

CHIEF EXECUTIVE'S REPORT TO THE HSC

Meeting date: 9 January 2007

EXPLOSION AT FESTIVAL FIREWORKS UK LIMITED, RINGMER, EAST SUSSEX ON 3 DECEMBER 2006

1. A series of fires and explosions occurred at this HSE licensed site during the afternoon of Sunday 3 December. During fire-fighting operations by East Sussex Fire & Rescue Service, two fire-fighters were killed, it is believed by a sudden mass explosion. A further nine fire-fighters, a police sergeant and two members of the public were also injured. Most of the factory buildings were completely destroyed, as were the site owner's house, shop, office and store, adjacent to the factory. Offsite damage extends to three nearby houses, caravans, a restaurant and the neighbouring industrial premises.
2. Unconsumed, live fireworks were scattered around the outside the site by the explosions. HID's Explosives Inspectorate and HSL have been extensively involved in advising the Police on measures to make the area safe. The investigation, including a detailed forensic search and examination of the site, is being led by Sussex Police with support from the Explosives Inspectorate, FOD ESE Division and HSL, and is likely to continue for some time.
3. Large quantities of potentially damaged, live fireworks remained in one storage building after the explosions. These have been removed from the site, under Police control and with HSE advice, for examination and safekeeping at a suitable licensed explosives site in Essex, where any fireworks unsuitable for long-term keeping will be destroyed.

CHEMICAL RELEASE AT BASF FACTORY ON TEESIDE 4 JANUARY 2007

4. A number of people received medical treatment, including one person with serious burns, following a chemical release on 4 January at an industrial site at Seal Sands, Teesside. Two people remain in hospital (as of 5 January). The site, operated by BASF plc, produces chemicals used in the manufacture of fibres and plastics. Inspectors from HSE's Hazardous Installations Directorate and the Environment Agency have been on site and a preliminary investigation has commenced. Initial thoughts are that the incident occurred during maintenance activity. Hot chemicals were released burning two employees and affecting others through inhalation. The release was confined to the site and did not affect members of the public. The site is subject to the Control of Major Accident Hazards (COMAH) Regulations 1999, as amended in 2005. The regulations are enforced jointly by HSE and the Environment Agency.

HSE/LACORS PARTNERSHIP CONFERENCE

5. The annual HSE/LAs partnership conference, focusing on the challenges ahead, was held on 12 December in London. The event was well attended – over 200 delegates including 30 councillors – though numbers were a little down on previous years. Sandy Blair chaired the morning session and Councillor Geoffrey Theobald the afternoon. A variety of presentations were delivered including a speech by William Sargent of the BRE and speakers from HSE and LAs giving excellent examples of joint working.
6. The conference launched the annual HSE/LACORS Partnership Report together with a “Councillors’ Handbook” and a short, supporting DVD aimed at raising the profile of health and safety with Councillors.
7. Feedback received from delegates suggests the event was well-received and appreciated. The conference was a good example of HSE and LAs working together with LACORS contributing to both the planning and running of the event

THORP

8. As the Commissioners are aware, the THORP plant has been shut down since April 2005 following a serious leak of radioactive liquor. This leak led to the HSE’s prosecution of British Nuclear Group Sellafield Limited (BNGSL), who were fined £500,000 on 16 October 2006. Since the shutdown HSE has undertaken a substantial amount of assessment and inspection work.
9. As part of the preparations for restart, HSE witnessed a successful demonstration of THORP’s emergency arrangements (October 2006) and carried out a close-out Inspection in November 2006. The inspection increased HSE’s confidence in BNGSL’s ability to restart safely.
10. Against this background HSE will shortly expect to take a decision on issuing a CONSENT for the restart of THORP.

5 January 2007

GEOFFREY PODGER

ANNEX 1

Annex to Chief Executive's Report January 2007

Management

- The HSE Board met on 6 December. It reviewed the current financial and staffing situation; discussed lone working as a part of the series of discussions on significant health and safety risk areas; assessed HSE's performance and risk management over the second quarter of the year; considered whether to replace the existing IT systems for managing research and support contracts; reviewed progress with the Fundamental Review Action Plan; received a paper reporting on the outcomes of the gas safety review; took an update on the actions required to improve HSE's approach to science, evidence and innovation; examined the options for spend on communications for the remainder of this financial year and the next; and began to assess the implications of the renewal in 2008 of the various HSE telephone contact point contracts.

Putting the record straight

- Justin McCracken responded to an article in the Daily Express about HSE's enforcement action over arrangements for a straw bale labyrinth on a farm.
- The Times printed a letter from IOSH, BSC, CIEH, RoSPA, TUC, The Work Foundation, ECA and EEF supporting HSE.
- Geoffrey Podger responded to an article in the Sunday Telegraph on regulation of swimming pools.
- Bill Callaghan was interviewed on R4's Today programme on why HSE got involved with incidents such as the death of a child on a National Trust estate – an 'act of God'.

Buncefield

- A year after the explosion and fire HSE issued information on the activities it had carried out and its ongoing work to learn lessons from the investigation into the incident.

Operations

- Fatalities were reported to HSE during December. Brief details are given in Annex 2.
- Successful prosecutions included:
 - Five different parties were prosecuted following the death of an untrained demolition worker: the employer Elmsgold Haulage Ltd, its managing director, site foreman, demolition contractor Excavation & Contracting (UK) Ltd and its managing director. Fines totalling £87,000 and costs of £57,228 were imposed.

- Centura Foods Ltd were fined £60,000 and costs awarded of £5,724 following injuries to an employee who was hit by a reversing warehouse truck.
- Corus UK Ltd was fined £1,333,000 and ordered to pay costs of £1,744,474. Three workers died in 2001 from a blast furnace explosion at the company's Port Talbot site.
- Drain Busters (NW) Ltd was fined £16,000 and ordered to pay £5,508 costs. A member of the public was left paralysed from the waist down after falling 5.5m down an open manhole.
- Following the death of a student on a roller coaster ride, Lightwater Valley Attraction Ltd was fined £35,000 and ordered to pay costs of £40,000; the maintenance electrician was fined £2,5000 with costs of £500; and the French ride manufacturer Reverchon, now in liquidation, was fined £120,000 and ordered to pay costs of £55,000.

Publications included:

- December 11 – three new case studies aimed at helping prevent back injuries at work were published
- December 11 – a study of UK businesses with over 250 employees investigated the health and safety information made publicly available by UK companies
- December 12- Construction Intelligence Report giving an analysis of construction injury and ill health intelligence
- Dec 14 – LACORS Working together annual report
- Dec 15 – Euronews, providing details on legislative proposals from the European Commission currently under negotiation or being implemented
- Dec 19 – Health and safety offences and penalties: successful prosecutions in local authority enforced sectors in 2005-2006
- Dec 21 – the 2006 revision of the safety assessment principles for nuclear facilities
- Dec 21 – to highlight all of HSE's regulation related websites, the better regulation portal was launched
- Dec 22 – a study into approaches to worker engagement in the construction industry.

Consultations

Open

'A stronger voice for health and safety' A Consultative Document on merging the HSC and HSE. Consultation ends 5th March 2007.

Parliamentary Business

PQs

- 10 PQs in December. Four of these PQs, tabled by John Hayes MP, were about the cost of HSE campaigns and initiatives.
- One oral PQ have been tabled for 8 January:
Kitty Ussher MP has asked what progress has been made in improving health and safety at work since 1997.

Debates

- On 12 December Norman Baker MP secured an adjournment debate following the fatal explosion at Festival Fireworks UK.
- 19 December. Lord Renton secured a starred oral question (mini debate) in the House of Lords on ' the standards set by HSE in view of its assessment of risks posed by trees on National Trust land'.

ANNEX 2

FATALITIES REPORTED TO HSE DURING DECEMBER

AGE	INDUSTRY SECTOR	DESCRIPTION
40	Construction	DP fell a distance of 5m through a fragile roof light onto a concrete floor.
59	Construction	DP was found lying on the ground with serious facial injuries.
N/A	N/A	DP caught between two tractor units.
81	Agriculture	DP found drowned in fenced slurry lagoon.
41	Electricity supply	DP was electrocuted.
42	Agriculture	DP was found trapped between body and chassis of tipping trailer.
18	Warehouse for plumbing contractor	DP found slumped behind 20 sheets of MDF, each sheet weighs approx 30kg.
0	Council house	DP received 95% burns to her body when a large amount of scalding water poured through the ceiling.
30	Construction	DP fell approximately 10 metres.
47	Private	DP a window cleaner fell 3m on to concrete slab.
64	Gas	DP found dead in bed. May have suffered CO poisoning or gas poisoning from defective gas cooker
98	Services	DP fell breaking his leg. He refused an operation to repair his leg and then developed a chest infection.
44	Construction	DP was in a box trench preparing to lay pipes for sewage when digger became detached and fell onto him.
72 and 72	Domestic Gas	Couple found dead. Post-mortem confirmed death to CO poisoning.
70	Agriculture Machinery Servicing	Apple harvester reversed against rear of lorry crushing DP between the two vehicles.
75	Construction	DP fell approx 6 metres through a roof light.
60	Agriculture	DP was killed after his vehicle slipped down a steep hill.
N/A	Construction	Three DPs found in a container. Potential asphyxiation.
62	Construction	Dumper driven by DP turned over. DP was thrown clear and hit head on tarmac.