

Asbestos: New Strategies & Joint Working; the Experience of Local Government in Scotland

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Abstract

This paper will present two main themes:

- 1. Discuss the impact of asbestos-related illness on a former shipyard community in Scotland.*
- 2. Examine the role of local government and consider efforts made to address asbestos problems.*

The objective of this paper is to present the experiences of the Clydebank community and the work of COSLA's asbestos working group, and to promote a debate which provides questions faced on an international scale with answers which have been worked out in a local context.

HSE Statistics

The most recently available national statistics published by the Health & Safety Executive (HSE) on mesothelioma mortality in Great Britain are analysed by geographical area. The report lists West Dunbartonshire as having the highest percentage of deaths from mesothelioma in Great Britain with an SMR in excess of six times higher than the average. The highest mesothelioma excesses in males tend to be those located around shipyards, ports and dockyards.

Clydebank

For almost a century the town of Clydebank was a hub of industry and famous for its shipyards and engineering works. A product of this industrial heritage is the unwanted legacy of asbestos. This paper will outline the magnitude of the asbestos problem faced by the community in Clydebank, West Dunbartonshire. It will discuss practical strategies developed locally to address these issues. Discussion will centre on whether, or not, similar strategies can be applied in other parts of the UK, and indeed, internationally.

Convention of Scottish Local Authorities

We will also examine the role of local government and consider efforts made to address asbestos problems. West Dunbartonshire Council has raised the asbestos issue with all other Local Authorities in Scotland through the Convention of Scottish

Local Authorities (COSLA). The convention promotes Scottish local government's collective interests. The COSLA report provides a summary of the key issues from the work of the Asbestos Working Group, together with their key recommendations. Copies of the full report can be accessed online at www.cosla.gov.uk in the section on Executive Groups.

Introduction

This paper will outline the role of local government in Scotland and highlight issues discussed in the COSLA asbestos working group report. It will also discuss the value of a multi-agency approach in dealing with asbestos matters in the community. Joint working and shared experience at several levels could be helpful in a number of key areas. It is hoped that this will stimulate a discussion which may lead us closer to the long-term strategy which is required for effectively dealing with aspects of the international asbestos epidemic. Above all we consider the role of locally-elected bodies and how they deal with asbestos management in public buildings and the community in general. The experience of the COSLA working group on asbestos is relevant to local government in many countries despite political and cultural diversity the problems faced may be comparable.

HSE Statistics

The most recently available national statistics published by the Health & Safety Executive (HSE) on mesothelioma mortality in Great Britain are analysed by geographical area. The population of West Dunbartonshire is listed as having the highest percentage of deaths from mesothelioma in Great Britain. For almost a century, the town of Clydebank was a hub of industry and famous for its shipyards and engineering works. In addition to this there was the Turners Asbestos Cement factory, which operated for nearly 32 years from 1938 until it closed in 1970. There was also the giant Singer sewing machine factory which opened in 1884 and ceased production in June 1980. This explains why asbestos is so high on the agenda in this area and also why the Clydebank Asbestos Group has emerged as an effective campaigning organisation.

The link between mesothelioma and heavy asbestos exposures in the shipbuilding industry is emphasised within the HSE document which was published in late 2003. It is widely acknowledged that asbestos was used widely in ships as insulation and workers were exposed during fitting out and ship-breaking activities. The HSE figures support this, as the areas with the highest mesothelioma excesses in males tend to be those which are around shipyards, ports and dockyards. West Dunbartonshire continues to be the area which is hardest hit by the mesothelioma epidemic with an SMR in excess of six times higher than the average for Great Britain. This is mainly due to shipbuilding. Next on the list are Barrow-in-Furness, Plymouth, Portsmouth

South Tyneside, North Tyneside and Southampton. The broad geographical spread of the hardest hit areas in the UK should be noted.

Other areas with significantly elevated SMRs in Scotland include East Dunbartonshire, Fife, Glasgow City, Inverclyde and Renfrewshire. Scotland as a whole has a significantly higher SMR than the average for Great Britain. Because of the above statistics and other asbestos duties, notably the issue of asbestos in public buildings, West Dunbartonshire Council has taken an active interest in these matters. This includes the Council being active in the campaign to ban chrysotile in the UK in the raising of asbestos issues with other Local Authorities in Scotland through the representative body (COSLA).

COSLA

There are 32 Local Authorities in Scotland. The Convention of Scottish Local Authorities (COSLA) is the representative organisation for Councils in Scotland, (similar to the Local Government Association in England). COSLA promotes local government's collective interests in three main areas. These are, securing funding for Local Authorities to deliver their services; negotiating workforce pay and conditions on behalf of local authorities as employers; and influencing policy and legislation affecting Scottish local authorities, at all other levels of government in Scotland, the United Kingdom and the European Union. The political structures of COSLA reflect the balance of representation of the political parties in the local authorities.

Background

The COSLA Working Group on Asbestos was established at the April 2001 Leaders Meeting in Clydebank. The main reasons for establishing the working group were the need for a consistent approach and pursuit of joint interests by Local Authorities in managing the legacy of asbestos in Scotland. An additional concern was the need to address how Councils would meet the new funding pressure and effectively carry out asbestos-related responsibilities.

The remit of the working group:

1. To consider the ill health, social and economic legacy of asbestos use in Scotland and local government's involvement in tackling problems arising from asbestos use.
2. To review arrangements and consider Local Authority best practice in asbestos-related matters.
3. To make the case for the health care, social and economic burdens of asbestos to be adequately met through external funding from the Scottish Executive and (or) other sources as relevant.

Information sources

The Working Group consulted a number of organisations during the course of the project. These included the Public Health Institute of Scotland, the Scottish Centre for Infections and Environmental Health, the NHS Common Services Agency, Scottish Trades Union Congress, Association for Public Service Excellence (APSE), and University of Stirling Occupational & Environmental Health Research Group. The Health & Safety Executive asbestos campaign materials were extremely helpful including the presenter's pack and the moving video *'How are you today?'*, which follows the last months of a mesothelioma victim. The GMB guide for safety representatives on the duty to manage *'Asbestos Let's Take Control'* is also a very well informed publication.

Report

The COSLA report provides a summary of the key issues from the work of the asbestos Working Group, together with their key recommendations. Copies of the full report can be accessed online at www.cosla.gov.uk in the section on Executive Groups.

Summary of Key Issues

Asbestos will remain a significant problem for Local Authorities throughout the UK, through its impact on the health of our citizens, the legal duties in managing asbestos in Council properties, and the additional financial burden placed on local government by stricter asbestos regulations. The COSLA asbestos project identified the value of a sustained collaborative response from local government to asbestos-related matters.

The project team assembled valuable information on all aspects of asbestos and the negative effect that this material has imposed on the lives of thousands of people. The report addressed a wide range of asbestos management issues, which include statutory duties, pressure on Local Authority resources, and the advantages of the collaborative approach in a number of appropriate areas; one example of which is asbestos awareness training. There is a comprehensive section of the COSLA report covering the appointment and monitoring of contractors. There are also appendices which contain information on legal and technical aspects of asbestos.

Financial burden

It is important that steps are taken to provide a more accurate view of the financial burden placed on local government in Scotland by the presence of asbestos in buildings managed or owned by each Local Authority. It is estimated by the Health and Safety Executive (HSE) that throughout the UK there are 4.4 million buildings that still contain asbestos; of these, nearly 2 million are in the non-domestic sector. It is clear from the significant amount of information available to the working group that the Control of Asbestos at Work Regulations 2002 (CAWR) and supporting

Approved Codes of Practice will have a significant impact on the management of asbestos in public buildings. Compliance with the new Regulation 4, which came into force in May 2004, is vital to achieving the aims set out during the consultation period.

The Working Group found that there is no method currently in use for accurately calculating total asbestos-associated costs imposed on Local Authorities. Therefore, there is limited information available on Councils' asbestos-related expenditure.

Normally, the costs of asbestos management and asbestos removal can be identified. However, organisations do not systematically record other asbestos-related expenditure. This may include replacement costs, waste removal costs, decanting of pupils and teachers to alternative places of learning, decanting of tenants, or loss of revenue through closure of leisure facilities caused by an asbestos incident or removal project.

There are significant staff costs incurred through the utilisation of Council employees in various aspects of asbestos management. The report made a number of recommendations on asbestos expenditure, recording methods and the need for additional funding to safely manage asbestos in public buildings.

Asbestos in Schools

Recent experience shows that there has been significant expenditure imposed on councils throughout Scotland through the presence of asbestos in educational premises (mainly schools). This is a concern for local councils throughout the whole of the UK.

The costs of removing damaged asbestos in ten schools across Scotland ranged from £15,000 in the lowest example given to £3 million in the highest. Combined costs of these ten asbestos removal projects add up to around £8 million.

The installation of new computer wiring, ongoing refurbishment and alterations contribute to the number of asbestos incidents and the high expenditure in schools.

There is an abundance of evidence to confirm that asbestos in schools is an issue of concern for all UK Local Authorities and is an issue which requires further attention to guarantee that children, parents, teachers and other school users are safe from the fear of exposure to asbestos in schools.

The COSLA report concluded that the presence of asbestos in schools must remain a high priority concern for Local Authorities in Scotland. An approach to the Scottish Executive in order to secure assistance was discussed within the project.

Asbestos management

The Control of Asbestos at Work Regulations, health & safety legislation and amendments to European Council Directives place statutory requirements on Councils

to safeguard the well-being of tenants, employees, contractors, visitors, customers and members of the public within effective asbestos management policies. More stringent legislation is welcomed and will, no doubt, assist in securing the safer environment we all seek to achieve; at the same time, this imposes an increased burden on Local Authority finances and employee resources in fulfilling the responsibility for managing asbestos in public buildings.

The COSLA report emphasised the importance of Local Authorities developing sound corporate policies for the supervision of asbestos-containing materials in premises for which they are responsible, whether owned, leased or under their direct management.

All aspects of surveying for asbestos-containing materials in council premises were examined: the duty to maintain an asbestos register and the need to monitor the condition of asbestos in situ.

The project established that there is a great deal of experience and knowledge of asbestos management issues within Councils. This expertise could be utilised and shared to bring benefits to all Local Authorities in Scotland. The group considered the advantages that a Local Authority asbestos consortium could provide in respect of environmental safety, best practice and economies of scale in providing the most cost-effective methods of asbestos management. This is an issue which requires further discussion.

Monitoring contractors

Local Authorities can implement a wide range of measures to maintain and improve health and safety standards in Council contracts. In addition, their role as enforcers of health and safety legislation in certain sectors means they hold important information on prospective contractors' health and safety performance. In order to ensure the welfare of contractors and their operatives, it is therefore expected as good practice to have some form of vetting procedure which monitors the health and safety performance and standards of contractors.

Vetting may take various forms generally, including a paperwork exercise. Monitoring to confirm that contractors are implementing their stated policies and procedures should involve physical site visits to check on working standards. In the paperwork exercise, contractors typically submit documentary evidence that they are competent to manage health and safety on their work sites. It is emphasised within the project that safety must be a significant factor in the awarding of contracts. There are significant recommendations on the monitoring of contractors within the COSLA report.

Training

- It was acknowledged that asbestos awareness training is essential and guidance should be provided to all Local Authority staff who may be liable to come into

contact with asbestos during the course of their employment. This includes Council employees who are responsible for the day-to-day management of public buildings. It would be helpful for these people to have some information on the working practices of contractors.

- It was accepted as fact that Local Authorities are responsible for a significant proportion of the building contracts, maintenance work, refurbishment and demolition carried out in Scotland. A more detailed training programme could be designed to meet the needs of electricians, plumbers, joiners and other maintenance workers who, because of the nature of their work, are more likely to disturb asbestos-containing materials.
- A number of stringent recommendations were made in the report covering the responsibilities, safety performance and working practices of contractors and sub-contractors undertaking or applying for contracts with Councils.
- The project considered the training needs of young workers and apprentices to be an important matter and discussed the merits of a college-based training module to meet the needs of workers who are likely to disturb asbestos-containing materials.
- The working group discussed accreditation for organisations undertaking asbestos surveys, sampling and/or analysing asbestos-containing materials and concluded that there are no barriers to appropriate Local Authority employees achieving the required accreditation standards.
- In addition to technically based asbestos training the working group considered compensation, advocacy and other support services. This could include a training module designed to meet the specific needs of asbestos victims, their families and carers. Welfare rights, civil compensation and access to information could be greatly improved and extended through training aimed at appropriate Local Authority employees, Law Centres, Citizens Advice Bureaux and trade unions.

There are significant recommendations on training within the COSLA report.

Recommendations in the COSLA Report included:

1. Councils should consider adopting asbestos cost recording methods which cover all departments and services. They should discuss using a model which will allow them to gather accurate information on the scale and nature of the financial burden imposed by asbestos in Council premises.
2. Councils should consider procedures for providing appropriate advice and guidance to existing, potential and new tenants and homeowners on asbestos containing materials, where they are known or suspected to be present, including caution in DIY, providing a list of approved contractors, providing a summary of the consequences of engaging inappropriate contractors, and a point of contact for further advice.

3. Councils should consider ensuring that accurate and up-to-date information on welfare benefits and other assistance is available to asbestos victims, their families and carers. This is an important factor in areas which do not have a local asbestos victims' support group.
4. Councils should consider supporting the development of local asbestos victims' support groups in areas where a need exists.
5. Councils should consider the additional problems faced by female asbestos sufferers and widows in achieving compensation entitlements, and the need for training for local authority advisors to address this example of gender discrimination.
6. Councils should consider investigating funding opportunities to establish an asbestos information centre which would include a freephone helpline.
7. Councils should consider how to develop training modules to equip appropriate staff with the information and expertise to meet the specific needs of asbestos victims, their families and carers.
8. Consider training of appropriate Local Authority staff to accredited standards in asbestos surveying and associated tasks.
9. Consider reviewing how they approve and monitor contractors and sub-contractors, with particular emphasis on the legal duties of licensed asbestos removal contractors. Share information on contractors between Councils, and work towards a contractor-vetting and monitoring programme in order to minimise duplication of effort, achieve economies of scale and improve shared best practice.
10. Consider working together in a Local Authority asbestos consortium to share information and best practice in environmental safety and cost-effective methods of asbestos management.

Issues for discussion

Discuss the COSLA report as a starting point for a debate on the need for a comprehensive long-term strategy that is adequately funded to address the issue of asbestos in public buildings and community safety. This could embrace the multi-agency approach involving asbestos campaign groups, all levels of government, trade unions, health experts and other agencies.

The COSLA report examined a number of asbestos matters in some detail; albeit from a Scottish perspective. There are many excellent initiatives taking place throughout the UK, in Europe and indeed on the wider international stage. Maximising successes which may have already been achieved in key areas joint working and experience shared internationally could lead to improvements on a number of matters which affect locally elected bodies. These may include mesothelioma research, welfare benefits, civil litigation, health services and a range of resource

issues, including asbestos in schools and other public buildings. This may lead us closer to the long-term strategy which is required to effectively deal with the international asbestos epidemic in all of its manifestations.

NOTE: Andy White served as Convenor of the COSLA asbestos working group; Tommy Gorman served as Policy Officer of the COSLA asbestos working group.