

Bulmer Cider Prosecution Legionella

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Cider-maker HP Bulmer and its water treatment contractor were each fined £300,000 today for health and safety breaches which led to a fatal outbreak of Legionnaires' disease. Judge Alistair McCreath also ordered the Hereford-based drinks firm and Nalco Limited to pay more than £50,000 each in prosecution costs after hearing two people died and more than 20 other members of the public fell ill in the city in 2003.



Passing sentence at Hereford Crown Court, Judge McCreath said the failure to clean two cooling towers adequately at Bulmer's mill in Plough Lane, Hereford, in September 2003 was "almost beyond belief".

Bulmer and Nalco, which is based in Northwich, Cheshire, both pleaded guilty last year to breaches of the Health and Safety at Work Act in connection with the outbreak. Today's sentencing hearing was told that legionella bacteria were found in two cooling towers at Bulmer's plant following the deaths of an elderly man and a 56-year-old woman in the winter of 2003. Judge McCreath criticised both Bulmer and Nalco for their roles in the "woefully inadequate" cleaning of the towers in September 2003.

He said: "The fines which I will impose today are not, nor could they ever be, any measure of the value of the two lives lost nor of the grief of those who mourn them. "I accept that the breaches in this case were not committed with a view to profit and I accept that they were not deliberate."

The errors had arisen due to oversights and the cutting of corners, the judge added. Earlier, prosecutor Mark Harris said that the outbreak was traced to cooling tower number nine at the Plough Lane site. "The outbreak came to the attention of the consultant in communicable disease control for this county at the end of October 2003," Mr Harris said. The court heard that 28 cases of Legionnaires' disease were reported in October, November and December of 2003, affecting victims aged between 36 and 91.

Describing the circumstances which led to legionella "flourishing" inside two cooling towers, Mr Harris said Bulmer had then operated outdated water treatment policy and also had deficiencies in its staff training. Nalco had failed to comply with its contractual obligations to

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Bulmer by failing to adequately clean the towers and had also carried out an inadequate risk assessment on behalf of the cider-maker.

In a statement released after the hearing, a spokesman for H P Bulmer said it took its role in the community very seriously and had worked closely with the Health and Safety Executive to trace and eliminate the source of the outbreak

Willie Crawshay, a director of Bulmer's, said: "As you will have heard in court, those of us who worked on the Hereford site in 2003 and who were themselves part of the Hereford community, express our deepest and abiding regret that this outbreak occurred from our premises.

"I would like to reinforce our apologies made today in court for what occurred and our total resolve to prevent anything like this happening again."

Poor cleaning caused Hereford cider Legionnaires outbreak

[Jul 1 2008](#) Birmingham Post

An outbreak of Legionnaires' disease which claimed two lives and struck down more than 20 other members of the public was caused by sub-standard cleaning and maintenance of a cooling tower, a court has been told.



The "critical" failings at HP Bulmer's cider mill in Hereford provided an ideal breeding ground for the bacteria which caused the disease, prosecutor Mark Harris told the city's Crown Court.

Opening the case against Bulmers and its water treatment contractor, Cheshire-based Nalco Ltd, Mr Harris said the outbreak in 2003 had been traced to cooling tower No 9 at the cider maker's site in Plough Lane, Hereford.

Nalco, which is based in Northwich, and Bulmers both pleaded guilty last year to breaching the Health and Safety at Work Act by failing to ensure the safety of persons not in their employment.

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Mr Harris told Judge Alistair McCreath, who will sentence the company, that two cooling towers were not cleaned properly before being pressed into use following the apple harvest in 2003.

Mr Harris, prosecuting on behalf of the Health and Safety Executive, added: "The outbreak came to the attention of the consultant in communicable disease control for this county at the end of October 2003.

"Through the period into December the matter was a substantial public health issue in and around the city. Of the 28 cases, the age range (of the victims) was between 36 and 91, and 21 of these persons were male.

"Unhappily, from this number, two persons actually died."

Most of the cases required hospital treatment, the court heard, although five patients were treated at home.

It was a matter of good fortune, Mr Harris said, that the number of people infected was not greater.

Describing the circumstances which led to legionella bacteria "flourishing" inside two cooling towers at Bulmers, Mr Harris said the drinks firm had then operated outdated water treatment policies.

Nalco had carried out a risk assessment on behalf of Bulmers in September 2002, the prosecutor said, but had then failed to identify necessary safety measures.

As a result of these failings, other systemic safety deficiencies and poor training, two cooling towers became infected with legionella.

"Towers nine and 15 were in such a condition that they provided an ideal environment for the growth and proliferation of legionella material," Mr Harris went on.

Mark Bishop, acting for Bulmers, apologised to the public on behalf of the company and said it was totally resolved to prevent anything like the outbreak from ever happening again.

The firm had placed a high priority on understanding what had gone wrong, the lawyer said.