

JULY 2015

A LONDON COUNCIL FINED FOR IGNORING ASBESTOS RISK FOR OVER A DECADE

The HSE found that the council had an asbestos survey carried out in January 2012. This had identified problems of asbestos in the boiler room and other areas of the basement. The survey also highlighted that areas identified in the 2002 survey which had not been remedied.



Waltham Forest Borough Council was fined a total of £66,000 and ordered to pay £16,862 in costs after pleading guilty to two breaches of the Health and Safety at Work etc Act 1974 and a breach of the Control of Asbestos Regulations 2006.

ASBESTOS IN SOIL

Environmental legislation is making strides to catch up with the H&S counterpart. It is proving more difficult than one might expect.

The usual soil contaminant investigative techniques can not be applied as incidences of asbestos waste do not spread/plume.



Guidance will need to encompass the future development of sites, mindful of users outside those covered by the Health and Safety at Work Act.

Other contaminants are measured against a material increase in risk. There is currently no case law for Asbestos in soil, however in cases for other contaminants, 18% increase above background is deemed a 'material increase'.

Industry Guidance is expected early 2016, but until then we are left to pick over the few documents that exist, combine this with expert asbestos knowledge and extrapolate the likely outcome.

It is likely that one of the legal driver for future liabilities will be under civil law, the Compensation Act 2006. Whereby anyone living on the site in the future, who develops Mesothelioma, could sue land owners and developers

EXPERT SERVICE

Recently we have found ourselves being called upon to give expert opinion in a variety of cases. From the more routine, analysing the conduct of surveying companies, removal companies and contractors, causing uncontrolled release of Asbestos fibres; through rent arbitrations to the less usual, accidental importing of Asbestos into the UK from suppliers based in China. Going to show that



Asbestos really can cause a mixed bag of issues.



£5M Public, Product and Pollution Liability
£3M Professional Indemnity



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