assessment the inspector is more concerned with the practical management and content of company health and safety policies and procedures than the volume of paperwork which has been generated to "demonstrate" compliance.

An Honest Assessment:

Prior to an asbestos licence renewal assessment in preparation

a contractor will carry out an internal review on the company procedures to assess the company's compliance with the requirements of the licensing assessment process, at this point brutal honesty is called for regarding the accuracy of the procedures and management processes, unfortunately this is the stage where a contractor generally fails to recognise any potential shortfall in the company's management systems by not being honest with itself, thus leaving itself open to a poor licence assessment review and possible licence limitations.

A reliable way of reviewing company procedures is by a totally independent assessment prior to the actual HSE assessment being carried out, which can be conducted by a third party such as a trade association, or an independent auditor, which ever of the two options is chosen, it must result in an honest "no strings" assessment of the company's performance, not a tick box, but a full and frank review of how the company goes about its business complying with the various requirements of the current health and safety and asbestos legislation, then and only then can a contractor feel confident in its company management systems and have every chance of meeting the licence assessment criteria.

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ALG End of Year Statistics

The ALG end year stats show that there have been 46 refusals, 30 of these being existing applicants. In this year alone there have been 25 refusals to date.

There have been many reasons for refusal – most commonly, there have been

inadequate management arrangements, in addition supervisory and ancillary applicants often have not understood the Regulations and relevant guidance. Good management is the key. Download the 5 Steps to Managing Health and Safety leaflet from the HSE website <http://www.hse.gov.uk/pubns/indg275.pdf>

The independent Asbestos News in Association with the Independent Asbestos Group (IAG) are introducing bi-monthly features 2009 for IAG members, contractors and associated industry sectors

IAG An Independent Alternative



Introducing “Your Voice”

58% of licensed contractors are not associated to any of the industries Asbestos Trade Associations and as such have no forum for their voice to be heard.

“Your Voice” offers licensed contractors and associated industry sectors a media opportunity to post their views within the Independent Asbestos News, ensuring that their opinions, views are “heard” by the

industry and legislative bodies. “Your Voice” will also be available on the IAG website via a blog facility.

www.independentasbestosgroup.com



Introducing “ITN” Independent Training News

“ITN” A forum for the Industries Training Providers, Asbestos, H&S, BOHS etc to post their views within the Independent Asbestos News, also available on the IAG website www.independentasbestosgroup.com

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UK councils, Licensed Asbestos Removal Contractors, HSE, Product and Plant suppliers, Facilities, Construction, Housing Associations, your advertising goes straight to the heart of the industry.

The Recession V's Insurance

The impending, if not the already arrived recession is bad news for any business, but even more so for the insurance industry. In times of financial strain, many unscrupulous individuals see their insurance, or their employers insurance as the bank of last resort. In fact during the economic slowdown of the 1980's insurance fraud for motor claims rose almost exponentially.

In a recent briefing given by the loss adjusters Crawford & Company and Royal & Sunalliance, Susan Kearney, a director of SLS – a Crawford company – described the credit crunch as a potential ‘breeding ground for fraud’ and that some of the fraud trends seen back in the 1980's are already starting to emerge this time round. The recession will also lead to higher levels of fraud against liability insurers, where upon claimants now see their old employers as an easy touch or third parties begin to make claims that are hard to disprove.

In the last 6 to 7 years, the insurance

cycle has been extremely soft and most insurers have seen downwards pressure on rates to maintain market share, however their investment returns and release of monies from previous reserves (monies kept aside to pay claims) have meant that this downward pressure has been manageable. However the current stock market turmoil and years of reserve releases have meant for a lot of insurers that the cupboards are now bare.

As the flood of claims begin to filter through it is vital to know that your insurer, whoever they are have experience of trading through such a difficult period and more importantly have the solid financial base to meet these claims as and when they are made. A suggestion would be to check how long the insurer has been trading and ask yourself have they traded through previous recessions? Is their balance sheet healthy enough? (your insurance broker will be able to provide you with a set of accounts of the insurer if asked) and

do they have a ‘security rating’ given by a third party rating agency as an opinion of their financial strength and ability to meet future claims?

After satisfying yourself that your insuring partners meet all of these parameters, you should be comfortable in the knowledge that if the worst happens or a spurious claim is brought against you, your insurers have the experience and more importantly the sound financial base to steer you through the storm.

For specialist asbestos insurance underwritten by an A+ rated insurer who have been established for over 100 years, speak to Direct Insurance Group Plc on 01277 844 360.



“What you don't know will always hurt you”
- The first law of blissful ignorance

The Independent Asbestos News - Keeping the Industry “informed”

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The Trade Union's Role in Campaigning

I am delighted to welcome the setting up of the IAG on behalf of the GMB. It has been formed as a truly independent organisation that offers advice, guidance and representation to their members within the asbestos industry. As part of their launch I have been asked to write a few words on the campaigning role of trade unions in the UK and how we seek to protect our members and the general public by highlighting injustice and inequality both inside and outside the work place. I have confined myself to matters that are related to the asbestos industry and its workers as the union's remit is so diverse.

The GMB's response to the Ministry of Justice Consultation Document CP 14/07: Pleural Plaques is one of the most recent major pieces of work. John McClean and Dan Shields from the GMB's Health and Safety department have structured a very compelling and forcefully argued case that illustrates the physical and psychological damage that occurs when pleural plaques are diagnosed. The legal arguments proffered by barristers often neglects to examine or comprehend the real knock on effects to the workers mental welfare. The term "ticking time bomb" is regularly used by sufferers who experience anxiety and depression having known many colleagues who have gone on to develop diffuse pleural thickening, COPD or Mesothelioma. Many workers and innocent bystanders are suffering now from asbestos related diseases and many more will do so in the future and unless the government recognises the damage done to those affected they will be unable to claim any recompense from those that were quick to accept the insurance premiums in the past. The Scottish parliament already recognises that an unfair decision has been made and will seek to reverse it. We ask the politicians in parliament to see the justice of our case.

The recent flood of publicity that has accompanied the trade unions successful resistance of the insurance companies refusal to honour their obligations to Mesothelioma sufferers. This landmark case in the high court involving complex legal issues and taking place over a nine week period last summer would not have happened without the determination of the trade union movement to support and fund the court case. Though insurance matters rarely excites comment in this case the court had to decide the true meaning

and effect of insurance policies. The outcome is a victory for fairness, justice and common sense. The Mesothelioma "trigger issue" test case involved a number of insurers who collectively argued that, the policies they sold, to insure employers against liability for workers who were injured or suffered illness due to work, were "triggered" by the development of the disease rather than by exposure to asbestos.

We do not confine our campaigns to the UK. The GMB's "Making A Difference Campaign" is working with the Mumbai Port Trust Dock and General Employees Union in India to create better working and living conditions for metalworkers involved in ship breaking and related industries in the Mumbai and Alang district. Following a delegation from the GMB to see the conditions for themselves. A report on conditions showed that there was practically no protective clothing provided and workers were often barefoot. They worked with corrosive chemicals, asbestos, inflammable and explosive toxins most of which are banned by law in the West. They operate dangerous machinery and carry heavy loads with the absence of any safeguards. This causes the most horrific injuries with blindness and amputations as a regular occurrence. National office and branches from all over the UK have provided thousands of pounds to provide schools, teachers and equipment, projects, support workers and services and basic pensions for the elderly and disabled who are can no longer provide for themselves. Ship breaking was originally carried out in Europe but due to our Health, Safety and Environmental laws it is now done in third world states. Workers in Mumbai receive \$1 per day against an average cost of \$250 per day cost to operate in the west.

GMB have a first class office based in Brussels whose staff represent the union in the European Parliament. Much of the Health and Safety, Social Policy and Environmental Legislation in the UK comes directly from Europe and whatever ones views are on the Institution they play a vast part in all our lives. There have been a number of bills that have directly affected the industry and our staff keep a close watch on all matters that may affect our

membership. There is a strong and very vocal lobby from the "Chrysotile Institute" and other mining and asbestos production companies, who seek to influence our politicians of the safety of asbestos products. Strong political pressure also comes from the many countries with a vested interest in continuing their trade in areas where a ban is not yet in force. The GMB works with the various parties and groups on a non-partisan basis to help protect and further the cause of those looking to enhance safety in the UK.

Closer to home is the National Asbestos Awareness Campaign, which was recently been launched by the HSE. It has been supported and endorsed by all the trade unions involved in the industry who have distributed the literature and held workshops to promote it to their membership. The employers involved along with trade associations have worked closely together through the ALG to develop the packs and targeted them to the trade. The GMB works with many asbestos support groups and the Derbyshire Asbestos Support Trust has just received £150,000 over three years from the McMillan Foundation to allow a full time benefits support worker to work with victims and their dependents. The Action Mesothelioma Day has been a part of the work of support groups for some time and is now a day when we raise funding and remember those victims of mesothelioma from the past present and future.

There is much more I could say but this is just a small example of the unseen work of a Trade Union.

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Together, change is possible

I became an activist in 2003 when my late husband Alan was diagnosed with mesothelioma, a fatal asbestos caused cancer. Recognizing that asbestos awareness would lead to prevention, funding for new treatments and research, and ultimately, a cure, Doug Larkin and I founded ADAO. Powered solely by volunteers, ADAO serves as an international and independent advocacy group dedicated to ending the deadly legacy of asbestos.

As the public remains woefully uneducated about the hazards of asbestos and exposures continue. Few outside our world know that more than 30 years ago, the International Agency for Research on Cancer declared asbestos a human carcinogen.

Since speaking in the House of Commons in May 2007, ADAO is proud to share some key points to our educational efforts to increase awareness and ban asbestos.

Our advocacy efforts remain strong and in 2007, we sponsored an historic product testing effort revealing asbestos is currently present in numerous U.S. consumer goods including a toy. ADAO's product testing efforts were the catalyst to remove this toy from the retail shelves and raise awareness around the globe.

We strived to change public policy with a voice, a voice that resonates with the media and political leaders. Annually, we work with the U.S. Senate to pass an educational Resolution declaring the first week in April as Asbestos Awareness Week as we know presently prevention is the only cure.

ADAO continues to work with the U.S. Congress to follow the UK's lead and fully ban asbestos; recent bills in the U.S. Senate and House of Representatives are encouraging that a ban is in our sights. We invite you to visit our educational site at

www.banasbestos.us to see the history facts and current state of asbestos in the US.

As the 'Voice of the Victims', ADAO continues to deliver the keynote address and speak before critical audiences, including testimony before the U.S. Environmental Protection Agency (EPA) and U.S. Senate and House of Representatives.

Dr. Richard Lemen, Former U.S. Assistant Surgeon General Richard and ADACO Science Advisory Board Co-chair delivered the National Asbestos Conference keynote address in South Africa. I had the honour to present at the International Mesothelioma Interest Group Conference in the Netherlands and work to increase unity and awareness within the medical community.

ADAO continues to serve as a critical educational resource, not only victims of disease associated with asbestos exposure but also for their families, caregivers, treating physicians, and the community and individuals in need for support and awareness regarding the latest medical and informational updates and news Our Asbestos Video Library (www.adao.us) was launched in March 2007, and currently provides access to 22 educational videos, with more being loaded regularly. The Victims Memorial Tributes page on the website continues to grow as well, sadly, but also serves as an amazing reminder that together – we are indeed more powerful than we are alone. We look forward to continuing to work together to make asbestos a deadly story of the past.

Together, we can sound a deafening chorus, which will, at last, alert the world to the deadly dangers of asbestos and move us farther down the road toward, prevention, better treatment and, ultimately, a cure.



Linda Reinstein,
Asbestos Disease
Awareness Organization
Executive Director
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Mesothelioma Widow

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Linda Reinstein is the Executive Director and Co-Founder of the Asbestos Disease Awareness Organization (ADAO). Reinstein became an activist when her late husband Alan was diagnosed with mesothelioma in 2003. Since the co-founding of ADAO in 2004, Reinstein has globally united countless individuals and families who have been affected by asbestos related diseases, giving a voice to the victims. Reinstein has written and produced the slideshow "Asbestos Kills" and numerous educational materials including "Asbestos: The Dust, Disease, and Death" and "Reflections", an internationally distributed online asbestos disease book with articles from renowned global experts. Reinstein also established a growing web-based medical resource centre for victims which provide critical information on asbestos and related diseases. In 2006, Reinstein presented the Asian Asbestos Conference "Alan Reinstein Memorial Award" to the Thai Director-General of the Department of Disease Control in Bangkok. As a global speaker and author, Reinstein has presented in Japan, Thailand, before the British House of Commons, to U.S. Congress, the White House, and victims groups, businesses, and health and safety organizations across the globe. Reinstein, a frequent Congressional witness, continues to work domestically and internationally to help promote awareness about this deadly mineral, fuel research for treatment and a cure, and implement a worldwide asbestos ban. Reinstein is presently organizing the 5th Annual Asbestos Awareness Day Conference, to be held on March 27 – 29, 2009, in Manhattan Beach, California.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Margaret Mead

Next edition: **February 2009**

The Independent Asbestos News
in association with the
Independent Asbestos Group (IAG)
wish all our readers a peaceful
Christmas and a prosperous New Year

