



## CONTROL OF NOISE AT WORK REGULATIONS 2005

The Control of Noise at Work Regulations come into force in April 2006 which reduce the 1st and 2nd Action Levels (now called Lower and Upper Exposure Action Values) at which hearing protection is advisory and mandatory by 5dB(A). This will require employers to be more pro-active in their approach to the control of noise in the workplace. It will no longer be acceptable to use Personal Protective Equipment (PPE) as a long-term solution to noise control unless it can be proved that noise control by engineering means is impractical.

The three key areas that require an update in order to match best practice are noise assessments, noise control audits and the implementation of a good purchasing policy.

### Noise Assessments

This needs to include a detailed assessment of the costs and benefits of the noise control options using the best of current technology.

The primary requirement for assessments from April 2006 is to provide a detailed programme of action covering the changes necessary to meet the new requirements of the new Regulations.

Where noise assessments are carried out, dose meters should generally be used only where hand held measurements are not practical or safe as they provide less accurate results.

Ideally, all new assessments should be to a common, high quality benchmark format in electronic format. Although the initial financial outlay is relatively high due to the requirement to create template documentation (text, tables, plans etc.) the benefits are that the update costs are considerably lower and the quality of information is consistent over time and across sites and history. The noise information is also instantly accessible.

### Noise Control Audits

This is an engineering review which generates a costed list of all the noise control options for a single machine, across a site or a whole company using the best of current technology. This is used to compare cost v noise reduction for each item of noisy plant and provides the information required to plan the most practical and cost effective noise control programme possible.

### Purchasing Policy

This is probably the most cost-effective long term noise control measure that can be implemented. Not only does it reduce the chances of importing fresh noise problems, but it also puts pressure on suppliers to reduce noise at source. Once the plant is installed, the onus is on the purchaser to reduce noise 'as far as reasonably practicable' to comply with current and pending legislation.

### Case Study 1

The noise from a scrap can extract system caused serious occupational and environmental noise problems. Conventional silencing (silencers, lagging, enclosures) would have involved substantial downtime, regular maintenance requirements (more downtime) and would have cost in excess of £35,000.

The engineering solution involved designing aerodynamic inserts that were fitted inside the fan casings. These were installed within a few hours of downtime and will continue to provide a 22dB(A) noise reduction for the lifetime of the fans without any maintenance. The cost was also only £3,000.

### Case Study 2

Fitting engineering control modifications to a weighing machine as an extension to maintenance reduced the noise at source by 12dB(A). Consequently, the existing acoustic enclosure could be removed, making cleaning and maintenance much easier.

This reduced the noise from 94dB(A) (with enclosure) down to 82dB(A) (no enclosure). This not only improved productivity, but PPE is no longer required (even under the new Regulations) which is a further cost saving.

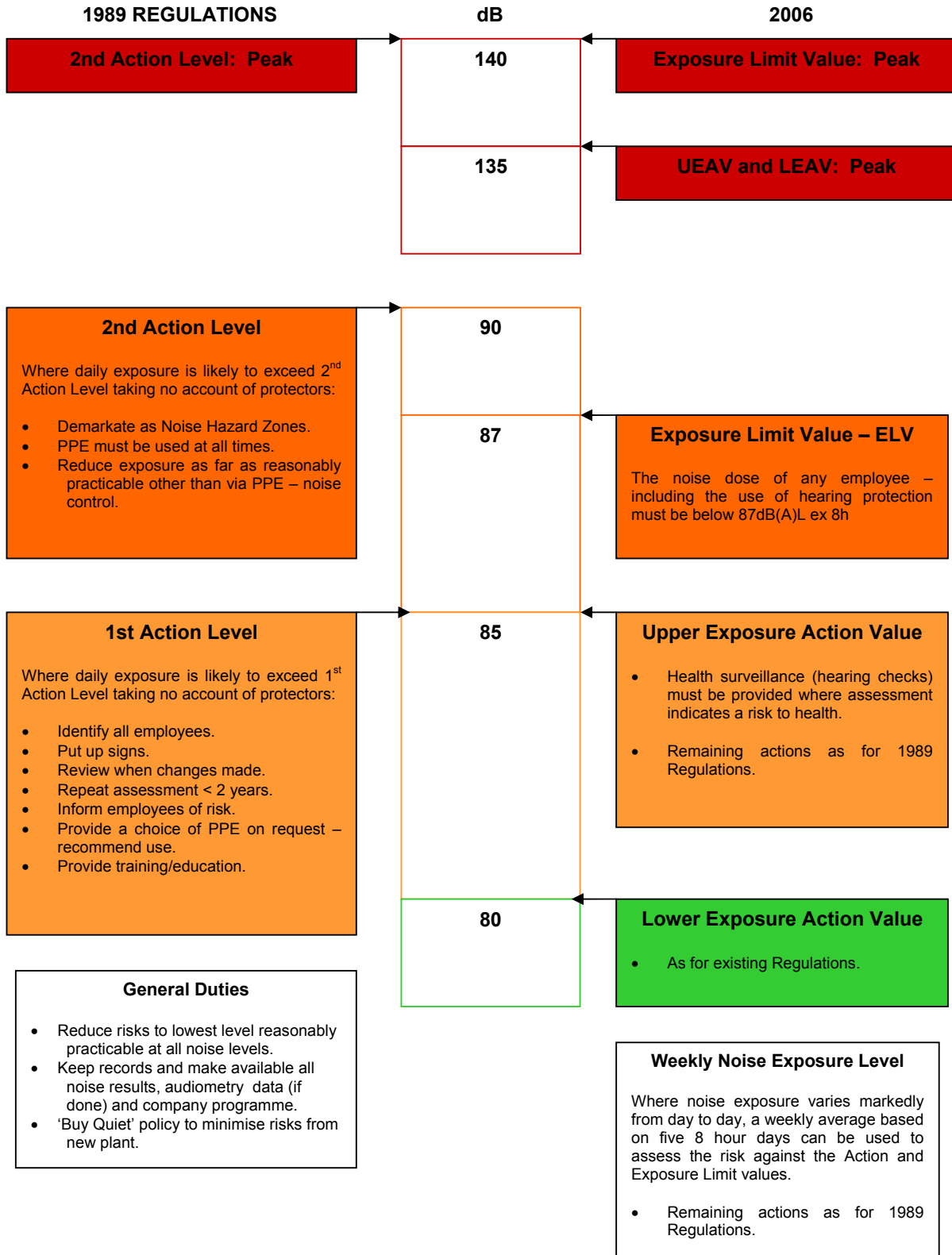
### Case Study 3

The results of a recent noise control audit on a company with ten sites across the UK illustrate the tremendous benefits of implementing an engineering noise control programme.

Under the new Regulations, a total of nearly 120 production areas would have noise levels about the 85dB(A) Lower Exposure Action Value (LEAV) and would therefore become noise hazard zones with mandatory PPE. However, the audit showed that by implementing an engineering noise control programme, it would be possible to reduce the number of areas falling into this category from 120 down to 50. Company calculations indicated that the cost of the noise control would be recovered in less than seven years through savings in the cost of PPE alone (typically £35 - £100+ per annum). In circumstances like these, other potential cost savings include eliminating the requirement for health surveillance and improved productivity.

More information can be found on the HSE website: <http://www.hse.gov.uk/noise/index.htm>

**SUMMARY OF THE MAIN CHANGE**



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## RECENT PROSECUTIONS

### SCAFFOLDER WINS £3.7M IN COMPENSATION

A scaffolder from Norfolk has won £3.7m compensation after suffering a severe brain injury following a fall from height.

A hand rail on the scaffolding platform had become loose which resulted in Mr. Moore falling 12m, the High Court in London heard during the case in November 2005. The fall directly resulted in the brain injury, which means he will never work again.

The company which supplied the scaffolding agreed to pay the £3.7m compensation.

### COMPANY FINED £60K FOR DEATH OF ROADWORKER

Balfour Beatty employee Stephen Haywood was operating a 'stop-go' board to control traffic flow during construction of the Nesscliffe Bypass in Shropshire in 2002 when he was struck by a heavy goods vehicle and killed.

Balfour Beatty pleaded guilty to breaches of Health and Safety legislation and was fined £60k and ordered to pay £45k costs by Wolverhampton Crown Court.

### CONSTRUCTION COMPANY FINED FOR BREACH OF WORK AT HEIGHT REGULATIONS 2005

On 13th April 2005, seven days after the Work at Height Regulations 2005 came into force, three employees of Michael Mills (trading as MB Mills General Contractors) used an unsecured ladder to access a pitched roof to salvage tiles from a building prior to demolition. The employees started to strip the roof even though no risk assessment had been undertaken and no provision had been made for them to work safely at height. No scaffold had been provided, roof ladders were not in use and the employees created holes in the close boarding to use as footholds.

Michael Mills (MB Mills General Contractors) pleaded guilty to breach of Sections 4(1), 5 and 6(3) of the Work at Height Regulations 2005 and was subsequently fined a total of £3,000 plus costs of £3,517 in September 2005 for a breach of the new Regulations.

The HSE investigating inspector, Stephen Hartley, said:

"Employers are expected to plan work at height carefully and take appropriate measures to prevent falls. Where standards are poor HSE will prosecute those responsible, even if there has been no injury as in this case."

### DEMOLITION COMPANY FINED FOR TRAINING FAILURE

Welsh company Walters Demolition (now trading as Walters Environmental) was ordered to pay £35,000 plus £8,000 costs at Merthyr Tydfil Crown Court after a parked 20-ton load shovel rolled back without a driver injuring three people.

The investigation conducted by the HSE revealed that the driver was told to operate the vehicle without training and had parked it with its laden shovel in the upright position.

Two boys and the driver who tried to stop the vehicle as it rolled back were injured. Walters Demolition pleaded guilty to Health and Safety breaches.

### WAREHOUSE PROSECUTION HIGHLIGHTS IMPORTANT SAFETY ISSUES

A 22-year-old employee of Iron Mountain (UK) Ltd and three temporary workers were attempting to remove archive boxes from high shelves in a warehouse using a temporary platform erected between two racking units with no effective measures to prevent a fall. Tristan Arkless fell 3.5m from the temporary platform which resulted in a crushed vertebra and fractured pelvis

The Company should have undertaken a suitable and sufficient risk assessment prior to the work commencing, and provided a system of work incorporating a safe means of access together with appropriate training. Under no circumstances should the employees have been required to climb the racking itself. The Company should also have ensured that a competent supervisor was present on site, i.e. someone who could assess the risks and recognise that working at a height of 3.5m on unsecured boards was unsafe and should not have been attempted.

The HSE investigating inspector, John Crookes, said:

"This is an example of what can happen when work at height is not properly planned and when young, inexperienced workers are not supervised. It highlights the need for companies to make sure safety procedures are in place whenever their employees are at work, not just during normal hours."

Iron Mountain (UK) Ltd pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 at the City of London Magistrates Court in October 2005 following the accident which occurred on a Sunday in July 2003. The Company was fined £20,000 for each breach and ordered to pay £5,000 to the victim and court costs of £2,376.

Sources: HSE/HSC website, RoSPA publication (Safety Express), trade publications. All information detailed is to provide guidance only.