



# Understanding the Law around Legionella Control

Under the Health And Safety At Work Act 1974 it is a necessity that employers provide protection to the risk of exposure to Legionella Bacteria which may arise from work activities. The Management Of Health And Safety At Work Regulations provide the framework of how health and safety should be controlled in a work place. This includes risk assessment, competent provision of health and safety law, the provision of procedures to be followed by any employee should a situation presenting serious and imminent danger arise and co-operation and co-ordination where employees share a work space.

The Control Of Substances Hazardous To Health Regulations (COSHH) identifies Legionella Bacteria as a hazardous substance in the form of a biological agent. The essential elements of COSHH that are required to be carried out when a hazardous substance is identified are:

- Risk Assessment
- Prevention of exposure
- Control of exposure where prevention is not reasonably practicable
- Maintenance, examination, instruction and training for employees
- Health surveillance of employees where exposure may result in an identifiable adverse health effect

## Who has responsibility for the water system at my place of work?

Ultimately the responsibility for all health and safety matters in a work place will fall to the overall duty holder. This will always be the employer or person in control of the building and cannot be transferred or removed. The duty holder may however

nominate people to aid him or her with his or her responsibilities as long as those people are competent, knowledgeable and suitably trained. It should be arranged that a competent person is always readily available. This will cover illness, holidays and shift work patterns. If a contravention of the Health And Safety At Work Act is found to have taken place, the responsibility will always fall to the duty holder.

## What are employers responsibilities to meet the H.S.E. requirements?

The Health And Safety At Work Act 1974 and The Control Of Substances Hazardous To Health Regulations 1999 set legislation that requires employers to protect employees and others against the risk of legionnaires disease, they do not however give any advice on how employers are expected to do this.

In 1999 the Health And Safety Commission approved a code of practice which was written and supplied by experts within the water treatment industry. The Approved Code of Practice "the control of legionella bacteria within water systems" (ACoP L8) provides employers with practical guidance on what they are required to do to protect people against the risk of exposure to Legionella bacteria. The code has a special legal status that requires an employer to at least meet its requirements, even if this is achieved using alternative methods to those outlined within the code. If an employer is prosecuted for breach of health and safety law and they cannot show they have met the minimum requirements of ACoP L8 or complied with the law in some other way then they will be found at fault in a court of law.





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To comply with their legal duties, employers and those with responsibilities for the control of premises should: Identify and assess sources of risk to discover if the system in place is favourable to the multiplication of the legionella bacteria.

## Prepare a scheme for preventing or controlling the risk.

Implement, manage and monitor precautions to ensure that the system is at its lowest risk level possible. If control measures are to remain effective, then regular monitoring of the systems and the control measures is essential. This is the responsibility of the responsible person, or where appropriate, an external contractor or an independent third party.

- Keep records of the precautions and Appoint a person to be managerially responsible.
- (source: ACOP L8, 2000)
- Contact Safe And Secure for advice and support with managing and implementing all five responsibility stages

## What government publications are available on Legionella control?

Legionnaires Disease: The control of legionella bacteria in water systems. Approved code of practice and guidance. L8, Health and Safety Executive, 2000. ISBN 0717617726. This ACoP specifies the precautions that need to be taken against Legionella bacteria in all water systems. If their recommendations are not followed then in any court case you would have to prove that the precautions you were taking were the equivalent or better.

BS6700-British Standard Specification for design, installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages. This document specifies that all new pipework installations to non-private dwellings should be subjected to a 1 hour soak of water containing 50ppm free chlorine before the pipework can be commissioned.

Legionnaires Disease Good Practice for Plumbers, The Institute of Plumbing - "Too many people do not realise the risks of this potentially killing disease until they are pointed out" A guide for plumbers and similar trades in dealing with the potential hazard to health and life posed by Legionnaires' disease.

## Further useful links can be obtained on the LCA website.

What should you do if you suspect someone has contracted Legionnaires' Disease?

If you suspect that you or an employee have contracted the disease as a result of your work then there is a legal requirement to report cases to the Health and Safety Executive(HSE).

