

Fines for trio following asbestos failures

Three directors of a now-liquidated waste management company have been sentenced after a series of “appalling” failures, exposing the public and the environment to asbestos.

Stoke on Trent Combined Court heard that brothers George Talbot and his sons, Anthony and Stephen, knew of the hazards of handling asbestos waste at sites in Staffordshire and Lancashire and ignored warnings from the authorities to rectify the problems.

The directors of Alsager Contractors Limited were prosecuted following a joint, two-year investigation into their working practices by the Health and Safety Executive (HSE) and the Environment Agency (EA).

George Thomas Talbot of Barthomley, Cheshire, was disqualified as a director for a period of seven years and was given a total fine of £46,500 after pleaded guilty to breaching:

- Section 22 of the Health and Safety at Work etc. Act 1974. Sentenced to a fine of £7,500
- Regulations 12(1)(a) and 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £12,000.
- Sections 33(1)(c), 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 27 June 2011. Sentenced to a fine of £ 7,500.
- Sections 33(1)(c), 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 8 February 2013. Sentenced to a fine of £12,000
- Regulations 12(1), 38(1)(a) and 41(1)(a) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £7,500.

Anthony Thomas Talbot of Rode Heath, Stoke on Trent, was disqualified as a director for a period of four years and was given a total fine of £4,800 after pleaded guilty to breaching:

- Section 22 of the Health and Safety at Work etc. Act 1974. – Sentenced to a fine of £1,200
- Sections 33(1)(c) 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 27 June 2011. Sentenced to a fine of £1,200
- Sections 33(1)(c), 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 8 February 2013. Sentenced to a fine of £1,200
- Regulations 12(1), 38(1)(a) and 41(1)(a) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £1,200.

Stephen John Talbot of Sandbach Road North was given a total sentence of £6,000 after pleaded guilty to breaching:

- sections 33(1)(c) 33(6) and 157(1) of the Environmental Protection Act 1990 on or before 27 June 2011. Sentenced to a fine of £3,000.

- Regulations 12(1), 38(1)(a) and 41(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010. Sentenced to a fine of £3,000.

The three defendants were also ordered to repay costs of £200,000 in total.

When passing sentence, the judge described the “flagrant breach of the prohibition notice” in relation to Peel Street. “It is clear that the company, far from responding to earlier warnings about their handling of asbestos, continued to create risks and deliberately disregard a prohibition notice.”

HSE inspector David Brassington said after the hearing, “This was an appalling breach of a prohibition notice which potentially exposed workers to asbestos. Companies should know HSE will not hesitate to take enforcement against those who flout the law.”

Speaking after the case, an Environment Agency officer in charge of the investigation said: “This successful prosecution demonstrates how the Environment Agency works in partnership with other enforcers like the HSE, to tackle serious waste crime and failures to comply with regulations.

“We’re determined to tackle those who flout the law. Illegal waste and those behind waste crime diverts as much as £1 billion very year from legitimate businesses and the treasury. As the Environment Agency we do everything we can investigate these crimes and prosecute those we believe responsible.”

“Waste crime is a serious offence; in this case we’ve seen a continuous disregard for the laws and regulations around managing asbestos waste.”

There is no evidence to suggest the environment or neighbouring businesses have been harmed by the actions at the three sites.

Background

The two-year investigation between 2011 and 2013 focused on Alsager’s management of waste at facilities at the following locations:

- Winghay Close, off Chemical Lane in Newcastle-Under-Lyme.
- Peel Street, Longbridge Hayes Industrial Estate in Newcastle-Under-Lyme.
- Heywood Distribution Park, Pilsworth Road, Lancashire.

Investigators found evidence all three defendants knew of

- waste containing asbestos being kept or disposed of at the Longbridge Hayes site in a manner likely to cause pollution or harm human health from June 2011.
- waste containing asbestos was being deposited in a trailer at the Heywood Distribution Park site without an environmental permit from June 2011.

It was also found George and Anthony Talbot knew of waste containing asbestos being deposited at the Chemical Lane site without an environmental permit from February 2011.

On 10 May 2012, HSE served a prohibition notice on Alsager Contractors Ltd to prohibit work on six road going ejector trailers that contained or were contaminated with asbestos. The notice required that no work should be undertaken on the trailers – except to carry out decontamination under the control of a licensed asbestos contractor.

On 5 February 2013, it was identified by an Environment Agency officer that a door had been cut into this trailer to enable access to the asbestos waste, in contravention of the notice. The environmental permit for Peel Street was suspended and then revoked.

An investigation by HSE found that the two directors of the company at that time, namely George Talbot and Anthony Talbot, were aware of the conditions of the prohibition notice and both failed to prevent work which contravened that notice.

About HSE

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

Journalists should approach HSE press office with any queries on regional press releases.

Speciality Gas company fined after employee overcome by fumes

A Speciality Gas Company from the Midlands has been fined after an employee was overcome by vapour whilst disposing of redundant gas bottles.

Stoke Combined Court heard how on 7 February 2015, four members of the Air Liquide (UK) Ltd Emergency Response Team were disposing of redundant gas bottles at the company's site in Tunstall. This involved two workers cutting the bottles open inside a purpose-built box, using a hacksaw operated from the outside. During the incident, one of the workers, wearing a bomb disposal suit and respiratory protective equipment (RPE) was carrying a bottle they had just cut open, when approximately 50 ml of highly hazardous liquid leaked from the bottle onto the floor. Vapour from the spill drifted downwind affecting two unprotected workers, one so badly he collapsed to the floor. Both were taken to hospital for treatment and tests and later discharged.

An investigation by the Health and Safety Executive (HSE) found that the system of work was inadequate. The Emergency Response team were not adequately informed or instructed to deal with the hazardous contents of the bottles. The work was not adequately supervised or nor was the very real risk of explosion adequately controlled.

Air Liquide (UK) Ltd of Station Road, Coleshill, Birmingham pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £160,000 and ordered to pay costs of £22,611.60.

Speaking after the hearing HSE Inspector Matthew Lea said “Employers have a duty to devise and train their workers in safe systems of work and make sure they are being followed. That starts with understanding the hazardous properties of the chemicals likely to be present in the bottles they required to handle. Their failures put the lives of their workers at significant risk”

For more information on gas cylinder disposal please go to British Compressed Gases Association (BCGA) website:

http://www.bcgga.co.uk/pages/index.cfm?page_id=91 (There is no specific HSE guidance)

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
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[Manufacturing company fined after worker suffers crush injuries](#)

A company which manufactures wooden trusses has been fined after a worker sustained crush injuries.

Luton Magistrates Court heard how a worker suffered multiple fractures after a fork lift truck reversed into a stack of roof trusses which fell onto him.

This led to the employee being pinned against his workbench which resulted in fractures to his knee cap and 14 ribs.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 1 March 2017, found that the company failed to manage health and safety in three separate areas. The company failed to identify safe methods of delivering work materials inside the production areas, they did not provide suitable training and they did not supervise workers to ensure they worked safely.

Bartram Manufacturing Limited of High Road, Beeston pleaded guilty to breaching Section 2 of the Health and Safety at Work etc Act 1974. The company has been fined £82,000 and ordered to pay costs of £1,804.40 as well as a victim surcharge of £170.

After the hearing HSE inspector Emma Page said "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working.

"If a safe system of work had been in place prior to the incident, the severe injuries sustained by the employee could have been prevented."

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[Company fined after worker dies following crush injury](#)

A textile company was sentenced today for safety breaches after a worker died from crush injuries.

Leeds Magistrates Court heard how, on 28 February 2014, a 50-year-old employee of W E Rawson Limited leant into a packaging machine whilst

attempting to free a stuck package. Whilst doing so, he became trapped between an upper and lower moving conveyor. The employee suffered severe crush injuries and later died in hospital.

An investigation carried out by the Health and Safety Executive (HSE) into the incident found the company had failed to take measures to prevent access to the danger zone between the moving conveyors. The investigation also found that no safe system of work had been provided for the removal of trapped packages from the machine.

W E Rawson Limited of Castlebank Mills Portobello Road Wakefield pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £600,000 and ordered to pay costs of £20,165.09.

After the hearing, HSE inspector John Boyle commented: "This fatality could have been prevented had the risk been identified.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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[HSE releases annual workplace fatality figures](#)

The Health and Safety Executive (HSE) has today released its [annual figures for work-related fatal injuries for 2017/18](#), as well as the number of people known to have died from the asbestos-related cancer, [mesothelioma, in 2016](#).

The provisional annual data for work-related fatal injuries revealed that 144 workers were fatally injured between April 2017 and March 2018 (a rate of 0.45 per 100,000 workers).

Although this represents an increase of nine fatalities from 2016/17, there has been a long-term reduction in the number of fatalities since 1981 and the number has remained broadly level in recent years.

HSE Chair Martin Temple said:

“Despite the fact that Britain’s health and safety record is the envy of much of the world, the increase in the number of workers fatally injured is clearly a source of concern.

“Published in the same week as the 30th anniversary of the Piper Alpha disaster, the figures serve as a reminder of why health and safety is so important and that we must not become complacent as we continue on our mission to prevent all forms of injury, death and ill health at work.”

The new figures show how fatal injuries are spread across the different industrial sectors:

- 38 fatal injuries to construction workers were recorded, accounting for the largest share of any industry. The annual average rate over the last five years in construction is around four times as high as the all industry rate.
- 29 fatal injuries to agricultural workers were recorded. This sector continues to account for a large share of the annual fatality count. It has the highest rate of fatal injury of all the main industry sectors, around 18 times as high as the all industry rate.
- 12 fatal injuries to waste and recycling workers were recorded. Despite being a relatively small sector in terms of employment, the annual average fatal injury rate over the last five years is around 16 times as high as the all industry rate.
- 15 fatal injuries were recorded in both the manufacturing and the transport and storage sectors. Both industries have an annual average rate of fatal injury around 1.5 – 2 times the rate across all industries over the last five years.

The three most common causes of fatal injuries continue to be due to; workers falling from height (35), being struck by a moving vehicle (26) and being struck by a moving object (23), accounting for nearly 60 per cent of fatal injuries in 2017/18.

The new figures also highlight the risks to older workers; 40 per cent of fatal injuries in 2017/18 were to workers aged 60 or over, even though such workers made up only around 10 per cent of the workforce.

In addition, there were also 100 members of the public fatally injured in incidents connected to work in 2017/18 with just over half of these fatalities occurring on railways.

Mesothelioma, contracted through past exposure to asbestos and one of the few work-related diseases where deaths can be counted directly, killed 2,595 in Great Britain in 2016. The current figures are largely a consequence of occupational asbestos exposures that occurred before 1980. Annual deaths are

expected to remain broadly at current levels for the rest of the decade before beginning to decline.

A fuller assessment of work related ill-health and injuries, drawing on HSE's full range of data sources, will be provided as part of the annual Health and Safety Statistics release on 31 October 2018.

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2. The average rate of fatal injury over the last five years has been 0.45 per 100,000 workers. In each of the last five years, the number of fatal injuries has been:
 - 2016/17 – 135 workers died
 - 2015/16 – 147 workers died
 - 2014/15 – 142 workers died
 - 2013/14 – 136 workers died
 - 2012/13 – 150 workers died
 - 2011/12 – 171 workers died
3. Mesothelioma is a form of cancer that takes many years to develop following the inhalation of asbestos fibres, but is usually rapidly fatal following symptom onset. Annual deaths in Britain increased steeply over the last 50 years, a consequence of mainly occupational asbestos exposures that occurred because of the widespread industrial use of asbestos during 1950-1980. 4. There were 2,595 mesothelioma deaths in 2016 compared with 2,542 deaths in 2015. The long-term increase in mesothelioma deaths has been driven mainly by deaths among those aged 75 and above. Of the deaths in 2016, 398 were among women and 2,197 were among men – again this ratio is broadly similar to previous years. The latest projections suggest there will continue to be around 2,500 deaths per year for the rest of this current decade before annual numbers begin to decline.
4. The published fatal injury statistics also include a breakdown by country and region. Recent research suggests that variations in fatal injury rates between the countries and regions of Great Britain are largely explained by differences in the industry composition of the workforce between the countries and regions.
5. Britain has consistently had one of the lowest rates of fatal injuries to workers. In 2015 the standardised fatality rate for Britain was one of the lowest of all European countries and compared favourably with other large economies such as France, Germany, Italy, Spain and Poland: <http://www.hse.gov.uk/statistics/pdf/fatalinjuries.pdf>
6. The reporting of health and safety incidents at work is a statutory requirement, set out under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). A reportable incident includes: a death or specified injury; any accident which does not

result in a specified injury, but the injured person still has to take more than seven days off their normal work to recover; a work-related disease; a member of the public being injured as a result of work related activity and taken to hospital for treatment; or a dangerous occurrence, which does not result in a serious injury, but could have done.

7. The fatal injury figures do not include fatal accidents on non-rail transport systems or work-related deaths from fatal diseases.
8. The Office of Rail and Road has enforcement responsibility for members of the public fatally injured on railways.
9. Further information on these statistics can be found at:
Fatal injuries: <http://www.hse.gov.uk/statistics/fatals.htm>
Mesothelioma deaths:
<http://www.hse.gov.uk/statistics/causdis/mesothelioma/mesothelioma.pdf>