

Brunswicks Regulatory News

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Shell's "Lucky Stanlow"

Shell UK Oil Products Limited had a 'narrow escape' after 20 tonnes of a highly flammable and toxic gas escaped through a corroded pipe at their Stanlow Manufacturing Complex, Ellesmere Port, Cheshire, but dispersed without exploding. Shell pleaded guilty to failing to comply with the duty imposed by reg 4 Control of Major Accident Hazards Regulations 1999 to take all measures necessary to prevent major accidents, by its failure to contain a flammable toxic gas.

The company were fined £266,681 and ordered to pay £37,131.62 costs at Chester Crown Court, for the incident, which happened on 29 May 2003, when 20 tonnes of isobutane (LPG), mixed with 150 kg of hydrogen fluoride escaped into the atmosphere from the release from the HF Alkylation plant. Because of the quantities released, the incident was reported to the European Commission as required by CoMAH.

HSE experts inspected the site after the incident and concluded that Shell had lost control of corrosion processes within the pipe to such an extent that a failure became inevitable. Shell, in one of its own reports, estimated that such an incident could have resulted in multiple fatalities and damage to buildings over a significant area and secondary explosions could have resulted in a major fire leading to catastrophic damage.

HSE Inspector Alan Graham said:

"This was a major incident which placed many company employees and others at risk from an escape of a flammable toxic gas. The incident happened when a pressure relief pipe corroded to such an extent that it fractured. Although there was no ignition on this occasion, in different circumstances there could have been an explosion. It was the HSE's case that the gas escape was caused by Shell's failure to properly inspect and maintain the pipe. This failure caused a jet of gas, which formed a cloud, which was seen to drift 10 - 15m above the site. The gas cloud was kept under observation until it dispersed."

Justin McCracken, HSE's Deputy Chief Executive said:

"This case illustrates the importance of having effective maintenance regimes for plants dealing with hazardous substances and processes. They should include the prevention of corrosion and the careful monitoring of the state of all safety critical equipment, including pipe work. The company was lucky that this incident did not have very severe consequences."

Ed - Stanlow's facility is known within Shell as being "lucky" - when you read this you know why!

Fatal failures

Alfred McAlpine Capital Projects Ltd was fined £250,000 and ordered to pay £5,859 in costs for breaching s3(1) HSWA at Maidstone Crown Court on Friday 14 March following an investigation into the death of a motorcyclist at a roadworks site in August 2005. The company had entered a guilty plea at an earlier hearing.

HSE Inspector John Underwood said:

“This was an wholly avoidable incident which led to unnecessary loss of life. The ‘Road Closed’ signs and the traffic cones had been missing for more than eight weeks before the incident – yet the contractor was working in the area almost every day. The temporary traffic management system should have been checked at least once a day but this was never done properly. The barriers were only 450mm high and from a distance they could have been mistaken for a shadow or a change in the colour of the tarmac. It is clear the motorcyclist braked hard and tried to avoid the barriers but could not stop in time. In the last five years 12 members of the public have lost their lives in reportable incidents relating to road work construction activity. It is vital that contractors provide clear information to the travelling public on the approach to road works. Some of the original signs and cones may have been vandalised or damaged by construction traffic or used in other places by construction workers. Contractors must actively manage inspections and replace damaged and missing items.”

The fatal incident occurred on 29 August 2005 on the former A228 old Ratcliffe Highway, which is a single carriageway road near Hoo on the Isle of Grain, Kent. The motorcyclist hit temporary concrete crash barriers weighing over two tonnes each that had been laid in a line across the road. There were no warning signs or traffic cones along the route to warn drivers of the closure. The old A228 was being downgraded to a local through-road following the opening of a new section of dual carriageway built by Alfred McAlpine Capital Projects Ltd running parallel to it. When the old A228 was closed a series of ‘Road Closed Ahead’ signs and traffic cones were put in place along the route. However, by late June 2005 these had disappeared and there was nothing to warn drivers about the concrete barriers.

Suitable and sufficient risk assessments?

The HSE has brought prosecution cases against JCB Earthmovers Ltd and JC Bamford Excavators Ltd before Stafford Crown Court on 14th March 2008. Both companies had pleaded guilty to charges at earlier court hearings. JCB Earthmovers Ltd was fined £200,000 and ordered to pay costs of £31,366 for breaching s2(1) HSWA following the death of Mr Ellis, aged 33, at its manufacturing plant in Cheadle, Staffordshire on 16th November 2005. Welder Mr Ellis was testing the fuel tank of an earthmoving machine for leaks. Investigations revealed that Mr Ellis was standing close to the tank when the inspection plate blew off, causing him fatal head injuries, after he connected a high-pressure airline instead of using low pressure.

At an earlier hearing, Magistrates heard that the low and high-pressure airlines were similar and with identical connectors. The Court also heard that Mr Ellis did not have enough training for the job.

In the other case JC Bamford Excavators Ltd, was fined £266,000 and ordered to pay costs of £31,701 for breaching section 2(1) HSWA following the death of Mr McNamara, aged 43, on the company's site at Rocester, Staffordshire on 11th September 2006. Mr McNamara suffered fatal head injuries after being crushed by the boom of an excavating machine (known as a backhoe loader). HSE's investigation revealed that it was common practice for workers to operate the controls for the boom whilst standing outside the cab of the machine and leaning through the back window. A fault on the hydraulic system resulted in the control lever not working properly causing the boom to carry on moving, trapping Mr McNamara and inflicting fatal injuries.

HSE Inspector Lynne Boulton said:

"Both these tragic deaths were not only regrettable but also entirely preventable. Mr Ellis and Mr McNamara have each left behind two children and grieving widows who have our deepest sympathies and our thoughts go with them for their futures. All employers must learn from these tragedies that, whatever the task, it is crucial to undertake a suitable risk assessment that deals with the significant risks of that task. Even employers with the most responsible attitude to health and safety can put lives at risk if they do not maintain constant vigilance. The importance of appropriate health and safety procedures cannot be overstated."

The Gas Man didn't come

Tina Gavin of St Erics Road, Doncaster, has been fined £16,000 and ordered to pay costs of £7,500 costs at Doncaster Magistrates Court following conviction for breaching her duty under s3 (2) HSWA. Following an incident at her caravan park in September 2006, gas safety standards were checked by a gas specialist from the Health and Safety Laboratory in 3 mobile homes.

The inspection found leaking gas and dangerous levels of carbon monoxide. Ms Gavin's tenants had complained of the smell of gas and malfunctions of their appliances which she did not act on. None of the tenants had been given a landlord's gas safety record.

A further inspection was undertaken over the following days by a CORGI registered engineer at the landlady's request. Basic checks identified serious problems with the gas installations at almost every one of the mobile homes inspected.

After the hearing, HSE Inspector Chris Chambers said:

"This case is one of the most flagrant breaches of gas safety issues in relation to health and safety law that I have ever dealt with. Ms Gavin was putting the lives of her tenants at grave risk. Fortunately the situation was discovered before somebody died as a result of the dangerous gas installations. HSE will not hesitate to prosecute individuals who break the law in this way and put people's health and safety at risk."

Poor Performance by the Refurbishment Sector

“Over one in three construction sites visited put the lives of workers at risk and operated so far below the acceptable standard that our inspectors served 395 enforcement notices and stopped work on 30% of the sites”, o says Geoffrey Podger the, HSE’s Chief Executive.

His comment comes after the HSE carried out over 1000 spot checks of refurbishment sites across Great Britain during February as part of its rolling inspection programme targeting poor performing sectors in the construction industry.

“We stopped work on site immediately during approximately 300 inspections because we felt there was a real possibility that life would be lost or ruined through serious injury. Our inspectors were appalled at the blatant disregard for basic health and safety precautions on refurbishment sites across Great Britain. HSE will not tolerate negligence or poor safety standards on construction sites. It is totally unacceptable that so many lives have been put at risk and we will take all action necessary to protect workers, including closing sites and prosecuting those responsible. The construction industry should take ownership of this issue and do more to tackle poor standards on sites”, was Mr Podger’s stark warning to the refurbishment sector.

The HSE’s construction division reported that basic safety precautions were being flouted and issues such as work at height remain a huge concern. Over half of the enforcement action taken during this inspection initiative was against dangerous work at height, which last year led to the death of 23 workers.

Last year over half of the workers who died on construction sites worked in refurbishment, and the number of deaths on refurbishment sites rose by 61%.

During the spot checks, HSE inspectors looked at whether:

- Jobs that involved working at height had been identified and properly planned to ensure that appropriate precautions were in place

- Equipment was correctly installed / assembled, inspected and maintained and used properly

- Sites were well organised, to avoid trips and falls

- Walkways and stairs were free from obstructions

- Work areas were clear of unnecessary materials and waste

- The work force was made aware of risk control measures

A Healthier Tomorrow

The National Director for Health and Work, Dame Carol Black today published the first ever review into the health of the working age population - Working for a Healthier Tomorrow.

Judith Hackitt, Chair of the Health and Safety Commission said,
“I welcome the report by Dame Carol and the Health and Safety Executive looks forward to playing its part in preparing the Government’s response. The Health and Safety Executive has been involved in the evidence gathering stages of the process and see this report as another key step in continuing to raise the importance of the subjects of health and work. The challenge now lies in not only deciding what should be done in response but who is best placed to deliver on the various elements. HSE will be keen to underline the role it plays in prevention of injury and ill health due to work.”

Going Nuclear

Nuclear regulators, the Health and Safety Executive (HSE) and the Environment Agency (EA), today announced that the first step of ‘Generic Design Assessment’ (GDA) carried out on four designs submitted for new nuclear power stations had found shortfalls at this stage - in terms of safety, security or the environment - that would prevent any of them from ultimately being constructed on licensed sites in the UK.

These findings are based on the claims made by the vendors for the designs, the basis of which will be assessed during the next steps of GDA.

The nuclear regulators have published a series of reports on their findings so far, maintaining transparency and openness in the GDA process. GDA has been set up to ensure that the safety, security and environmental aspects of new nuclear power stations are assessed early - at the design stage. The four designs subject to the initial assessment were:

- AECL’s ACR 1000;
- EDF/Areva’s EPR;
- General Electric-Hitachi’s ESBWR; and
- Westinghouse’s AP1000.

Dr. Mike Weightman, Head of HSE’s Nuclear Directorate, and HM Chief Inspector of Nuclear Installations said,

“Our job, through the Nuclear Installations Inspectorate and the Office for Civil Nuclear Security, is to protect people and society from the hazards presented by the nuclear industry. As new nuclear power stations are being considered for the UK, it is vital for regulators to get involved with potential designs at the earliest stage - where regulatory assessments can have most influence - that we can ensure that the existing high standards of nuclear safety and security in the UK are being maintained and improved. The GDA process has set out new

standards in openness and transparency with the creation of a public involvement process whereby the public can view designs on the web and comment on them, and by our decision to publish all our assessments reports on the web."

Joe McHugh, Head of Radioactive Substances Regulation at the Environment Agency said, *"We demand that any new nuclear power stations meet high standards of safety, security and environment protection. As we begin the detailed assessment step of GDA, the reactor vendors and the regulators have much work to do before we will be able to decide whether these designs can meet those high standards. We hope that the public will continue to take the opportunity to contribute to our assessments by providing their comments on the designs."*

In the January 2008 Energy White Paper, the Government announced that if necessary it would run a prioritisation exercise to identify, in conjunction with reactor designers and operators, which of the four designs subject to the regulators' initial assessment are most likely to be progressed for licensing and construction.

Currently BERR are awaiting confirmation from all of the design companies that they wish to continue to the next stage of GDA. If BERR decide that they need to undertake a prioritisation process, then at the end of that process the Secretary of State for BERR will make recommendations to HSE and EA on the designs that should be given the highest priority for progressing through the next stage of the GDA process.

At the end of the GDA process - which is likely to take around 3.5 years from start to finish - the regulators will make statements setting out their conclusions about the acceptability of the designs.

Ed - I find it a remarkable sign of the times that a Labour Government is moving so far in this direction - when for most of the 1960s-1990s as a party they were opposed to such things.

Quad Bike Safety

In an effort to reduce the number of injuries occurring during the use of Quad bikes in agriculture the HSE is reiterating the safety precautions people should take.

HSE Principal Inspector of Agriculture Cheryl Anthony said:

"Quad bikes are an essential part of farm life, particularly on upland farms. During lambing when farmers and shepherds are regularly out in the fields keeping an eye on their flocks, the temptation can be there to just hop on to the quad bike without stopping to take the time to put on a safety helmet. I would urge quad bike users to make sure they have a properly fitting helmet, to check that it's in good condition, and keep it with the bike so it's to hand whenever the vehicle is needed. Fitting a helmet before you drive off takes only a moment, and could save your life, or keep you out of a wheelchair. It is, of course, illegal not to wear a safety helmet when using a quad bike for work and employers must provide helmets for their employees."

Over a ten year period between 1996 and 2006, 23 people died at work on quad bikes and 17 of those involved head injuries where the victim was wearing no head protection. That illustrates the very real risk to farmers and is why we want to remind people of the need to ensure they are properly protected. In addition, everyone who uses quad bikes at work should have proper training in the safe handling of the bike, for example by attending a Lantra training course. The Health and Safety at Work legislation doesn't cover leisure use, but the risks are just the same, and if it were my family I would want them to be trained. High profile casualties such as Ozzy Osbourne and Rik Mayall illustrate the dangers of quad bike use, and the importance of training and helmets to help minimise risk of serious injury. An acceptable helmet can be bought for around £30, and a range of designs is available."

Life Skills

Health and Safety Commission Chair, Judith Hackitt, spent the day with a group of 10 and 11 year-olds from Staple Hill Primary School, Page Road, Bristol, at the Lifeskills - Learning for Living training centre (which is based at The Create Centre, Smeaton Road, Bristol). The HSC Chair was in Bristol to see how the youngsters were taught valuable lessons in 'sensible risk' management and to reiterate her message to combat the growing perception of a 'cotton-wool' culture in today's society.

The Lifeskills centre is a permanent regional interactive safety education and training facility which has been modelled on a 'realistic' village. The village has a number of potential hazards including a road, an electricity substation, a building site and a farm

Commenting on her visit, Judith Hackitt said:

"The Lifeskills centre is an ideal environment for children learn about risks through educational activities and play. What I have seen today are fantastic opportunities that can help children learn important life skills, including handling the type of risks they are faced with themselves. Life can never be risk free, we know that. We can't eliminate risk altogether and we want people - and especially children - to continue to enjoy important recreational and learning activities. Children should learn to identify hazards and handle risks. Growing up in cotton wool runs the risk of a generation who are completely unaware of the risks around them, leaving themselves and others very much exposed."



HSE's Myth of the Month

Toy 'weapons' in a play had to be locked-up and registered with the police.

Reports said that the theatre company were just following HSE's guidance sheet. HSE's guidance is clear; it deals with real weapons and the kind of accurate replicas that can cause serious injury or be used in robberies. Not plastic toys. We trust the play did well with all the free publicity!

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