



## Two firms guilty over Legionella risk

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Fines and costs totalling nearly £250,000 have been imposed on two firms after workers and members of the public were put at risk of exposure to the potentially fatal waterborne Legionella bacteria.

The Health and Safety Executive (HSE) prosecuted multinational automotive parts manufacturer Eaton Ltd and water treatment services provider, Aegis Ltd of Felspar Road, Amington Industrial Estates, Tamworth, Staffordshire after an investigation in 2006.

Wolverhampton Crown Court heard HSE inspectors found Eaton Ltd had failed to properly manage the water cooling systems used in manufacturing processes at its plant in Thorns Road, Brierley Hill.

Aegis Ltd, which had been contracted to provide water treatment services (now trading from its Tamworth address as Aegis Water Treatment Ltd), was also found to have failed significantly in its duties.

There was no comprehensive and up-to-date risk assessment in place and neither company had taken reasonable steps to control the potential spread of Legionella by assessing the risk or properly cleaning and maintaining the water cooling system. Employees had not been properly supervised. The management failings by both companies were present over a prolonged period of time.

Eaton Ltd, whose head office is based in Fareham, Hampshire, pleaded guilty and was fined £80,000 for breaching Section 2 (1) of the Health and Safety at Work etc Act 1974 and Section 3(1) of the Act and ordered to pay £45,000 costs.

Aegis Ltd was found guilty at a trial in May and today was fined £40,000 for breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and ordered to pay £80,000 costs.

After the hearing HSE Principal Inspector Paul Billinger said:

"It is vital that companies who use water cooling treatment as part of their manufacturing processes have plans in place to make sure the level of Legionella bacteria in their systems does not become unsafe.

"Legionnaires' disease is a potentially fatal form of pneumonia, which can affect anyone coming into contact with it.

"Neither Eaton Ltd nor Aegis Ltd, which was specifically contracted to manage the water system, took the Legionella risk seriously. They failed to deal with their own risk assessment and service agreement in respect of cleaning the system.

"These were persistent and systemic failures, which put people's health at risk."

Legionnaires' disease is caused by bacteria found naturally in rivers, lakes and reservoirs, but which can multiply and become dangerous in some purpose-built water systems.

## Notes to editors

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce death, injury and ill health. It does so through research, information and advice, promoting training, new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement.

[www.hse.gov.uk](http://www.hse.gov.uk)

[1]

2. Section 2(1) of the Health and Safety at Work etc Act 1974 states: "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees."
3. Section 3(1) of the Health and Safety at Work etc Act 1974 states: "It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety."
4. More information on Legionnaires' disease is available at [www.hse.gov.uk/legionnaires](http://www.hse.gov.uk/legionnaires)

[2]

5. The prosecution arises from an investigation by the Health and Safety Executive into the circumstances surrounding the death of an employee from Legionnaires disease in April 2006. That investigation did not provide sufficient evidence to allege any link between the activity undertaken by Eaton Limited and the cause of his death. However, the investigation did reveal evidence to demonstrate that both companies had failed to take such steps as were reasonably practicable to control the risk of the spread of legionella bacteria, principally by failures to assess the risk and to clean and maintain properly the water cooling system.

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## Link URLs in this page

1. [www.hse.gov.uk](http://www.hse.gov.uk)  
<http://www.hse.gov.uk/index.htm>
2. [www.hse.gov.uk/legionnaires](http://www.hse.gov.uk/legionnaires)  
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