

<b>Health and Safety Executive</b>		<b>Operational Circular</b>	
		<b>OC 208/6</b>	
<b>Review Date</b>	17/09/2001	<b>Open Government Status</b>	Fully Open
<b>Version No &amp; Date</b>	1: 17/09/1991	<b>Author Unit/Section</b>	Andrew Strawson/DFP Unit

Target Audience  
HSE Inspectors

## **REPORTING OF INJURIES, DISEASES AND DANGEROUS OCCURRENCES REGULATIONS 1985**

### **REPORTING OF BREATHING APPARATUS MALFUNCTIONS BY FIRE BRIGADES AND OTHER USERS**

This OC clarifies the instances of breathing apparatus (BA) failure which are reportable to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 (RIDDOR) by fire brigades and other BA users, and the action to be taken on receipt of such notifications. Similar advice will be issued by the Home Office to fire brigades.

#### **LEGAL REQUIREMENTS**

1 The failure of BA in circumstances detailed in RIDDOR Schedule 1 (see para 2) constitutes a dangerous occurrence which the responsible person should notify to HSE by the quickest practical means and within 7 days send F2508 in accordance with RIDDOR reg.3(1).

2 Schedule 1 Part 1 para 15 which defines those BA failures which should be reported states:

"Any incident where breathing apparatus, while being used to enable the wearer to breathe independently of the surrounding environment malfunctions in such a way as to be likely either to deprive the wearer of oxygen or, in the case of use in a contaminated atmosphere, to expose the wearer to the contaminant, to the extent in either case of posing a danger to his health, except that this paragraph shall not apply to such apparatus while it is being:-

- a) used in a mine; or
- b) maintained or tested".

3 This definition has given rise to confusion as to the extent of the requirement to notify in different situations where failures have occurred, in

particular during training and preparation for use. It is the likelihood of exposing the BA wearer to danger which should be used as the determining criterion. For guidance the reportability of BA malfunctions in various circumstances is set out in the Appendix. These illustrate the current interpretation of 'while being used', 'deprive the wearer of oxygen', 'expose wearer to contaminant' etc

#### ACTION BY BRIGADES

4 Following a notifiable failure, brigades should notify HSE forthwith ie by telephone and establish whether HSE wish to take part in the examination of any equipment involved. In the absence of HSE involvement brigades are free to make their own arrangements for investigation which may involve the BA supplier.

#### ACTION BY INSPECTORS

5 Instructions to co-ordinate action and reports following BA failures are given in OC 282/14. The following paragraphs provide some additional practical guidance when dealing with fire brigades.

6 Following receipt of a telephoned notification in accordance with RIDDOR reg.3(1) the brigade should be advised without delay whether HSE intends to be involved with the examination of the equipment. If a detailed examination is likely to be necessary eg as a result of a fatality, SSG, HSL and the DFP Unit should be informed at an early stage. The BA set should be taken into possession and should not be dismantled or interfered with apart from noting the reading on the contents gauge, and if necessary, turning off the main cylinder valve whilst noting the number of turns required to do so. Arrangements for the transport of BA sets to HSL Sheffield should be agreed with SSG/HSL.

7 Any necessary follow up action with manufacturers should be co-ordinated by PI (supplier) in accordance with OC 282/14.

8 In respect of failures which are not investigated by HSE, inspectors are advised to request copies of reports prepared by brigades and/or manufacturers and to prepare FOCUS summaries based on these.

#### NON-REPORTABLE FAULTS

9 Where under maintenance or test, or during use in a non-contaminated atmosphere (including use in cosmetic smoke) in circumstances where the wearer is able to continue to breathe safely independently of the apparatus by removing the facemask, a failure occurs or a fault is detected, arrangements exist for brigades to report failure to manufacturers. These arrangements should continue,. Investigation of such failure is the responsibility of the brigade and/or manufacturer.

#### ANNOTATION OF INSTRUCTIONS

10 OC 282/14 - note: "See OC 208/6".

17 September 1991

(2189/FOD/1991'A')

Disc Ref: FOD1C/Editors/J365/23.8.91/DS/DH

(New Disc Ref: J:\Editors\CA1\J365Au91.sam)

## ASI HEADINGS

Breathing apparatus and respirators: dangerous occurrences: fire authorities: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985.

### APPENDIX (para 3)

#### **Reportability of BA malfunctions**

1 Malfunctions in the following circumstances are reportable under RIDDOR:

- (1) Any discovered or occurring during actual use in a contaminated atmosphere.
- (2) Any discovered or occurring during checking when use in a contaminated atmosphere is imminent ie:
  - (a) on fire service operations;
  - (b) on fire service training where entry to a contaminated atmosphere is planned.
- (3) Any occurring or discovered while equipment is still being worn after leaving the contaminated atmosphere in 2(a) and 2(b) above.
- (4) Any discovered during any immediate check or during maintenance of equipment after use in 2(a) or 2(b) above.
- (5) Any occurring during use either in fresh air or in contaminated atmosphere where, due to restriction on the wearer's ability to operate the controls of the apparatus or remove the mask, there is an actual or potential deprivation of oxygen to the wearer.

2 Malfunctions in the following circumstances are not reportable under RIDDOR:

- (1) Any discovered during routine checking of equipment at the start of the working day.
- (2) Any discovered during checking when use for training, other than in a contaminated atmosphere, or confined space, is imminent.

(3) Any occurring during or immediately after training at 2(2) above.

(4) Any discovered during routine tests or maintenance, including periodic inspections.

**Note: Use in cosmetic smoke is not regarded as use in a contaminated atmosphere.**

3 Malfunctions which should be reportable informally to manufacturers and to HSE at discretion of brigades:

(1) All malfunctions described in 2(1) to 2(4) above.

(2) Any other significant malfunction.