

# Construction company sentenced after worker sustains life-changing injuries

A construction company has been sentenced after a self-employed ground worker sustained life changing injuries in an incident involving a disc cutter.

Truro Crown Court heard how on 1 June 2017, self-employed ground worker Morgan Prosser, contracted by MJL Contractors Limited, was working to complete ground works at a new building site near Bodmin, Cornwall. Mr Prosser was using a petrol disc cutter to cut reinforced concrete beams to size. Whilst he was doing this the saw 'kicked up' and caused a severe laceration to his arm. Mr Prosser underwent months of operations following the incident to try to save his arm. However, it had to be amputated in October 2017, which has had a significant impact on his ability to work and his personal life.

An investigation by the Health and Safety Executive (HSE) found that MJL Contractors Limited were responsible for the groundworks at the site, including providing and maintaining the disc cutter. Mr Prosser had not been sufficiently trained to use the petrol disc cutter and the system of work in use for cutting reinforced concrete beams had not been planned or assessed to ensure the risks were properly controlled.

MJL should have been aware that Mr Prosser had no previous experience of undertaking such a task and this should have been identified and addressed at his induction or at the time the work was allocated to him to complete.

MJL Contractors Limited of Hellys Court, Helston in Cornwall, were found guilty of breaching Section 3(1) of the Health & Safety at Work etc. Act 1974. They have been fined £250,000 and ordered to pay costs of £100,000.

Speaking after the hearing, HSE inspector Georgina Symons said: "The contractor's injuries have been life changing. This serious incident could have easily been avoided if basic safeguards had been put in place."

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

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## [Chemical manufacturing company fined after employee scalded with boiling water](#)

Calachem Limited, a chemical manufacturing company, has been fined after an employee was scalded with boiling water during a cleaning operation.

Falkirk Sheriff Court heard that on 4 March 2016, work was undertaken to clean down part of a production plant in Grangemouth, Scotland. The cleaning process involved filling a chemical powder charging chute leading down to a reaction vessel with water that was brought to the boil by immersing a steam hose in it.

The water in the chute was boiled overnight and the following day the employee continued with the clean down process. When he tried to empty the boiling water from the charge chute, he opened a valve expecting the water to drain down into the vessel below. However, the vessel below the chute had been pressurised with nitrogen gas and when the valve was opened the pressure in the vessel was released, the scalding water erupted back up and out of the chute severely scalding the employee.

An investigation by the Health and Safety Executive (HSE) found that a relatively safe cleaning process of washing down the charge chute with cold water into the vessel below had evolved and changed over time. The process had developed into the practice of overnight boiling of water in the charge chute, while simultaneously pressurising the reaction vessel below as part of a recirculating cleaning cycle. The incremental changes to the cleaning process were not subject to a review of the company's risk assessment and the danger of pressurising a vessel below a chute of boiling water was not recognised, consequently no control measures were put in place to remove this danger.

The practice of filling the powder charge chute with boiling water has ceased since the incident. The processes to clean down the plant have been risk assessed to introduce new safer worker procedures.

Calachem Limited of Peters Square, Manchester pleaded guilty to breaching Section 2 of the Health and Safety at Work etc Act 1974. They were fined £560,000.

Speaking after the hearing, HSE inspector Gerard McCulloch said: "Those in control of working processes have a responsibility to assess the associated

risks. If changes are made, which increase the level of risk, those in control of the workplace have a duty to reduce the risk back down to as low a level as reasonably practicable.

“If the decision to boil water in the chute instead of hosing it down with a cold water had been the subject of a risk assessment, the danger from the pressurised vessel below would have been identified prior to the incident. This would have prevented the employee severe injury and permanent disfigurement.”

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## **[HSE seeks experts to join its REACH Independent Scientific Expert Pool \(RISEP\)](#)**

The Health and Safety Executive (HSE) is seeking scientific and technical experts in chemical risk assessment and socioeconomic analysis to join its new multidisciplinary REACH Independent Scientific Expert Pool (RISEP).

The EU REACH Regulation has been brought into UK law under the European Union (Withdrawal) Act 2018. REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals), and related legislation, has been replicated in the UK with the necessary changes to make it operable in a domestic context.

The key principles of the EU REACH Regulation have been retained and this regime is now in operation and is known as UK REACH. HSE is responsible for operating the Agency function under UK REACH.

RISEP is being established to provide the Agency with independent scientific expert advice and scrutiny regarding the safety of chemicals and possible regulatory action under UK REACH.

RISEP experts will help to ensure that the regulation of chemicals under UK REACH continues to be informed by the best independent scientific advice.

Dr Richard Daniels, Director of Chemicals Regulation Division at HSE, said: “This is an exciting opportunity to be actively involved in the provision of scientific advice and expertise in the regulation and management of chemicals under UK REACH.

“RISEP is not a Scientific Advisory Committee but is being established as a pool of individual experts to support the Agency in developing its scientific opinions by providing independent challenge, as well as supplementary experience, knowledge and skills.

“We are now seeking experts to provide scientific advice in the assessment of human health and environmental risk, the assessment of socioeconomic impacts, as well as the technical and economic feasibility of alternatives.

“Together with scientific experts from the Health and Safety Executive and other government agencies, experts from RISEP will help to prepare and review the scientific opinions of the Agency, primarily for UK REACH restrictions and applications for authorisation. Please get in touch and apply for the role if this is something you would like to be part of.”

Experts are required from the following scientific fields:

- Environmental risk assessment;
- Human health toxicology;
- Human health exposure and control;
- Chemistry/regulatory science;
- Economics/impact assessment.

Further information on the roles and how to apply can be found at [REACH Independent Scientific Expert Pool \(RISEP\) – HSE Careers](#)

Additionally, HSE is also consulting on the statement on independent scientific knowledge and advice (ISA) and transparency which will close on 10 March, this can be found here <https://www.hse.gov.uk/reach/brexit.htm>

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2. HSE news releases are available at <https://press.hse.gov.uk>

3. The UK has left the EU, and rules and procedures have changed for some industries. [hse.gov.uk/brexit](https://www.hse.gov.uk/brexit)

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## [Recycling firm sentenced after employees trapped in machinery](#)

A waste recycling firm, its director and site manager have been sentenced after an employee died and a second employee was seriously injured when they became trapped inside machinery.

Durham Crown Court heard how on 12 December 2015, Simon Hogg and Raymond Garrett were operating a waste processing line at the Aycliffe Quarry site of Stonegrave Aggregates Ltd in County Durham. The line became blocked at various points including inside a large industrial trommel machine. The trommel incorporates a large perforated revolving drum, which acts to agitate, rotate and sieve the waste materials.

The two employees stopped the trommel and entered the drum to clear the blockage. While they were inside the machine two other employees, who were unaware that they were inside the machinery, restarted the production line. Mr Hogg and Mr Garrett remained inside the revolving trommel drum for approximately four minutes before the line was stopped and the two men were found inside.

Simon Hogg died at the scene after sustaining multiple injuries to his head and torso. Raymond Garrett sustained multiple serious injuries to his legs, arms and torso requiring extensive hospital treatment.

An investigation by the Health and Safety Executive (HSE) found there was a history of blockages occurring on the waste processing line, with operators regularly having to enter the trommel to clear materials. The line was not adequately guarded to prevent access to dangerous parts of machinery. Control systems, including emergency stop controls, were not compliant with relevant standards and management did not adequately monitor or enforce machinery isolation procedures. CCTV showed that what guarding was provided to the trommel was being regularly bypassed by staff, including the site manager David Basham.

Stonegrave Aggregates Limited of Aycliffe Quarry, Newton, Aycliffe, Durham pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and Regulation 11(1) of the Provision and Use of Work Equipment Regulations. They were fined £200,000 and ordered to pay costs of £48,952.

Director of Stonegrave Aggregates Limited Bruce Whitley of Oakwood Drive, Darlington pleaded guilty to breaching section 37 and section 33 of the Health and Safety at Work etc. Act 1974. He was given a 12-month community order.

Site manager at Stonegrave Aggregates Limited Aycliffe Quarry site David Basham of Devonport Gardens, Middleton One Row, Darlington pleaded guilty to breaching section 37 and section 33 of the Health and Safety etc. Work Act 1974. He was given a six-month prison sentence suspended for 12 months.

Speaking after the hearing, HSE inspector Michael Kingston said: "These tragic consequences could have been avoided. This case highlights the importance of implementing effective power isolation procedures when interacting with machinery and the need to monitor compliance to make sure these procedures are followed.

"HSE will not hesitate to prosecute companies or individuals who fail to implement and monitor safe systems of work."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information on effective power isolation procedures and waste management guidance can be found at:  
<https://www.wishforum.org.uk/wp-content/uploads/2019/06/INFO-02.pdf>  
<https://www.hse.gov.uk/waste/index.htm>  
<https://www.wishforum.org.uk/wish-guidance/>  
<https://www.hse.gov.uk/statistics/industry/waste-recycling.pdf>

The post [Recycling firm sentenced after employees trapped in machinery](#) appeared first on [HSE Media Centre](#).

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## [Company fined after employee severed](#)

# fingers in machinery

A livestock feed manufacturer has been fined after an employee's fingers were severed by machinery at a Carlisle feed mill.

Carlisle Magistrates' Court heard how on 11 February 2019, a maintenance engineer was clearing rainwater in the pit when his gloved hand contacted the chain drive of a conveyor. The chain dragged his fingers into the nip where the chain winds around a sprocket severing the ends of three fingers on his right hand.

An investigation by the Health and Safety Executive (HSE) found that the company had failed to ensure the guard was on the chain drive. It had not been in place for some months and a further opportunity was subsequently missed to replace it following a breakdown repair, carried out on the conveyor five days prior to the incident.

NWF Agriculture Ltd of Nantwich, Cheshire pleaded guilty to a breach of the Provision and Use of Work Equipment Regulations 1998 11(1). The company was fined £100,000 and ordered to pay costs of £6,098.

Speaking after the hearing, HSE inspector Matthew Tinsley said: "This incident could so easily have been avoided had checks been carried out to ensure control measures were in place and safe working practices followed.

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

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