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This circular is	Relevant to the National Framework		
Status	This circular concerns the regulations on working with certain asbestos materials.		

Certificate of Exemption for work involving certain asbestos materials

Issued by:

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Addressed to:

The Chair of the Fire and Rescue Authority
The Clerk to the Fire and Rescue Authority
The Chief Executive of the County Council
The Commissioner of the London Fire and Emergency Planning Authority
The Chief Fire Officer

Summary

The Health and Safety Executive has issued a Certificate of Exemption relieving fire and rescue services of the obligation to hold a licence to deal with certain asbestos materials.

The Certificate of Exemption covers all fire and rescue services; therefore, individual fire and rescue services need not apply for their own certificates.

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1.0 Introduction

- 1.1 The attached *Certificate of Exemption No. 1 of 2005* has been issued by the Health and Safety Executive (HSE). It exempts fire and rescue services from the regulations that would otherwise apply when dealing with incidents that bring firefighters into contact with certain types of asbestos materials.
- 1.2 The information in this circular is further to that provided in Dear Chief Officer Letter 2-2004. DCOL 2-2004 informed Chief Fire Officers of an approach to dealing with the issue of asbestos as it affects Fire and Rescue Service operations, and of a 'method statement' that had been agreed with the HSE for such purposes.

2.0 Background

- 2.3 Under the Asbestos (Licensing) Regulations 1983 (ASLIC), which were amended and expanded in 1998, all companies working with asbestos insulation, asbestos coating and asbestos insulating board are usually required to hold a licence issued by the HSE.
- 2.4 The conditions of the licence include the requirement that the company provide to the enforcing authority 14 days' notice of any licensable work that is due to be carried out. (The enforcing authority is either the HSE or the Local Authority.) This notification must also include a suitable and sufficient method statement and equipment specification for the work.

3.0 Certificate of Exemption for fire and rescue services

- 3.5 By extension, the regulations described in paragraph 2 apply to fire and rescue services when dealing with fires that bring them into contact with the relevant asbestos materials.
- 3.6 However, the HSE recognise the impracticability of these requirements for fire and rescue services in discharging their functions. It has therefore issued a Certificate of Exemption, which exempts fire and rescue services from the requirements of regulation 3(1) of ASLIC (i.e. the requirement to hold a licence). This certificate came into force on 13 June 2005.
- 3.7 The Certificate of Exemption covers all fire and rescue services; therefore, individual fire and rescue services need not apply for their own certificate.
- 3.8 Fire and rescue services must comply with the relevant conditions on the certificate in order for the exemption to apply to them.
- 3.9 A copy of this Certificate is to be made available to employee representatives.

4.0 Importance of managing the risk from asbestos materials

- 4.10 The Certificate of Exemption relieves fire and rescue services of a bureaucratic requirement, but **not** of the need to continue managing the risk from asbestos materials properly.

5.0 Further revisions to the regulations

5.11 The Asbestos (Licensing) Regulations 1983 are due to be further revised in 2006. At this time, HMFSI will make an application for continued exemption to the revised regulations.

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