

HSE Legionella Committee Annual Report April 2012 - March 2013

This is the first annual report from HSE's Legionella Committee, summarising HSE's regulatory activities with respect to Legionella control in the workplace with examples of what HSE has delivered. For more details of the Legionella Committee, its terms of reference and its supporting Technical Working Group (TWG) go to <http://www.hse.gov.uk/aboutus/meetings/committees/legionella/index.htm>.

Review of Legionella ACOP (L8)

In response to 'Your Freedom' programme, Red Tape Challenge, the Government's 'Common Sense, Common Safety' and Growth Agenda, the HSE Legionella website and suite of guidance has been reviewed and updated. The Legionella ACOP (L8) is being revised in response to the Löfstedt Review recommendations. The work by HSE to revise the ACOP is nearing completion. A 3-part technical guidance to support the ACOP is being revised by HSE with industry support and is proceeding according to the publishing timetable (December 2013).

Use of elemental copper in water treatment systems to control Legionella

From 1 February 2013, the marketing and use of elemental copper is no longer allowed under the Biocidal Products Directive. This decision was taken at EU level because no manufacturer provided the data to support the biocidal use of elemental copper during a review period that ended in September 2011. However, elemental copper is used in copper/silver ionisation water treatment systems to control Legionella and HSE's main concern was that this was not compromised.

HSE has submitted to the EC, on behalf of the UK, a derogation application for the essential use of copper. If granted, this will allow the continued supply and use of such systems for an interim period only, giving companies time to submit the required full dossier of data to allow for the proper assessment of copper under the Directive.

To help businesses and organisations understand the potential impact of these changes, HSE published an information statement on its website <http://www.hse.gov.uk/legionnaires/faqs.htm#silver-copper-systems>; this will be regularly updated as the essential use derogation application progresses. This provided important information to both users and suppliers of such systems and provided advice on HSE's enforcement approach, whilst awaiting the outcome of the derogation application.

Programme of interventions for the control of Legionella risks in workplaces

In September 2011, the Legionella Committee requested HSL and the TWG to undertake an analysis of outbreaks in the UK over a 10-year period and a review of enforcement data over the last 5 years, to identify any trends and failures to meet the standards described in the Approved Code of Practice L8. The reported data¹, together with lessons emerging from the 2012 Edinburgh and Stoke outbreaks, have been used as evidence on which to base HSE's strategic intervention programme, which is aimed at promoting effective sustained management of Legionella risk.

¹ *Legionella outbreaks and HSE investigations; an analysis of contributory factors*
http://www.hse.gov.uk/research/hsl_pdf/2012/hex1207.pdf?eban=rss-research

A targeted programme of interventions has been initiated by HSE and Local Authorities (LA) working in partnership. Details of this and the rationale for the programme are described in a paper presented to HSE's Board in January 2013, see <http://www.hse.gov.uk/aboutus/meetings/hseboard/2013/300113/pjanb1309.pdf>

The programme aims to promote the control of Legionella in high risk systems and to date has included the following activities:

- Publication of safety notices to remind stakeholders of their duties to control Legionella risks associated with cooling towers and evaporative condensers and with other risk systems
<http://www.hse.gov.uk/safetybulletins/coolingtowers.htm>
<http://www.hse.gov.uk/safetybulletins/legionella2.htm>
- Designing the intervention programme by categorising water systems in three risk levels to prioritise intervention.
- Training and briefing HSE and LA inspectors.
- Stakeholder engagement including dutyholder events (such as Safety and Health Awareness Days) to highlight the key issues. These also involved industry champions such as water treatment companies, cleaning companies and members of the Occupational Safety and Health Consultants' Register.
- Starting with a pilot exercise in Glasgow, targeted compliance checks on dutyholders' awareness of, and implementation of necessary precautions when using cooling towers or evaporative condensers. This has included inspections undertaken by HSE and LA inspectors at premises selected on the basis of responses to a questionnaire sent to all notified premises.

Operational support to the Olympic Delivery Programme

As part of its commitment to act as an enabling and proportionate regulator for the London 2012 Olympic and Paralympic Games, HSE pursued a strategy of early intervention with dutyholders to advise and seek assurance that key risks had been identified and managed. This was coupled with targeted inspections of higher risk activities to ensure that standards of Legionella control were being met. In the months preceding the London Olympic Games, HSE and LA conducted inspections of sites operating evaporative cooling systems, with HSE interventions taking place at sites within 2 km of London-based Olympic venues and major travel hubs. This ensured that Legionella controls were in place ahead of the commencement of the Olympic Games to minimise risks to competitors, officials and visitors. Formal enforcement action was required at just less than 10% of the sites visited. Most of this enforcement related to the provision of safe means of access for staff and contractors involved in the monitoring and maintenance of the cooling towers and evaporative condensers.

Operational support during Legionnaires' Disease outbreak investigations

Outbreaks of Legionnaires' Disease occurred during the year in Edinburgh, Stoke-on-Trent and Carmarthen. Following an established procedure, Outbreak Control Teams are set up to co-ordinate the activities of Government departments to investigate causes and protect members of the public and workers from further infection. HSE has been actively involved in supporting these outbreak investigations as appropriate. This has included site inspections, and members of the Legionella Committee and TWG provided specialist advice and support.

Reviews of detection methods, disinfection methods, at risk systems

Members of the TWG prepared summary reports on current state of the art of disinfection methods for Legionella control in water systems, and of methods to detect Legionella contamination. The latter was required to support HSE's position on the use of Polymerase Chain Reaction (PCR) as a rapid detection method. Papers comparing PCR with conventional culture based detection were reviewed, with statistical treatment, and this was used to develop HSE's position statement on the circumstances in which PCR can be used as a detection method for Legionella.

Work is ongoing to evaluate a number of at-risk systems, in particular those associated with new and emerging technologies such as solar panels and ground water heat pumps.