

Supplementary evidence from the Joint Union Asbestos Committee (ASB0035)

Thank you for giving me the opportunity to respond to give evidence to the Work and Pensions Committee Session Panel 2 (17th November 2021) on the Health and Safety Executive's approach to asbestos management.

Thank you for also inviting me to make further comments on topics covered during the Session. They are shown below:

Question: Where are children contracting mesothelioma?

There is no direct evidence because of:

- the long latency period (average 30-50 years) between exposure and diagnosis.
- the failure of the Government to assess the actual risk of pupils developing mesothelioma from exposure to asbestos in buildings

However, the Committee on Carcinogenicity (2013) has stated that due to the increased life expectancy of children compared to adults, there is an increased lifetime risk of mesothelioma as a result of the long latency period of the disease. The lifetime risk of a child developing mesothelioma is predicted to about 5 times greater when compared to an adult first exposed at age 30. Consequently, the risk of pupils developing mesothelioma is far higher than for staff in the same buildings.

Moreover, the exposure of children to asbestos in CLASP-type school(s) with substantial amosite asbestos is likely to significantly elevate their lifetime risk of developing mesothelioma. Most children go to school and up to half of all schools were system built in the 1960s/1970s with asbestos.

Robin Howie has estimated that a child exposed to an amosite asbestos level of 0.0001f/ml; 100f/m³ for over 5 years have an elevated risk of developing mesothelioma. The average level in 20 Rhondda CLASP schools in 2007 after remediation was 0.005f/ml; 5,000f/m³.

Thus, before pupils taught in CLASP-type schools even start work after leaving school, they may already have inhaled millions of asbestos fibres. In schools with asbestos in a good condition [500f/m³] children would inhale up to 5,000 fibres /day and 950,000f/school year of 190 days.

Pupils in a remediated CLASP type school [5,000f/m³] would inhale up to 50,000 fibres /day and 9,500,000 fibres/school year.

Pupils in an unremediated CLASP schools (95,000f/m³) would inhale up to 950,000 fibres/day and 180,500,000 fibres/school year of 190 days.

The risk of pupils disturbing asbestos in school classrooms is high according to the HSE model guidance on asbestos risk assessments [HSG227 pages 55-59]. This is due to their high level of activity and the number of pupils and staff in a given space.

Following the HSE investigation (2006) of high asbestos levels, in the Rhondda CLASP schools, they issued guidance for School Duty Holders on asbestos management in system buildings 2008 which specifically states: "*School buildings were considered to be a priority due to the nature of the school environment, the age of the occupants potentially exposed and because schools make up the largest stock of system building.*"

Are children safer today?

The HSE had warned Duty Holders in 2008 that gaps in the column casings can occur as a result of previous alteration, removal or direct physical impact on the casing due to

maintenance, construction or window installation works. However, the JUAC 2021 investigation into asbestos management in 60 CLASP schools found only a third of Duty Holders provided evidence of the required monitoring and remediation of columns and damaged/missing ceiling tiles and 10 of the schools did not even cite the asbestos clad columns in their survey/asbestos register / asbestos management plans which are typically found in their CLASP Mark4/4b schools.

Moreover, the JUAC investigation of the 60 CLASP Mark 4/4b schools found that there was still substantial accessible and inaccessible asbestos located throughout almost all the schools. Locations included: door and window surrounds, boxing, doors, floor tiles, warm air cabinet heaters, storerooms and cupboards, asbestos wall panels / linings and boarding, ceiling tiles and ceiling voids, structural columns and boxing. The JUAC report 2021 also summarises the research findings which indicate the potentially high airborne asbestos levels after asbestos disturbance in those locations [See JUAC Report 2021: Table 8 page 36].

The DfE School Condition Data surveys indicate that 23% of the school estate's condition need is in school blocks from the 1960s, making it the highest source of condition need, followed by the two decades either side of it (DfE Condition of Schools building survey. Key findings. May 2021). These include the buildings known to contain substantial asbestos throughout which have already exceeded their expected life span. Asbestos ageing and deterioration due to water ingress, damage from renovation/maintenance activities and everyday disturbance are likely to have increased the level of unknown exposure to asbestos from within the building structure.

The damaged and deteriorating CLASP-type buildings and ineffective asbestos management and regulations means that children are likely to have a far higher risk of developing mesothelioma in schools today.

CLASP schools:

According to the HSE 2008 Guidance for Duty Holders of system buildings:

“CLASP and SCOLA system buildings and others where similar construction techniques have been used, built between 1945 and 1980, normally have amosite containing AIB around the steel columns (although other types of Asbestos containing materials (ACMs) and non-asbestos materials are also found). ACMs may also have been used as column packing and may be found in blind boxes to the window frames. ACMs may also have been used in these buildings as unrecorded substitute items where there were material shortages and/or poor supervision. In addition, excess or waste ACMs may have been left hidden inside columns or panels and ceiling voids. Consequently, asbestos may be found in some unexpected locations and the presumption should be that ACMs would be present in other concealed areas.”

Other makes of system buildings and extensions to traditional buildings may also have a similar construction technique. This is why the HSE recommended that Duty Holders check all system buildings for gaps/damage to columns and missing/damaged ceiling tiles.

The HSE refers to all buildings that have asbestos clad columns as **CLASP-type**. Responses to the HSE 2009 Questionnaire [HSE. Questionnaire survey on asbestos management in local authority system-built schools – Alphabetical list of responses – July 2009] to all Duty Holders in England indicated that there were over 6,000 system buildings in England. However, not all Duty Holders responded to the original questionnaire and there is known to be confusion by some Duty Holders about the actual make of their system buildings. According to SCAPE:

"About half the school buildings in the UK are constructed using a building System. Most of the System built schools were constructed in the 60's and 70's." [Scape System Build Ltd School Guides, School building Overview, Building Systems. www.scapebuild.co.uk].

This was the period when substantial amosite asbestos was used in the construction of system buildings.

CLASP-type school buildings are widely spread throughout England, Wales and Scotland. The Table below shows the distribution of:

- system buildings throughout England in 2009.
- The main CLASP-type system buildings: CLASP, SCOLA, MACE, SEAC, Hills, Method

Number of system buildings (dated from 1945-1980) *

Location	All	CLASP	SCOLA	MACE	SEAC	HILLS	METHOD
East England	745	5			327	37	
East Midlands	1870	1072	81			100	44
London	371		2	29	33	9	10
NE England	332	283	4			0	
NW England	967	83	151			0	
SE England	1636	92	467		709	10	22
SW England	1385	48	48			21	321
W Midlands	818	140	239			8	0
Yorkshire & Humberside	555	198	61			3	0
Total number	8679	1921	1053	29	1069	188	397

- Data from HSE Questionnaire survey on asbestos management in local authority system-built schools – Alphabetical list of responses – July 2010.

System buildings were usually constructed using asbestos and the CLASP-type system buildings have asbestos integrated into their structure. This is costly and difficult to remove. The Nottinghamshire County Council Report has outlined why CLASP building replacement rather than asbestos removal is more cost effective and produces an improved learning environment. Issues of Using CLASP to transform learning – Nottinghamshire County Council. 2008

The potentially high number of system buildings that could be unsafe means that Government needs to provide a measure of the actual risk of developing mesothelioma in each school so it can estimate the cost of preventing asbestos exposure and prioritise the most unsafe buildings first.

Is compliance an issue?

The JUAC submission to the DWP inquiry outlined the widespread failure of 60 Mark4/4b CLASP schools to provide evidence of compliance with the detailed asbestos management regulations, ACOP and HSE guidance. See response to Q1 Section C Example 2.

With over 22,000 schools in England alone there is a clear need for more stringent training and targeted support for Duty Holders of schools with substantial asbestos. For example:

- People who drive cars need a license that shows they have passed their driving test
- Doctors are required to pass exams and carry out supervised procedures on patients

In contrast training for Duty Holders of buildings with substantial asbestos – a Category 1 carcinogen – is not mandatory and there is no effective measure of the actual level of risk to their pupils and staff from cumulative asbestos exposure in their school buildings.

HSE Enforcement

The JUAC submission to the DWP inquiry outlined HSE enforcement of school asbestos management following their inspection of 153 schools in 2013/2014.

At the Panel 2 hearing on 17th November, I outlined the proactive response of the HSE to the finding by asbestos contractors that a Rhondda CLASP school had levels above the Control level (100f/m³) which could not be reduced as required for reoccupation to the Clearance level (10,000f/m³).

The HSE response included investigation / risk reduction and asbestos management guidance 2008 for all Duty Holders of System buildings. This was followed by the HSE/DCSF questionnaire (2010) to all Duty Holders in England requesting details of the work they had done to reduce asbestos exposure according to the HSE 2008 guidance. The HSE followed up inadequate responses with advice, inspections and improvement notices.

However, I emphasised at the hearing that while the HSE proactive response reduced the asbestos levels significantly they were still, on average, 10 times higher than that found in schools with asbestos in a good condition. This was because asbestos levels 10 times higher than found in a school with asbestos in a good condition are wrongly deemed to be safe for long term occupation.

The problem for schools is that the Asbestos Regulations do not identify the risk of adults and children developing mesothelioma.

HSE Managing asbestos in system-built schools: Summary of findings

The questionnaire (HSE Questionnaire survey on asbestos management in local authority system-built schools – Alphabetical list of responses – July 2010) .and follow up inspections revealed that the majority of authorities had taken action to comply with the legal requirements to manage asbestos. The HSE findings are summarised below:

Of the 152 authorities in England with responsibilities for schools, 107 provided satisfactory responses requiring no further action by HSE. HSE was satisfied those legal duties were understood and action was in place to deal with asbestos in any system-built premises.

Further contact with 45 authorities was considered necessary. Of these three subsequently provided satisfactory responses. Visits were made to the remaining 42 authorities and a sample of their schools, to review and confirm that asbestos management arrangements were in place, were robust, and complied with the Control of Asbestos Regulations 2006 and the Health and Safety at Work etc Act 1974.

Of these 42 authorities, ten had to be contacted for failing to respond to the questionnaire and 13 others because their responses were partial or incomplete. In addition, 19 authorities were contacted for verification inspections to determine levels of compliance with the law.

The majority of these follow up inspections by HSE confirmed that there was generally good compliance with the duty to manage asbestos and that action had been or was being taken in response to HSE advice. The opportunity was taken to give further advice to 32 authorities on

actions to enhance their systems for managing asbestos, or to ensure these systems remained effective in future.

However, action was needed to improve arrangements for managing asbestos in 10 authorities. Enforcement notices were issued requiring improvements to asbestos management arrangements. HSE continues to work with these 10 authorities and five others to provide advice to ensure that effective arrangements are maintained.

The HSE has provided support to the Department for Education regarding asbestos management including the Asbestos in Schools Steering Group since its inception in 2010, the DfE policy review of schools in England (2014), DfE non-statutory asbestos management guidance for Duty Holders and the Asbestos Management Assurance Process AMAP.

The HSE was following up the Duty Holders that failed to provide evidence of adequate compliance in the response to the AMAP. However, I understand that this has been put on hold because of the COVID pandemic.

The HSE has also provided guidance during the development of the recent non statutory DfE Guidance *Managing Asbestos in your school or college 2020* and has given constructive advice in response to the JUAC request for pupil specific Risk Assessments in schools and Environmental Asbestos Regulations in 2015.

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