

Company and director fined for putting workers at risk

A West Midlands engineering company and its managing director have been fined for failing to protect their workers from welding fume.

Associated Metalmasters Limited and managing director Darren Spittle were prosecuted by the Health and Safety Executive (HSE) following an inspection of the company's former site at Woodside Industrial Estate, Pedmore Road, Dudley, in October 2021.

HSE inspectors found the company had failed to put in place appropriate precautions to control the exposure of mild steel welding fume from metal inert gas (MIG) welding taking place at the site.

Breathing in welding fume can lead to asthma, pneumonia and lung cancer. HSE guidance can be found at: [Welding fume: protect your workers – Overview – HSE](#)

A subsequent HSE investigation found Associated Metalmasters Limited had initially complied with two Improvement Notices served by the workplace regulator in 2016 and 2019. The notices required the company to make improvements to its MIG welding process.

However, the company failed to sustain its compliance with the notices meaning there was an inadequate control of exposure to welding fume. Darren Spittle, managing director at the company, was in control of the MIG welding process and was aware of the Improvement Notices.

The company could have sustained compliance with the notices by ensuring that industry standard controls for the welding were provided and maintained at the site. These controls would have likely included a local exhaust ventilation (LEV) and respiratory protective equipment (RPE).

Associated Metalmasters Limited, of Grazebrook Industrial Park, Peartree Lane, Dudley, West Midlands, pleaded guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002. The company was fined £20,000 and ordered to pay £3,896.30 in costs at Dudley Magistrates' Court on 13 September 2023.

Darren James Spittle, of Bright Street, Wollaston, Stourbridge, West Midlands, pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc. Act 1974. He was fined £2,000 at Wolverhampton Magistrates' Court on 13 September 2023.

HSE inspector Heather Campbell said: "There are clear dangers from welding fume – remaining compliant with the law is not something that can tail off over time. This case shows prosecution will be considered if that happens."

This prosecution was supported by HSE enforcement lawyer Gemma Zakrzewski.

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. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>