

HSE WM/ 4217/08 1st July 2008

HSE prosecutes HP Bulmer Ltd and Nalco Ltd following outbreak of legionnaire's disease

The Health and Safety Executive (HSE) has renewed its warning to companies to ensure that water storage and cooling systems are adequately treated to prevent the growth of the legionella bacteria – which affects around 300 people in the UK each year.

Warning comes after HP Bulmer Limited and Nalco Limited, who had previously pleaded guilty to contraventions of the Health and Safety at Work etc act 1974, following an outbreak of Legionnaire's disease in Hereford that occurred in 2003, were fined at Hereford Crown Court on 1st July, 2008.

At inquests the Coroners' court had directly related the deaths of two people to the outbreak and the Health Protection Agency had originally attributed 28 cases of legionnaire's disease, although this figure was later revised to 26.

HP Bulmer Limited (of Ashby House, 1 Bridge Street, Staines, Middlesex) was fined £300,000 with costs of £50,000 after pleading guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act 1974.

Nalco Ltd, of Winnington Avenue, Northwick, Cheshire, was simultaneously also fined £300,000 with costs of £50,000 after also pleading guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act 1974.

Speaking after the case, HSE investigating inspector Tony Woodward said:

“There was a failure to institute and maintain an effective cleansing treatment and disinfectant regime for two seasonably used cooling towers, at Bulmer's site in the Cider Mills, Plough Lane, Hereford. Inadequate management, by neglecting such an obvious duty of care, that can result in the health and lives of the public or employees being endangered, cannot go unpunished. The fines will also help to deter any repetition although this does not help the members of the public who were adversely affected and to whom our sympathies are extended. The fact that building users engage a specialist contractor does not mean that they have complied with the law; they must work with the contractor and ensure they are receiving the service required. Equally specialist contractors and sub-contractors must provide their clients with the expertise which they have been engaged for.”

Notes to editors

1. Section 3(1) of the HSW Act 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.
2. HP Bulmer Ltd had employed Nalco Ltd, trading at the time as Ondeo Nalco Ltd, a water treatment company, as part of the strategy to manage risk from legionella bacteria that could occur as a result of the use of evaporative cooling towers.

3. Further information on controlling the risks associated with legionnaires disease can be found at <http://www.hse.gov.uk/legionnaires/index.htm>

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