

Prosecutions

£60,000 Fine after Worker Lost Arm

An international waste recycling firm has been fined £60,000 after a worker lost part of his arm in an industrial incident in Basildon.

Daniel Ali, 35, was working as a process operator at Coolrec UK Ltd, in Harvey Road, Burnt Mills Industrial Estate, Basildon, on 4 April 2008 when his arm got caught in a conveyer belt. Doctors later had to amputate it.

The Health and Safety Executive (HSE) prosecuted the parent company Coolrec Group BV, of Croy 25, 5653 LC Eindhoven, Netherlands.

Coolrec Group BV was fined £60,000 and ordered to pay £22,000 costs at Basildon Magistrates' Court today after it admitted breaching Section 6(1)(a) of the Health and Safety at Work etc Act 1974.

The court heard that Mr Ali, of Laindon, was picking plastic off a recycling line which handled old computer monitors and television sets. A pulverising machine smashed the screens into smaller parts before operators removed materials from the conveyor.

Mr Ali had bent down to clear some wire from the ground when his glove became caught in an unguarded conveyor running underneath the one he was working on. He was trapped for approximately 45 minutes until emergency services freed him, but doctors could not save his arm and it was amputated between the elbow and shoulder.

HSE Inspector Vicky Fletcher said:

"This incident was completely avoidable and has left a man in the prime of his life without his right arm. Coolrec Group BV could and should have ensured the conveyor belts on the recycling line were properly guarded in order to prevent incidents as this.

"This case highlights just how important health and safety at work is. The law is there to protect the workforce and when it is not adhered to people can suffer life-changing injuries such as this one.

Contractors Incompetence Leads to Fine

A Buckinghamshire based builder has been fined after Christmas decorations spanning the High Street in St. Neots collapsed, injuring two members of the public and narrowly missing a baby.

Broadland (Builders) Limited was sub-contracted to install anchor bolts to secure festive decorations at several locations within St. Neots town centre.

Huntingdon Magistrates' Court heard that on 29 November 2007 the decoration pulled out a large piece of masonry from near the top of the building housing the Norwich and Peterborough Building Society causing the decoration, fixing and masonry to fall to the pavement below. A passing car was hit by the masonry and the metal frame.

Elena Giddens, 39 at the time of the incident and formerly of Eynesbury Manor in the town was knocked unconscious when masonry landed on her. She had five stitches to her head and suffered three broken ribs and a punctured lung.

Her friend, Anne Beck, then 35 and also of Eynesbury Manor, had been pushing her seven-month-old son, Myles, in his pram along the High Street. She dived on top of the pram to protect Myles before she and Mrs Giddens pushed the pram away from the falling debris. She sustained three broken fingers and bruising to her arm, hand and back.

The Health and Safety Executive investigation found that the decoration, which weighed approximately 50kg and was suspended on two catenary wires, had been attached via an anchoring bolt that was fixed into an unsafe part of the building.

The mortar was also known to be weak, and no survey had been carried out - such a survey may have identified the poor choice of fixing location.

At Huntingdon Magistrates' Court, the director of Broadland (Builders) Limited, John Fifield, pleaded guilty to breaching section 3 (1) of the Health and Safety at Work etc Act 1974.

The company whose registered address is Euro House, 1394 High Road, London, N20 9YZ, was fined £12,000 and ordered to pay £4250 costs.

HSE Inspector Paul Hoskins said:

"Incidents like this are entirely preventable. Guidance on suitable and safe locations for this type of fixing is freely available from trade associations, and could easily have been referred to.

"Furthermore, had a suitable building survey been performed, it too could have highlighted the unsuitability of the chosen fixing location.

"Contractors should ensure that they are competent to carry out the work for which they have been contracted, and ensure that they have access to relevant, up to date information and relevant guidance.

"Since the incident, the company involved has undertaken further staff training and is now a member of the relevant trade association."



HEALTH & SAFETY NEWS

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A refurbishment company has been fined after workers and the public were exposed to asbestos in a Leicestershire village.

Shengxuan Company Ltd was converting a shop in Borough Street, Castle Donington, into a restaurant on 16 June 2010.

Part of the work involved converting an integral garage into a storeroom but in doing so, workers disturbed asbestos-containing materials. This was then put in a skip by the workers, who were unaware of its presence or its risks.

A member of the public with experience in the asbestos industry walked past the site, saw what was in the skip and reported it to the Health and Safety Executive (HSE). Other debris was also seen on the floor between the skip and the garage.

The HSE's subsequent investigation found the firm had not made its workers aware of the dangers of asbestos and had not given them any training in how to recognise or deal with it. A prohibition notice was served, stopping all work until the problem was rectified.

HSE inspector Sam Russell said:

"The company had a duty to protect its employees and the public from exposure to asbestos, yet failed in that duty.

"Before starting work the company should have carried out a survey to ascertain if asbestos was present and then arranged for it to be removed safely by a licensed company. By failing to do that, they put people's health at risk by contaminating a public area with asbestos.

"The latest health and safety statistics show that more people are dying as a result of asbestos related diseases than are killed in accidents at work. This situation will not change unless organisations take their duty to manage asbestos seriously."

Shengxuan Company Ltd, of Fordham Grove, Pendeford, Wolverhampton, pleaded guilty to breaching Regulations 11(1)(a) and 16 of the Control of Asbestos Regulations 2006 and was fined £4,000 by Loughborough magistrates. The company was also ordered to pay full costs of £2,100.

Fire Safety Breaches lead to Suspended Prison Sentence

The owner of a restaurant in South Wales was handed a four month suspended prison sentence after pleading guilty to 13 fire safety breaches.

Abdul Kadir, who owned the Raj Gate Indian restaurant in the large village of Ponthir, will also have to pay £5,329.76 in costs and work 250 hours of community service, reports the South Wales Argus.

The presiding judge, Christopher Llewellyn-Jones, said that the offences, which included 11 counts of failing to comply with a fire service, were "very grave".

Mr Kadir was also charged with two counts of failing to comply with a prohibition notice, which commanded that he cease trading until the violations were rectified.

Some of the fire safety breaches found in 2008 in the Raj Gate restaurant were obstructions of emergency exit routes, having poorly-maintained fire detection and alarm systems and trailing extension leads.

The fire extinguishers were also in an inadequate state, having no pin or seal and having not been tested since 2004.

Failure of Cable Fixing in Fires

This bulletin has been issued by the Chief Fire and Rescue Adviser to bring to the attention of all Chief Fire Officers the potential hazard caused by the failure of cable fixings in a fire which may expose firefighters to significant risk during firefighting operations.

This hazard may also affect the means of escape of occupants, especially through common corridors of residential flats during the early stage of a fire.

Cables such as those used for power, telecommunications and security devices are often retrospectively fitted to buildings. This is particularly common in shared areas such as stairwells and corridors of purpose built residential flats.

These cables are often installed in surface-mounted plastic trunking. The findings from a number of fire investigations has identified that this type of trunking can become deformed at relatively low temperatures, which commonly occur in fire gasses flowing into common corridors during the early stages of a fire, leaving cables unsecured.

The unsecured cables may drop from the trunking and hang down creating a potential hazard to the means of escape and the risk of entrapment and electrocution for occupants and firefighters.

Advice

Fire and Rescue Services are advised to bring this hazard to the attention of all operational and fire protection staff and include it in their operational risk management arrangements. This should also include identification such hazards when operational crews carry out 7(2)(d) operational risk visits or fire protection activity.

The risks associated with this hazard will be incorporated into the Generic Risk Assessment for Buildings and in future operational guidance on Fires in the Built Environment which is currently in development and is planned to be published later this year.

The Fire and Rescue Service may wish to be aware that Local Government Improvement and Development are leading the sector in the development of fire safety guidance for the landlords, risk assessors and enforcing authorities in purpose built blocks of flats, and this is expected to be available in the summer.

Evaluation under REACH: Progress Report 2010

Evaluation is a fundamental part of the EU legislative framework that ensures the protection of human health and the environment from the potentially harmful effects of chemicals. It is the E in REACH.

The safe use of substances starts under REACH with high quality registration dossiers. These dossiers are industry's responsibility. Through the process of evaluation, the European Chemicals Agency (ECHA) is empowered to request additional information or order tests when essential data is missing. In addition, ECHA is providing recommendations for registrants to improve the quality of dossiers. This process is essential in achieving the ultimate aims of REACH – a safer future and a more competitive industry.

The REACH Regulation is relatively new and both ECHA and individual companies are learning to apply it for the first time. This early experience of evaluation is therefore valuable for all of us as the next registration deadline is already looming.

This report gives a sense of ECHA's experience of evaluation and, crucially, feedback on the quality of the initial dossiers registered and evaluated. It also makes recommendations for registrants on how to improve their dossiers and help ensure a successful registration. As registrants have a legal obligation to keep their dossiers up to date, they are encouraged to take a pro-active approach and update already registered dossiers taking into account the recommendations provided in this report – this will save everyone's time and money.

Three types of evaluation

The adequacy of the registered data and the quality of dossiers is evaluated in three ways:

- the compliance check determines whether or not the information submitted is in compliance with the law. At least 5% of the dossiers received by ECHA per tonnage band are compliance checked
- examination of testing proposals. All dossiers containing proposals for higher-tier testing, including testing on animals are evaluated. The aim is to check that tests are justified and adequate, and thereby avoid unnecessary animal testing
- substance evaluation checks whether the (collective) use of a substance may cause a serious risk to human health or the environment.

Dossier evaluation combines the first two types and is done by ECHA, whereas Member State Competent Authorities do substance evaluation. The decision-making process is broadly the same.

'Healthy Lives, Healthy People: A Tobacco Control Plan for England' sets out how tobacco control will be delivered in the context of the new public health system, focusing in particular on the action that the Government will take nationally over the next five years to drive down the prevalence of smoking and to support comprehensive tobacco control in local areas.

It includes commitments to:

- implement legislation to end tobacco displays in shops
- look at whether the plain packaging of tobacco products could be an effective way to reduce the number of young people who take up smoking and to support adult smokers who want to quit, and consult on options by the end of the year
- continue to defend tobacco legislation against legal challenges by the tobacco industry, including legislation to stop tobacco sales from vending machines from October 2011
- continue to follow a policy of using tax to maintain the high price of tobacco products at levels that impact on smoking prevalence
- promote effective local enforcement of tobacco legislation, particularly on the age of sale of tobacco; encourage more smokers to quit by using the most effective forms of support, through local stop smoking services
- publish a three-year marketing strategy for tobacco control.

Through the comprehensive action described in this plan, the aim is to reduce smoking rates faster in the next five years than has been achieved in the past five years.

The plan sets out national ambitions:

- to reduce adult (aged 18 or over) smoking prevalence in England to 18.5% or less by the end of 2015 (from 21.2%), meaning around 210,000 fewer smokers a year
- to reduce rates of regular smoking among 15 year olds in England to 12% or less (from 15%) by the end of 2015
- to reduce rates of smoking throughout pregnancy to 11% or less (from 14%) by the end of 2015 (measured at time of giving birth).

The Council of the European Union debated Transport, Telecommunications and Energy at its meeting on 28 February 2011. Items regarding the marketing of construction products and cadmium were also approved.

Marketing of construction products

The Council adopted a regulation updating the conditions for the marketing of construction products in the internal market. Some of the provisions will be applicable from 1 July 2013 providing companies with the necessary time for adaptation.

The regulation will simplify and clarify the existing framework for placing construction products on the market by replacing the measures contained in directive 89/106/EEC ensuring the free circulation of construction products.

The new provisions seek to ensure accurate and reliable information on construction products in relation to their performance and will:

- clarify the use of the 'CE' mark
- introduce simplified procedures to reduce costs
- set harmonised standards and technical specifications
- establish a number of notified and technical assessment bodies.

Other elements of the regulation include:

- environmental and safety aspects of construction products during their entire life cycle, including identification of hazardous substances in construction products
- information requirements
- simplified procedures for micro-enterprises
- declaration of performance to be available electronically.

Chemicals: REACH system - cadmium

The Council has decided not to oppose the adoption by the Commission of a draft regulation that amends the Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) regarding cadmium.

This amendment will introduce further restrictions for the marketing and use of cadmium, in particular in jewellery, brazing alloys and PVC, in order to further protect human health and the environment.

The new draft Commission regulation to modify the REACH regulation 1907/2006 is subject to adoption by the Commission.