

Mr Clive Betts MP
Chair
Levelling Up, Housing and Communities Committee
House of Commons
London SW1A 0AA

13 May 2022

Dear Mr Betts,

PAS 9980:2022, Fire risk appraisal of external wall construction and cladding of existing blocks of flats – Code of practice

Thank you for your letter of 27 April in which you set out a concern that has been raised with your Committee regarding PAS 9980, in that it appears to deem products with an extremely high calorific fuel load as “risk-neutral”.

PAS standards are consensus-based documents that are developed in a fully open and transparent manner, including the undertaking of public consultation. PAS 9980 was developed with the assistance of a team of highly experienced technical experts who authored the document under the oversight of an overarching Steering Group and in response to the public consultation exercise. Given the specific concern that has been raised with your Committee I sought the collective input of the PAS’s technical authorship team, and this is set out below:

“There were two overarching objectives which were at the forefront of the minds of the drafting committee when preparing PAS 9980:

- Keeping residents in blocks of flats safe from fire affecting the external walls
- Minimising the financial burden placed upon residents

Various members of the drafting team have had direct involvement in the investigations/inquiries into the tragic fire at Grenfell Tower, so are acutely aware of the potential consequences associated with the inappropriate construction of external walls. However, we have also had direct involvement with homeowners and building owners that have been faced with financial ruin as a result of the costs associated with remedial works deemed necessary for the simple reason that combustible materials are present in their building, but without any consideration given to whether or not this renders their building fundamentally unsafe.

Scott Steedman CBE FREng
Director-General, Standards

BSI Group
389 Chiswick High Road
London, W4 4AL, United Kingdom

Contd. 2 of 3

Combustible materials, including those with calorific values higher than 35MJ/kg (such as polystyrene) can be safely incorporated into external wall systems provided the design and construction of these systems provides adequate protection and encapsulation to these materials. The critical issue is that the detailing of these systems needs to be done properly so that there can be confidence in the performance of the system. The Government has taken the decision to effectively ban all materials that fail to achieve Class A2-s1,d0 in new construction work on high risk residential buildings. This decision is understood to be based on a lack of confidence that the relevant detailing will be achieved and it is right and proper that it takes such a decision until confidence can be restored. However, this does not alter the fact that combustible materials are prevalent in external wall systems throughout the UK building stock.

The LUHC Committee will be aware that, in spite of measures which are being proposed and implemented by Government, there will inevitably be circumstances where building owners and residents do not have access to any outside funding to cover the cost of remedial works to their building (whether from Government or those responsible for the construction of that building). Some will find themselves in buildings that are genuinely unsafe and where works must be carried out, but many will find themselves with external wall systems that contain combustible materials but which, by virtue of the manner in which the external wall has been constructed, are safe. It is important not to conflate safety and compliance as it is entirely possible for buildings to be safe enough even when they don't comply with current or past guidance.

The drafting of PAS 9980 therefore sought to take account of the entire range of issues that can affect the fire safety of external wall systems and set out a risk-based approach to evaluating safety. This included but was not limited to the combustibility of materials, and the drafting team stands by its opinion that materials which are what might be termed "moderately combustible" (such as thermoset foam insulation which char under fire exposure) are neutral in terms of risk. Non-combustible materials have been treated as positive because, even if other details such as cavity barriers are not properly installed, it may well be the case that an overall safety assessment concludes that a building is safe. Highly combustible materials are highly susceptible to any shortcomings in detailing so it is correct that these are treated negatively, but there are a broad range of outcomes that could occur in the case of moderately combustible materials depending upon the full range of issues considered by PAS 9980, so it is right that risk is dictated by these and not by the material itself. The risk-based approach which PAS 9980 adopts in this regard is a long-standing, inherent foundation in the fields of both health and safety and fire safety, whereby, faced with an existing situation, measures taken in terms of safety should be "reasonably practicable". This is a term which has its foundation in *Edwards v National Coal Board*, from which

Contd. 3 of 3

emanated the philosophy enshrined in the entire safety field, whereby measures are reasonably practicable if it would be grossly disproportionate to do more, taking into account "money, time and trouble", commonly expressed today as cost, time and effort.

Notwithstanding the above and related to the concerns of Government regarding the wider construction industry, PAS 9980 places a strong emphasis on the competence of individuals conducting appraisals as it is fully expected that each building will need to be considered individually on its merits. It is also incumbent on appraisers to apply the principles of the whole document as opposed to relying on selected clauses or paragraphs. For example, in relation to the issue raised, whilst Table K1 of Annex K acknowledges that calorific value is a fire performance risk factor, it is important to apply Note 2 to Table K.1 which makes it clear that calorific values alone do not define fire performance.

It is fully expected that numerous buildings with moderately combustible materials will need remedial work, but it remains the case that this should only be done where it is necessary and proportionate to do so. Forcing the removal and replacement of all combustible materials will no doubt greatly benefit those organisations which sell the replacements, but this will be at the cost of a great many unfortunate homeowners through no fault of their own.

The PAS 9980 drafting team is committed to good fire safety and remains extremely grateful to the Steering Group that oversaw its work as well as the 1363 public comments that were received, reviewed and responded to as part of the drafting process. It is in light of the wide-ranging contributions that were received that we are confident that the PAS 9980 has taken the correct approach towards the provision of fire safety in a responsible and proportionate manner."

I trust the above is helpful to you and the Committee and alleviates any concerns that you may have had. Should you need anything further then please don't hesitate to come back to me.

Yours sincerely,



Scott Steedman CBE FREng
Director-General, Standards