LEV industry initiative for the escalation of issues identified in the Thorough Examination and Test (TExT) reports.

**Guidance**

Below is the agreed standardised text for use in escalating an LEV system that has failed routine TExT examinations on multiple occasions. For example when to issue the letter see Table 1 below.

|  |  |
| --- | --- |
| **Scenario** | **Issue letter on…** |
| Asthmagen, mutagen or carcinogen | second occurrence of failure |
| other substances where repairs or TExT engineers advice has failed to be carried out | third occurrence of failure |
| **Table 1 – Suggested scenarios when to issue an Escalation Letter.** |

The text on page 2 & 3 of this document should be copied and pasted onto the TExT engineers company headed paper.

The text in red should be amended to suit by the issuer.

**This letter should be used to escalate issues which in your professional judgement as an LEV specialist are detrimental to effective control of a hazardous substance and which have been drawn to your client’s attention in previous TExT reports but not rectified.**

**Escalation Letter**

1. Copy and paste the below text onto your company headed paper.
2. Amend the text in red to suit.

**For the attention of:**

**XXXXXXXXX XXXXXXX Manager**

**Copies:**

XXXXXXXXX XXXXXXX Manager

Dear **XXXXXXXX**

**Important Exposure Control Issue Requiring Action**

I am writing to you today, as a pro-active business partner and a member of (insert professional body), to highlight and escalate my concern regarding the current serious defects and control issues associated with your Local Exhaust Ventilation Systems, and the corresponding increased risk of ill health that the unresolved issues represent. Failure to address these issues not only puts your employees at risk but could leave you liable for enforcement action by the HSE.

It is essential that our organisations work closely together to agree and implement the necessary actions to re-establish a safe and effective control programme in order to prevent ill health in the workplace and meet the legislative requirements laid down in the HSE L5 COSHH Approved Code of Practice and associated technical guidance HSG258 “Controlling airborne contaminants at work – A guide to local exhaust ventilation”.

**Current Areas of Concern**

The significant issues to bring to your attention are:

* Point 1
* Point 2
* Point 3
* Point 4

**Recommendations**

As your Local Exhaust Ventilation thorough examiner and tester, we are keen to work with you to resolve these issues and recommend the following course of action:

*A – High Priority*

1. Action 1
2. Action 2

*B – Medium Term*

1. Action 3
2. Action 4

You should also be aware that if the lack of control of the hazardous substance persists this constitutes a risk that you have a duty to your insurance broker/insurance company under the Insurance Act 2015 s3 (Duty of Fair Representation) and s4 (Knowledge of the Insured).

If the Insurance Broker or company are aware of inadequate control of air quality this is likely to affect premiums.

I will contact you as a follow up to this letter, to arrange a meeting to agree actions to resolve these issues. If in the meantime you need any further information or to discuss this matter, please do not hesitate to contact me.