

Director Fined for Neglecting Legionella Risk

The managing director of a West Midlands company has been fined after neglecting to control legionella, the bacterium which causes Legionnaires' disease, at its business premises.

In spite of warnings from water treatment contractors, Ernest Jones of Coseley-based First Metal Finishers Ltd. had failed to put in place measures to prevent the growth of the bacterium. Mr Jones admitted breaching the Health and Safety at Work etc. Act 1974 and was fined £2,000 and ordered to pay £1,000 towards costs.

The court heard that in September 2008, inspectors visited the company's premises to check on the control of legionella bacteria in two cooling towers. The towers were in operation at the time of the visit, but there was no management system in place to control the risks of legionella, nor had there been for at least eight months. In addition, none of the required test checks or monitoring had been carried out.

A prohibition notice was issued immediately to stop the towers operating and an improvement notice was issued for a management control system to be put in place. The failings identified in the investigation showed neglect on the part of Mr Jones.

Health and Safety Executive inspector Sarah Palfreyman said, "The risk was foreseeable and entirely preventable. The company, and therefore the managing director, had received quotes from two water treatment companies which hadn't been acted upon and received information from one about very high bacteria levels in the towers. This is a very well known risk and there have been a number of outbreaks in recent years, one in the Dudley area.

"Legionella can make people seriously ill and in severe cases can kill. Managing directors have a responsibility to act upon findings like this as soon as possible. They should be fully aware of their duties and not rely on delegation or assume they will not be prosecuted for their individual failings."

For information on the control of legionella bacteria in water systems, see <http://www.hse.gov.uk/pubns/books/l8.htm>.

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