

Company fined after an explosion seriously injured two employees

A company which produces electricity from food waste by anaerobic digestion, has been fined more than £300,000 after an explosion caused two employees to suffer life changing injuries.

The metal tank the two men were working on was projected high into the air before crashing to the ground nine seconds later.

Footage of the blast has been released.

On 20 September 2017, two employees of Bio Dynamic (UK) Limited were using a grinder to cut and replace pipework at the top of an 11-metre high metal tank containing waste slurry. They were not using harnesses. Sparks from the grinder ignited flammable gasses causing the tank to explode.

Footage of the explosion captured by CCTV has now been released.

Tomasz Patek was flung out of the mobile elevating work platform (MEWP) into the air and landed on the ground in the slurry around the tank. He suffered serious injuries to his back, head and torso and was in hospital for two months. His injuries were so severe that he was not able to work for more than two years.

Tomasz suffers from pre and post-traumatic amnesia and has no specific recollection of the events. In a statement, he reveals the psychological scars from the incident; "After the accident, I was unable to recover emotionally.

"I did not realise what had happened and was in deep shock. I could not cope with the pain. I could not accept an accident had happened to me."

Robert Tyrko was thrown into the air and landed back in the basket of the MEWP. Following the incident, Robert's leg was amputated and he remains wheelchair bound as treatment is still ongoing to receive a prosthesis. Also, he sustained a fractured skull and a piece of metal in his elbow that continues to affect his daily life.

In his statement, Robert explains how the explosion has affected his day-to-day life; "This whole situation is having a huge impact on my relationship. I can't help my wife in anything like I used to be able to. Magda is both wife and husband because all my responsibilities fell on her; along with the kids.

"Also my personality is explosive. I lose my patience very quickly. I attended appointments with a psychologist because I had nightmares that I was still having this accident."

A joint investigation by the Health and Safety Executive (HSE) and the

Environment Agency found that the company had failed to ensure the health and safety of its employees and others nearby. The company had kept and treated waste in a manner likely to cause pollution to the environment. The explosion was caused by multiple failures in the company's management system and exacerbated by multiple breaches of the company's environmental permit.

At a hearing at Nottingham Crown Court on 22 November 2024, Bio Dynamic (UK) Limited, of Colwick Industrial Estate, Nottingham:

- pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974.
- pleaded guilty to breaching regulation 38(2) of the Environmental Permitting (England & Wales) Regulations 2016 (EPR), and s.33(1)(c) of the Environmental Protection Act 1990 (EPA).
- They were fined a total of £304,500 and ordered to pay £228,998 in costs.

After the hearing, HSE inspector Richenda Dixon said: "It's remarkable that Robert and Tomasz weren't killed.

"This incident resulted from fundamental and multiple failings by the company to properly manage its health and safety risks.

"These included failing to ensure that the design, installation and use of the tanks were safe; failing to carry out risk assessments; failing to put in place a safe system of work; and failing to train and supervise employees."

Senior Environmental Crime Officer Iain Regan said: "This was a lengthy and technically complex investigation by the Environment Agency and the HSE during which we found that the company's attitude towards environmental compliance was largely cosmetic. Although the site had an environmental permit, the company was not complying with the conditions of the permit or with their own management system and procedures.

"The site had unauthorised gaseous emissions points and undertook modifications to their process which were not risk assessed or notified to the Environment Agency. The company did not recognise or understand the impact that these changes had on the safety of the plant and failed to take action, when warned, which could have prevented the incident. These factors, and a failure to implement permit to work procedures, including appropriate risk assessment, created all the necessary conditions on 20 September 2017 for the explosion which occurred.

"Sites which receive, treat or dispose of waste must be permitted to ensure that they minimise the risk to the environment or human health. Incidents such as the explosion at Bio Dynamic show why it is essential that such sites strictly comply with all the conditions of their environmental permit and take their environmental responsibilities seriously. The consequences of the company's failure to comply with its environmental permit could have been fatal. As it is, two employees have been left with life changing physical and mental injuries which continue to devastate their lives seven years on from this incident."

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. 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](#).
5. Guidance on anaerobic digestion can be found here: [Disposal and energy recovery \(hse.gov.uk\)](#), [Dangerous Substances And Explosive Atmospheres, L138: Dangerous Substances and Explosive Atmospheres Regulations 2002. Approved Code of Practice and Guidance, L138 \(hse.gov.uk\)](#)
6. The Environment Agency is the principal body in England with responsibility for the regulation of waste management facilities, the investigation of environmental crime and the prosecution of environmental offences.
7. Environment Agency press releases are available on [UK](#).
8. Guidance from the Environment Agency on anaerobic digestion can be found at www.gov.uk/guidance/biological-waste-treatment-appropriate-measures-for-permitted-facilities

[HSE publishes annual work-related ill health and injury statistics for 2023/24](#)

The Health and Safety Executive (HSE) has today (Wednesday 20 November) published its annual statistics on work-related ill health and workplace injuries.

The statistics reveal that the number of workers reported to be suffering from work-related ill health during 2023/24 is 1.7 million – which is similar to 2022/23 (1.8 million workers).

The rate of self-reported work-related ill health remains broadly similar to the previous year, although the current rate is still higher than the 2018/19 pre-pandemic level.

Approximately half of those reporting ill-health relate to stress, depression or anxiety, with an estimated 776,000 cases in 2023/24. The current rate of self-reported work-related stress, depression or anxiety is higher than the pre-pandemic level but has decreased from 910,000 in 2022/23.

An estimated 33.7 million working days were lost in 2023/24 due to self-reported work-related ill health or injury.

HSE's chief executive Sarah Albon said: "This year marks 50 years since the legislation which established HSE was passed. Much has been achieved in that time, including a dramatic reduction of around 85 per cent in the numbers of employee fatal injuries in the workplace.

"Today, Great Britain is one of the safest places in the world to work but these statistics serve as a reminder that there is still room for further improvement, and we remain committed to ensuring people remain safe and healthy wherever work is taking place."

HSE's statistics also reveal the impact work-related ill health and workplace injuries are having on Britain's economic performance.

In 2022/23, the estimated annual costs of workplace injury and new cases of work-related ill health reached £21.6 billion, which is £1.6 billion less compared with 2021/22.

The figures also show that 138 workers were killed in work-related accidents in 2023/24, while 604,000 workers sustained a self-reported non-fatal injury in the workplace during the same period.

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2. Details on HSE's work-related mental health campaign, Working Minds, can be found here [Working Minds – Work Right to keep Britain safe](#)
3. Details on HSE's new 10-year strategy can be found here [HSE strategy 2022 to 2032 – About us – HSE](#).
4. HSE's annual statistics on work-related ill health and workplace injuries for 2023/24 can be found here – [Health and safety statistics – HSE](#)

[Plastics manufacturer fined as worker](#)

suffers multiple leg fractures

A plastics manufacturer in Kent has been fined £400,000 after an employee was seriously injured by a forklift truck.

The man was struck by the vehicle while walking to collect materials at FloPlast Limited's site at Eurolink Business Park on 4 July 2023.

The driver of the forklift truck failed to see the worker, who sustained multiple leg fractures and a dislocated ankle, requiring him to have a metal plate fitted in his left leg.

A Health and Safety Executive (HSE) investigation found a number of measures lacking at the site in Sittingbourne:

- FloPlast Limited had no documented safe system of work and that nobody was following the measures the firm thought were in place
- CCTV footage showed multiple drivers and pedestrians circulating in close proximity
- A site inspection by HSE found employees were not observing one way systems or following systems of work
- HSE also established that there was no system in place to monitor compliance or to remind employees and drivers of the systems of work
- Finally, it was found that nobody had assessed the vehicles being used by workers to ensure they provided good visibility.

HSE guidance can be found at: [Introduction to workplace transport safety – HSE](#)

FloPlast Limited, of Eurolink Business Park, Sittingbourne, Kent, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £400,000 and ordered to pay £5,567 in costs at Maidstone Magistrates' Court on 14 November 2024.



The forklift truck that struck the worker

HSE inspector Peter Bruce said: "Poor vehicle and pedestrian segregation in the workplace is a common cause of fatal incidents and injuries. The employee in this instance suffered multiple fractures and has had to have a metal plate put into their leg which they will have for the rest of their life.

"Employers need to ensure that they have suitable measures in place to segregate out pedestrians and vehicles. This includes: the provision of safe systems of work, appropriate training procedures and systems for ensuring compliance with those measures.

"Where it is identified that employees are not following these measures, employers should consider the reasons behind this implementing further measures as appropriate to the risk."

This HSE prosecution was brought by HSE enforcement lawyer Neenu Bains and supported by HSE paralegal officer Daniel Adams.

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[Ginsters owner fined £1.28m after employee crushed to death by lorry](#)

The owner of Ginsters has been fined £1.28 million after an employee was killed by a lorry that was delivering supplies to the bakery where it makes

its pasties.

Paul Clarke was fatally crushed on 2 December 2021 after being struck by the vehicle as it reversed into a loading bay at The Cornwall Bakery, Callington, operated by Samworth Brothers.

He was taken via helicopter to Derriford Hospital, where he later lost his life.

“Our lives will never be the same without Paul,” his mother has said in a statement.



Paul Clarke

The 40-year-old, who had recently joined the bakery as an intake operator, had been moving strip curtains in the loading bay before being struck by the

lorry.

A Health and Safety Executive (HSE) investigation found Samworth Brothers had not assessed the risks associated with the temporarily installed strip curtains and that there was no safe system of work to move them out of the way when the lorries reversed into the loading bay. The strip curtains had been installed in place of a faulty roller door.

The site staff had not been provided with training or instructions to move the curtains and had devised their own methods, which included standing in the yard behind reversing vehicles. Mr Clarke was new to the role and was working his first lone shift. Management failings had not picked up the additional risks associated with this task.



The intake bay where the incident occurred

HSE guidance can be found at: [Introduction to workplace transport safety – HSE](#)

Bernice, Paul's mother, said in a statement: "Paul was a family man and loved big family holidays, which will never be the same without him. I have not

been on a family holiday since I feel so much guilt towards Paul, we don't celebrate Christmas as the date is too close and it is just not the same.

"Paul and I had a very special relationship between a mother and a son. We were always talking and catching up. I would call him every weekend and see what he was doing. He would always come out with us on a bike ride or a walk. We all miss Paul very much every day, our lives will never be the same without Paul."

Samworth Brothers Limited, of Samworth Way, Melton Mowbray, Leicestershire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1.28 million and ordered to pay £24,106 in costs at Plymouth Magistrates' Court on 7 November 2024.

HSE inspector Aimie Baker said: "Bernice's words make clear the impact the passing of Paul has had and our thoughts remain with her and her family.

"Workplace transport incidents involving pedestrians are a major cause of fatal injuries in the workplace with 25 such recorded fatalities in 2023/24. Employers should plan their workplace to reduce contact between pedestrians and vehicles.

"Their risk assessment should consider workplace transport activities, including loading and unloading, and ensure that pedestrians are safe from the risks associated with vehicle movements where they interact. The management arrangements further require employers to monitor and review their measures as appropriate for the risks."

This HSE prosecution was brought by HSE enforcement lawyers Daniel Poole and Kate Harney, who were supported by HSE paralegal officer Imogen Isaac and HSE litigation officer Helen Vigus.

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Company fined after worker killed by telehandler

A construction company has been fined £160,000 after a man was killed by a telehandler at a house build site in Glasgow.

Scott Bradley had been reversing the vehicle at the Stepford Road site when it slid down an embankment and overturned on 11 May 2022.

The 44-year-old, employed by Merchant Homes Partnership Limited, had been using the telehandler to move scaffolding behind houses that had been partially built.

Despite the efforts of colleagues and the emergency services, Mr Bradley died from crush injuries at the scene.



The incident took place at a house build site in Glasgow

An investigation by the Health and Safety Executive (HSE) and Police Scotland found Merchant Homes Partnership Limited, the principal contractor at the site, had not risk assessed the traffic route where the incident occurred.

HSE guidance can be found at: [Construction – Mobile plant and vehicle industry health & safety](#)

HSE inspector James Caren said: “This was a tragic incident and our thoughts remain with the friends and family of Mr Bradley.

“Our investigation discovered that Merchant Homes Partnership Limited had failed in its duty to properly risk assess and introduce measures to ensure the traffic route was suitable for the telehandler being driven by Mr

Bradley. As a result of this, the telehandler's wheels went over the edge of the traffic route while it was being reversed, which tragically led to the vehicle overturning."

Merchant Homes Partnership Limited, of George Square, Glasgow, pleaded guilty to breaching Regulation 27(2) of the Construction (Design and Management) Regulations 2015. The company was fined £160,000 at Glasgow Sheriff Court on 12 November 2024.



The incident took place at a house build site in Glasgow

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