

From the Chief Executive

Sarah Albon
Health and Safety Executive
7th Floor Caxton House
6-12 Tothill Street
London SW1H 9NA

Sent via email

1 April 2021

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

Dear Mr Timms,

Thank you for your letter, of 24th March 2021, seeking further information in respect of the fracking activities at the Preston New Road site.

I have responded to your specific questions below:

Question 1 - What was HSE's understanding of the requirements imposed on it by the MoU, including any requirement to undertake inspections?

- a. The report alleges that HSE "did not carry out any inspections during fracking operations at Cuadrilla's Preston New Road site". Is this correct, and if not, how many times did HSE inspect the site during fracking operations?**
- b. If so, why did HSE not carry out any inspections during fracking operations?**

Answer:

The joint site inspection, at the end of July 2019, was specifically targeted at checking equipment and procedures with a major accident hazard potential, before hydraulic fracturing (HF) operations commenced.

HSE was not on-site during HF operations themselves. Between October 2017 and July 2019 HSE made five inspection visits to the Preston New Road (PNR) site, which were joint inspections with colleagues from the Environment Agency (EA).

HSE's regulatory approach focuses on risk-based interventions on particular sites and operators, with the greatest attention on ensuring well integrity. An oil or gas well is a complex engineered construction, most of which is below ground and not readily accessible to visual inspection. HSE therefore takes a lifecycle approach to well integrity, using statutory notifications and scrutiny of statutory weekly well reports, as well as meetings with the operator and on-site inspection to ensure the operator is managing the risks appropriately. Between April and September 2019 HSE had weekly direct contact with Cuadrilla.

The document quoted is a working together agreement (WTA) specific to HF operations. HSE and EA have a high-level Memorandum of Understanding (MoU) in place that sets out the day to day arrangements for managing the broad range of operations that fall under their regulatory control.

The WTA states:

“HSE will assess the well design prior to construction, and monitor well operations during construction, based on weekly operations reports submitted to HSE by the well operator, to ensure the construction phase matches the design intent. Ongoing meetings with the well operator prior to, and during, the operational phase will include site inspections to assess well integrity during the operational phase. We have agreed jointly to inspect the next series of hydraulic fracturing operations in England and Wales

“For new and first-time shale gas operators we will:

- *meet and advise them of their duties under the relevant legislation*
- *conduct a joint inspection of the key operations, including:*
 - *cementing and verification of cement*
 - *mini hydraulic fracture*
 - *bleed back*
 - *main hydraulic fracture*

“These meetings and visits may include other licensing or statutory bodies as appropriate. Any change to the process, such as hydraulic fracturing at shallow depth or change of fracturing media may result in reviewing this inspection schedule and may require permit modifications.”

Question 2 - The Memorandum of Understanding states that HSE and the Environment Agency would carry out a joint inspection for new and first-time shale gas operators. Did HSE carry out a joint inspection of the Preston New Road site when operations began there in 2012? If not, why not?

Answer:

The WTA was not produced until November 2012. Cuadrilla did not announce plans to develop the Preston New Road site until 4th February 2014. Following the planning process and subsequent appeals no surface work took place at the site until 5 January 2017. Site construction started in February 2017. Drilling did not commence until 17 August 2017, and hydraulic fracturing not until 15 October 2018. HSE made several visits to the PNR site with EA colleagues:

- April 2014 – Pre-construction site visit
- 17/18 October 2017 – Joint site inspection (specifically to look at HF equipment and procedures on PNR1)
- 18/19 April 2018 – Joint site inspection
- 31 May 2018 – Joint site inspection
- 3/4 October 2018 – Joint site inspection

- 24/25 July 2019 – Joint site inspection (specifically to look at HF equipment and procedures on PNR2)

Question 3 - The report states that there was “no attention paid to the management of silica sand and related exposure to Respirable Crystalline Silica” at the site. Does HSE accept this finding?

- a. What consideration did HSE give to the potential risks of RCS at the time?**
- b. According to an email from a member of HSE staff included in the report, HSE did not review the risks of RCS at the site. The member of staff describes this approach as being appropriate because HSE has “finite resources” and RCS does not have “major accident hazard potential”. Following this report, and notwithstanding the fact that the site is currently non-operational, does HSE plan to review its approach to reviewing the risks of RCS at similar sites?**

Answer:

Your summary that the control of RCS was not inspected is correct and it was not in use at that time. The focus of the July 2019 inspection was on activities with a major accident hazard potential when HF operations commenced. At that time, hydraulic fracturing was due to commence a few weeks after that visit. As exposure to RCS does not have major accident hazard potential, the control of RCS was therefore not inspected. This is in line with the Onshore Oil and Gas Sector Strategy, which sets out how HSE will use its finite resources in a major accident hazard environment, given that HSE cannot be present at all major accident hazard sites when operational activities are undertaken.

HSE wrote to Dr Kneale and Mr May in July 2020, explaining that if HF recommences at the site it will enable a full review to be undertaken of the RCS control measures against requirements of the Control of Substances Hazardous to Health Regulations. This will provide clear evidence upon which inspectors can base any enforcement decisions required.

Question 4 - What consideration has HSE given to the risks that workers who were exposed to RCS at the Preston New Road site may have faced?

Answer:

Risk associated with exposure to silica dust is well understood in Great Britain and HSE has issued guidance to help employers manage the risks and to raise awareness of the importance of controlling exposure at work. The occupational use of silica is regulated under the Control of Substances Hazardous to Health (COSHH). Occupational exposure to all substances hazardous to health, including RCS, should be adequately controlled using measures that are proportionate to the health risk.

HSE investigated the previous complaint from Dr Kneale and Mr May. This identified that Cuadrilla reported the sand handling arrangements on well PNR2 were adopted in response to the dust generated by the pneumatic positive pressure system used on well PNR1, and to enable greater flexibility over sand grade input.

HSE identified a failure to ensure that the operatives undertaking the work had been face-fit tested for the RPE being used. However, in view of the short duration of the work undertaken (and the engineering controls in place), the time since the work had been undertaken and the fact that there was no prospect that sand handling work will recommence in the foreseeable future, the inspector concluded that verbal advice on the matter to the duty holder would be a proportionate response, consistent with HSE's enforcement approach as laid out in the HSE's Enforcement Management Model.

I thank you for taking the time to write to me and hope this response provides the information that you were seeking in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Albon', written in a cursive style.

Sarah Albon
Chief Executive, Health and Safety Executive



Work and Pensions Committee

House of Commons, London, SW1A 0AA

Tel 020 7219 8976 Email workpencom@parliament.uk

From the Chair

Sarah Albon
Chief Executive
Health and Safety Executive

24 March 2021

Dear Sarah,

I am writing to you following allegations about occupational health risks at the Preston New Road fracking site, which is currently non-operational. A report by Dr Barbara Kneale and Dennis May alleges that serious health and safety breaches took place at the site, including workers being exposed to dust containing Respirable Crystalline Silica (RCS), a carcinogen.

According to the report, HSE had signed a Memorandum of Understanding (MoU) with the Environment Agency which stated that they would conduct a joint inspection of the key operations for new and first-time shale gas operators. The report claims that, despite this, HSE did not carry out any inspections of the site during operations. It would be helpful to have answers to the following questions:

- 1. What was HSE's understanding of the requirements imposed on it by the MoU, including any requirement to undertake inspections?**
 - a. The report alleges that HSE "did not carry out any inspections during fracking operations at Cuadrilla's Preston New Road site". Is this correct, and if not, how many times did HSE inspect the site during fracking operations?**
 - b. If so, why did HSE not carry out any inspections during fracking operations?**

- 2. The Memorandum of Understanding states that HSE and the Environment Agency would carry out a joint inspection for new and first-time shale gas operators. Did HSE carry out a joint inspection of the Preston New Road site when operations began there in 2012? If not, why not?**

- 3. The report states that there was "no attention paid to the management of silica sand and related exposure to Respirable Crystalline Silica" at the site. Does HSE accept this finding?**



Work and Pensions Committee

House of Commons, London, SW1A 0AA

Tel 020 7219 8976 Email workpencom@parliament.uk

- a. What consideration did HSE give to the potential risks of RCS at the time?
 - b. According to an email from a member of HSE staff included in the report, HSE did not review the risks of RCS at the site. The member of staff describes this approach as being appropriate because HSE has “finite resources” and RCS does not have “major accident hazard potential”. Following this report, and notwithstanding the fact that the site is currently non-operational, does HSE plan to review its approach to reviewing the risks of RCS at similar sites?
4. What consideration has HSE given to the risks that workers who were exposed to RCS at the Preston New Road site may have faced?

It would be helpful to have a response by Thursday 8 April.

Yours sincerely,

Rt Hon Stephen Timms MP

Chair, Work and Pensions Committee