

Health and Safety

Bulletin

Occupational cancer

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Useful contacts:

HSE website
www.hse.gov.uk

HSE Books:
PO Box 1999
Sudbury
Suffolk
CO10 2WA
Tel: 01787 881165

Environment Agency
website:
www.environment-agency.gov.uk

One of the most talked about aspects of the HSE's new strategy (<http://www.hse.gov.uk/strategy/index.htm>) launched in 2016 is the focus on ill-health. The presentations that HSE representatives made during the launch, stressed that this theme had been included because there was:-

- statistical evidence that a higher number of workers were suffering from occupational health issues than workplace accidents
- feedback from HSE Inspectors that risk assessments were less effective at identifying occupational hazards than safety hazards

The statistics for occupational cancer

In 2012 HSE published two research reports to estimate the proportion of cancers caused by occupational exposure (RR931/RR933: The burden of occupational cancer in Great Britain <http://www.hse.gov.uk/research/rpdf/rr931.pdf>, <http://www.hse.gov.uk/research/rpdf/rr933.pdf>). These identified that, on average, 5.3% of cancers could be attributed to occupational exposure to carcinogens (cancer causing substances), with the most significant causes of the cancer identified as asbestos, arsenic, diesel engine exhaust (DEE), mineral oils, hydrocarbons from coal tar and pitches, shiftwork, silica, wood dust and solar radiation. This equates to 8000 cancer deaths and 13,500 cancer registrations every year that can be attributed to past occupational exposure.

Managing exposure to chemicals/substances that cause occupational cancer

There is no specific legislation for most carcinogens – one of the obvious exceptions to this is the Control of Asbestos Regulations. Exposure to the majority of carcinogens is covered by the Control of Substances Hazardous to Health (COSHH) Regulations, under which employers are expected to risk assess exposure – focusing on the hazards of the substance, nature of the exposure (e.g. frequency, concentration, exposure controls currently in place etc.) before evaluating whether exposure is controlled effectively.

Confirmed carcinogens have been allocated workplace exposure limits (WELs) under COSHH. These are published in EH40/2005 Workplace exposure limits (revision 2 published 2011 - <http://www.hse.gov.uk/pubns/priced/eh40.pdf>). Under COSHH, control is defined as adequate only if a) the principles of good control practice are applied, b) any WEL is not exceeded and c) exposure to asthmagens, carcinogens and mutagens are reduced “as low as is reasonably practicable.” Where WELs have been issued, employers will commonly arrange for sampling to be completed to provide evidence that exposure is below the limit.

With many carcinogens, there are accepted industry standard engineering controls used for the control of exposure. For example, exposure to many carcinogens, which create exposure through inhalation is controlled through the installation of extraction systems known as Local Exhaust Ventilation (LEV). Not only must these be designed so they are fit for purpose, they must be maintained and tested every 14 months under legislation to ensure they continue to operate effectively.

Reducing exposure

The EU is currently running a campaign called “Roadmap on carcinogens,” (<https://roadmaponcarcinogens.eu/>) with the objectives of encouraging organisations to share good practice on reducing exposure. The HSE has also issued a number of guidance publications for controlling exposure to specific substances in certain industries at <http://www.hse.gov.uk/pubns/guidance/index.htm>.

Conclusion

It is likely that, with their new strategy and the statistical evidence, the HSE will be carrying out more enforcement activity in this area.

2016/17 European campaign

Recently issued health and safety information:

- New resuscitation guidelines
<https://www.resus.org.uk/resuscitation-guidelines>
- Health risks associated with night work
<https://www.anses.fr/en/system/files/AP2011SA0088EN.pdf>
- New health and safety offences sentencing guideline webinar
<http://www.ioshmagazine.com/page/sentencing-guidelines-and-new-era-penalties-webinar-11-july>
- 'Better Regulation': Better for whom? Centre for Crime and Justice Studies
https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Better%20regulation%20briefing.%20April%202016_0.pdf
- NICE Workplace health: management practices
<https://www.nice.org.uk/guidance/ng13/resources/workplace-health-management-practices-1837269751237>

EU-OSHA's Healthy Workplaces Campaign 2016 - 2017 is 'Healthy workplaces for all ages' – focusing on the promotion of sustainable work and healthy ageing throughout working life and effective management of workplace health and safety in the context of an ageing workforce. The campaign aims to dispel the myths that have developed concerning the difficulty of employing older workers and complying with health and safety legislation – for example, that older workers require a specific risk assessment – in fact there is evidence that older workers do not have an increased risk of suffering a workplace accident.

Organisations are being encouraged to sign up for the campaign and enter the Good Practise Awards, showing evidence of the activities they have organised during the European Health and Safety Week – scheduled for w/c 24/10/16 this year. Further information is available at <http://www.hse.gov.uk/campaigns/european-2016/>.

Case Law update

This issue focuses on cases involving exposure to occupational carcinogens

A historic private school in Clitheroe was fined **£100,000** with **£31,547.78** costs over health and safety failings after one of its stonemasons developed silicosis in July 2011 – four months before being made redundant by the college. The college employed the stonemason as a member of staff in June 1999 as the 200-year-old college buildings needed extensive repairs for wind and weather-proofing. The HSE investigation found Stonyhurst failed to take any measures to monitor or reduce the exposure of workers to silica dust, despite instructing them to work on sandstone containing between 70% and 90% of

crystalline silica

An Essex firm has been fined a total of **£15,000** with costs of **£2,240.50** for repeatedly failing to have its systems on its local exhaust ventilation (LEV) system for extracting wood dust and lifting equipment on its rider operated trucks thoroughly examined. Welsted Joinery Ltd of South Woodham Ferrers pleaded guilty to two breaches of one breach of Regulation 9(2) of the Control of Substances Hazardous to Health Regulations 2002

A Cambridge instrument company has been fined for risking the health of employees from hazardous chemicals. One paint sprayer whose job was to prepare and paint small components for scientific instruments, worked with

chemicals including trichloroethylene and paints containing isocyanates (both classified as probable human carcinogens). Prior Scientific Instruments Ltd, of Wilbraham Road, Fulbourn, Cambridge, was fined **£9,000** and ordered to pay full costs of **£2,852** after pleading guilty

A carpenter was awarded over **£200,000** compensation in March 2015 after being diagnosed with mesothelioma (cancer related to asbestos exposure) in 2014. As a carpenter working for Greater London Council (GLC) he did not work directly with asbestos himself but was often working alongside other tradesmen who were using asbestos to lag pipes and fireproof blocks of flats. GLC admitted liability

Hands free research

Research has indicated that the use of hands free kits while driving may interfere with driving performance because the two tasks compete for similar brain processing resources, due to the imagery-evoking aspects of phone use.

"Dual-taskers" were slower to respond to road hazards; detected fewer hazards; committed more "looked but failed to see" errors; and demonstrated "visual tunnelling". For further information - <http://www.science-direct.com/science/article/pii/S1369847816000085>

About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.

Clwyd Associates Ltd
www.clwydassociates.co.uk

NEBOSH Certificate

Our next public NEBOSH General Certificate (NGC) course is scheduled to start on 15th September 2016 in Coalville. This course will be programmed for one day per week, with the examinations scheduled on **7th December 2016**.

Clwyd Associates has an NGC pass rate of **over 93%** - well above the national average.

The NGC course costs **£1,375**. These costs include course notes, examination board fees and refreshments. VAT is excluded.

Clwyd Associates Ltd
www.clwydassociates.co.uk



Orton House
Overton Close
Leicestershire
LE67 8FY

PHONE/FAX:
01530 837477

E-MAIL:
enquiries@clwydassociates.co.uk

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