Health & Safety Update | January 2020

Happy New Year! Welcome to Strutt & Parker's Farm Research Group Health & Safety Update. The quarterly Health & Safety Update is designed to assist you in ensuring that you are thinking about topical health and safety matters on your farm or estate. Health and safety is a vital part of any business operation.

Risk assessment and the recording of the significant findings of the assessment are required under the Management of Health & Safety at Work Regulations 1999, but how might significance be defined? This update explores how the Health & Safety Executive contrast the significance of risks with triviality at the opposite end of the scale. Chainsaws are potentially dangerous machines, so we explore the characteristics of safe operators, key hazards and how to manage them, training and competence requirements, daily checks, personal protective equipment (PPE) needs and site considerations.

Agriculture is increasingly recognised as an industry where those involved are at higher risk of being affected by mental health issues, so we signpost some of the campaigns and sources of support that are available. Following the reclassification of diesel engine exhaust fumes as Group 1 carcinogens, we look at the legislative requirements and how these can be achieved in practice. This update also reinforces the importance of training as required by both the Health & Safety at Work etc. Act 1974 and Management of Health & Safety at Work Regulations 1999. Topically, we set out some key considerations for the use of gas guns for crop protection. Finally, a word on New Year reviews of health and safety policies and practices – please contact us to get yours booked in!

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RISK ASSESSMENT – A 'TRIVIAL' PURSUIT?

The Management of Health & Safety at Work Regulations 1999 require employers to make a suitable and sufficient assessment of risks to health and safety and to document "the significant findings of the assessment." But how might 'significant' be defined?

Some of you may have indulged in a game of Trivial Pursuit over the festive period. But in defining 'significant', the Health & Safety Executive use the word 'trivial' to define its opposite: *"significant risks are those that are not trivial in nature."*

The word 'trivial' does not appear in law but is referenced in court judgements. In 2008, an untrained dump truck driver died when his vehicle overturned. The ruling in this case made it clear that, "when the legislation refers to risks it is not contemplating risks that are trivial or fanciful." Instead, it reinforced that the law "is directed at situations where there is a material risk to safety and health, which any reasonable person would appreciate and take steps to guard against."

One of the confusions in interpreting 'trivial' is whether this refers to the risk or the hazard. While an outcome might not be trivial in severity, it could be that before the event, the party involved would have considered the likelihood of the event as being trivial.

The evidence from case law is that we cannot ignore trivial risks if they are only trivial because their likelihood is remote. Instead, they can be set aside only when the most likely worse outcome is trivial. In other words, where the outcome is not trivial, the rationale for deciding the triviality of the likelihood needs to be documented.

This New Year, remember that risk assessments are a legal requirement on your farm or estate and must be carried out to identify preventative and protective measures through the evaluation of risk arising from a hazard. The latter is 'something that has the potential to cause harm' while the former is 'the likelihood that harm will occur and the severity of the harm'.

Risk assessments should be reviewed annually as a minimum, whenever a new piece of equipment is purchased or an incident occurs that highlights the need for a safety review. Risk assessments should be reviewed in conjunction with and clearly communicated and made available to employees, who should recognise that far from being a trivial pursuit, risks are assessed precisely to ensure, so far as is reasonably practicable, their health, safety and welfare in the workplace.

CHAINSAWS

Chainsaws are potentially dangerous machines which can cause major or fatal injuries if not used correctly. Chainsaw work is commonly undertaken in the winter months, outside of the Cross Compliance closed period for cutting or trimming hedges or trees and in between the peak periods of fieldwork for those with an arable enterprise. This means however, that chainsaws are used when ground conditions are wet and slippery, ambient temperatures are cold and daylight hours are short.

Chainsaw operators need to be reasonably fit, both physically and mentally, to work safely. Certain medical conditions affecting mobility, alertness, physical strength, vision, manual dexterity and grip strength, and balance, may impede the ability of a person to operate a chainsaw safely. Those taking prescribed medication should inform their employer.

Working with chainsaws exposes the operator to high levels of noise and hand-arm vibration, which can lead to hearing loss and conditions such as vibration white finger. Fumes can be harmful if the chainsaw is used in poorly ventilated areas. Fire from hot surfaces following use and ignition sources during refuelling can also present a hazard. The most significant risk is contact with the chain during use or maintenance, leading to cutting or severing of parts of the body, which can also be at risk from low energy flying particles and falling debris. These risks can however, be controlled by good management practices including buying low-noise and low-vibration chainsaws with anti-vibration mounts and heated handles, providing suitable hearing protection, implementing proper maintenance schedules for chainsaws and PPE, and giving information and training to operators on the health risks associated with the activity.

Anyone using a chainsaw must be trained to carry out the tasks that are expected of them or be under the direct supervision of a suitably trained and experienced person. All chainsaw operators should do regular refresher training to ensure they work according to industry best practice and to maintain their levels of competence. The suggested intervals for refresher training are every two to three years for occasional users and every five years for full-time users.

Daily checks for damage and excessive wear should be made on the on-off switch, chain brake, chain catcher, silencer, guide bar, drive sprocket, chain links, side plate, front and rear hand guards, anti-vibration mounts and starting cord. PPE should be worn including a safety helmet to EN397, hearing protection to EN352-1, chainsaw jacket to EN381-11, chainsaw gloves to EN381-7, leg protection to EN381-5 and chainsaw boots to EN381-3. A second person should be present whenever possible in case of an accident, and should be provided with suitable PPE for the task they are involved in due to their proximity to the chainsaw. There should be clear communication between the parties at all times.

Before starting work, make a thorough inspection of the site, particularly for underground or overhead services such as gas or water pipes or power lines, which could be damaged when the tree strikes the ground or branches fall. Assess factors which could affect the direction of fall, such as wind conditions and whether the tree is leaning, has uneven growth or branches which foul other trees, check for broken crowns and for branches that might fall during the operation. If there are roads or public rights of way within two tree lengths of the tree to be felled, ensure that road users and members of the general public do not enter the danger zone. You may need to arrange warning notices, exclusion zones or traffic control which may require liaising with the local highways department. Ensure the owner of any overhead power lines within two tree lengths of any tree to be felled, is consulted immediately about the proposed work and is given sufficient time for the line to be diverted, made dead or for other precautions to be taken.

MENTAL HEALTH

MIND YOUR HEAD
YELLOWWELLIES.ORG

Agriculture is increasingly recognised as an industry where those involved are at higher risk of being lonely, stressed or suffering from depression. Various organisations and campaigns are available to help including the Farm Safety Foundation's 'Mind Your Head' campaign which explains that, "as an industry, we have a collective responsibility to do something about the issue of poor mental health… increased understanding and discussions will reduce the discrimination experienced by those who have mental health issues."

Working long hours, social isolation, coping with irregular weather, hazardous working with machinery, chemicals and livestock, record keeping and regulatory requirements, financial worries including income volatility, reliance on direct payments and debt, and the stigma around mental illness, can converge to cause low moods, anxiety as well as changes in appetite or sleep patterns.

Farming Help operates a confidential helpline on behalf of the Addington Fund, Farming Community Network, Royal Agricultural Benevolent Institution and Royal Scottish Agricultural Benevolent Institution. Calls to **03000 111 999** are answered between 7:00am and 11:00pm every day of the year, giving access to free, impartial and confidential support from all four charities.

Farming Help
03000 111999
Confidential help for all in the farming community

DIESEL ENGINE EXHAUST FUMES

Diesel engine exhaust fumes are a mixture of gases, vapours, liquid aerosols and particles created by burning diesel fuels. They contain various products of combustion including carbon (soot), carbon monoxide, aldehydes, and oxides of nitrogen and sulphur. They were classified as "probable carcinogens" in 1988 but the International Agency for Research on Cancer recently upgraded them to a Group 1 carcinogen, warning that people regularly exposed to diesel engine exhaust fumes can be up to 40% more likely to develop lung cancer.

Blue and black smoke are indicators of poorly serviced or tuned engines and mechanically faulty engines respectively.

While the Health & Safety Executive estimate that more than 100,000 workers could be exposed to high levels of diesel engine exhaust fumes, Imperial College and the Institute of Occupational Medicine put the figure closer to 500,000. The Institute of Occupational Safety & Health's 'No Time To Lose' campaign suggests that in the UK, more than 650 people per year die of lung or bladder cancer as a result of being exposed to diesel engine exhaust fumes at work, with around 800 new cases being registered each year.

In the UK, diesel engine exhaust fumes are covered by the Control of Substances Hazardous to Health (COSHH) Regulations 2002 as well as by the Health & Safety at Work etc. Act 1974 and Management of Health & Safety at Work Regulations 1999. The law requires employers to make a suitable and sufficient assessment of the risk of people being affected by diesel engine exhaust fumes and to prevent or adequately control the exposure.

Good engine management and the use of workplace air extraction fans, tailpipe exhaust extraction systems, filters attached to tailpipes and catalytic converters should be considered ahead of respiratory protective equipment (RPE). In the event of RPE being deployed, follow regulatory or manufacturer's guidelines for selecting the correct type and remember that face-fit testing and training on proper use will be required. Other control measures should include turning off engines when not required, keeping doors and windows open where practicable, installing air vents in walls and ceilings, and monitoring for signs of inadequate control such as the presence of soot on workplace surfaces.

TRAINING

Training is essential to ensure the safe operation of machines, equipment and other activities on farms and estates, and reinforces your commitment to your principle asset: your employees. Training requires you to prioritise the requirements of your employees, the use of your local training provider can assist you in deciding what training is required. You should regularly review what training employees require and which refresher courses they need to complete to keep existing qualifications up to date.

Training ensures that people who work for you know how to work safely and without risks to their health, develops a positive health and safety culture where safe and healthy working becomes the norm, and meets your legal duty to protect the health and safety of employees. It contributes towards employee competence, helps to avoid incidents, accidents and ill health, and safeguards against losses including financial sanctions, occupational ill health and lost operational time.

The Health and Safety at Work etc. Act 1974 requires you to provide whatever information, instruction, training and supervision is necessary to ensure, so far as is reasonably practicable, the health and safety at work of your employees. This is expanded by the Management of Health & Safety at Work Regulations 1999, which identify situations where health and safety training is particularly important, such as when people start work, on exposure to new or increased risks, and where existing skills may need refreshing or updating.

When looking at training requirements, you should:

- Decide what training is required;
- Decide your training priorities;
- Choose your training methods and resources;
- Deliver the training;
- Check that the training has worked.

A training matrix should be drawn up showing when all employees require training or refresher training, with copies of all training certificates being kept in the health and safety file.

PIGEON PATROL!

It is the time of year when pigeons are causing a headache on oilseed rape and deterrents including bird scaring gas guns are commissioned to protect the growing crops.

Gas guns ignite a mixture of gas and air under pressure, with the frequency of detonation regulated either by adjusting the gas feed or with an automatic timing device. Many units can be programmed for automatic start-up at dawn and shut-off at dusk, with bangs occurring at precisely set intervals or according to a random pattern.

The major hazard associated with gas guns is noise, which may exceed that which is considered acceptable at home or in the workplace. The intensity of sound output may be highly variable, both between guns and explosions of an individual device. Noise intensity is also affected by local conditions such as wind direction and strength. Noise above safe levels may cause hearing damage, annoyance, stress, high blood pressure, sleep loss, the inability to concentrate, and loss of productivity.

Consideration should also be given to issues of public safety and nuisance. The Health & Safety at Work etc. Act 1974 states that, "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." Furthermore, the Environmental Protection Act 1990 includes powers to deal with nuisance from auditory bird scarers. The NFU's Bird Deterrents and Bird Scarers Code of Practice reminds users of gas guns to minimise the impact of auditory scarers on neighbours and consider alternative means of scaring birds where practical to do so.

Owners and operators of gas guns should always consider the following:

- Consider alternative means of bird scaring where possible (e.g. visual deterrents).
- Coordinate pest management with neighbouring landowners.
- Determine when the crop is most vulnerable and restrict the use of gas guns to appropriate times.
- Maintain gas guns in accordance with manufacturer's instructions, check regularly to ensure safe function.
- Locate gas guns away from roads and bridleways so as to avoid harm to pedestrians, horses and riders.
- Erect temporary signage to warn members of the public that gas guns are in operation.
- Consider which direction to point gas guns and how to use baffles to absorb or deflect the sound.
- Keep batteries and propane gas cylinders close to the gas gun to minimise trips from cables and hoses.
- Programme the gas gun to begin and end firing at appropriate daily times.
- Use app or Bluetooth technology for programming gas guns where these facilities are available.
- Ensure all employees involved in handling, transporting, maintaining and operating gas guns have the proper training and experience and have received instruction on how to complete the tasks safely.
- Use propane gas cylinders that are of a manageable size to be lifted by one person.
- Always disconnect the gas and battery and expel residual gas from the barrel before transporting the gun.
- Secure propane gas cylinders and batteries within vehicles when being transported.
- Do not change the propane gas cylinder while smoking or near a naked flame.
- Always clear a large fireproof area around the gas gun before operating it.
- If you intend to test fire, remove the barrel first to avoid a loud bang.
- Always use the appropriate PPE when handling and working with gas guns including head protection, eye protection, ear protection, gloves and safety boots.

NEW YEAR REVIEW

This New Year is a prudent time for us to visit your farm or estate, to support you in reviewing your health and safety policy and practices, in line with the requirement of the Management of Health & Safety at Work Regulations 1999 to plan, organise, control, monitor and review your preventive and protective measures. You should consider:

- Are management practices of reviewing risk assessments and safe systems of work up to date?
- Are you assessing and appointing contractors correctly and do you have documentation to support this?
- Are tests and surveys including engineering and lifting equipment inspections, portable appliance and hardware electrical testing, asbestos management plans, tree surveys, and fire extinguisher servicing up to date?
- Are farm plans of overhead cables, underground services and public rights of way available to all employees?
- Are training and refresher training needs up to date?
- Are records for machinery servicing and repairs being effectively maintained?
- Are smoke and carbon monoxide alarms, gas safety checks, and legionella risk assessments being undertaken?

Please contact us this New Year to arrange your annual health and safety review.

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Norwich	01603 617 431
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