



Department
for Work &
Pensions

Mims Davies MP
Minister for Employment

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Rt. Hon Stephen Timms MP
House of Commons
London
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22 September 2020

Dear Stephen,

ResPublica asbestos in public buildings campaign “Airtight on Asbestos”

Thank you for your letter dated 8 September about your recent contact with the ResPublica asbestos in public buildings campaign ‘Airtight on Asbestos’.

HSE have informed me that the historical use of asbestos (before the importation, supply and use of all asbestos was banned in the UK in 1999) has had a frequently devastating impact on the lives of those exposed to it. They agree that the regulatory system for protecting people from asbestos risks arising at work must remain fit for purpose. The asbestos legacy is an important, difficult and complex issue which HSE is acutely aware of and which is the subject of much research. Proposals for change are frequently tested against likely effectiveness and proportionality compared to present arrangements. HSE officials will be happy to meet with you to explore further.

HSE have advised that they will begin more research next year as part of its statutory Post Implementation Review (PIR) of the current version of Control of Asbestos Regulations 2012 (CAR), which will provide an opportunity for ResPublica to contribute as a stakeholder engaged in this work. The PIR will look at whether CAR achieved their intended effect and will allow interested stakeholders to contribute their views. The new Building Safety Regulator (BSR), currently being developed within HSE, is likely to be operational at this point and any impact on CAR can also be considered in terms of the management of asbestos.

You refer to a number of ResPublica’s recommendations in your letter which I would like to respond to. As you will be aware, one of the ResPublica campaign’s aims is for routine ‘reassurance’ air sampling to be introduced. However, HSE officials have advised me that they consider it more effective to have a comprehensive, active and preventative approach to asbestos management in order to avoid fibres becoming airborne in the first place. Where elevated fibres are found by chance in tests, the solution in most cases is to maintain the condition and seal off any areas suspected to contain hidden asbestos. As part of this active duty to manage, should a dutyholder’s risk assessment identify that the asbestos material cannot be made safe or protected, then it must be removed safely.

HSE's advice is that epidemiological research has shown that those most at risk from exposure today are those in the building maintenance trades, such as plumbers and electricians, who are likely to disturb the fabric of a building. Concerns about this led to the duty to manage asbestos being introduced by HSE in 2002 after a number of public consultations and extensive parliamentary debate. The present dynamic and proactive management of in situ asbestos, where it can safely remain in place or ensuring its safe removal if it cannot, is key together with effective systems to prevent unplanned physical disturbance. Importantly, HSE continues to proactively engage with dutyholders to ensure compliance with this duty, as this is the best way to protect people.

In relation to the reference to EU Member States which have set environmental indoor asbestos limits, this policy area rests with the Secretary of State for Environment, Food and Rural Affairs. HSE does not lead on environmental matters such as the quality of indoor air for normal occupation of any premises (in the absence of work processes).

Please be assured that colleagues in HSE remain acutely conscious of the impact of the individual suffering behind these statistics and this drives HSE's ongoing regulatory work to ensure that the risks are managed and controlled.

I hope this response has been helpful and should you wish to discuss any of this work in the meantime, as indicated above officials would be available to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mims', is centered on the page.

Mims Davies MP
Minister for Employment



Work and Pensions Committee

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Mims Davies
Parliamentary Under Secretary of State
Minister for Employment
Department for Work and Pensions

8 September 2020

Dear Mims,

I recently attended a Respublica webinar about UK policy on managing asbestos in buildings, in comparison to approaches in other countries, and undertook to write to you about the issues raised.

Air testing in the UK is only conducted when asbestos is removed or treated. We test using Phase Contrast Microscopy (PCM), an older method that cannot detect thin asbestos fibres which are known to be carcinogenic. In France, by contrast, asbestos management has long since been reformed. Routine, periodic air monitoring is mandatory. Transmission Electron Microscopy is used. It is much more powerful, and can distinguish between different types of airborne fibres.

France implemented its reforms despite having fewer recorded deaths from asbestos per year than the UK. ResPublica reports that the UK death rate from asbestos-related illness is the highest in the world. Deaths from asbestos-related illness have been increasing among occupations such as teachers and nurses.

I agree with ResPublica and the Airtight on Asbestos campaign that HSE's regime should be reformed. It should match best practice elsewhere. In line with its legal duty, set out in the Health and Safety at Work Act (1974), to apply the "best practicable technique", we should:

- test routinely for harmful airborne asbestos fibres in buildings;
- adopt modern microscopy techniques for the purpose;
- follow France, Germany, and the Netherlands in adopting a safe limit for air testing;
- establish a national database recording the quantity, condition, and type of asbestos in buildings, as Poland has done;
- use modern technology - QR codes for signage, and smart phone apps - to store asbestos surveys centrally and make them available online to users of public buildings;
- embark on a risk assessment process and phased removal of the most harmful asbestos, in line with other countries such as Belgium, the Netherlands, Italy, and Poland.

I support HSE's policy to "manage in-situ". This is pragmatic and risk-based, given that we have so much asbestos in the UK. However, we need better management tools and systems. Do you agree that the UK approach should be reformed?

I am copying this letter to Sarah Albon, CEO, and Sarah Newton, Chair of HSE.

Yours sincerely,

Stephen Timms

A handwritten signature in black ink, appearing to read "Stephen Timms". The signature is written in a cursive style with a horizontal line above the name.

Rt Hon Stephen Timms MP
Chair, Work and Pensions Committee

CC: Sarah Albon, CEO, and Sarah Newton, Chair, Health and Safety Executive