

Manufacturing company fined £15,000 for wood dust failures

A manufacturing company has been fined £15,000 after exposing its own workers to wood dust and failing to comply with two improvement notices.

Wood dust can cause serious and often irreversible health problems, including sino-nasal cancer, asthma and dermatitis. Employers have a legal responsibility to prevent or adequately control exposure in the workplace.

After concerns were raised to the Health and Safety Executive (HSE), inspectors from the workplace regulator went to Billy Davidson NV Stables Limited's premises in Wingate, Durham on 17 June 2022. As a result, notices were served on the firm requiring it to undertake an examination of the local exhaust ventilation (LEV) system fitted to a chop saw and for failing to control exposure to wood dust from the use of a circular table saw.

Proper dust extraction can include having the right machinery, and vacuuming dust instead of sweeping is often required. HSE's easy-to-follow guidance can be found [here](#).

Despite the action taken by HSE, when inspectors returned to the site on 12 January 2023, the circular saw was still being used, despite the company saying it had been taken out of use. Likewise, the chop saw and LEV was also still being used, and the company had not provided HSE with confirmation it had been examined and was adequately controlling wood dust exposure.

The subsequent HSE investigation found the company had shown a disregard for health and safety due to their failure to comply with the improvement notices.

A HSE campaign to [protect workers from exposure to wood dust](#) is ongoing.

Billy Davidson NV Stables Limited was found guilty of contravening two counts of Section 33(1)(g) of the Health and Safety at Work etc Act 1974 and Regulations 9(2) and 7(1) of the Control of Substances Hazardous to Health Regulations 2002. The company was fined £15,000 and ordered to pay £4,500 in costs.

Speaking after the hearing, HSE inspector Clare Maltby said: "This company showed a blatant disregard to the safety of its own workers.

"Companies are responsible for controlling the exposure to wood dust, a substance which is hazardous to health and can cause long term health effects such as occupational asthma.

"Compliance could have been achieved by simply getting a LEV fitted to the circular table saw and getting a competent person to undertake a thorough examination and test of the LEV on the chop saw.

“This case demonstrates that we will not hesitate to prosecute companies who fail to comply with the law.”

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.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

Company director avoids prison over wood dust failures

The director of a Norwich woodworking company has avoided an immediate spell behind bars after he exposed his employees to harmful wood dust.

Wood dust can cause serious and often irreversible health problems, including sino-nasal cancer, asthma and dermatitis. Employers have a legal responsibility to prevent or adequately control exposure in the workplace.

John Risby, the director of Turners and Moore Limited, was given a four month custodial sentence, suspended for two years, at Norwich Magistrates Court. The 33-year-old's company was also fined £40,000.

The Health and Safety Executive (HSE) carried out an inspection at the firm's Hurricane Way site on November 2017, which identified significant failings in its measures to control exposure of employees to wood dust. Enforcement action was taken, however a subsequent inspection in August 2022 showed the company had failed to maintain standards and further enforcement action was taken.

Dust extraction and vacuuming instead of sweeping can be some of the measures taken to control exposure to workers. Guidance on working in the [woodworking industry](#) is available and an [inspection-led campaign to protect workers continues](#).

Turners and Moore Limited of Hurricane Way, Norwich was fined £40,000 after pleading guilty to breaches of Sections 2 (1) and 3 (1) of the Health and

Safety at Work Act 1974. The company must also pay £2,000 in costs. Director John Risby was given a four month custodial sentence, suspended for two years. He will also pay costs of £1,100 for breaching section 37 of the same Act.

After the hearing, HSE inspector Natalie Prince said: "This outcome should send a strong message out to anyone with a responsibility for protecting workers.

"Exposure to wood dust can cause serious ongoing health problems and businesses must do all that they can to protect their workers.

"This outcome should underline to those in the woodworking industry that the courts, and HSE, take a failure to protect the health of employees extremely seriously and will not hesitate to take action against companies that fail to do so."

This HSE prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski and paralegal officer Sarah Thomas.

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Construction company fined after worker killed by an excavator

A North Yorkshire construction company has been fined after a worker was struck on the head and killed by a 16-ton excavator.

On 13 January 2021, Dean Myers, an employee of HACS Construction Ltd, was undertaking groundwork activities in a partially excavated trench at a site in Ripley, North Yorkshire.



The site in Ripley, North Yorkshire.

During the works, the 56-year-old was struck on the head by the moving bucket of the excavator suffering catastrophic injuries to his face and head. He was pronounced dead at the scene by the ambulance service.

The groundworks team had been preparing the trench for the laying of new drainage. Mr Myers had moved to the foot of an existing manhole directly adjacent to the trench when the excavator was reported to have met resistance whilst digging.

With nothing in place to prevent his entry into the danger zone of the excavator, Mr Myers exited the manhole via a makeshift opening to investigate. However, the excavator driver and other workers were not in a position to see that he had entered the danger zone. Here the excavator bucket then swung into him with fatal consequences.

The Health and Safety Executive (HSE) has guidance on [excavator industry safety](#). The precautions needed include considering clearance, visibility and the bucket attachment.

HSE's investigation found that HACS Construction Limited had failed to identify or assess the risk arising from using the existing manhole chamber as an improvised refuge. This meant the company failed to implement a system whereby workers were prevented from entering the dangerous working zone of the excavator while the machine was being operated by a driver with limited sight. There was also inadequate supervision on site, alongside a failure to carry out monitoring visits which would have identified crucial safety failings.

At Leeds Magistrates' Court on 24 January HACS Construction Limited of Station Yard, Ripley, North Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £330,500 and ordered to pay £9,141.80 costs.

After the hearing, HSE inspector Ben Caines said: "This tragic incident could so easily have been avoided had HACS Construction Limited simply ensured that adequate control measures and safe working practices were identified and followed.

“The company should have put in place measures including the use of trained plant marshals for high-risk activities, such as the work Mr Myers was undertaking. Such measures are widely recognised and used across the construction industry as well as being advised within HSE and industry guidance.”

This HSE prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski.

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Two companies fined after a worker suffers serious injuries in a fall

A construction company and a roofing contractor have been fined after a roofer suffered multiple fractures in a fall from a building roof.

Horizon Roofing Specialist Ltd had been appointed by principal contractor – Bromley-based Property Facilities Group Ltd – to originally undertake the installation of a new roof at Aspire Academy in Welling.

Following this, Horizon Roofing were appointed to replace the roof of an existing modular building that was being refurbished, due to the original contractor becoming unavailable to complete the work.

On 29 September 2020, three roofers began work on the modular building roof, and during the work an unexpected flare from a gas gun caused one of the roofers to stumble backwards and fall from the edge of the unprotected roof to the ground below.



An unexpected flare from a gas gun caused one of the roofers to stumble backwards and fall from the edge of the unprotected roof to the ground below

The roofer who worked for Horizon Roofing Specialist Limited, suffered multiple fractures to both of his legs which required surgery.

HSE has clear and concise guidance on carrying out [roof work safely](#).

An investigation by the Health and Safety Executive (HSE) found that Property Facilities Group and Horizon Roofing had failed to adequately plan, appropriately supervise, and ensure that the work was carried out in a safe manner.

Property Facilities Group Ltd, of Newman Road, Bromley, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. They were fined £14,000 and was ordered to pay £1,619.25 costs at a hearing at Westminster Magistrates Court on 19 January 2024.

Horizon Roofing Specialist Limited, of Langham Road, Robertsbridge, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. They were fined £3,333 and was ordered to pay £1,619 costs at the same hearing.

After the hearing, HSE inspector Gemma Cox said: “Too many workers are injured every year as a result of falling from roofs with unprotected edges. The victim sustained serious injuries which could have been prevented if basic, industry standard control measures had been put in place.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

This HSE prosecution was brought by HSE enforcement lawyer Rebecca Schwartz and supported by HSE Paralegal Officer, Rebecca Foreman.

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Company fined after 21-year-old worker dies

A company in Peterborough has been fined £67,000 after a young employee lost his life.

George Setchfield was found unconscious over the side of a large container while working for Electrostatic Magic Limited at the firm's site in Peterborough.

George's mum says his passing has affected "every aspect" of her life.

The 21-year-old had entered the company's stripping shed, which housed an Intermediate Bulk Container (IBC) containing alloy wheel stripper.

He was later found by his manager slumped over the side of the IBC, and could not be revived.



Twenty-one-year-old George

Setchfield
was found
dead in work

George had sustained multiple organ failure and chemical pneumonitis and cutaneous burns from exposure to dichloromethane, hydrofluoric acid and methanol.

Health and Safety Executive (HSE) guidance for those [working with dichloromethane](#) is available.

An investigation by HSE found that Electrostatic Magic Limited had failed to control exposure to dichloromethane and hydrofluoric acid. It would have been reasonably practicable for the company to have installed local exhaust ventilation (LEV), used a hoist or long-handled tools to lower and lift parts in and out of the tank, provide pumped chemical systems to prevent the need to lean into the IBC and finally ensure that any Personal Protective Equipment (PPE) or Respiratory Protective Equipment (RPE) provided was suitable for the environment it was being used in.



George had entered the company's stripping shed, which housed an Intermediate Bulk Container (IBC) containing alloy wheel stripper.

George's Mum, Amanda Foster, told Peterborough Magistrates' Court: "Trying to find some level of justice for George has taken over my entire life. I have spent hours going into detail, reviewing, rereading and making notes about how George died and how it should have been prevented.

"This is something that I struggle to accept, how has this been able to happen to my son? George's death has affected every aspect of my life. It has left me with a constant feeling of emptiness and devastation. It will shadow my future forever and I know that my life will never be as it once was. It has shattered my family's lives and changed everyone's life who knew and loved George."

Electrostatic Magic Limited, of Ivatt Way, Westwood, Peterborough, pleaded guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002 and Article 67 of the REACH regulation. The company

was fined £67,000 and ordered to pay £7,231 in costs at Peterborough Magistrates' Court on 19 January 2024.

HSE inspector Tom Pouncey said: "Our thoughts today are with the family of Mr Setchfield, a young man, who should have returned home safely to his family at the end of his working day, but because of the failings of Electrostatic Magic Limited, he did not, and his family are understandably heartbroken."

"Awareness within the alloy wheel stripping industry of the importance of using appropriate control measures and the dangers of this cold stripping process needs to improve.

"Companies need to understand the dangers of working with hazardous chemicals and ensure employees are not unnecessarily exposed. Deaths can result from working with Dichloromethane-based stripping fluids. HSE will be inspecting businesses carrying out similar work to ensure suitable health and safety arrangements are in place. If they are not then HSE will take appropriate action."

This prosecution was brought by HSE enforcement lawyer Jon Mack and supported by HSE paralegal officer Rebecca Forman.

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