
Control of Asbestos at Work Regulations

Adjournment Debate
Thursday, 24 October 2002

Workers need protection from the fatal fibre in their workplace

There is an Adjournment Debate on the Control of Asbestos at Work Regulations on Thursday, 24 October. This follows a request from the Opposition for a debate on the new Regulations, which introduce a 'duty to manage' asbestos in commercial buildings. Employers will be required to identify asbestos in their premises, and develop a plan to manage the risks that the asbestos represents. They will be advised to leave the asbestos where it is unless it is poorly maintained or likely to get into the atmosphere, in which case they should make arrangements to remove it safely.

Why the Regulations are needed

The new use, supply and import of all forms of asbestos has been banned since 1999 (with some very limited exceptions). Asbestos kills over 5,000 people every year – 1,700 from mesothelioma, a painful cancer of the lining of the lung which is only cause by asbestos exposure, and twice as many again from lung cancer, asbestosis and other cancers. Despite the ban, millions of tonnes of asbestos remain in buildings all over Britain.

The Regulations proposed by the Health and Safety Commission simply require employers to work out how much of this deadly material they have in their buildings, and devise a plan for dealing with it. Health and Safety Executive research suggests that this process, although it can be costly, will save many thousands of lives, and ultimately will actually save the country money.

Throughout the history of controls on asbestos, people have said that unions are scare mongering, or that some asbestos is "safe" or can be used safely, or that the burden of controlling asbestos outweighs the benefits in public health. They have always been proved wrong – if anything, the controls have been too cautious, too limited and too late.

Corporate America tried to ignore the asbestos problem. When the US equivalent of the HSC tried to ban asbestos, the asbestos industry used court action to overturn the ban. As a result, the US kept using asbestos when countries in Europe began restricting its use. The result is seen in the high level of corporate bankruptcies in the US due to asbestos liabilities (although admittedly, compensation for asbestos victims is much more generous in the US than the UK). The majority of recent Chapter 11 bankruptcies in the US this year have been due to just one

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cause – asbestos liabilities. We need to learn that lesson, and go as far as we can to control exposures to asbestos before they cripple another generation and our economy.

Why have the Opposition raised this?

It is not normal for health and safety Regulations to be debated in Parliament, although MPs must have the right to raise them if they wish.

The Opposition's concerns were set out in a public letter from the Shadow Minister for Work and Pensions to the Secretary of State in August. He made three main points:

- the new duties are aimed mostly at chrysotile (or white) asbestos, and this is not really very harmful, unlike blue and brown asbestos;
- the Health and Safety Commission which has developed and recommended these Regulations, has not consulted fully enough; and
- unscrupulous businesses in the asbestos surveying and removal industries are putting in entirely bogus or heavily inflated tenders for dealing with asbestos which may or may not be in the premises.

Other issues may be raised in the debate, such as the allegation that the HSC or others are 'in the pay' of the surveyors, removal contractors or manufacturers of asbestos substitutes. These are outrageous claims, and totally without foundation. The case for the new Regulations stands or falls on the merits of the proposals.

TUC response

On the argument about white asbestos:

- white asbestos is not as harmful as blue or brown asbestos. But it is still a category 1 carcinogen, meaning that it kills. There is plenty of epidemiological evidence of the dangers of chrysotile (which in one study caused more than six times as many lung cancer deaths as would be expected in an unexposed population, and causes mesothelioma, which is only caused by asbestos) and many case studies of people only exposed to white asbestos who nevertheless developed asbestos-related diseases;
- white asbestos has been banned by the EU as well as the UK on health grounds. When the main defenders of asbestos, the Canadian Government (much of the world asbestos trade is based in Canada) challenged the French ban through the World Trade Organisation, they lost – and the WTO is no pushover. Other national and international bodies agree that white asbestos is dangerous, especially the world's main body in the field, the International Agency for Research into Cancer; and

- in any case, many of the commercial properties with asbestos in them were built before blue and brown asbestos were banned in the early 1980s, and even where a building is supposed to contain only white asbestos, in many cases it will be contaminated with other, more dangerous forms of asbestos.

On the argument about adequate consultation:

- HSC, which represents unions, employers (large and small) and the public, have consulted publicly on two separate occasions over a period of four years – this is hardly inadequate consultation, or not long enough; and
- the new duty proposed could be said to be implicit in the existing legislation – better-run companies will certainly already have done what is required – but the Regulations are needed to protect people working in the less well-run workplaces. It could be suggested that the HSC has given rather excessive notice about the need to manage a deadly substance which has been known about since 1898!

On the argument about unscrupulous businesses profiting from the Regulations we do of course have sympathy for businesses which are treated in this way. However:

- as the Shadow Minister's letter to the Secretary of State pointed out, several businesses facing such large tenders were able to get them reduced or dispensed with altogether by the intervention of someone better informed – the lesson must be that businesses should shop around, and get several tenders for any work involving asbestos; and
- the existence of unscrupulous businesses hoping to exploit legislative change is no reason to abandon justified Regulations, but is a reason to clamp down on such rogue trading, and promote quality standards. These are being developed by two bodies: the British Institute for Occupational Hygiene (the TUC is involved in their efforts) and the Royal Institute for British Architects.

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