

From the Chief Executive

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Sent via email

12 February 2024

Rt. Hon. Sir Stephen Timms MP
Chair of the Work and Pensions Select Committee
House of Commons
London
SW1A 0AA

Dear Sir Stephen,

Further update from the Health and Safety Executive (HSE) following the Work and Pensions Select Committee report into HSE's approach to asbestos management

I am writing to provide an update about HSE's work over the last 16 months to deliver the accepted recommendations outlined in the Government response to the Committee's report. At the outset of this letter, I once again thank the committee for their interest in this policy area and their commitment to seeing the risk of asbestos exposure effectively controlled within Great Britain.

1. Operational activity

Between September 2022 and March 2023, HSE carried out 421 inspections in schools across Great Britain looking at how they were meeting their duty to manage asbestos under Control of Asbestos Regulations 2012 (CAR). HSE developed and utilised a codified form during the inspection programme to record information on the steps taken by duty holders to manage the asbestos risk. The information gathered formed the basis of a [report](#) setting out the key findings, published in July 2023. It concluded that most schools were found to be managing asbestos in their buildings effectively.

A further 370 school inspections focused on asbestos management are due to be completed by the end of March 2024, together with 30 inspections of NHS Hospital sites. Additional visits to buildings in the public sector are being considered for 2024/25.

In this work year HSE has continued to focus significant operational resources on tackling the risk from asbestos in the construction sector. Between June and October 2023, HSE launched inspection campaigns specifically targeting musculoskeletal disorders and management of risk from a range of dusts produced during construction activity. The construction dust campaign visits address asbestos on sites where the buildings being worked on date from the time when asbestos was used.

HSE inspectors ask about asbestos at every construction site intervention – even if only to confirm that the structures involved were erected after the ban on asbestos usage. For each inspection where asbestos may be present, intelligence and data on compliance with CAR is being captured via a codified recording form and we intend to analyse this data upon completion of the 2023/24 work year.

HSE also continues to deliver its commitment to carry out inspections of licensed asbestos removal contractors (LARCs) in 2023/24. We use a real time dashboard of where licensed work is taking place to assist in the targeting of our inspections. We have been able to highlight newer contractors or contractors where we have had previous concerns to enable tighter regulation of the sector.

2. Campaigns and publicity activity

Web guidance

On 6 December 2023 we launched a completely revised suite of asbestos web guidance - <https://www.hse.gov.uk/asbestos/index.htm>. The revision process required a comprehensive audit of existing guidance to identify, and remedy duplicated, outdated or inaccessible content; the collation and analysis of qualitative data, the outputs of which have shaped the new and revised content; and the completion of several user research and testing workshops with users (workers and dutyholders) across a wide variety of workplaces to identify further areas of improvement. The new webpages target workers and those with a duty to manage and support the campaigning activity HSE has launched.

Campaigns

I wrote to you in March 2023 to update you on the launch of the '[Asbestos and You](#)' communications campaign, targeting those working in the building industry, particularly younger workers who may be less familiar with the risks of asbestos exposure.

The aim was to raise awareness, inform and educate these workers and overall, the campaign is proving to be very successful. To date, we have seen more than 15 million impressions on social media, communications activity drove [over 125,000 views of the Asbestos & You webpage](#), and more than 79,000 downloads of the Quick Guide for Trades. It was also well supported by industry, with over 1,300 downloads of the campaign toolkit and social media assets. This meant our message was being shared by stakeholders with direct access and influence of target audiences beyond our channels. '[Asbestos & You](#)' is planned to continue to run until the end of March 2025.

On 15 January 2024 HSE launched a further campaign specifically focused on the duty to manage. The '[Asbestos: Your Duty](#)' campaign provides dutyholders with a range of new resources, such as an asbestos management plan template and asbestos register template which are available to download. We've proactively shared our campaign materials through press, social media, external relations, and our e-bulletin service to our stakeholders, encouraging them to show their support for 'Asbestos – Your Duty' on their channels. In the first month we have seen more than 13,000 views of the duty to manage webpages, which have received a 93% usefulness rating and resulted in more than 1,800 downloads of the new templates.

3. Legislative reform

Changes to accreditation of surveyors

You made recommendations about mandating the use of UKAS accredited surveyors and changing the rules for appointing analysts undertaking four stage clearance inspections following licensed removal of asbestos. These recommendations require changes to the current asbestos regulatory framework. Before HSE make any commitment to any change, we must find out how these measures would improve health outcomes for those most at risk of exposure to asbestos. At the time of the inquiry we did not have a robust body of evidence to support how the recommendations will do that. We are now working closely with stakeholders and duty holders across the industry over the coming months to better understand issues at the heart of these recommendations.

The first piece of research work related to this recommendation was launched on the 26 October 2023 and consisted of a questionnaire on the use of asbestos surveyors and analysts. The questionnaire is targeted at anyone commissioning a surveyor or analyst as part of their duty to manage asbestos. The survey closed on 22 December 2023 with over 700 completed responses from the industry.

Three other similar questionnaires were launched on 8 January 2024. These are targeted at the groups most likely to be affected by a change in the law regarding accreditation – licensed asbestos removal contractors (LARCs), asbestos surveyors and asbestos analysts/analytical organisations providing 4-stage clearance inspection services. These questionnaires will run until 25 February 2024.

The questionnaire work is being complimented by a desk-based study of survey reports along with on-site verification of reports. Together with the questionnaire returns we are aiming to build up a clear picture of what is happening regarding survey work and the likely impact of mandated accreditation on the framework for asbestos risk management. This will then help us decide on the best course of action to take in response to the Committee's recommendations.

Notifiable non-licensed work (NNLW)

One topic area highlighted by the Committee and in the survey evidence collected during the 2022 Post Implementation Review of CAR (PIR), related to a need for further clarity around the categorisation of notifiable non-licensed work. Addressing this option could be achieved in a number of different ways including changes to legislation or amending guidance. HSE is nearing the completion of exploratory work to better understand the options available to address this area. We will consider this further in the next 6 months and will share progress on this point in future updates to the Committee.

EU announcement to change the occupational exposure limit (OEL) for asbestos

You may recall I wrote to you in April 2023 with an update on HSE's work to share and review evidence on the monitoring of asbestos fibres. In this update, I referenced the announcement by the European Commission to significantly lower the Occupational Exposure Limit (OEL) for asbestos from 0.1 fibres per cubic centimetre (f/cm³) to 0.01 f/cm³ as an 8-hour time-weighted average. In late 2023 the European Parliament voted to decrease the OEL for asbestos by amending the Directive 2023/2668/EU. The

Commission has indicated that Member States have two years to start enforcing the new 0.01 limit. Then lower limits will come into force from 21/12/29.

You will recall from the evidence we submitted to your inquiry that the control limit (CL) set out in CAR has differences to the EU OEL – the CL is a time-weighted average over a continuous period of 4 hours work. In GB the overall statutory requirement is to ensure that exposure is as low as reasonably practicable rather than just achieving a particular exposure value. HSE has worked with industry stakeholders via the Asbestos Network (AN) to increase understanding of the purpose of the CL and improve how personal sampling is carried out. In 2023 the AN technical working group published new guidance to the licensed removal industry on personal monitoring including compliance checks with the Control Limit¹.

HSE is aware of the most recent amendment to the Directive and is closely following developments to lower the EU OEL. There are no current plans to lower the GB exposure limit for asbestos but we will continue to consider the evidence in this area in line with the process published on our website: [Workplace exposure limits - COSHH \(hse.gov.uk\)](https://www.hse.gov.uk/cosHH/workplace-exposure-limits/). We recognise the need to ensure that GB exposure limits are based on the best available science and should be linked to strong evidence of the realisation of tangible health benefits. Where there is evidence of a new workplace exposure limit being required, there will be a full consultation, which will include devolved administrations, and cost benefit analysis conducted as part of introducing any change. We will further update the Committee following any substantive developments in this area.

4. Research and standards work

I wrote to you in October 2022 with an update on HSE's asbestos-related research. In August 2023, HSE published its updated [Areas of Research Interest](#) (ARIs). This document identifies and outlines forward-looking research which either HSE or other organisations, sometimes working in partnership, could address. ARIs relating to asbestos are listed in the document, specifically around how wider trends and changes in the built environment could impact the rates of asbestos removal.

I previously referred to the ongoing research into airborne asbestos concentrations in the built environment during normal occupation. We recently concluded a pilot study using a new method to collect data on background airborne asbestos levels in occupied buildings. Seven duty holders volunteered to be part of this study including schools, hospitals, and offices. This included premises containing asbestos, premises where some or all the asbestos had been removed and premises which never contained asbestos. Our study found that the sampling method worked for identifying low levels of asbestos and that concentrations of asbestos fibres were low in line with expectations. We intend to publish a report of this pilot study later in 2024.

This year HSE plans to publish two further research reports looking at the effectiveness of control measures during the removal of asbestos and subsequent four-stage clearance process undertaken by asbestos analysts. Once published, we will continue our work with the asbestos removal industry to make sure the research findings are understood and implemented.

¹ See [AN-TWG-Appendix - 01 23 - Personal sampling & exposure records](#)

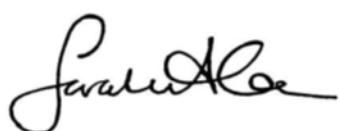
HSE is undertaking work to harness the opportunities presented by using digital technologies in building management, in particular Building Information Modelling (BIM). BIM enables improved management of the built environment through better specification and delivery of information concerning a building or structure. It uses a common data environment, where information can be captured and stored for re-use by any party at any stage in the lifecycle of a project or asset. This provides a mechanism through the ISO 19650 set of standards by which asbestos information can be effectively and efficiently transferred between those who need it to make timely and informed decisions.

HSE has already worked with the UK BIM Framework to provide an update to ISO 19650 Guidance Part D: Developing information requirements. Examples of five different health and safety scenarios were provided including one on addressing asbestos in buildings. It is part of wider work HSE is undertaking in this area through stakeholder engagement with the BIM4 Health and Safety working group which HSE chairs. This group has also produced a Client's Guide to improving information management in construction projects. Work is underway through the International Standards Organisation (ISO) to produce a specific standard on health and safety information as part of the ISO 19650 suite. HSE has a representative on the drafting committee.

HSE in its role as an independent, evidence-based regulator, will carefully consider any new or emerging evidence relating to exposure risks. We will also continue to work with stakeholders to better understand how the current system can be improved to minimise the risk of exposure to asbestos.

I hope this letter provides assurance of HSE's continued commitment to deliver the accepted recommendations. I will write to you with further updates on HSE's work in this area when significant milestones are achieved.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Albon', with a stylized, cursive script.

Sarah Albon
Chief Executive, Health and Safety Executive