



Prosecutions

HSE Warns About Confined Space Working Following Ship's Hold Electrocution

Following a prosecution case, the Health and Safety Executive (HSE) has warned employers to ensure they plan properly for working in confined spaces. The case concerned a welder from Norfolk who was electrocuted when the ship's hold, in which he was working, flooded with water.

Since 2003, there have been eight deaths in confined spaces in the East of England.

The welder, Kevin Hall, aged 46 of Blofield, died as a consequence of the incident. He had been working in a confined space on the hold of the vessel 'The Putford Achilles'. Two other welders were undertaking work above deck which inadvertently caused water to flow down into the hold in which Mr Hall was working. He was electrocuted when the hold flooded. The confined space and the continued threat of electrocution made rescue and subsequent attempts to save the casualty's life all the more difficult.

At Norwich Crown Court, Richards Dry Dock and Engineering Ltd, based in Southtown Road, Great Yarmouth, pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The breach concerned the company's failure to secure the health, safety and welfare at work of its employee, so far as was reasonably practicable. The company was fined £25,000 and ordered to pay costs amounting to £34,744.90.

HSE Inspector John Claxton made the point that the fatality should highlight the dangers associated with working in confined spaces. He added that, in this case, the procedures in place were inadequate for protecting against a known and well established risk. Consequently, the incident was completely avoidable.

Landlord put on Notice to Ensure Gas Appliances are Maintained

The Health and Safety Executive (HSE) has placed a landlord on notice not to repeat the failings that led to his conviction for a failing to comply with an Improvement Notice.

At Northampton Crown Court, Ajay Ahuja, from March, Cambridgeshire, pleaded guilty to contravening section 33(1) of the Health and Safety at Work etc. Act 1974. The contravention concerned his failure to comply with an Improvement Notice, served by the HSE, requiring him to provide one of his tenants with a gas safety certificate. Ahuja received a two-year conditional discharge and was ordered to pay costs amounting to £14,000.

The HSE served the Improvement Notice on Ahuja following repeated attempts to get him to provide his tenant with a gas safety certificate in respect of a boiler in a rented property at Corby, Northamptonshire. As the landlord, Ahuja has a duty under the Gas Safety (Installations and Use) Regulations 1998 to check, on an annual basis, the safety of the gas appliances in properties he rents out. He must also provide a certificate confirming this to be the case.

Following the hearing Neil Craig, a Principal Inspector with the HSE commented that approximately 20-30 people die each year from carbon monoxide poisoning associated with domestic gas appliances, usually as a result of the appliances not having been installed or maintained properly.

The Gas Safety (Installation and Use) Regulations 1998 require landlords to ensure that:

- gas fittings and flues are maintained in a safe condition
- an annual safety check is carried out on each appliance
- all installation, maintenance and safety checks are carried out by a suitably registered gas installer
- records of each safety check are kept for at least two years
- tenants are provided with a copy of the gas safety certificate within 28 days of the check being completed.



News

Tower Crane Registration Scheme hopes to Improve Safety Standards

A new statutory scheme which aims to improve tower crane safety has been announced. This measure is part of a range of improvements, including improving competence of those working with tower cranes, which is hoped to be implemented by 2010.

The statutory scheme will be preceded by a voluntary system which should be in place by the end of 2009. The changes follow a report by the Work and Pensions Select Committee, into the role of the Health and Safety Commission and Health and Safety Executive which recommended that the HSE should bring forward such proposals, to include information such as ownership, age, design type and other relevant factors.

It is expected that a regulatory consultation exercise will be launched this summer by the HSE.

The wider spectrum of proposals concerning tower cranes from the HSE include:

- improving the competence of those involved erection, operation, examination and dismantling of tower cranes
- targeted inspection work over the next 12 months to ensure that industry is following guidance aimed at improving safety in the use of tower cranes
- making better use of information gathered.

James Purnell, Secretary of State for Work and Pensions said: "It's unacceptable that people are dying directly as a cause of their work with tower cranes and I want to prevent this toll of human misery.

"It is also important that the package of measures is successful in both improving tower crane safety and improving public confidence in cranes. HSE will consult with both the industry and the public to agree how both of these ends can best be achieved."

New Chemicals Regulation Directorate

On 1 April 2009 the Pesticides Safety Directorate (PSD) and the Chemicals Assessment Schemes Unit (CASU) merged, forming the new Chemicals Regulation Directorate (CRD) the HSE has announced.

Dr Wilson who will become the Director of CRD said: "Bringing together the delivery of HSE responsibilities for pesticides, biocides detergents and industrial chemicals into one directorate has the potential to provide all stakeholders with a better regulatory service."

The responsibilities of the directorate will include the regulation of biocides, pesticides, detergents and chemicals under the classification and labeling regime.



Updated List of Pre-registered Substances

ECHA has published an updated list of pre-registered substances.

The list contains approximately 143,000 substances which were pre-registered by 65,000 companies between 1 June and 1 December 2008.

The new list includes the following improvements:

- CAS numbers are now provided for some substances that were previously identified only by chemical name
- the search functions for the list have been improved
- list numbers are included for substances without a current EC number to ease registration.

The list will help verify whether certain pre-SIEFS (Substance Information Exchange Forum) cover the same substance and whether they should merge. It will also help identify similar substances for read-across and formation of chemical categories. Subsequently, this will help data sharing and minimise animal testing.

ECHA believes the list contains many preparations and substances that did not require registration, as such ECHA advises companies to verify what registrations they need to make.

Guidance

New Health and Safety Law Poster

Under the Health and Safety Information for Employees Regulations (HSIER) employers have a duty to display the statutory health and safety information poster in a prominent place in their workplace where employees can easily have access to, and read it. Alternatively the employer can provide each individual worker with a copy of the equivalent leaflet outlining the UK legislation concerning health and safety.

The Health and Safety Executive has reissued the poster, as a result of the fact that their research found that both employers and employees found the poster visually unappealing and therefore it was not being read. As such, a new version of the poster – modern, eye-catching and appealing to read will be available from 6 April 2009. It sets out what employers and workers must do and tells you what to do if there is a problem. Equivalent easy read and large print leaflets will be available, the poster and card will also be available in Welsh, and an MP3 version will be available on the HSE Talking Leaflets Website.

The existing poster can still be used until 5 April 2014, providing they are readable and the addresses of the enforcing authorities and the Employment Medical Advisory Service (EMAS) are up to date. Employers will be able to check they have a genuine HSE law poster by checking the uniquely numbered hologram on each poster.