17 September 2021

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

Dear Stephen,

Re: Department for Work and Pensions Select Committee Inquiry Into the HSE’s Approach to Asbestos Management - CWU Submission:

Introduction

This is the submission of the Communication Workers Union that represents 200,000 Workers in the UK Communications industry.

Overview

Despite the importation, supply and use of the Asbestos being banned in the UK since 1999, asbestos remains the largest single cause of work-related fatalities, with more than 5,000 deaths each year from diseases including mesothelioma, lung cancer and asbestosis as a result of asbestos exposure. This is around three times the number of annual road accident deaths. Most of the people who are dying now were exposed to asbestos decades ago but the risk continues whilst asbestos remains in large quantities, inside the fabric of UK buildings, placed there many, many years ago.

In the past, many members of the Communication Workers Union and its predecessor Unions have been exposed to Asbestos and have died as a result of that exposure at work.

Both Royal Mail Group and British Telecom Group own a large buildings estate, of which many of the older buildings contain asbestos which has to be managed under the current Control of Asbestos Regulations 2012.

Asbestos was first associated with serious illnesses as far back as 1924, though it was not banned until 75 years later in 1999. The strongly held view of the CWU is in line with that of the TUC which is that the ongoing asbestos crisis in the UK will not be solved by simply measuring asbestos levels and managing asbestos kept in situ, inside building in the large amounts that remain today. With time, asbestos containing materials (ACMs) will deteriorate. The longer it stays there, the greater the risk of damage or disturbance.

The problem of the asbestos legacy can only be solved by a firm commitment to eradicate asbestos from all UK buildings and remove the ongoing, continuing risk of exposure for millions of people and workers.

The current regulations and policy of management-in-situ is not a sustainable way forward. To protect everyone’s health, safety and wellbeing in the UK, the country must implement a plan for asbestos removal, with a clear timeline.

Asbestos is now often wrongly seen as being a problem of the past. However, asbestos is still with us and it is still as dangerous as ever. Asbestos containing materials (ACMs) can
be found in around half a million non-domestic premises (and probably around a million domestic ones). It is present in a range of different forms including:

- lagging on pipes and boilers,
- sprayed asbestos on pipes and in voids,
- asbestos cement in the form of roofing,
- wall cladding,
- guttering,
- pipes,
- water tanks,
- corrugated sheets,
- insulating boards,
- tiling,
- textured wall coatings and
- asbestos ropes and cloth.

Often asbestos is either hidden or has not been identified as asbestos. This means that people are still being exposed to asbestos. It is often workers who are working in building and facilities maintenance, gas, heating and ventilation engineers, lift engineers, telecommunications engineers, plumbers, carpenters, electricians, refurbishment, repair and demolition workers etc who are exposed.

Whilst mesothelioma deaths are more common amongst workers in the buildings maintenance and construction-related sector being those who are likely to be affected through exposure in their workplace, other workers with no connection to this industry are also being affected. This includes shop workers, healthcare workers, telephone engineers, teachers and finance workers.

Around 85 per cent of mesothelioma deaths are a result of exposure at work, but some are due to exposure in the home. An unknown number of people may have developed mesothelioma as a result of exposure while at school. This is because asbestos is present in around 75 per cent of schools.

Workers can and do, become exposed simply by working on or in a building with asbestos. The asbestos can and does deteriorate, fibres can become friable and dislodged and then breathed in.

**The Risks**

Asbestos continues to be the biggest cause of workplace deaths. This year 5,000 people are likely to die prematurely as a result of asbestos exposure. This is around three times the number of road accident deaths. Most of those who die do so as a result of mesothelioma, a kind of cancer that can be caused by very low levels of exposure. Although high exposure is now rare, the lower levels of exposure, which can lead to mesothelioma, are still happening on a daily basis.

The HSE estimates that 1.3 million tradespeople are at risk of exposure, and they could come into contact with deadly asbestos on average more than 100 times a year. Between 1950 and 1985 asbestos was used in millions of homes, workplaces and public buildings. It is estimated that as late as 1997 there were over 3,000 asbestos products on the market and as a result it can be found in factories, homes, schools, shops, hospitals, offices, restaurants, etc.

Workers affected and at risk are those employed in old, asbestos ridden buildings, facilities maintenance workers, gas, heating and ventilation engineers, lift engineers, telecommunications engineers, plumbers, carpenters, electricians, refurbishment, repair and demolition workers shop workers, healthcare workers, teachers and finance workers etc.

It is estimated that over six million tonnes of asbestos fibres were imported into Britain during the last century. The peak was in 1973 when 195,000 tonnes were imported. Most of this asbestos is still there and it is likely that at least half a million commercial properties and a million domestic properties contain some form of the asbestos-containing material.

**The regulatory framework**
The current Control of Asbestos Regulations 2012 was a major step forward when introduced, replacing and consolidating a myriad of regulations. However the downside is that it is based on the premise that existing asbestos-containing materials, if in good condition and are not likely to be damaged, may be left in place and ongoing, its condition must then be monitored, managed, regularly inspected and labelled to ensure it is not disturbed or doesn’t deteriorate. In practice compliance can be poor, prosecutions are few and the HSE doesn’t have the resources to inspect all workplaces containing ACM or effectively enforce the law.

**The Health and Safety Executive**

In the ten years 2012 to 2020, HSE’s funding from central government has been cut by 50% or £100 Million. Over the same period the number of HSE inspectors fell from 1,495 to just 978. The CWU supports the call for Commitment to ensure the HSE gets whatever resources it needs in the short term to keep people safe. A Government-funded public information campaign encouraging workers and the public to report breaches of workplace health and safety guidance to the HSE. A commitment from government in this parliament to reverse the cuts to the HSE made since 2010 and substantially increase the number of inspectors and strengthen the support for Trade Union Safety Representatives.

The HSE is the body best-placed to carry out asbestos management, regulation and enforcement. It has, however, suffered a decade of under-investment. The Government must provide adequate and sustained funding to support the HSE in carrying out its function in holding duty holders to account and keeping workers safe. We need the regulator better able to carry out proactive inspections, and take the enforcement action necessary to compel employers to manage risk effectively. Our concern is that the HSE remains so under-funded it is not capable of meeting this requirement.

Our view remains that there is no such thing as safe asbestos, or safe level of exposure to asbestos; and rather than bringing new tools into the workplace, we need to take the asbestos out of the workplace.

**New Government ‘Green’ Building Regulations**

Earlier in 2021, the Government finally issued its consultation aimed at making non-domestic buildings greener and more efficient. The plans have been many years in the making and are driven by the need for building energy regulations to align with the low and zero-carbon Government commitments. Heating and powering buildings currently account for 40% of the UK’s total energy usage. In 2019 the government introduced a legally binding target to reduce greenhouse gas emissions to net zero by 2050.

Asbestos removal should be incorporated into government plans to refurbish domestic and non-domestic premises. In Britain and in Europe there are plans to renovate buildings for ‘greening’ purposes. The UK government also plans a large-scale programme of removal of flammable cladding. These are welcome processes, and ones which should also incorporate asbestos removal, to avoid inevitable work to remove the dangerous substance in the future, and the ill-health consequences. While billions of public money, and hours of construction work, is spent on these projects, we urge for these public health priorities to be merged in a national effort to minimise asbestos risk, fire hazards and climate catastrophe. These works will inevitably risk disturbance of, and exposure to, asbestos fibres.

As the European Federation of Building and Woodworkers (EFBWW) has warned: “Practically, a renovation wave implies that millions of old buildings will be refurbished – concrete walls dismantled, floors replaced, ceilings removed, roofs renewed, pipes replaced, isolation restored. A terrifying fact: All these materials may contain highly dangerous asbestos fibres. Inhaling those fibres causes terrible diseases, leading to painful suffering and death.” The EFBWW is calling on the Commission to make a proposal for a targeted amendment to Article 7 of Directive 2010/31/EU in the context of the “Building Renovation Wave”, introducing a requirement for the mandatory screening and subsequent removal of asbestos and other dangerous substances before renovation works can start.

The current policy of management-in-situ is not a sustainable way forward. To protect everyone’s health, Britain must implement a plan for asbestos removal, with a clear timeline. More than 90,000 people have died in the UK from mesothelioma as a result of asbestos exposure, several tens of
thousands more have died from lung cancer or other asbestos-related diseases. Tens of thousands more will die because of exposure that they have already had. How many more will die over and above that will depend on what happens next: the status quo is not an option.

**Engagement**

The HSE itself is a tripartite organisation: its Executive Board is composed of government, employer and worker representatives. It is through this function, as well as its day-to-day work, that the HSE engages with trade unions as a key external stakeholder in their work and this must continue.

Previously the Advisory Committee on Toxic Substances (ACTS) existed to advise the HSE board on concerns relating to the supply or use of toxic substances at work. This advisory group, like the Board, was tripartite and included input from trade unions. Among its functions, it was involved in recommending limits. ACTS no longer exists, but we would support the creation of a similar advisory group, particularly in the post-Brexit context.

**UK Asbestos Eradication Programme Required**

The only way we will eradicate Asbestos related diseases in the UK is by removing all asbestos. There’s a need for a realistic timetable, but work towards that should start now. Other countries already have Asbestos eradication plans e.g. Australia and Poland.

The European Parliament called for the removal of asbestos from all European public buildings by 2028.

The occupational safety and health, all-party parliamentary group of MPs from all parties supports the call for a new law on asbestos with a clear timetable for the eradication of asbestos in every single workplace in the UK not later than 2035 with schools completed by 2028.

The CWU therefore believes that the time has come to put in place regulations requiring the safe, phased and planned removal of all the asbestos that still remains in place across the UK. Only that way can we ensure that future generations will not have to experience the same deadly epidemic from asbestos-related diseases that we suffer today. Over 50,000 people have died in the UK from mesothelioma as a result of asbestos exposure and now 100 years since the danger of Asbestos illnesses was first discovered is time enough to start the safe, controlled clearance of all asbestos from all workplaces, schools and homes.

The HSE, local authorities and other enforcing agencies must develop a programme of workplace inspections to verify that all asbestos-containing material has been identified and properly marked and managed, and that asbestos eradication plans are in place and include, as part of the plan, an acceptable timeframe for the eradication.

Additional resources should be made available to the enforcing agencies (HSE & LAs) to ensure that all workplaces and public places are complying with the regulations relating to management and removal, and that disposal is being done responsibly and safely.

**There are two other important and often overlooked Asbestos related issues the CWU Wishes to draw to the attention of the Inquiry.**

'DIY Asbestos Containing Material Sample Testing By Post'

On-Line 'budget' level Laboratory Services promoting DIY sample taking by untrained individuals are offering an all-in cheap service which consists of a 'sample taking kit’ which is sent to the customer with instructions and then the samples are returned by post to the lab for analysis.

Firstly these companies endanger those people taking the samples and secondly asbestos is prohibited from being sent through the post in the way advertised but still these companies ignore it and are allowed to operate with impunity by the HSE.

Samples going through the post in unsuitable, unsecure packaging, endangers Postal
Workers.

The HSE should take action to stop such ‘back-street’ Laboratories from operating these services and properly regulate those offering cheap, unreliable Asbestos analysis.

‘On-Line Sale of WW1/WW2 Blue & White Asbestos containing Gas Masks’
In the UK between 1935 and 1942 approximately 25 million military Gas Masks or General Service Respirators (GSRs) were manufactured, containing blue asbestos filters. Between 1942 and 1965, approximately 3 million Gas Masks or General Light Respirators (LRs)’ were produced, some of which also contained blue asbestos filters. The same applies to millions of these items produced in other countries and many of these antiquated Gas Masks or Respirators survive today, many in a state of significant deterioration and as such posing a real health risk from friable asbestos fibres which may be reduced to dust with age and is more likely to create a health hazard, as small asbestos particles are easily made airborne and inhaled.

These masks continue to be freely sold on-line with no controls (E.g. eBay shopping site) and although they are prohibited from being sent through the post, sellers still advertise and use Royal Mail services to post items sold to buyers.

This again risks endangering postal workers as the packages travel through the postal service and additionally endanger buyers and children in particular who may put the masks on and inadvertently inhale the asbestos fibres.

The HSE should ban these unregulated sales and shipments of potentially dangerous, antiquated, poor condition war-time articles 80 – 100 plus years old. Asbestos fibres can be released from handling the masks, filters and by carrying the gas mask bag.

In 2008 the Health and Safety Executive, Northern Ireland issued an urgent warning to schools and school boards on the dangers the gas masks possess. The warning is relevant to all schools throughout the United Kingdom that have a gas mask in their possession. The schools were advised to remove all gas masks in their possession and for them to be stored safely by placing them inside an intact plastic bag and sealing same. They were then advised to repeat this process, advising that the gas masks should be ‘double bagged’, a label then to be attached stating ‘Warning – contains asbestos’.

Once the gas mask is safely stored the Local Authority should be notified and they will then provide advice on how to safely dispose of the masks, filters and bags.

In 2004 the Imperial War Museum issued guidance to their staff in relation to the WWII vintage gas masks and how they should never be worn, due to the asbestos components within their filters. The advice given to staff was that the filters can be sealed or that the asbestos can be removed. However, this must only be carried out by a professional and qualified asbestos consultant.

They also advised that if any masks that had been made ‘safe’ were offered to a school that the school should ensure they obtain documentary evidence that proved that the making safe had been performed by a professional organisation. In any event, even if this is/was confirmed, the masks should never be worn.

Perhaps a greater risk than wearing the masks comes from handling them, their filters and the canvas carrying bag. Tests have shown that asbestos fibres can be released from the filters, particularly when damaged, split or worn. In turn this will contaminate those handling the masks, the surrounding area and also the canvas carrying bags.

It is important to note that gas masks from other countries may also contain asbestos and therefore the same precautions should be taken. It is illegal to sell and post war masks, filters and bags if they contain asbestos but, despite the law,
it remains the case that they are regularly traded on eBay and sent to customers through standard postal services.

The risk that the masks possess should not be one that is taken lightly – chrysotile can cause the asbestos-related lung cancer called mesothelioma. Crocidolite is even more risky, as it is up to five hundred times more likely to cause mesothelioma than chrysotile, with children being at greater risk of exposure than adults.

The CWU has raised this matter with the HSE on several occasions in the past. In 2014 following CWU representations, the HSE purchased several Gas Masks on the eBay on-line market place and tested them, confirming that they did contain harmful asbestos. Written assurance was given by HSE to CWU that something would be done about it but seven years later in 2021 the problem is exactly the same!

Yours sincerely

From Dave Joyce | National Health, Safety & Environment Officer Member TUC Union Health and Safety Specialists Committee Email djoyce@cwu.org | Direct line 020 8971 7365 Communication Workers Union, The communications union Headquarters 150 The Broadway | Wimbledon | SW19 1RX T 020 8971 7200 | F 02089717300 | www.cwu.org | @CWUNews

Attachments – Supporting Documents:

An example company offering ‘Asbestos Testing By Post’
G&L Consultancy (Specialists in Asbestos Management)
Website: https://www.asbestosspecialist.co.uk/asbestos-testing-by-post/
Extract From Website:-

G & L Consultancy Ltd offer asbestos testing by post for those who wish to take a sample themselves, rather than booking out one of our trained professional surveyors to take one for you. Sending asbestos samples by post can be a convenient and cost effective way of identifying the presence of asbestos in your household or workplace. These samples will be analysed in-house via our UKAS accredited laboratory, which enables us to deliver accurate results within 24 hours, if required.

We recommend that samples taken by non-asbestos trained individuals are limited to bonded materials such as: asbestos cement and bitumen products. Debris from fibrous materials may be sampled, as long as the debris is easily accessible, as this will limit the chance of the debris fibres becoming airborne.

If you are unsure whether the material you wish to sample is safe to do so, please do not hesitate to contact us. If it’s possible to send a photo of the material and location, that will help to determine the best course of action.
Contents of kit

Our bulk sampling kit, which can be posted to your address, contains the following items:

- 1 x Type 5/6 Cat 3 disposable coverall
- 12 x Sample bags (allow up to 6 samples to be taken)
- 1 x Large outer bag to collect all other samples ready for postage
- 1 x Jiffy (type) envelope (with 1st class stamp and addressed to the G&L Lab)
- 1 x Sample submission form (with up to 6 entries)
- 1 x Set of sampling instructions

How to take a sample

You should wear, at a minimum, a disposable P3 respirator mask. These can be bought cheaply in most hardware stores or online. You will also require two sealable transparent bags per sample taken and one sealable bag for waste. Disposable gloves and coveralls would also be advantageous.

The material that you wish to sample should be gently wetted down prior and during taking the sample, using a fine water sprayer, as long as it’s safe to do so. If the material is weak and brittle, you should be able to gently snap some off. However, for softer materials you will need to cut a small amount with a safety knife. Aim to take a sample about the size of a 50 pence piece.

Keep your sample bag close when taking the sample, to allow you to place it in straight away. Seal the bag and place it into another sealable bag, to double bag the sample. Clean any tools and bags you have used with a wet wipe, and dispose of the used wet wipes, p3 mask, and any other items you have used, into a separate sealable bag and mark it as waste. The waste bag can either be sent to us to dispose of, as it’ll be classed as asbestos waste, or if you live near a recycling centre that has an asbestos disposal skip, you can dispose of it there.

On the outer sealable bag please write the date, location, and your name, in permanent marker. Avoid using a ball point pen, to reduce the chance of piercing the bag.

If you wish to find out more information or to place an enquiry, please visit our Bulk Sample Analysis page.

Specific ACM sampling procedures

Spray coatings and bulk materials

If the coating is encapsulated, it can be pre-injected with liquid around the sampling area then carefully cut with a sharp knife or scalpel to lift a small flap to retrieve a sample. If the spray coating is not covered, both wetting (spraying surface and injection) and shadow vacuuming may be necessary to reduce airborne emissions. As spray coatings are generally homogeneous, a surface sample should suffice.

Pipe insulation

The area to be sampled should be fully wetted first: injection techniques are recommended. Samples are taken with a core sampler which should penetrate to the full depth of the pipe insulation. Proprietary types are available, but laboratory cork borers are also suitable. It should include a plunger to remove the sample from the borer. The sample point hole should be made safe after sampling (eg covered with tape or filled with a suitable inert filler), if the pipe is to remain in place and the surface was originally intact. This helps to keep the insulation in good condition and to prevent dispersal of asbestos. The borer should have a wet wipe pushed down to form a plug inside the borer and another wrapped around the outside. The borer is then used to take a full-depth sample of the insulation. The inner wet wipe is used to seal the surface of the insulation where the borer enters and disturbs the insulation. The outer wet wipe is used to clean the outside of the borer as it is withdrawn, and the contaminated wet wipe can be placed in the sample bag. The sample is removed by using the plunger to push the sample out into the polythene bag, complete with the wet wipe. Further cleaning will be required to completely clean the sampling equipment between samples.
An alternative approach is to use core sampling tubes in which the sample is retained. Again the core tube can be withdrawn through a wet wipe and then capped at both ends and placed in a bag until it reaches the laboratory. Chicken wire was often included within pipe insulation. This may hamper sampling, and a thin core sample may need to be taken. Where there is pipe insulation which is obviously new and non-asbestos, the possibility of debris from an earlier asbestos strip beneath the new insulation should be investigated.

**Insulating board**

Materials such as ceiling tiles or wall panels should be inspected for areas of existing damage, where a sample can be collected more easily. Otherwise, a small sample should be taken from a discrete location at the corner or edge of the panel, with a sharp knife or chisel blade to lever off a sample. Make sure that any paper, on one or both sides, is included.

**Asbestos cement**

Asbestos cement can usually be identified by visual inspection. Where sampling is necessary (eg to distinguish between AC and AIB), look for a damaged portion where it will be easier to remove a small sample (AC is usually very hard). The sample size should be about 5 cm² as it will be necessary to search for traces of amphibole asbestos such as crocidolite and amosite. The sample should be obtained using pliers or a screwdriver blade to remove a small section from an edge or corner. Samples should not be collected from roofs without special safety precautions to prevent falls through the fragile sheets. If the analysis is still inconclusive (eg chrysotile and amosite are detected), then the definitive water absorption test should be conducted (the material will be classed as AC if it absorbs <30% water).

**Gaskets, rope, seals, paper, felts and textiles**

Samples can be taken using a sharp knife to cut a representative portion from the material.

**Floor and wall coverings**

Samples should be cut out with a sharp knife, usually taking one sample from tiles of each type or colour present. The area should be cleaned after sampling but the fibre release is likely to be very low, unless the asbestos is present as a lining or backing material.

**Textured coatings**

Samples should be obtained by carefully scraping the coating with a screwdriver or narrow scraper, directing the material into the sample container held below the sampling point.

**Air sampling**

Personal air sampling can be carried out to measure the exposures of survey and sampling personnel. Occasionally there may be a request for ‘background’ air sampling if the ACMs are a matter of sensitivity to the occupants. Such requests need careful appraisal, as the area may already be contaminated, even before the bulk sampling is carried out. Air sampling may also be required where there has been intrusive sampling (eg in refurbishment or demolition surveys) and areas or buildings are to be reoccupied for a period before the work is carried out (see paragraphs 53–54). The procedures for reassurance air sampling as described in Asbestos: The analysts’ guide for sampling, analysis and clearance procedures should be used.

This sampling information is taken from HSG264 – Asbestos: The Survey Guide. Should you require any further safety guidance with the sampling of asbestos containing materials, please contact info@gnl.org.uk or call 01823 443 898.

eBay item number: 284429849528

Starting bid: £30.00

Click & Collect
100% positive Feedback
30-day returns

Collect 30 Nectar points

Postage £5.99 Standard (Royal Mail 1st Class Signed For)

Located in: Liverpool, United Kingdom

Posts to: United Kingdom See exclusions
Estimated before Thu. 9 Sep.

Seller information

karlj1982 (465)
100% Positive Feedback
Another example of a WW2 Gas Mask For Sale on eBay

VINTAGE WW2 GAS MASK - ORIGINAL BOX from Barry South Wales

£9.83
Bid amount Enter £10.33 or more [3 bids]

Click & Collect
100% positive Feedback
30-day returns

Collect 9 Nectar points Redeem your pointsOpens in a new window or tab | ConditionsOpens in a new window or tab
Click & Collect - Select store at checkout.

Postage £3.20 Economy Delivery UK (Royal Mail 2nd Class)

Located in: Newport, United Kingdom

Posts to: United Kingdom See exclusions
Estimated between Thu. 9 Sep. and Fri. 10 Sep.

Seller information
marroscelia (1645)
100% Positive Feedback
Condition Used
Copy of 2014 letter from the HSE promising to deal with the on-line market place sale of Asbestos Containing WW1 and WW2 Gas Masks which still continues today! See below: -
Health and Safety Executive
5 South, Floor 1
Redgrave Court
Merton Road
BOOTLE
Merseyside L20 7HS

Dave Joyce
National Health and Safety Officer
Communication Workers Union
150 The Broadway
Wimbledon
London
SW19 1RX

Dear Mr Joyce

Asbestos Danger from World War 2 Gas Masks – Internet Selling on eBay and Sending via the Royal Mail

Your letter on the internet sale of asbestos-containing gas masks to Mike Penning MP, Minister for Disabled People at the Department for Work and Pensions, has been passed to me for reply. I note that separately, you wrote in the same terms on the same issue to my colleague here Craig Bell. This reply covers both pieces of correspondence.

The Health and Safety Executive has been made aware that gas masks are being sold through retailers such as eBay, and we have had discussions with them to confirm that they are aware of their responsibilities with respect to relevant legislation as it applies to the sale and supply of hazardous material such as the REACH Regulation you mention. In these discussions they did ask whether all vintage masks contained asbestos or only particular models and types. Whilst eBay are keen to work with us, not unreasonably there was a desire for a pragmatic solution that does not see masks that are known not to contain asbestos prohibited from sale.

We therefore arranged for the purchase and collection of vintage masks for analysis of their asbestos content by our colleagues at the Health and Safety Laboratory. This analysis is now complete and has shown that a majority of the masks did contain asbestos, but a minority did not, and it does not appear possible to say with any certainty whether certain types will or will not contain asbestos.

We are soon to discuss these findings with eBay to agree how best they can assist sellers in complying with the REACH Regulation. This will include
making sellers aware that they should not be selling their masks or transporting it via Royal Mail or courier unless they know it is asbestos free.

Given your interest I will ensure you are informed of the outcome of these discussions as soon as they conclude.

Yours sincerely

[Signature]

Dr Richard Broughton  
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Health and Safety Executive

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