Contractors fined after carrying out unlicensed asbestos removal work

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Contractors fined for carrying out unsafe asbestos removal work without a licence

Two contractors were sentenced today after removing asbestos pipe lagging without taking the necessary precautions to reduce exposure to asbestos.

Teesside Magistrates' Court heard how the two contractors were carrying out refurbishment work at a residential property in Hamsterley, County Durham. Having removed the ceiling in back room on the first floor of the property, the contractors discovered pipework running along the length of the roof space, wrapped in lagging. Samples taken of the lagging confirmed it contained asbestos.

An investigation by the Health and Safety Executive (HSE) found that, between 10 June 2016 and 12 July 2016, the two contractors removed the lagging, despite knowing it contained asbestos. Neither contractor held a licence to undertake this type of work nor did they have the necessary training. The investigation also found the asbestos removal was carried out without the required measures in place to reduce exposure to asbestos, thereby putting themselves and the house owner at risk of exposure to asbestos fibres.

Brian Michael John Barry, of Ponteland, Newcastle upon Tyne pleaded guilty to breaching regulations 8(1) and 11(1) of the Control of Asbestos Regulations 2012 and was fined £576 and ordered to pay costs of £847 costs.

David Jonathan Storey of Prudhoe, Northumberland, pleaded guilty to breaching regulations 8(1) and 11(1) of the Control of Asbestos Regulations 2012 and was fined £692 and ordered to pay costs of £844.

After the hearing, HSE inspector Andrea Robbins said “Asbestos is responsible for the premature deaths of approximately 5,000 workers each year.

“In this case, it was foreseeable that, in the absence of measures to reduce asbestos fibres becoming airborne during removal of the pipe lagging, that people were at risk of being exposed to them. It was reasonably practicable for the work to have been removed by a licensed asbestos removal contractor under fully controlled condition thus reducing the risk of exposure to asbestos.

“Our website and other publications clearly state that asbestos pipe lagging should only be removed by a licensed asbestos removal contractor, by trained asbestos operatives, and under fully controlled conditions to reduce exposure to asbestos.”

For more information on this, please visit: http://www.hse.gov.uk/asbestos/licensing/licensed-contractor.htm

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. hse.gov.uk
2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
3. HSE news releases are available at http://press.hse.gov.uk

Journalists should approach HSE press office with any queries on regional press releases.

Construction companies fined after worker injured in fall from height

Three construction companies have been today fined after a subcontractor fell four meters through a fragile roof light into an office space below.

Portsmouth Crown Court heard how, on 17 December 2015, an employee of Wessex Insulation Limited was injured when he was installing insulation to new ventilation ductwork on the roof of the Mountbatten Leisure Centre in. The

employee suffered six fractures to his back.

An investigation by the Health and Safety Executive (HSE) found three companies; Dantherm Limited (the principal contractor), Wessex Building Services Limited (the main contractor on site) and Wessex Insulation Ltd (the insulation sub-contractor), failed to plan and manage the risk of falling through rooflights sufficiently.

Dantherm Limited of Windmill Business Park, Cleavedon, pleaded guilty to breaching Regulation 13(1) of the Construction Design and Management Regulations 2015 and was fined £30,666 and ordered to pay costs of £6,646.16.

Wessex Building Services Limited of Wessex House, Shaftesbury, pleaded guilty to breaching Regulation 4(1)(a) of the Work at Height Regulations 2005 and was fined £425,000 and ordered to pay costs of £6,646.16.

Wessex Insulation Limited of Albany Road, Weymouth, pleaded guilty to breaching Regulation 9(2) of the Work at Height Regulations 2005 and was fined £70,833 and ordered to pay costs of £6,646.16.

Speaking after the hearing, HSE Inspector Jane Beckmann said: “Falls from height remain the most common cause of work-related fatalities and serious injuries in the construction industry and the risks associated with working at height are well-known”.

“Working on or near fragile materials at height can be particularly dangerous and it is very important that those in control of the work identify the risk, plan to eliminate it if possible, or where it is not possible, take appropriate precautions to safeguard workers and others. Good management will also include regular monitoring that the controls in place are keeping people safe. It was fortunate that in this instance the worker involved made a full recovery, but it could have been a very different outcome.”

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Safety Alert – Cylinders manufactured from aluminium alloys HE30/AA6082 and AA6351 and used primarily for gases for underwater breathing apparatus

Health and Safety Executive – Safety Alert	
Department Name:	Energy Division
Bulletin No:	ED 1-2018
Issue Date:	8th March 2018
Target Audience:	SCUBA diving, those that supply breathing air through an umbilical hose and those used to fill SCUBA cylinders.
Key Issues:	Cylinders to be inspected and tested include those used for SCUBA diving, those that supply breathing air through an umbilical hose and those used to fill SCUBA cylinders.

There have been several recent catastrophic failures of aluminium cylinders used primarily to contain gases for underwater breathing apparatus and manufactured from aluminium alloys HE30/AA6082 and AA6351. These cylinders should only be used if they have undergone thorough visual inspection and testing with an eddy-current device by a competent inspector (see inspection and testing requirements below).

Failure to conduct such inspection and testing could result in serious harm.

Cylinders to be inspected and tested include those used for SCUBA diving, those that supply breathing air through an umbilical hose and those used to fill SCUBA cylinders.

If you are unable to determine whether a particular cylinder is made from one of these alloys, remove it from service, safely release the gas and do not use it until the alloy can be identified and proper inspection and testing can be conducted.

- Cylinders that cannot be identified from markings on the cylinder must be removed from service, condemned and rendered incapable of holding pressure.
- Cylinders that fail visual inspection or eddy-current testing must be condemned and rendered incapable of holding pressure.

Background

Serious harm was caused by failure of an HE30/AA6082 cylinder in England in 2017, which followed similarly harmful failures of AA6351 SCUBA cylinders in Indonesia and Australia in 2016. Cylinders manufactured from these alloys are known to be susceptible to sustained-load cracking (SLC). These cylinders were manufactured by several companies in several countries between 1963 and 1995. Thus, any cylinders still in use are between 23 and 55 years old.

Luxfer Gas Cylinders manufactured HE30/AA6082 and AA6351 cylinders in England and AA6351 cylinders in the USA and Australia. Walter Kidde Company in the USA, CIG Gas Cylinders in Australia (acquired by Luxfer Gas Cylinders in 1997) and Reynolds Tube Company Ltd (later known as TI Hollow Extrusions) in England also manufactured cylinders from these alloys.

Inspection and testing requirements for cylinders manufactured from HE30/AA6082 and AA6351 and used primarily for underwater breathing apparatus

Cylinders used at work or filled by a person at work—including SCUBA cylinders, cylinders that supply breathing air through an umbilical hose and cylinders used primarily to fill SCUBA cylinders—must be suitably inspected and tested to ensure that they are safe. Inspection frequency must be in line with requirements of BS EN 1802 for “Gases for underwater breathing apparatus”. It is also recommended that cylinders not used or filled at work be subject to similar inspections and tests.

An eddy-current test must be conducted in addition to the required visual inspection. This test shall be conducted by a competent and qualified cylinder inspector who has been trained in the specific use of eddy-current testing equipment.

If a cylinder is equipped with a thread adaptor, the adaptor must be removed prior to visual inspection and eddy-current testing.

It should be noted that Luxfer Gas Cylinders currently only approves two eddy-current devices for such testing: Visual Plus™ and Visual Eddy™.

The relevant standard describing inspection requirements for aluminium cylinders containing gases for underwater breathing apparatus is BS EN 1802 (due to be replaced by BS EN ISO 18119). This standard requires that inspection and testing be carried out by a competent person. Although there is no unique legal definition of competence for cylinder testing, HSE considers that the following provide a suitable level of confidence in a cylinder inspector’s competence for this task:

- Appointment by the Secretary of State for Transport for the purposes of inspection of gas cylinders
- Working within the terms of an industry-accredited scheme.

The appointment or accreditation should be for the specific type of cylinder concerned.

Actions required

Check to see if any of your cylinders are manufactured or suspected to be manufactured from aluminium alloys HE30/AA6082 or AA6351. Check for specific alloy-related markings or for a manufacture date (the earliest date stamped on the cylinder) prior to 1995. If you believe that a cylinder may be made from either of these alloys, then you should assess the risk of continued use by considering the cylinder’s age, history of use and previous testing.

If you cannot determine the alloy and appropriate information as described in BS EN 1802—e.g., if you cannot easily read markings on the cylinder or if markings are missing—you must remove the cylinder from service, safely release the gas and render the cylinder incapable of holding pressure.

If you are unable to confirm that eddy-current testing was performed on an HE30/AA6082 or AA6351 cylinder, remove it from service, safely release the gas and do not use the cylinder until eddy-current testing can be performed.

Identifying cylinders manufactured from HE30/AA6082 and AA6351 aluminium alloys

Cylinders stamped with any of the following markings are manufactured from HE30/AA6082 or AA6351:

- HE30
- HOAL 1
- HOAL 2
- HOAL 3
- HOAL 4
- BS5045/3/B
- BS5045/3/B/S
- AA6351
- P****X (as part of serial number)
- P****P (as part of serial number)
  Note: On some small cylinders manufactured at Luxfer's Aldridge, England, plant, the above markings may not be present. In that case, the alloy can be determined from the three-digit type number stamped around the base. If the three-digit number is of the form 1**, 3** or 5**, then the alloy of manufacture is AA6351.

Relevant legal documents

- Health and Safety at Work etc act 1974.
- Diving at Work Regulations 1997 (6)(3)(b).

Further information

General note

Please pass this information to any of your colleagues who may have this product or equipment or may operate this type of system or process.

All cylinders that are transported for the purpose of work must be tested at an approved Vehicle Certification Agency (VCA) test centre.

This alert sheet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

Asbestos removal company and managers sentenced after forging documents

An asbestos removal company, and two of its managers, have today been prosecuted after forging documents in order to obtain an asbestos licence from the Health and Safety Executive (HSE).

Greater Manchester Magistrates' Court heard how, between 16 March 2012 and 10 March 2016, Excavation and Contracting (UK) Ltd used both forged medical certificates and forged asbestos training certificates for their asbestos removal operatives. These forged documents had been made by their asbestos operations manager, David Lloyd, and included medicals in the name of the company operations manager, Lee Cooper, and forged training certificates for Lee Cooper and the managing director, Brendan O'Halloran. The doctor who had allegedly issued these medical certificates had retired sometime earlier to live outside the UK.

The HSE investigation found the defendants had used forged documents to obtain an asbestos licence from HSE in order to trade. The investigation also found the company could not show that they had properly trained or adequately monitored their workers who were exposed to asbestos.

David Lloyd, of Hanwell Close, Leigh pleaded guilty to breaching Regulations 10(1)(a) and 22(1)(c) of the Control of Asbestos Regulations 2012. He was sentenced to 12 weeks in prison suspended for two years and was ordered to carry out 200 hours of community service. He was also ordered to pay costs of £1,000.

Lee Cooper, of Shelley Close, Huyton, pleaded guilty to breaching Regulations 10(1)(a) and 22(1)(c) of the Control of Asbestos Regulations 2012 and was ordered to undertake 80 hours of community service and pay costs of £1,000.

Excavation and Contracting (UK) Ltd of West Quay Road, Warrington, pleaded guilty to breaching Regulations 10(1)(a) and 22(1)(c) of the Control of Asbestos Regulations 2012 and was fined £13,000 and ordered to pay costs of £10,000.

HSE inspector Matt Greenly said after the case: "Putting people at risk from asbestos by not training them or monitoring their health, as required by law, not only puts their lives at risk from an incurable set of diseases, but is also wholly unnecessary.

"There are ample affordable training providers and approved doctors who can carry out these functions at the convenience of the contractor. Taking deliberate shortcuts by creating forged documents will not be tolerated by HSE and we will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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