

# Fine for companies following failures at high-containment facility

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- Lab located on industrial estate next to gym and bakery.
- One company deliberately ignored legal requirements for its own gain.
- HSE guidance on high hazard infectious agents is available.

A second company has been fined after an investigation by the Health and Safety Executive (HSE) into high-hazard infectious agents.

Lab 21 Healthcare Ltd, a clinical diagnostics company that operated a high-containment laboratory at Millwey Rise Industrial Estate in Axminster, was fined £52,000. It followed similar action taken against the Devon site's previous operator Omega Diagnostics Ltd, after that company was fined £35,000 in May of this year.

Both companies carried out work with high hazard infectious organisms such as *Salmonella typhi* – which can cause typhoid fever – without providing legally required advanced notification to the HSE. Typhoid fever is known to cause potentially severe disease and can spread to the community.

The regulations for working with high hazard infectious agents are some of the tightest in the world.



The laboratory was located on Millwey Rise Industrial Estate in Axminster but closed in 2019

HSE specialist inspector Mark Cuff inspected the site in April 2019 and an investigation was subsequently carried out which identified failures he described as “both foreseeable and readily avoidable”.

Those failures included key safety equipment not being adequately maintained or tested frequently enough to confirm they were working properly and safely, while the poor condition of the laboratory was such, that safe and effective disinfection was not possible.

These failures substantially increased the risk of exposure to not only those working in the lab, but to the wider public. As well as Salmonella typhi, other risks included exposure to the highly toxic formaldehyde gas, which was used for disinfecting the laboratory. This was particularly significant as the laboratory was situated on an industrial estate with a gym and bakery close by.

Besides being aware of falling short of the legal requirements, Lab 21 Healthcare Limited continued the high-hazard work over a period of about seven months, before belatedly making HSE aware, ceasing its operations, and initiating actions to remedy its shortcomings.



Failures included key safety equipment not being adequately maintained or tested frequently enough

HSE guidance states that employers must notify work with high hazard infectious agents and take steps to adequately control exposure to hazardous infectious agents. The notification requirements and stringent control measures for high-containment laboratories are clearly defined within The Control of Substances Hazardous to Health Regulations (COSHH) 2002 (as amended). For example, the laboratory needs to be sealable for fumigation and safety critical plant and equipment (e.g., ventilation) needs to be regularly maintained and tested ([COSHH 2002, Approved Code of Practice and Guidance](#)).

Lab21 Healthcare Ltd, of York House School Lane, Chandler's Ford, Eastleigh, pleaded guilty to breaching Regulation 7(10) Schedule 3 as well as Regulation 9(1) and 9(2) of COSHH 2002 (as amended). Lab 21 Healthcare Ltd. was fined £52,000 and ordered to pay £26,000 in costs at Exeter Crown Court on 11 September 2025.

Omega Diagnostics Ltd (the previous operator), c/o Shepherd & Wedderburn LLP, of 9 Haymarket Square, Edinburgh was also prosecuted under the same charges to which it pleaded guilty. The company stopped work following identifying the failure to notify its work with high hazard infectious agents. The company was fined £35,000 and ordered to pay £26,887 in costs at Exeter Magistrates Court on 22 May 2025.

HSE specialist microbiology inspector Mark Cuff said: “What is stark about this case is that it was not one but two companies that failed to notify HSE of their work with high hazard pathogens.

“Not only did both fail to notify HSE, they also failed to ensure that key plant and equipment on which the safety of the work relied was maintained properly.

“The circumstances were both foreseeable and readily avoidable had appropriate control measures been implemented and HSE made aware of the work.

“In the case of Lab 21 Healthcare Ltd, the company was not only aware of the relevant legal requirements, and its shortfall in meeting them, but also chose to ignore them over an extended period; the motivations for which were both – commercially driven and the avoidance of regulatory scrutiny.”

“Although there was no release from the facility or actual harm, the likely public expectation in such circumstances is that the companies should be held accountable. “

The laboratory was subsequently closed in 2019.

This HSE prosecution was brought by barrister Sam Jones, HSE enforcement lawyer Samantha Wells and paralegal officer Gabrielle O’Sullivan.

## Notes to Editors

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Relevant guidance can be found here – [COSHH 2002, Approved Code of Practice and Guidance](#)).
5. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).
6. Proceedings are ongoing against three directors of Lab 21 Healthcare Ltd.. The three directors indicated a not guilty plea to charges under Section 37 of Health and Safety at Work ect. Act 1974 relating to their culpability in the company’s breaches of COSHH 7(1), 7(10) Sch 3. The trial has been set at Exeter Crown Court for September 2026.

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# Getting personal hearing protection right: what really matters

Personal hearing protection is the last line of defence between your workers and permanent hearing damage. But poor management turns every pound spent on earmuffs and earplugs into wasted money.

“This isn’t about blame – it’s about recognising a key challenge,” explains Chris Steel, HSE’s Principal Specialist Inspector.

Personal protective equipment sits at the bottom of the hierarchy of control because it needs constant attention. Unlike engineering controls that work automatically, hearing protection requires ongoing information, instruction, training and supervision to stay effective.

From our inspections across workplaces in Great Britain, we’ve identified the crucial questions every employer should ask about their hearing protection programme. Get this right before inspectors visit, and you’ll be protecting your workforce properly.

## **Condition: is your protection actually protecting?**

Hearing protection only works when it’s in good condition. Earmuffs with stretched headbands, missing foam padding, damaged seals or cracked cups give false security rather than real protection. These defects create gaps that let through harmful noise, potentially causing permanent hearing loss.

Single-use earplugs don’t work if workers treat them as reusable. Once removed – for breaks, conversations or toilet visits – they must be thrown away. Brief removal compromises their integrity and putting them back rarely achieves the same protective seal.

Reusable plugs come with issues of their own. During one site visit, Steel’s team met a worker still using moulded earplugs he’d been given at 18 – he was 43 when they spoke to him. Materials degrade over time, ear canals change, and effectiveness drops substantially. Do your workers know replacement schedules? More importantly, do they know how and where to get fresh protection when needed?

## **Use: making protection accessible**

“Hearing protection is useless sitting in storage whilst workers operate noisy equipment,” Steel emphasises. Timing matters: protection must go on before exposure begins and stay on throughout the hazardous period.

Think about placement strategically. Steel has seen one factory manager leave an inspector at the entrance whilst he walked 100 metres to fetch his

earplugs, then walked back before inserting them – defeating the purpose entirely. Put supplies where workers need them, when they need them.

### **Proper fitting: the devil in the detail**

Even premium hearing protection fails when worn incorrectly. Earplugs need clean hands for hygienic insertion and proper technique to achieve effective sealing. Workers must understand how to straighten their ear canals during insertion – a skill requiring demonstration and practice.

Earmuffs seem foolproof until you see them worn over hats, hoods or hair accessories. These seemingly minor problems create significant gaps in protection. Helmet-mounted systems add complexity: you can't assume compatibility between helmet and earmuff systems just because components physically connect.

Individual differences matter enormously. Some workers can't use standard earplugs due to narrow ear canals or other physical factors. Regulations require employers to offer suitable alternatives, not force unsuitable solutions. Regular observation helps identify workers struggling with proper fitting, often showing the need for different protection types rather than more training.

### **Performance: matching protection to need**

Effective hearing protection requires technical matching between workplace noise levels and protection capabilities. During one site visit, one employee had chosen earplugs based solely on their football team's colours – hardly acceptable performance criteria.

Understanding your workplace noise levels in decibels provides the foundation for proper specification. Each protection type has a Single Number Rating (SNR) showing its noise reduction capability. HSE's calculator tools and guidance help match protection performance to actual requirements.

Crucially, adequate protection shouldn't create new hazards. Over-protection can stop workers hearing essential warning alarms, creating safety risks that outweigh the benefits. Once workers wear hearing protection, check they can still detect critical safety signals.

### **The CUFF approach: systematic assessment**

Managing hearing protection effectively requires systematic attention to four key elements – remember CUFF:

Condition: Regular inspection ensures protection remains physically capable of doing its job.

Use: Proper timing and accessibility enable consistent protection during hazardous activities.

Fit the ear: Correct wearing technique maximises the protection potential of well-chosen equipment.

Fit for purpose: Technical matching between hazard levels and protection capabilities ensures adequate safety without creating new risks.

## **Moving forward**

Personal hearing protection demands active management rather than passive provision. The administrative burden reflects the serious consequences of failure: once hearing damage occurs, it can't be reversed.

Next time you walk around your workplace, think CUFF when observing hearing protection use. These real examples from our inspections show how easily well-intentioned programmes can fail without proper attention to detail.

The investment in proper hearing protection management pays dividends in reduced injury rates, improved compliance and enhanced workplace culture. Most significantly, it preserves something irreplaceable: your workers' ability to hear.

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## **Noise: Management of exposure in the workplace – 28 October 2025**

Protect your workforce from noise-induced hearing loss with [HSE's one-day training course on 28 October 2025 in Buxton](#), covering risk assessment and compliance with the Control of Noise at Work Regulations 2005. Essential for health and safety practitioners, managers, and supervisors responsible for managing workplace noise risks.

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## **[“Serious gaps” found in protecting workers from excessive noise](#)**

Three-quarters of noisy workplaces lacked essential knowledge on maintaining hearing protection equipment, inspections have found.

The Health and Safety Executive's (HSE) most recent inspection campaign has identified significant failings in workplace hearing protection, uncovering issues with employee training and equipment management.

One in four workplaces had noise levels requiring mandatory hearing protection, placing crucial responsibilities on employers to ensure proper provision and management of protective equipment. However, inspections revealed concerning gaps in implementation.

At high-noise workplaces, more than 75% of employees lacked essential knowledge about storing hearing protection, checking for damage, or reporting equipment faults to employers. Nearly two-thirds (63%) had not received

[guidance](#) on the critical importance of wearing protection continuously during exposure to harmful noise levels.

Training deficiencies were particularly evident, with 80% of employees receiving no instruction on proper wearing techniques, including avoiding interference from hats and hoods, keeping hair clear of earmuffs, or ensuring compatibility with other personal protective equipment such as hard hats and eye protection.

Most significantly, 95% of employers had failed to verify whether workers wearing hearing protection could still detect vital warning signals, including fire alarms and vehicle reversing alerts.

Chris Steel, HSE's Principal Specialist Inspector, said: "The gaps that we found in implementation are serious. They place an added risk to workers of excessive exposure to noise when they may believe they are being protected.

"If your defence against workplace noise is to give your workers hearing protection then you need to check that it works. How confident are you that the hearing protection you have supplied is in good order, is being worn when it should be, how it should be, and that it is not stopping your workers from hearing warning signals?"

To address these issues, HSE is promoting the CUFF checking system to help employers assess hearing protection effectiveness.

The acronym covers Condition (equipment integrity), Use (proper deployment when needed), Fit the ear (correct wearing), and Fit for purpose (appropriate specification).

HSE specialists will deliver guidance at industry events and webinars, providing [practical advice](#) on implementing effective hearing protection programmes and using the CUFF system to safeguard workers from noise-induced hearing damage.

Read a [feature piece](#) from HSE's Principal Specialist Inspector Chris Steel.

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## [Update from HSE on Coney Beach investigation](#)

The investigation into last month's incident at Coney Beach Amusement Park continues, with the ride in question now being inspected by Health and Safety Executive (HSE) experts at its laboratory in Buxton.

Several children were injured in the incident involving the Wacky Worm ride at the venue in Porthcawl, South Wales at around 5.30pm on Wednesday 13

August. No one was seriously hurt but a number of people required hospital treatment.

HSE issued a Notice to Leave Undisturbed on the Wacky Worm ride, in the immediate aftermath, to allow the ride to be inspected as it was at the time of the incident. In addition, a prohibition notice was issued on the ride, which means in the future the ride would need to be repaired and checked by an independent and competent person before being put back in service.

Other rides at the park were inspected and one nearby ride, the Mini Jet Ride, was also issued with a prohibition notice, but has been subsequently repaired after safety issues were found.

Simon Chilcott, principal inspector at HSE, said: "While the school summer holidays are now over, it is completely understandable that many people continue to feel the impact of what happened in Porthcawl last month.

"We've worked very closely with the police and taken swift action to preserve evidence and keep people safe. Witness accounts have been shared with us, as well as footage taken on the day of the incident, and these will be used to inform our investigation.

"The investigation is likely to take some time, but once it is complete, a decision will be made on what further action should be taken."

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## [Update on investigation into incident at Netley Marsh Steam and Craft Show](#)

The investigation into last month's incident involving a fairground ride at the Netley Marsh Steam and Craft Show continues.

An 18-year-old woman was injured on the evening of Saturday 26 July 2025 during the event in Hampshire. She was taken to hospital and sustained serious injuries.

HSE inspectors and amusement device specialists have visited the site as part of the ongoing probe and are now appealing for images from festivalgoers.

The ride involved in this incident was a 'Showtime' funhouse featuring free rollers on the upper level.

HSE principal inspector Nicola Pinckney said: "We are thoroughly investigating this serious incident to establish whether there have been any breaches of health and safety law.



"We are appealing for anyone who may have photographs or videos which cover the upper left-hand side level of the Showtime funhouse that was at the Netley Marsh Steam and Craft Show, specifically in the free rollers area, taken between 6pm and 10:25pm on Saturday 26 July to contact us. This material could assist our investigation.

"Once our investigation is complete, a decision will then be made on what further action will be taken."

Anyone with photographic footage from the specified area and time period is asked to email HSE at [Basingstoke.Admin@hse.gov.uk](mailto:Basingstoke.Admin@hse.gov.uk) identifying in the email the location of the footage they hold and the time the footage was taken.

#### **Further information:**

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information on the HSE's [Enforcement Policy Statement](#) is available.