

Director fined for neglecting legionella risk 05/02/2010

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The managing director of a Midlands-based company failed to put in place a management system to control legionella, despite receiving warnings from water-treatment contractors.

Ernest Jones appeared at Dudley Magistrates' Court on 4 February and pleaded guilty to breaching s37(1), by virtue of s3(1), of the HSWA 1974. He was fined £2000 and ordered to pay £1000 towards costs.

In September 2008, HSE inspectors visited Metal Finishers Ltd site in Coseley, West Midlands, to look at the firm's legionella controls. The facility was used to treat metal, and this process involved using two water-cooling towers. The inspection revealed that there was no management system in place for the control of legionella. The company had also failed to carry out regular monitoring and testing for the bacteria.

Two companies had carried out separate water-treatment surveys in January 2008, yet Jones had failed to act further on them. The HSE subsequently decided to prosecute Jones rather than the company, as he had been neglectful in his role as a director.

A Prohibition Notice was issued on 10 September to stop the towers from operating, and an Improvement Notice was issued, requiring a suitable management system to be put in place.

In mitigation, Jones said the company had taken immediate steps to clean the towers before it ceased trading in October 2008.

HSE 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 has 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."