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DEPARTMENT OF EDUCATION AND SKILLS

SCHOOL BUILDING SECTION

DUTIES and GUIDANCE

for

BOARDS of MANAGEMENT

on

DEALING with ASBESTOS CONTAINING MATERIALS

before, during & after

**SCHOOL REFURBISHMENT WORKS, DEMOLITIONS AND
BUILDING WORKS PROJECTS**

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INTRODUCTION

It is a duty of Owners, Boards of Management, School Managers and School Principals to be informed of their statutory requirements regarding building works, including refurbishment works proposed for their schools. These fall under the Safety, Health & Welfare at Work Act 2005 and associated legislation.

When contemplating building/demolition/refurbishment works, the Safety, Health & Welfare at Work (Construction) Regulations 2006 S.I.504/2006 (as amended) and the Safety, Health and Welfare (Exposure to Asbestos) Regulations 2006 S.I. 386/2006 (as amended) come into play. In particular, compliance regarding the identification, management and recording of asbestos containing materials (ACMs) prior to and during building works (including demolition) and refurbishment works.

Sequence of Stages

Building, demolition or refurbishment works usually follow regular stages:

- Identification of the scope and extent of the intended works. This is usually referred to as a **Brief Stage**
- **Design Process**. This usually necessitates a service provided by appropriate building **consultants**: architect, civil/structural engineer, building services engineer, other building disciplines including a **Project Supervisor Design Process (PSDP)**. The term **Design Team** is used where multiple consultants are contracted to work together. The **Designers** produce drawings, specifications and instructions describing the **Works**. They also manage the **Tender** process (competition for the most advantageous builder, or **Contractor**)
- **Surveys** and **Investigations** done during the Design Process inform the consultants and help reduce uncertainties in the documents produced by the designers for **Tender** purposes
- **Works Tender** Competition (contractors compete by submitting/tendering their price for the works)
- **Works Contract(s)** (Execution/Carrying-out of the Building Works)
- **Testing** and **Record** Amendments (maintaining Safety File up-to-date)

See Glossary for elaboration on the bolded terms used above.

Strategy for Managing Asbestos

Owners, Boards of Management, School Managers and School Principals along with their building consultants (Design Team) must consider the possible hazards of asbestos containing materials (ACMs) being present in their building, and devise a strategy accordingly. Where ACMs are present, that strategy may entail

- total removal of the ACMs in an urgent manner
- a programme to remove it as part of any future building or refurbishment projects; or
- retention and management of low-risk ACMs in-situ and ensure these ACMs are not disturbed during works.

It is therefore vital to ascertain if ACMs are present and to assess related hazards and risks. This is achieved by **Surveys** and **Investigations** independent of a building project; or specifically as part of a building project, when it should be done during the Design Process well in advance of the production of the documents for **Tender** purposes.

The removal of ACMs is generally subject to notification to the Health & Safety Authority (HSA) 14 days in advance of the removal process. Certain asbestos removal, considered to be low risk, may be exempted from HSA Notification. For example

- removal of toilet cisterns, asbestos cement products, floor tiles

However, the HSA will accept courtesy notifications for removal lower risk ACMs not subject to the 14 day statutory notification period.

The transportation and disposal of ACMs is subject to the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. 349 of 2011) (ADR Regulations) and Waste Management Acts and must be carried out by approved waste contractors holding appropriate waste permits.

The Designer and PSDP will develop a strategy for managing asbestos where present. Such strategies might recommend:

- A. Having ACMs removed by an OPW ‘Approved’ Specialist Asbestos Contractor **before** a main refurbishment/building/demolition works contract is commenced; this would necessitate a **separate Enabling Works Contract**. This approach would suit removal of ACMs from areas where it would be easily disturbed, and where it poses a high risk to occupants and building workers (spray-on insulation, pipe lagging, ceiling boards or other friable asbestos containing materials).

Alternatively,

- B. The asbestos removal works might be carried out under the umbrella of a **Main Works Contract**, where the main builder would subcontract asbestos removal to an **‘OPW Approved’ Specialist Asbestos Contractor** early in the construction. This is the more common approach; the necessary asbestos work is part of the Main Contract.

Q. What are the main legal provisions the Board of Management must comply with?

A. The Statutory Instrument, [S.I. No. 386/2006 — Safety, Health and Welfare at Work \(Exposure to Asbestos\) Regulations 2006](#) as amended by S.I. 598 of 2010 place a duty on the school (as an employer) to identify and control all ACMs which may be present in the school (which is a place of work). The Safety, Health and Welfare at Work (Construction) Regulations 2006 place a duty on Architects/Project Supervisors Design Process to provide, by way of a **Preliminary Safety and Health Plan**, adequate information to contractors, or others, to enable them to execute projects (demolition/building/refurbishment works) in a safe and healthy manner. (A building site is a place of work).

The identification of ACMs should always be undertaken prior to the design stage of a project

Q. What must the Board of Management do?

- A. There are six main duties for the Owners, Boards of Management, School Managers and School Principals to deal with:
1. Appoint competent and appropriate building consultant(s) to oversee the design of the project; and the identification of asbestos containing materials prior to tendering for the works. The appointee is known as the Designer/Design Team, and can be a person or firm of architects, civil/structural engineers, building services engineers, and/or other building disciplines.
 2. Appoint a consultant (person or firm) known as the **Project Supervisor Design Process (PSDP)**. This appointee could be the Architect or Engineer, or a separate third party (see glossary of terms)
 3. Pass-on any information, such as the 'existing' school **Asbestos Register** to the Designer/Design Team and PSDP. This disclosure helps ensure that known information on ACMS are recorded.
 4. Ensure that the PSDP has a **Pre-Refurbishment/Demolition Asbestos Survey** carried out by one of the OPW approved **Asbestos Consultants**. This list of approved consultants can be accessed on the Department's web site at: www.education.ie/en/Schools-colleges/Services/Building-Works/Remediation-Programmes/
 5. Add a copy of the **Pre-Refurbishment/Demolition Asbestos Survey Report** to the project safety file. This updates the record and is available for future reference.
 6. Add the updated **Safety File** to the school **Safety Statement**. The **Safety File** is compiled throughout the Design Process by the PSDP (Pre-Works Safety File); passed-over to the PSCS to be included in the Site Safety File during the Works; and finally handed-over to the Client (Board of Management/School Manager/School Principal) on completion of the building works

Q. What must the Architect/Engineer or Design Consultant do?

A. The Designer must:

1. Incorporate a copy of the Pre-Refurbishment/Demolition Asbestos Survey Report, the Preliminary Safety and Health Plan and a devised strategy for asbestos removal/mitigation into the documents produced for Tender purposes. This is applicable in both cases where: the Main Works Contractors are also tendering for asbestos removal; or a separate **Enabling Works Contractor** is being tendered for asbestos removal. The Main Works Contractor must always be alerted to the presence of any hazardous materials
2. Ensure the documents prepared for tendering stipulate that **OPW Approved Asbestos Removal Contractors** must be used. The list of **OPW Approved Asbestos Removal Contractors** can be obtained on the Department's web site at: www.education.ie/en/Schools-Colleges/Services/Building-Works/Remediation-Programmes/

Q. What happens when the Tenders are returned?

This is the stage where the school and their Designer/Design Team and PSDP assess the tender competition results and select a contractor. The PSDP must ensure that:

1. The contractor has included full cost provisions for the removal of any identified asbestos materials included in the Pre-refurbishment /Demolition Asbestos Survey
2. The asbestos removal provisions are inclusive of transportation and waste disposal costs in line with all provisions of the law and best practice.
3. The name of the waste transportation company and the site of disposal are clearly indicated on the tender received.
4. The asbestos removal contractor engaged to undertake the removal works is an OPW Approved Asbestos Removal Contractor. This list of approved contractors can be accessed on the Department's web site at: www.education.ie/en/Schools-colleges/Services/Building-Works/Remediation-Programmes/

When the tender process is completed satisfactorily, the school should be in a position to appoint a contractor. At this stage the Owners, Boards of Management, School Managers and School Principals should appoint the **Project Supervisor Construction Stage (PSCS)** for the entire works on site. This appointee is normally the contractor but it could also be a third party who will take on responsibility for coordinating safety arrangements on site for the duration of the work.

Works Contract Stage (Builder on site)

Prior to commencement, the Health & Safety Authority must be notified (normally by the Approved Asbestos Contractor) with details of the proposed asbestos removal works and a site specific plan of work (method statement). This declares the site specific method by which works will be undertaken; the method of packaging and transportation; and proposed destination for final disposal.

Q. What actions must be taken by the Architect/PSDP?

The Architect/PSDP should:

1. Receive from the main contractor/PSCS a copy of the **Notification of the Asbestos Removal Works**, which must be sent to the Health and Safety Authority.
2. In cases where asbestos removal works are non-notifiable to the HSA, and also where works are exempted from the **14-Day Notification Period**, then a written declaration must be sought from the contractor and appended to the Site Safety File.
3. The contractor shall provide the PSDP with a copy of the site specific Plan of **Work** or **Method Statement** detailing the removal methods to be employed on site
4. Appoint the Approved **Asbestos Consultant** to undertake air monitoring as a verification procedure at least once during the course of the works. When the asbestos removal works are completed the **Asbestos Consultants** will carry out further visual assessments and air monitoring tests before issuing a **Final Site Clearance Certificate for reoccupation**.
5. Receive from the Approved **Asbestos Consultant** an updated Central School **Asbestos Register** for inclusion in the schools Safety Statement

Post Asbestos Removal Stage

The asbestos removal works are complete when the packaged asbestos waste has been satisfactorily transported to a safe disposal site and the **Asbestos Consultants** are satisfied to issue a **Final Clearance Certificate**. The main building/demolition/refurbishment works may commence in earnest at this stage.

This is also the time to update school's Safety Statement with the inclusion of the revised School Asbestos Register. It may have been part of the Asbestos Management Strategy to retain certain low risk asbestos containing materials (vinyl flooring or some roofing materials). This is crucial information that may be necessary for ongoing maintenance and future building works.

Q. What actions must be taken by the Architect/PSDP?

A. The Architect/PSDP must ensure that the Safety File is prepared for handover to the Board of Management. The Safety File must include:

1. Preliminary Safety & Health Plan and Specification
2. Contractor Work Plan
3. Notification to the Health and Safety Authority
4. Declarations of any exemptions from notification to the HSA
5. Air monitoring results prior to removal works commencing
6. Air monitoring results during the course of removal works
7. Clearance certification once work is completed
8. Certification for the disposal of the asbestos waste

Advice and Information.

Advice or information on asbestos management is available from the Office of Public Works Health & Safety Services Unit on an ongoing basis.

The Health and Safety Services Unit may be contacted at Head Office, Jonathan Swift Street, Trim, Co. Meath.

Tel: (046) 9426000 Lo Call 1890 213 414

Fax: (046) 9438410

Email: asbestos@opw.ie

Owners, Boards of Management, School Managers and School Principals must make themselves aware of their statutory responsibilities in terms of asbestos management and removal in their buildings.

Non-compliance can lead to criminal prosecution

APPENDIX I QUICK REMINDER LIST

SCHOOL MANAGEMENT

ASBESTOS PROJECT MANAGEMENT REMINDER LIST



APPOINT ARCHITECT/CONSULTANT AS PROJECT SUPERVISOR DESIGN PROCESS



ARCHITECT REQUESTS PRE REFURBISHMENT/DEMOLITION SURVEY FROM REGISTERED ASBESTOS CONSULTANT



IF ASBESTOS PRESENT – PRE-REFURBISHMENT/DEMOLITION SURVEY REPORT AND ASBESTOS REMOVAL STRATEGY ARE INCORPORATED INTO DOCUMENTS FOR TENDER PURPOSES



READY TO PLACE CONTRACT - APPOINT A PROJECT SUPERVISOR CONSTRUCTION STAGE



CONTRACTOR APPOINTS APPROVED ASBESTOS REMOVAL CONTRACTOR FROM APPROVED CONTRACTOR LIST



POST ASBESTOS REMOVAL WORKS- SCHOOL TAKES POSSESSION OF SAFETY FILE FROM ARCHITECT/PSDP; WHICH INCLUDES:

Contractor Plan of work

HSA notification

Asbestos Clearance Certification

Air Monitoring Certification

Waste Disposal Certification

Updated Central School Asbestos Register



SCHOOL UPDATES ITS SAFETY STATEMENT TO REFLECT CHANGES TO ITS ASBESTOS STATUS AND MAKES THIS AVAILABLE WHEN CONSIDERING FUTURE BUILDING WORKS

IMPORTANT NOTE: IF IN DOUBT CONTACT OPW HEALTH AND SAFETY SERVICES UNIT:

Tel: (046) 9426000 Lo Call 1890 213 414

Fax: (046) 9438410 **Email:** asbestos@opw.ie

APPENDIX II GLOSSARY OF TERMS

Many of the terms used to describe the various parties involved in a construction project can be confusing to those not familiar with design or construction work. This simple glossary covers the more common terms encountered. For a more detailed summary of these roles, please, refer to the Health and Safety Authority's web site at www.hsa.ie. for more detailed descriptions of the individual roles. Certain named parties under contract law can carry penalties for failure of duty. Furthermore, under statute law, non-compliance can also result in criminal prosecution.

The Client: is a person, or body for whom a project or service is carried out by another. For school projects, this can be the school Owners, Boards of Management, School Managers or School Principals, and often using the term “The School”. The term “**Employer**” is also used to describe the client.

The Designer: is a person engaged in work related to the design of a project. The design is taken to mean the preparation of drawings, models, specifications, calculations, documents and bills of quantities that collectively describe the project; can be used to tender for contractors; and express how the project can be executed (carried out). The term designer may extend to cover anyone involved in the design process; the term **Design Team** is also used

The PSDP: The Client (normally the school Board of Management) must appoint in writing a suitable Project Supervisor Design Process. The role of the PSDP is to identify hazards arising from the design of the project; and where possible to eliminate the hazards or reduce the risk. The PSDP must also communicate design strategies and control measures, including any remaining risks to the PSCS so they can be dealt with in the Safety and Health Plan.

The PSCS: The Client must appoint in writing a suitable Project Supervisor Construction Stage. The role of the PSCS is to co-ordinate the implementation of the construction regulations by contractors and to organise co-operation between contractors during the course of the works. In most construction projects, the main contractor is appointed as PSCS but a competent third party can also be appointed to the role.

Contractor: The term contractor is used to describe the party that provides the product or service in return for payment by the other party, the client.

Contract: The legal agreement between the contractor and the client describing the product or service sought and the payment details. Other factors may be included in the agreement, such as delivery time and how quality and standards are judged. The school enters into contracts with **consultant** designers seeking a design service:

Service Contract. Alternatively, they employ a builder to carry out works: **Works Contract.**

Works Contract: Adding the term “works” helps distinguish the contract with a builder from a contract with a consultant.

Consultant: This term is used for persons or bodies providing a service or information to the client. As well as the design team members, those providing surveys, investigations and testing services can be consultants.

Service Contract: Adding the term “Service” helps identify the contract with a consultant.

Brief: The Brief, Briefing Document and Brief Stage refer to that early part of a project where the intentions are recorded, citing the scope, or range of work sought along with the extent, or amount, or quantity of work. The brief is the main document used when tendering for design consultants; it also helps estimate the value of the project, which is required when seeking grants and funding.

Tender: Tender, tendering and tender competition refer to the process of selecting a contractor that is suitable and cost advantageous. Strict ethics and protocols surround the invitation to competition and results process. For a Works Tender, the competition is based on an identical set of documents (drawings, specification, permissions for planning/fire/access, and sometimes a Bill of Quantities). The same set or Tender Package is given to all competing tenderers, who return with a price (and answers to any requested information).

Testing: Mitigation projects like asbestos removal, must achieve certain standards. Test results and monitoring of works form a critical part. Achieving requisite results often forms part of the works contract.

Recording: Safety Health & Welfare at Work statutes stipulate the duty of keeping records. This statutory duty of maintaining records usually entails updating the school’s Safety Statement, which would include an Asbestos Register. On completion of an asbestos works project, a Safety File specific to those works, will be passed from the PSDP to the school; this must be kept and be available for inspection by the HSA.

Health & Safety Authority (HSA): This is a State agency charged with overseeing and enforcing certain laws pertaining to safety. It has the authority to order certain works be done; order works be halted; order closure of premises and cessation of business; and the right to initiate legal proceedings against individuals and bodies. It also has a right to be “notified” of intended actions in advance.

Notification: Many processes relating to buildings, their use and modifications are subject to permissions and certification. Among these are planning permission, and certification for fire safety, disabled access, electricity & gas connection, as well as asbestos removal, transportation and disposal. All these incur a requirement to give advance notification to the relevant authority. The Health & Safety Authority have a system of standard forms and minimum periods of notification. Certain aspects of asbestos work are exempt from the notification requirement (non-notifiable).

APPENDIX II Links to Statutory Instruments (Laws)

Title	Database	Size (Bytes)
S.I. No. 386/2006 — Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006	SIs	135412
S.I. No. 74/2000 — European Communities (Protection of Workers) (Exposure To Asbestos) (Amendment) Regulations, 2000	SIs	20606
S.I. No. 90/1994 — European Communities (Asbestos Waste) Regulations, 1994.	SIs	13543
S.I. No. 276/1993 — European Communities (Protection of Workers) (Exposure To Asbestos) (Amendment) Regulations, 1993.	SIs	23539
S.I. No. 31/1990 — European Communities (Control of Water Pollution by Asbestos) Regulations, 1990.	SIs	25146
S.I. No. 30/1990 — The European Communities (Asbestos Waste) Regulations, 1990.	SIs	18058
S.I. No. 28/1990 — Air Pollution Act, 1987 (Emission Limit Value For Use of Asbestos) Regulations, 1990.	SIs	13946
S.I. No. 34/1989 — European Communities (Protection of Workers) (Exposure To Asbestos) Regulations, 1989.	SIs	129790
S.I. No. 238/1975 — Factories (Asbestos Processes) Regulations, 1975	SIs	54088
S.I. No. 188/1972 — Factories (Asbestos Processes) Regulations, 1972.	SIs	49046
S.I. No. 67/1959 — Imposition of Duties (No. 61) (Asbestos Pressure Pipes) Order, 1959.	SIs	14211
S.I. No. 24/1954 — Emergency Imposition of Duties (No. 323) (Asbestos Draining Boards) Order, 1954.	SIs	9903
S.I. No. 277/1953 — Emergency Imposition of Duties (No. 313) (Asbestos Articles) Order, 1953.	SIs	11028
S.I. No. 276/1953 — Asbestos Articles (Termination of Suspension of Customs Duty) Order, 1953.	SIs	9108
S.I. No. 391/1951 — Standard Mark (Asbestos-Cement Slates and Sheets) Order, 1951.	SIs	11367
S.I. No. 44/1950 — Standard Specification (Asbestos-Cement Slates and Sheets) Order, 1950.	SIs	73032

Further Information

- Health and Safety Authority website – Asbestos webpages - http://www.hsa.ie/eng/Your_Industry/Chemicals/Asbestos/
- Health and Safety Authority website – Transport guidance [http://www.hsa.ie/eng/Your_Industry/ADR - Road Transport of Dangerous Goods/Information/Asbestos by road.pdf](http://www.hsa.ie/eng/Your_Industry/ADR_-_Road_Transport_of_Dangerous_Goods/Information/Asbestos_by_road.pdf)
- www.irishstatutes.ie