



Mr Martin Temple  
Chairman  
Health and Safety Executive  
Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

31 July, 2017

OPEN LETTER

Dear Mr Temple,

As the lead organisation internationally representing aircrew and aviation workers concerned about the contamination of aircraft air supplies by the aircraft engine supply ('bleed air'), the Global Cabin Air Quality Executive (GCAQE) wishes to draw to your attention concerns about the HSE in relation to this issue in the UK.

The GCAQE is one of the organisers of an international 'Aircraft Cabin Air Quality Conference', being held in London at Imperial College on 19-20 September, 2017. The GCAQE suggested that the HSE should send a representative to attend the conference to the experts. We were advised by the Chief Executive's department on 10 July 2017 that the HSE was not willing to send anyone from the HSE to the conference. Baroness Buscombe, representing the Department for Work and Pensions, responded to a question raised in the House of Lords (HL 636) as follows:

- *"The Health and Safety Executive (HSE) will not be attending the International Aircraft Cabin Air Conference at Imperial College, London in September 2017. HSE works with the Civil Aviation Authority (CAA) to regulate health and safety at work in the aviation industry. This operates through a memorandum of understanding and associated guidance document CAP 1484 (see documents attached). CAP 1484 states that by agreement CAA regulates health and safety on board aircraft and advises on the health implications of exposure to hazardous substances on crew and passengers. CAA is the most appropriate regulatory attendee and HSE will seek information and updates on such issues through its regular contacts with CAA."*

We are fully aware of the Memorandum of Understanding (MOU) between the HSE and the CAA, giving the CAA priority for the cabin environment and flight operations, including health and safety on board aircraft and exposure to hazardous substances.

We are writing to you to request you that you reconsider the decision not to send an HSE representative to the conference, as we believe it is totally inappropriate for the following reasons:

1. The CAA is not responsible for, nor does it enforce the HSW Act 1974 or the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH). (HL 1690, 24/9/12)
2. The CAA is given occupational health and safety enforcement responsibilities under the Civil Aviation (Working Time) Regulations 2004. The CAA must ensure crew members are provided with adequate health and safety protection and prevention services ...appropriate to the nature of their employment. (HL 1687/1690, 24/9/12)
3. The Health and Safety Executive (HSE) is the enforcing authority responsible for enforcing the Health and Safety at Work Act 1974 and the Control of Substances Hazardous to Health Regulations 2002 (as amended) for aircrew on board aircraft, on the ground before or after flight, and in flight. (HL 1687/1688/1689, 24/9/12)
4. HSE gives less priority to enforcement in areas where other regulators have responsibilities and are better placed to regulate. A Memorandum of Understanding between HSE and CAA allocates responsibility to avoid duplication of effort. (HL 1687/1688/ 1689, 24/9/12)
5. HSE will raise with the CAA concerns if they believe that an aircraft or its operation poses risks to the occupational health and safety of crew or passengers on board whilst it is in flight within GB airspace. (HSE/SRG Memorandum of Understanding, Annex No 8, Issue 2.3 Date of issue: May 2013, S 3.7)
6. Since the Memorandum of Understanding was implemented, the HSE has taken no enforcement action in relation to operations around aircraft on the ground in relation to a breach of the Control of Substances Hazardous to Health Regulations 2002 (as amended). The CAA has taken no enforcement action in relation to any chemical exposure on board aircraft under the Civil Aviation (Working Time) Regulations. (HL 1689, 24/9/12)
7. HSE is responsible for regulating the occupational health and safety of all work activities on and around an aircraft on the ground, except the activities of crew members whilst they are on board the aircraft. Regulation of health and safety during work activities of crew members that take place outside the aircraft are the responsibility of HSE. (HSE/SRG Memorandum of Understanding, Annex No 8, Issue 2.3 Date of issue: May 2013, S 1.5.1)
8. Parliamentary Hansard – “*‘cabin crews’ Health and Safety Executive protections apply only when they are on the ground and outside the aircraft. Things such as Control of Substances Hazardous to Health Regulations seem to be falling through the net between the CAA and the HSE.*” (Chris Stephens MP, 17 Mar 2016: Column 443WH)
9. CAA/HSE MOU: Regulatory responsibilities (Table 1) gives effectively all responsibilities to the CAA various divisions (SRG, AHU, OHS), with the HSE responsible for ‘non crew member’ OHS risks.

10. CAA- *“It is therefore inappropriate for the CAA to investigate any breaches of the COSHH regulations... to date we simply do not have sufficient evidence that shows there is a lack of health and safety protection for crew members from the effects of any cabin air contaminants.”* [1]
11. CAA relies upon UK Committee of Toxicity (COT) and other government/airline industry studies [2] yet has no hazardous substances expertise and is failing to apply the protections available to workers under HSW Act 1974 or the Control of Substances Hazardous to Health Regulations 2002 (as amended).
12. CAA considers ‘*COSHH to be of little relevance*’ with regard to the aircraft contaminated air concerns. [3]
13. *“Once the findings of COT (committee of Toxicity) are available, HSE will consider what, if any, actions are required under the Health & Safety at Work etc Act and COSHH, in consultation with CAA.”* [4]

It is quite clear from all of the above and many other similar comments provided to us, that the CAA does not have the expertise to be able to adequately provide protections available to workers under the HSW Act 1974 and COSHH and these are not being provided under the CAA working time regulations.

Furthermore the CAA is entirely funded by the aviation industry [5,6], something many of our members see as an obstacle to their welfare being placed ahead of the industry interests.

Indeed the studies that the CAA’s Aviation Health Unit (AHU) is relying upon are strictly those that continue to deny there is an issue of concern, while ignoring all other data advising otherwise. This is simply unacceptable. While the HSE can raise concerns if it feels the OH&S for crew is being compromised in GB airspace, this is clearly not happening. Although we can clearly see that the Memorandum of Understanding is clearly not working in terms of aircrew being exposed to hazardous substances including contaminated cabin air, we request that based upon this letter, that you ensure someone from the HSE is directed to attend the conference. **It is simply not possible for the HSE to raise concerns with the CAA if you are not aware of the latest evidence.** To rely upon the studies cited by the CAA and DfT is not a responsible or informed response.

As the HSE is responsible for HSW Act 1974 and COSHH, we believe ultimately the HSE has a responsibility to be fully up to date with the evidence on this topic, rather than selectively relying on science to suit. Therefore we trust you will ensure the most appropriate person within the HSE attends the conference in its entirety.

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1. CAA (2007) Letter from Tim Williams, CAA health safety & Environmental advisor to Tristan Loraine 13/4.07: British Airways PLC alleged failure to comply with COSHH regulations
2. CAA (2013) Email from Tim Williams, CAA health safety & Environmental advisor to S. Michaelis, GCAQE, 26/4/13
3. CAA (2013) Email from Tim Williams, CAA health safety & Environmental advisor to S. Michaelis, GCAQE, 6/4/13
4. HSE (2007) Email from Christine Barringer, Head of Transportation section, services Transportation and Safety Unit (STSU, Health & Safety Executive to Captain Tristan Loraine, GCAQE Co Chair, 23/3/07
5. HOL (2012) House of Lords Hansard. [HL 3256], 13/11/12
6. HOC (2006) House of Commons Hansard. [HC 75742], 12/6/06

As Theresa Villiers said in a press release in 2008, *“The Government’s dithering on air cabin quality, with secret studies behind closed doors, has put airline crews and passengers at risk.....Another hushed up internal review will not be acceptable.”* Rolls-Royce has stated that *“toxic products in cabin air”* are the 5<sup>th</sup> largest main engine threat. [7] Therefore once again, both supporting that the HSE must not simply ignore this issue, leaving it entirely to the CAA. The conference attendance is not deferrable.

I am sure you can see the GCAQE’s only concern is to address the health and flight safety implications of exposure to contaminated air & as such we see the HSE’s participation as critical. Finally you may be interested to know that Director Olsson from the EU Commission, DG-EMPL, Unit B, will be speaking at the conference.

We look forward to hearing from you.

Sincerely,

Captain Tristan Loraine  
GCAQE Spokesman

CC:

Countess of Mar

Howard Beckett – Director of Legal Services & AGS, Unite the Union

Oliver Richardson, Civil Air Transport National Officer, Unite the Union

Susan Murray, Head of Health & Safety, Unite the Union

David Robinson, Thompsons Solicitors

BASSA Branch Chair

TGU Branch Chair

PPU Chairman

IPA Chairman

BALPA Chairman

A global coalition of health and safety advocates committed to raising awareness and finding solutions to poor air quality in aircraft

[www.gcaqe.org](http://www.gcaqe.org)

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