

# Builder prosecuted for exposing employees to asbestos during unsafe removal

Kieran Lynch has been prosecuted after his employees were exposed to asbestos while refurbishing domestic premises in Barnsdale Road, Reading.

Reading Magistrates' Court heard how Mr Lynch, trading as Lynch and Co, was contracted to carry out a largescale refurbishment for his client who had recently purchased the property from their local council. Prior to the project commencing, the owner of the property informed Mr Lynch that the ceiling boards in the garage contained asbestos.

Mr Lynch instructed two employees, who had no experience in asbestos removal, to take down the boards with no protective measures in place. Once they had taken down the boards, they stored them inside the house for a further three months before they were moved into the front garden to be disposed of. Subsequent examination of these boards identified them as Asbestos Insulating Board (AIB) – a high risk product which requires an asbestos removal licence to remove.

An investigation by the Health and Safety Executive (HSE) found that Mr Lynch was made aware that asbestos was present in the property, and yet he failed to make adequate enquiries as to where the asbestos was, its type and the condition it was in, prior to carrying out the removal. He also instructed his employees, who lacked the necessary competence, to carry out the removal with no control measures in place.

Mr Kieran Lynch of 9 Old Barn Close, Emmer Green, Reading pleaded guilty to breaching the Control of Asbestos Regulations 2012 Regulations 5 (1)(a), 8(1), 11 (1) and received a Community Order for a period of 12 months with a Rehabilitation Requirement of 25 days and Unpaid Work of 100 hours. Mr Lynch was also ordered to pay £5,000 in costs and a £95 victim surcharge.

Speaking after the hearing, HSE inspector David Tonge said: "Refurbishment work, even in domestic premises, is liable to expose people to asbestos and adequate steps must be taken to find out if asbestos is present. If so, appropriate measures must be taken to ensure people are not exposed to asbestos fibres."

## **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](https://www.hse.gov.uk)

2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. Further information about Asbestos can be found at [HSE: Asbestos – health and safety in the workplace](http://www.hse.gov.uk/asbestos/)
4. HSE news releases are available at <http://press.hse.gov.uk>