

This newsletter is issued to assist you with keeping up to date with changes to health and safety (H&S) legislation and in particular, amendments to Construction Regulations.

**CDM Regulations 2007 – CONIAC to advise on implementing Löfstedt recommendations**



The Health & Safety Executive have reported that work to implement the Löfstedt Review recommendations is being undertaken by the Construction Industry Advisory Committee (CONIAC).

A general review of construction regulation is being progressed. CONIAC have however, confirmed that work specifically on the CDM Regulations 2007 will be managed separately from the work arising from the Löfstedt Review, but in close liaison with those co-ordinating the work.

by Philip Waller

This was due to be discussed as a separate item on the agenda for CONIAC’s last meeting on 14<sup>th</sup> March 2012. Work on the Approved Code of Practice (ACOP), *Managing Health & Safety in Construction*, will also be managed separately from the 51 ACOP’s the HSE are also reviewing.

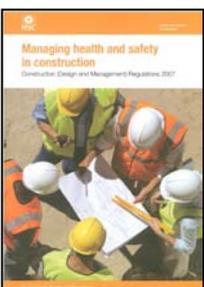
A Research Report (RR920) was issued in April 2012 titled: *Evaluation of the Construction (Design & Management) Regulations 2007*. It is based on an evaluation undertaken by independent consultants during 2010. This Report is available to download via <http://www.hse.gov.uk/research/rrpdf/rr920.pdf>.

The aim of the evaluation is to comment on how CDM 2007 has met the objectives the HSE set as distinct from CDM 1994 and what the cost implications of CDM 2007 has been for the construction industry. It is anticipated that this information will feed into the review currently underway by CONIAC.



No further report on progress has yet been published by CONIAC/HSE however, it is anticipated that CDM Co-ordinator Competency requirements, Principal Contractor Information and Health & Safety File requirements will feature predominantly among those areas reviewed to improve clarity and guidance on the implementation of the CDM Regulations.

**CDM Regulations 2007 to be redrafted**



The HSE have appointed solicitors to draft a new version of the CDM Regulations based primarily on strict compliance & interpretation of the original EU Temporary and Mobile Construction Sites Directive from which the original CDM Regulations were the UK’s response to the Directive’s requirements.

The HSE have also indicated that the ‘replacement’ CDM Regulations will take cognisance of the Löfstedt Review/Red Tape Challenges and CDM Evaluation Report with the intention that the new proposals could be available for consultation by the end of 2012 and the potential for new CDM Regulations to be introduced in 2014.

We will keep you informed of progress.

**CDM Workshops**

If you are looking to top up your CPD points, or just want an update on the CDM Regulations, PFB provide CDM Workshops. Contact us to arrange a CDM Seminar/Workshop date.

Also, if you need any assistance or clarification of these CDM issues then please contact:

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## Design Stage Site Waste Management Plans



The Site Waste Management Plans Regulations 2008 have now been operable for more than 4 years and despite having statutory responsibilities for the Client from the earliest design stages of a project, and obligations for the design team, as well as implications for the overall design stages of a project, they are still significantly misunderstood, with the general view that the Principal Contractor is responsible for producing the Site Waste Management Plan.

by *Duncan Boddy*

In essence, this is the case regarding the Construction Stage, Site Waste Management Plan, however, the primary emphasis during the design stage of the project is for the Client to instigate a Waste Management Strategy and the design team to implement and contribute to this throughout design development, setting out the areas where waste can be minimised by specification and off-site fabrication and the Principal Contractor implementing and monitoring this on site with Client review at 6 monthly intervals on larger projects.

Generally, despite these requirements being a statutory obligation on all projects over £300,000 in value, most Clients and design teams are unaware of these Regulations or the Client and Designer's role during the Design stage.

If you are interested in more information relating to the Client or Designer's obligations relating to Design Stage Site Waste Management Plans please contact:

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## Control of Asbestos Regulations 2012

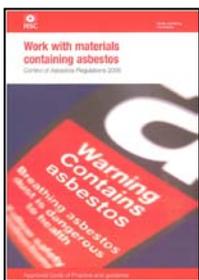


The new Regulations which came into force on 6<sup>th</sup> April appear little different from the previous 2006 version. In fact the only change is in relation to notifying the enforcing authorities of work with asbestos, a requirement which has been greatly expanded to include any work involving asbestos which is 'damaged or degraded' or which cannot be removed without 'deterioration'. So where previously works were only Notifiable if they had to be carried out by an HSE Licensed Contractor, now there are also works that are Notifiable but not Licensable.

by *Ross Udall*

Notifiable Non-Licensed Work (NNLW) is essentially that Non-Licensed Work which involves greater risk of fibre release. This in turn depends on:

- i) the type of work involved (i.e. maintenance, encapsulation, removal);
- ii) the type of material involved (i.e. friable or firmly bonded);
- iii) the material's condition (i.e. badly damaged or will the matrix be destroyed during removal e.g. textured coating removed by steam).



In summary, most work with firmly bonded materials in good condition such as asbestos cement, bitumen, plastic, roofing felt, gaskets, etc will not need to be notified.

But where the work is classified as NNLW, it can only be carried out by Contractors whose operatives are under health surveillance (i.e. records of their work with asbestos and the likely exposure involved) and regular (3 yearly) medical examinations as from 2015. However, the Notification process itself is much simpler than for Licensable works and does not need to be 14 days in advance of the works. It can be submitted online to the HSE any time but preferably prior to the works commencing.

### Asbestos Awareness Workshops

If you require some CPD points or just want an update on Asbestos Awareness and the new Control of Asbestos Regulations 2012, we offer Asbestos Awareness Workshops and we would be pleased to discuss this further with you.

If you need any assistance or clarification of these CDM issues then please contact:

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