

## LIST OF CONTENTS (in Annex 9)

Hardsworthy House,  
Hardsworthy,  
Bradworthy,  
Holsworthy,  
Devon EX22 7SD

Dr Fairhurst,  
Chairman WATCH  
Magdalen House,  
Stanley Precinct,  
Bootle,  
Mersyside,  
L20 3QZ

19<sup>th</sup> January 2006

Dear Dr Fairhurst,

I attach the various enclosures that we talked about, they are hopefully self explanatory.

1. Dr Piney's letter of 17<sup>th</sup> October 2001 was the letter that I sent to Dr Piney after our conversation when he told me that he thought that my wife had been exposed. This letter gives the details upon which all the tests were based and is most important.
2. The notes to Dr Piney, are an update of what had happened subsequently and has to be attached to the letter to Dr Piney.
3. At your present Annex 4 you have enclosed a letter from Mr Macdonald to me dated 23 August 2004, which presently is completely out of context. He replied to my letter of 23 June 2004 and then I sent a further letter dated 2 September 2004. Please enclose both.
4. You have published my letter to Dr Burdett dated 18 October 2005, it is out of context. I wrote to Dr Walkin the Head of Asbestos Policy on 26 July 2005, and Dr Burdett replied to my letter telling me that there would be no meeting and no test with mutually agree methodology. This letter of mine to Dr Walkin puts the other letters in context. Please enclose.
5. Amended summary is to replace the incorrect statement of my supposed position in paragraph 5 (of the cover paper).

Thank-you for agreeing to correct the balance and to put the record straight. I would appreciate it if all of these are included on the web-site, and all are distributed to the committee members before the meeting.

My paper was too long to be included at this late date. I will summarise it, and if possible I would like it given to the members later.

I understand that you will also be putting all of Robin Howie's correspondence on the web-site.

I look forward to meeting you on the 1<sup>st</sup> February.

Yours Sincerely  
Michael Lees

Hardworthy House,  
Hardworthy,  
Bradworthy,  
Holsworthy,  
Devon EX22 7SD

tel/fax 01409 241496

Dr M Piney,  
HM Principal Inspector,  
HSE Department of Occupational Hygiene,  
Haswell House,  
Worcester WR1 1UW

17th October 2001

Dear Dr Piney,

Thank-you for our conversation last week about asbestos within schools. Subsequently there has been some progress:

1. You will be glad to know that in my meeting with the Chairman of Governors of C . . . he accepted that they should have adhered to HSE safety guidance in relation to asbestos, and will now be carrying out surveys within their whole group of schools, and will be informing those teachers and parents who were exposed to asbestos dust.
2. In a meeting with my MP we discussed the matter of some independent schools' apparent disregard of asbestos safety guidance. He will raise the matter with the Education Minister.
4. I have talked to an HMI at OFSTED who agrees that if a school is inspected to determine if it has achieved the necessary academic standards then, at the same time, that inspection should include an element to check that they have also complied with safety regulations and guidance. I have sent a paper outlining the failure of some schools to achieve the necessary standards to the Chief Inspector of Schools.

It is very kind of you to consider carrying out tests to determine the levels of asbestos dust released on inserting and removing drawing pins in AIB ceilings. I enclose a paper that I have sent to some of your colleagues within other departments of the HSE. It gives an idea of the scale of the problem of teachers using AIB as pinboards. State schools now seem to be more aware of asbestos, whereas independent schools are in stark contrast, if C . . . schools are taken as a representative sample, for their ignorance is profound. I would greatly appreciate it if you would carry out tests to determine the likely levels of exposure for both teachers and children.

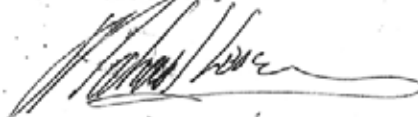
As I mentioned on the phone I used to help G . . . display her children's work on the days that I finished work early, and I therefore have a good idea of her mode of operation. Her practice of using the ceiling and walls as a pinboard was one that she had always done throughout thirty years of teaching. I have contacted all of G . . . schools, and although I am convinced that she was exposed to asbestos in some of them, they have been demolished, have not yet been surveyed for asbestos, or else I have as yet been unable to establish the facts. I therefore outline below the known case of exposure at Stella Maris school:

- G taught the kindergarten children in the same classroom for six years from 1990 to 1996.
- I do realise that it is not generally accepted that ten years is sufficient latency time for mesothelioma, although I personally believe that this exposure had a contributory effect, however the procedure outlined is typical for all the schools that G taught in.
- There were about twenty children in the class.
- I would estimate that the classroom was about 30ft x 30ft and about 7ft 6ins high. This could be verified.
- Each day the children would cut out and colour pictures that would either be fixed with drawing pins to the wall display boards or suspended with drawing pins as mobiles from the ceiling.
- The wall display boards are now in use in the new school, I suspect that they were not asbestos, but await confirmation.
- Other teachers used the ceilings as pinboards and they verify the practice. G ever changing displays were renowned and her classroom has been described as an Aladin's cave, one had to duck and weave across the room to avoid clowns and aeroplanes.
- Daily would spend about half an hour displaying work. This probably involved 10 minutes of actually inserting and removing drawing pins.
- I could reach the ceiling, but C had to stand on a chair consequently her face was about four to six inches from the ceiling, and she would look up to remove the old drawing pins by twisting and pulling them, then she would insert new pins to suspend the mobiles.
- Where G had suspended the mobiles most frequently the fabric of the panels was damaged, to such an extent that on at least one occasion while I was helping she even had to brush the dust from her face.
- The suspended ceiling was Asbestolux supplied by Cape products in 1962. Cape have confirmed that the asbestos used was amosite in a proportion of about 25%, the remainder being silica, hydrated lime or similar inert material. The panels were screwed to timber battens. The ceilings were painted with a mat paint.
- The storage heaters had blowers and the asbestos surveyor suspected that they contained asbestos.
- The building had a flat roof which leaked, it was not uncommon for work to be carried out on the ceiling panels and the roof, consequently releasing more dust.
- The flat roof was constructed of roofing felt on insulating boarding.

5 If teachers and the parents are given an idea of their, and their children's, likely exposures then they would have a tangible idea of the risks. As the latency period is so long perhaps one day a cure might be found for asbestos diseases, and if asbestos exposure is recorded on their medical records then early symptoms could be recognised and hopefully a life saved.

If you wish to know any further information then please contact me.

Yours Sincerely



Michael Lees

P2.

## **Notes on My letter to Dr Piney 17 Oct 01**

This letter was written to Dr Piney after our conversation. The following is an update of the side notes:

1. The school informed the HSE that they had carried out a survey when at the time they had not. They did not carry out the survey until almost a year later. There was no effective asbestos management plan in place.
2. Although the school agreed to tell the teachers and children who had been exposed to asbestos, they have told no one. This was on the advice of the HSE.
3. This was to be part of the asbestos in schools campaign. The campaign has been dropped.
4. The Chief Inspector of Schools agreed to consider this idea, as did the HSE Head of Asbestos Policy. There will be a reduction in OFSTED inspectors so it seems unlikely that the idea will be implemented.
5. Recent trials are showing advances in techniques to give remission.
6. A paper was sent to the HSE, which gave details of past exposures in specific schools, and of specific schools where the staff and pupils remained at risk. No HSE inspection or investigation has been carried out in any of the schools.

Hardworthy House,  
Hardworthy,  
Bradworthy,  
Holsworthy,  
Devon EX22 7SD

Mr W. Macdonald,  
Head of Asbestos Policy,  
HSE  
Rose Court,  
2 Southwark Bridge,  
London SE1 9HS

23<sup>rd</sup> June 2004

Dear Mr MacDonald,

In your letter of 30<sup>th</sup> April you told me that you would forward the results of the HSL test carried out to determine the asbestos fibre release from inserting drawing pins into AIB. Since then I have heard nothing. Ten months ago I gave the HSE the results of an independent test that showed that considerable numbers of asbestos fibres are released. Shortly afterwards I was informed that you had set up your own test. Given the circumstances I do not consider that a ten month time delay is acceptable. Please forward me the results of your test soonest.

I have been awaiting the test results before I replied to your letter of 30<sup>th</sup> April. As they have not been forthcoming I have the following to say.

- The HSE have been given extensive information of actual asbestos exposure, and possible asbestos exposure, within certain named schools.
- My wife taught in those schools and died of mesothelioma. I notified the HSE that I considered that her asbestos exposure was typical amongst primary school teachers and gave you supporting evidence.
- Since my wife's death in September 2000 I have requested that the HSE carry out an investigation to accurately determine the levels of exposure to my wife, other staff and children.
- The HSE have refused to carry out any investigation of past asbestos exposure in any of the schools. This decision has been supported by the Director General.
- You were informed that S school had exposed their employees and pupils to asbestos fibres on a daily basis over the course of many years. You were also informed that this exposure had taken place because the school had no asbestos management plan.
- You reviewed the HSE's decisions. You then wrote on 30<sup>th</sup> April informing me that you did not intend to carry out any investigation into the asbestos exposures within S school.
- You also informed me that you supported your colleagues' decision not to tell the other people who had been exposed to asbestos at the school.
- The HSE were informed that there was a strong possibility that G school continued to put their staff and pupils at risk from asbestos exposure. The HSE declined to carry out a safety inspection. You supported this decision.

- The verdict at my wife's inquest was that she had died of an industrial disease. The Coroner summed up by stating that in all probability she had been killed by asbestos exposure within a school. Despite the evidence and this verdict you support your colleagues' decision not to carry out an investigation into my wife's death from an industrial disease.

I do not accept your decisions.

I consider that the above HSE policies and decisions are wrong and contrary to your charter.

The HSE have a duty to ensure that schools maintain safe health and safety practices. I consider that the HSE have failed in their duty.

A direct result of your policies and the HSE's lack of effective regulation, is that dangerous practices have been allowed to happen in schools. The result of which is that my wife and others have been exposed to asbestos over the course of many years.

I hold the HSE responsible.

Do not consider that because you have brought out new asbestos regulations you are absolved of your responsibility for past asbestos exposures within schools. Neither you nor the Director General have the moral right to draw a line under these exposures.

Please could you answer the following:

1. How many inspections has the HSE carried out to determine whether asbestos guidance is being followed within:
  - Schools within the state sector?
  - Schools within the independent sector?
2. How many times has the HSE notified a school that its asbestos management plan is inadequate?
3. How many cases of asbestos exposure within schools have been reported to the HSE?
4. How many of those cases has the HSE investigated?
5. In how many cases have you advised the school authorities to inform those who have been exposed?
6. In how many cases have you advised the school authorities to keep the fact secret?
7. You support the Director General's policy not to investigate the death of a primary school teacher from an industrial disease. Is my wife's case unique or has this always been the policy?
8. If not, then how many other deaths of primary school teachers from mesothelioma have the HSE investigated?

I await your reply.

Yours Sincerely

Michael Lees

Hardsworthy House,  
Hardsworthy,  
Bradworthy  
Holsworthy,  
Devon EX22 7SD

Tel/fax 01409 241496

Email:

michael@lees1262.fsworld.co.uk

Mr W. MacDonald,  
Head of Asbestos Policy,  
HSE  
Rose Court,  
2 Southwark Bridge,  
London SE1 9HS

2<sup>nd</sup> September 2004

**Asbestos in schools**

Dear Mr MacDonald,

Thank-you for your letter of 23rd August. You have not reversed a single decision from your previous letter and that of the Director General.

When you and Mr Walker wrote your letters I don't imagine for one moment that either of you thought of the devastating effect that they would have on me and my family. To be told by the Director General that I might be disappointed by his tough decision not to carry out an investigation into my wife's death, is an understatement of monumental proportions.

If you based your decisions on facts, logic or your own published statistics and policy, then those decisions might hold some credence. But you have not, and I am unable to accept such decisions.

The HSE has been criticised in the recent Commons select committee report. I have enclosed a copy of a paper that I wrote about asbestos exposure in schools, which details my wife's exposure, which I consider is but typical of many other primary school teachers. It was written before the committee published their findings, and you will see that I had come to similar conclusions as they did;

in that the HSE has failed to carry out sufficient inspections or investigations, and its enforcement policy has been insufficiently rigorous.

Because of this failure in effective regulation schools have felt, and continue to feel, able to ignore safety guidance, and in consequence have exposed their staff and pupils to asbestos. School authorities are fully aware that they will not be found out, as it is rare that a school safety inspection is carried out. In this particular case you have proved to them that if exposure does occur and the HSE are notified, you are not prepared to commit your resources in carrying out an investigation or any enforcement action. As school authorities are aware of all of this, why should an unscrupulous school feel obliged to obey the law?

It is not just me that considers that you have failed in your duty of regulating safety standards. If you ignore everything that you are being told and fail to amend bad policies and decisions, you will continue to fail in that duty.

All the evidence in my paper has been given to you before, however if nothing else please read the section that details your organisation's involvement. I suggest that this time, rather than putting your efforts into fighting me and attempting to undermine the evidence put before you, listen and heed what you are being told.

#### **My comments on your letter**

I do not intend to reiterate what has been said before but will pass comment on certain new aspects.

#### **Drawing pin test**

Mr Howie has written to you explaining why the HSL test and Dr Piney's report are flawed. I will not cover the same ground. I am not a scientist but certain aspects are so blatantly inaccurate that it is clear to a layman such as me, that they are based on false logic and that crucial facts are wrong. If the report and the ill conceived conclusions are published they will lead teachers into a false sense of security. Please listen to Mr Howie and rapidly arrange a meeting with him so that all of you can come to a mutually agreed conclusion.

#### **Investigation into S school**

You were asked to carry out an investigation into the exposures at S school and have refused. At the same time I asked the Department of the Environment to investigate the disposal of asbestos, they consequently carried out an investigation and then, as a result, issued warning notices. I had completed the groundwork and handed the evidence to you on a plate. Three simple interviews and the examination of a file would have established sufficient to be able to estimate the exposure to my wife and everyone else in the school, including my own children. Instead you have prevaricated and achieved nothing other than hindering my enquiry over the last four years.

The building contractor who carried out the rebuilding of the collapsed AIB roof said to me "Why should I tell you anything if it means that I am putting my head in a noose."

He must have known that he would get away with it, as he was well aware that the HSE would do nothing - and he was right.

I think that his comment sums up the attitude of people who know that they will never be brought to book.

The school still exists, albeit in a different building, with most of the same staff. Even with the passage of time the investigation could quite simply be completed.

#### **Levels of exposure**

You were given evidence of frequent amosite release and contamination amongst the children, teachers, maintenance workers and cleaners. You were told that the school authorities had no idea that asbestos even existed and hence all of this carried on over the course of many years without any safety precautions being taken. And yet you say that you can find no conclusive evidence. That is purely because you have ignored what you have been told and you have not committed the resources to look for yourselves.

You have also dismissed the fact that every day the amosite was being released into the classrooms by being punctured by drawing pins. I suspect that Mr Howie's tests will prove correct, if so you have once again based your conclusions on a false premise.

As Head of Asbestos Policy you have established a dangerous bench mark if you really believe that such exposures are very low and would not pose a health risk to anyone involved.

Yes the levels of amosite exposure are low when compared to that experienced by a boiler lagger. However children are the most vulnerable people and the levels that they and the staff

were subjected to were cumulatively significant, totally unacceptable and what is more, eminently capable of causing mesothelioma.

I suggest that you re-examine your conclusions.

**Current exposures**

You were told that the same individuals who had ignored safety guidance at S school were ignoring safety guidance at G school. Despite their bad track record you accepted their word that they were now reformed characters and had started to follow that guidance. They also told you that they had carried out an asbestos survey, and yet you did not carry out a simple inspection to confirm that this was so. I did, I asked a governor who informed me that an asbestos survey had not been carried out, despite what you had been told.

My son and daughter were pupils at S and my son was a pupil at G school. My wife taught at both over the course of ten years. I have every reason to want to know the extent of the past exposure to staff and pupils in both schools. I want to know whether staff and pupils are still being exposed. You could have found out the facts so easily, and yet you have done nothing.

**HSE failure to effectively regulate schools.**

Please read the section in my paper that addresses this aspect.

**Mesothelioma deaths amongst female primary school teachers is disproportionately high.**

I also have based my conclusion on the National Statistics publication, and therefore disagree with your conclusion. Although I do accept that one can argue over the statistical magnitude, whether it is three times or five times greater than the norm. However, although you might argue against these statistics, it would be most imprudent if you attempt to dismiss these deaths and the underlying causes that have led to them.

**Failure to answer any question on regulation, inspection, asbestos exposures, investigation and informing people after exposure.**

**Regulation.** These questions were asked so that it could be determined to what extent the HSE have fulfilled your role in regulating safety standards in schools. Your failure to give an adequate answer to these questions must, if nothing else, demonstrates that you do not keep adequate records, and that you do not practice your open government policy. My paper details your failure in regulation.

**Inspections.** You tell me that you don't keep records of inspections, which I find hard to believe. I suspect, from what I have been told, that you have carried out very few school inspections in the past, and events will only prove if you live up to your word and carry out sufficient in the future. I note that you are targeting local authorities and education departments, which is good. However you have failed to effectively regulate independent schools in the past, as you are their only regulators you must not ignore them in the future.

**Number of asbestos exposures in schools.** You state that the HSE do not keep records of reports of incidence of asbestos exposure in schools. The Government has recognised for decades that children are the most vulnerable to asbestos exposure, and yet you say that you don't keep records. If that is so it makes it difficult for an assessment to be made into the extent of the problem, and if correct, demonstrates the level of importance that you attach to such events

You have clearly shown over the exposure at S school that you have a policy that actively encourages secrecy after an exposure. This policy has meant that few people realise the very real dangers of asbestos and how frequently, and to what extent, their children are being exposed. If they knew, then it is inevitable that long ago public opinion would have made sure

that effective measures were taken to protect their children. You cannot keep such facts secret, the truth will be out.

**Not informing people who have been exposed.** You have avoided addressing this question. Your published guidance, and the law, states that people should be told after an exposure has taken place, and yet at S school you and the Director General have actively encouraged the school to keep the fact secret. It must therefore be presumed that this secrecy is the actual HSE policy, rather than telling people the facts which is the published policy.

**No investigation.** The Director General has said that an investigation would not be carried out because there would not be a reasonable chance of conviction. You confirm this. I will say again that a school must be treated as a special place, a fact that is acknowledged by your own EMM. Because of the sensitivity of a school an investigation has to be carried out after a known exposure. A prosecution is not the main consideration, however what is vitally important is an investigation that establishes the levels of fibre release so that an accurate idea of the risk to health can be made. Whatever the result it is important to be able to give people an idea of that level of risk, if for no other reason but to dispel their fears.

**Policy on investigating teacher's deaths from mesothelioma.** You have avoided answering this question. You refuse to investigate my wife's death and from your evasive answer I can but presume that this is the policy and that you do not investigate any teacher's death from mesothelioma.

**HSE campaign to improve the management of asbestos in schools.**

It is excellent that you are focussing on the education sector in order to increase awareness and compliance of the new legislation.

Thank-you for your kind invitation to join the HSE in a campaign to improve the management of asbestos in schools. I hope that I can offer something constructive in achieving this goal, and would be most pleased to join you.

All that I have said above does not detract from the fact that I have no doubt that your ultimate aims are the same as mine.

Yours Sincerely

Michael Lees

Enclosed: Asbestos exposures in schools.  
Copy: The National Union of Teachers

Hardsworthy House,  
Hardsworthy,  
Bradworthy  
Holsworthy,  
Devon EX22 7SD

Tel/fax 01409 241496

Email:

michael@lees1262.fsworld.co.uk

Mr K. Walkin,  
Head of Asbestos Policy,  
HSE  
Rose Court,  
2 Southwark Bridge,  
London SE1 9HS

26<sup>th</sup> July 2005

**Drawing pin test in AIB**

Dear Mr Walkin,

Mr Howie has copied me the latest HSL report on fibre release from inserting drawing pins into AIB. There are many aspects about this test and the report that make me unable to accept the conclusions.

Let me put it in very simple terms: I have practical experience of inserting drawing pins into an AIB ceiling in a school classroom, as I have frequently done it myself. I have also seen my wife brushing debris from her face, hair and clothes that had fallen from the AIB ceiling when she was displaying the children's work. During all of this her face was about six inches from the ceiling. She and the other infant teachers pushed drawing pins into AIB on almost every working day for many years. I think that when you compare the high levels of fibre release that were clearly apparent in the real situation you will realise why I cannot accept the levels of airborne fibres that the HSL have counted in their laboratory simulations. Neither can I accept the exposure levels that the HSL have calculated that my wife, the other teachers and the children have experienced.

After Mr Howie's and your first series of tests it was clear that the anomalies between the two of you could only be resolved in a test where both parties agreed on the methodology. I therefore requested that the HSE/HSL should liaise with Mr Howie so that if any future tests were carried out then this would happen. Despite my request you carried out your latest series of tests without an agreed methodology. I am not a scientist however I can see that the basic assumptions, methodology and conclusions of this test are flawed. Mr Howie also has serious reservations about fundamental aspects of the experiment and the interpretation of the results.

There are two ways forward:

- The first is that a further test is carried out with a mutually agreed methodology agreed between the HSL and Mr Howie. Ideally the test should be carried out in the HSL laboratories in Mr Howie's presence.
- The second option is not ideal, but might give a way forward. Mr Burdett, Mr Howie and any other interested parties should meet and discuss the interpretation of all the tests. Perhaps then an agreed interpretation and agreed conclusions could be thrashed out.

Far too much time has passed already. This is a very serious matter that has to be resolved as soon as possible. Please ensure that it is.

Yours Sincerely

Michael Lees

cc:  
Mr Fawcett Assistant Secretary NUT  
Mr Daniels DfES

**Amendment to incorrect summary (in the cover paper).  
My position. WATCH committee briefing paper. (Paragraph 5)**

HSE was contacted by Mr Michael Lees in 2001 following the death of his wife from mesothelioma. At her inquest the Coroner gave a verdict of "Death from an Industrial Disease." In his summing up he stated that he considered that her asbestos exposure had occurred at school as a primary school teacher.

Mr Lees was concerned that although her exposure had been low level it had been cumulative throughout her thirty year teaching career, and had been caused in a variety of ways in certain schools. The exposures included fibres released from accidental damage to ACMs, and maintenance work on AIB being carried out with no safety precautions being taken. Part of that exposure was caused by his wife's daily practice of displaying the infant children's work by inserting drawing pins into the AIB ceiling. He was also concerned that as his wife had been exposed to asbestos then the children, other teachers and ancillary workers had been exposed as well. Mr Lees was concerned that the practice of inserting drawing pins into ceilings and walls is a common practice amongst teachers and in particular infant teachers. His concern was that other teachers had been exposed to similar levels of asbestos fibres as his wife, and that the children would have been exposed as well.

Because of this he asked the HSE if they could determine the levels of fibre released from the practice of displaying work by inserting drawing pins into AIB walls and ceilings. This information could then be assessed along with the other known exposures, so that the teachers and parents could be given a tangible idea of the risk.