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E-newsletter

ARTICLES

BUNCFIELD £5.35M PENALTY PAYOUT

Five companies have been fined a total of £5.35m with £4.08m in costs over the storage oil disaster at Buncefield in Hemel Hempstead, in December 2005. Three companies – Hertfordshire Oil Storage Ltd (HOSL), which was responsible for the overall operation of the site, TAV Engineering Ltd, and Motherwell Control Systems 2003 Ltd – stood trial. Two other firms, British Pipeline Agency Ltd and Total UK Ltd, the latter of which was responsible for day-to-day operations at the site, pleaded guilty to charges over the incident, which was caused by 250,000 litres of petrol leaking from a tank.

The judge said: "Had the explosion happened during a working day, the loss of life may have been measured in tens, or even hundreds." He levied the largest penalty on Total UK Ltd, whose total fine and costs amounted to £6.2m. The full breakdown of fines and costs is:

- Total UK – fine £3.6m (£3m for safety and £600,000 for pollution); costs £2.6m;
- HOSL – £1.45m (£1m for safety and £450,000 for pollution); costs £1m;
- British Pipeline Agency – fine £300,000 (for environmental offences); costs £480,000;
- TAV Engineering – fine £1000; costs £500;
- Motherwell Control Systems 2003 – fine £1000; costs £500.

At the trial, which ended in June, HOSL was found guilty of failing to prevent major accidents and limit their effects, contrary to reg.4 of the Control of Major Accident Hazards (COMAH) Regulations 1999. TAV Engineering Ltd, a dormant company, and Motherwell Control Systems 2003 Ltd, currently in liquidation, were found guilty of breaching the health and Safety at Work etc Act 1974. Both Total UK and BPA also pleaded guilty for causing fuel and firewater chemicals to enter controlled waters underlying the vicinity of Buncefield, contrary to the Water Resources Act 1991.The £1.3m in fines for pollution caused by the incident are a record for the UK, while the £3m fines for Total are the second highest to be handed down for safety offences.

Following the sentence, HSE deputy chief executive, Kevin Myers said: "Incidents like the explosion at Buncefield are exceptionally rare. However, society rightly demands the highest of standards from the high-hazard industries. Businesses in this sector must manage the risk they create effectively because when things go wrong, the consequences are severe and can destroy lives and shatter local communities. Major-hazard industries must learn the lessons of events like this. From the boardroom down, companies must ask themselves these questions: do we understand what could go wrong? Do we know what our systems are to prevent this happening? And are we getting the right information to assure us they are working effectively?" BPA says it has made a number of operational refinements including: reconfiguring tanks to improve safety distances, installing the latest safety equipment, and improving fuel and water containment facilities and fire-fighting capabilities.

The explosions at the Hertfordshire site during the early hours of 11 December 2005 could be heard as far afield as France and Belgium, and generated a plume of smoke visible from space.

No one died in the incident, largely owing to its occurrence at a time when few people were on the site. However, the explosions caused injuries to more than 40 people, destroying 350,000 sq. ft and leaving 200,000 sq. ft of commercial space in need of repairs.

UNSUPPORTED EXCAVATION PUTS RESIDENTS LIVES AT RISK

A builder appeared in court after he ignored three HSE enforcement notices ordering him to secure and prevent access to an excavation site at a residential property in Oldham.

Mahmood Khokhar, 29, had dug a 1.8-metre-deep pit as part of extension work at a house owned by his sister in Denmark Street, Chadderton. Oldham Council's building control team notified the HSE that the pit had not been secured to stop it from collapsing. There was also no fencing around the garden or the pit to prevent people from falling in.

HSE inspectors visited the site on 1 June 2009 and issued a Prohibition Notice to stop work inside the pit until it was supported.

Two Improvement Notices were also issued, which required Khokhar to fence of the area, and to install supports to the excavation. The deadline for compliance with the notices was 22 June 2009, but when inspectors returned to the site a few days after the date had passed they found that none of the changes had been made. Khokhar said this was because the fencing he had bought had been stolen and he was waiting for new fencing panels to be delivered. He was granted an extension on the notices until 1 July 2009, but also failed to meet this deadline, after which the HSE decided to bring charges against him.

HSE inspector Laura Moran said: "Mr Khokhar ignored the warnings and advice we gave him about the safety of the site. There was a well-used path and an alley along the side and back of the property, so there were plenty of passers-by. On one visit, I spotted a child's ball in the bottom of the pit. I dread to think what could have happened if they'd tried to fetch it, as the sides of the trench were starting to collapse."

Khokhar appeared at Trafford magistrates' court on 24 June and was fined £2000 and ordered to pay £1725 in costs. He has subsequently put fencing around the garden and the trench has been filled in, as the extension was never built.

Inspector Moran added: "When I revisited the property after the deadline had passed, the trench was still unstable and there was no fencing. I gave him another six days to make improvements but he did nothing. We therefore had no choice but to prosecute. "Developers should take enforcement notices seriously and act on them. If they fail to do so then they're putting lives in danger."

POOR STORAGE LEADS TO CLEANERS DEATH

A plastics manufacturer has been fined £140,000 in relation to the death of a cleaner at its depot in Rochdale. Manchester Crown Court heard that the incident took place at TS (UK) Ltd's facility at the Stakehill Industrial Estate in Middleton, on 15 July 2005. Abel Lages, 38, was cleaning a spillage in the yard when a wooden pallet, containing 55 bags of polypropylene, fell on him.

The material, which is used to manufacture plastic products such as washing-up bowls, is dangerous to stack as it can pour out if there is a tear in a bag. It is believed that one of the bags on the corner of the pallet had split, which caused the stack to become unstable and fall on top of Mr Lages. He was found trapped underneath the collapsed pallet, which weighed nearly one and a half tonnes. He died at the scene as a result of serious crush injuries.

A Prohibition Notice was issued on the same day as the incident that ordered the company to stop double-stacking the pallets. HSE principal inspector, John McGrellis, revealed that the firm had ignored guidance from the manufacturer of the polypropylene, which warned against double-stacking the material in an outdoor environment. He said: "Mr Lages died because TS (UK) Ltd didn't treat the health and safety of its workers as a priority. There were labels on the polypropylene bags that made it clear how they should be stored safely, but this advice was ignored. The company didn't provide guidance about how to stack the pallets, and no one trained in first aid was on duty to help try to resuscitate Mr Lages when the pallet fell on him. Since Mr Lages' death, TS (UK) Ltd has changed how it stores pallets so that it no longer stacks them on top of each other. If this action had been taken previously, Mr Lages may still be alive today."

TS (UK) Ltd appeared in court on 7 July and was fined £130,000, in breach of Health and Safety at Work etc Act and for not having a trained first-aid worker on duty at the time of the incident – fine £10,000. It was also ordered to pay £10,588 towards the prosecution costs. Following the incident it reviewed its storage procedures and installed silos, which transport the raw material directly to the injection-moulding machine.

CHECK YOUR ARRANGEMENTS FOR:- SAFE ELECTRICAL EQUIPMENT

ELECTRCITY AT WORK REGUALTIONS 1989

The general requirements relating to the safety of electrical equipment at work are governed by the Electricity at Work Regulations 1989, which set out the overriding principles for electrical safety. Electrical hazards are often misunderstood or underestimated, as electricity supplies and appliances are all around us. Electrical hazards have the potential to cause harm or damage to persons or property. The effect of an electrical shock can range from mild muscle spasms through to coronary failure, and is dependent on the amount of current flow and the period of time a person is exposed to it.

Insulation is used as a physical, non-conducting barrier to prevent contact by persons with live electrical parts. Electricity will always take the path of least resistance. Therefore, the purpose of earthing is to provide a low resistance path to conduct fault current to earth. To ensure the safety of electrical equipment, a regular regime of testing and inspection must be instituted. The specific requirements for electrical safety should form part of an integrated safety policy.

PORTABLE ELECTRICAL APPLIANCES

Portable and transportable electrical appliances can be classed as any equipment that is connected to a supply by a plug and socket, whereas equipment that is "hard wired" (not connected by a plug and socket) can be classed as work equipment. Portable and transportable appliances are susceptible to misuse and abuse and damage frequently occurs to their trailing leads. Therefore, they need to be subject to strict controls, particularly when they are frequently held and/or subjected to hostile environments.

ELECTRICAL MAINTENANCE

If unsafe electrical appliances, equipment and plant are used they can cause electrical shocks and fires. Therefore all electrical appliances need to be checked, maintained and serviced at appropriate periods and records kept. Visual checks must also be carried out by the user prior to use and any defects reported. Portable appliance testing should be completed and items tagged with test date and with renewal check dates.

Arrangements need to be in place for faulty equipment, how these are identified, replaced, stored and repaired.

TRAINING

All employees using electrical equipment require training. It is important to stress to all employees that electricity can kill. Therefore, instruction and training must be given. General risks and instructions on the use of electricity should be given at induction and/or general health and safety training sessions. Items that should be covered include:

- risks associated with electricity — a short video can be useful
- how to carry out general user checks as required by portable appliance maintenance procedures
- What to report regarding found and suspected faults, and how to do so.

WE OFFER: - - APPROPRIATE ARRANGEMENTS FOR MANAGING ELECTRICAL EQUIPMENT

Northants Risk Management Solutions provide arrangements for your company to ensure compliance with the Electricity at Work Regulations 1989. This is available as a separate service or can be incorporated into your Risk Management Package as part of your policy review. We also offer a portable appliance testing service to ensure inspections are being routinely carried out and faulty equipment identified. **Ring us on 01604 651091 for further information**.

UP DATE: - NEW POWERS TO CHECK HAULAGE VEHICLES



New powers have been set out by the Department of Transport, to crack down on dangerous trucks and coaches. The proposal would give the Vehicle and Operator Services Agency more control in tackling vehicles suspected to be overloaded, or breaking the operating or driving-hours rules. These new powers would also help them to check hauliers outside of the UK are compliant with these rules and govern the amount of UK work they can undertake.

TOOL BOX TALK OF THE MONTH: –HANDLING GAS CYLINDERS

How many of you realise how dangerous gas cylinders can be? Let us give you an example.

A workman was unloading cylinders from a delivery truck. On one cylinder the valve was not protected by a cover. The workman rolled this cylinder to the hydraulic tailgate lift. Just as he stepped onto the tailgate, the cylinder slipped from his grasp and fell. The valve struck the ground and broke off. The full cylinder shot up like a rocket and smashed the workman's face as it headed for the wild blue yonder. The cylinder was found a quarter of a mile away from the job! The workman died a few hours later in a hospital. Cylinders have been known to blow through brick walls.

BEFORE MOVING CYLINDERS

Check the protective valve cover. The cap should be in place and secure. Never use this cover to lift the cylinder. Be sure the valve is closed. (Also, be sure the valves are closed when work is finished or cylinders are empty.) Never move cylinders when regulators are attached unless the cylinders are secured in a cylinder truck. Otherwise, remove the regulator and put on a protective valve cap. Regulators have a nasty habit of breaking off if they are bumped hard. If cylinders are frozen together during cold weather, the safest way to thaw them loose without damaging them is to use warm (not boiling) water. Never use pry bars for this job.

WHEN MOVING CYLINDERS

Move cylinders by slightly tilting them, then rolling them on the bottom edges. Take care not to let them drop or strike other cylinders or objects. Never use choker slings or magnets to hoist cylinders, since the chance of the cylinder failing is great. Hoist cylinders by using a cradle or pallet, making sure the cylinders are secure before the hoist. The workman we mentioned earlier probably didn't have a firm grip on the cylinder when it slipped. Perhaps his hands or gloves were greasy or oily. This mistake cost him his life. Don't you make the same mistake. Keep a firm grip on cylinders all of the time.

PROTECTING CYLINDERS

If cylinders are close to welding or cutting operations, place a fire resistant shield between the cylinders and these operations. In that way sparks, hot slag or flames won't be able to reach them. To keep standing cylinders from being knocked over, chain or tie them to a column or to something else that's secure. This goes for both full and empty cylinders. Even an empty cylinder can cause a lot of damage if it falls on you. Take the same precautions when handling empty cylinders that you would with full ones. The reason? A cylinder you may think is empty could be full. And the excuse "I didn't know it was loaded" is a poor one. When using different types of gas, segregate cylinders containing one kind of gas from another, when not in use store in a designated caged area which is locked when not in use and displays the appropriate warning signage.

DON'T LET CYLINDER ACCIDENTS SKY- ROCKET

When handled or stored incorrectly, a cylinder can go up like a rocket. And, as we have seen, it not only can cause property damage, but death. Use common sense and good judgment, and keep cylinder accidents down.

Date: *Company Name:*

Site: *Completed by:*

The undersigned have attended:

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MYTH OF THE MONTH:-

HEALTH AND SAFETY BANS BUNTING

THE REALITY

There are no regulations banning people from hanging bunting at weddings and village fetes or flying flags for sporting events.

HSE encourages people to have a bit of common sense about their attitudes to risk, not to make everything risk-free. There won't be an army of inspectors cutting down bunting or insisting flags are lowered.

HSE exists to prevent people being killed or seriously injured at work, not to stop people celebrating in style.

"DON`T LEARN SAFETY BY ACCIDENT"

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