

# THE DAILY HAZARD

## PRESSURE MOUNTS FOR REAL LAW ON HAZARDS

In October and November the London Hazards Centre was involved in Parliamentary initiatives aimed at regulating the outlaw industries which run Britain's lethal construction sites and pollute our homes with toxic chemicals:

# Controlling the construction killers

**Hundreds of angry building workers downed tools to join the Construction Safety Campaign lobby of Parliament on 19 October.**

They demanded that MPs act to bring law and order into an industry which, in the last ten years, has killed more than 1,500 building workers in site accidents, and shortened the lives of thousands more through industrial diseases.

Work on several large sites in London ground to a halt after AEU members voted to join the lobby. Workers from all over the country called for all serious



*Building workers lobby MPs at Westminster*

breaches of safety regulations to be dealt with in the Crown Court, and for employers to be made liable for heavy fines and prison sentences. Supporting the Campaign's demands, Michael Meacher MP pointed out that the Health and Safety Executive has

only 90 construction inspectors for the whole country.

Each is responsible for 16,000 sites. "Far from being able to respond to tip offs about unsafe sites, the HSE cannot even investigate accidents that do happen," he said. "Last year 92 per cent of reportable accidents did not even merit a visit from an inspector. These so-called accidents are, to a very large degree, preventable and workers themselves must have the right to refuse dangerous jobs without fear of victimisation."

# Controlling the chemical cowboys

**D**emands raised by the London Hazards Centre for strict legal controls on wood preservatives and other toxic substances used in the home environment have been given powerful backing in the House of Commons.

On 7 November, Ian McCartney, MP for Makerfield (Wigan) and chair of the all-party home safety group, introduced a Bill to protect us from hazardous chemicals sold for use in the home or applied there by contractors.

Mr McCartney pulled no punches in his comments on the chemical companies: "The attitude of the manufacturers and suppliers of toxic chemicals is deplorable. They make no effort to establish whether their products are safe. They attempt to discount evidence of toxic effects and they make very little effort to inform the public of the possible consequences of using their chemicals. He went on to attack

the complacent attitudes of the authorities and pointed out that the present Control of Pesticides Regulations are not working effectively saying "For example, a company called Mould Growth Consultants Limited is selling a product called Wintox to local authorities, and it has been established today that it has never received approval from the Health and Safety Executive or the Ministry of Agriculture, Fisheries and Food."

Further progress of the Bill depends on the Government giving it time. This is unlikely but, as Mr McCartney said, "This Bill is a sign that the fight for justice will continue until such products are banned from the market place."

## ► MAIN POINTS OF THE McCARTNEY BILL

- A public right to information on chemicals
- A new regulatory authority to license chemicals or processes for domestic use
- A code of practice to protect consumers from unscrupulous manufacturers, suppliers and contractors
- A register of harmful substances including a list of banned substances
- Immediate bans on lindane and pentachlorophenol, and the phasing out of arsenic and organic compounds for wood preservation
- A stronger role for the Health and Safety Executive

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### ► FIVE MORE SQUANDERED LIVES

In the two weeks after the CSC lobby there were at least five more deaths on construction sites in London and the South East. Two were on the same contract

† Oct. 20, Horsham, Surrey: Father-of-five Christopher Forbes died when the wall of a sewer trench collapsed as he was laying pipes.

† Oct. 23, Channel tunnel: Gary Woodward, 32 with two children, was crushed to death between a concreting tray and a tunnel - boring machine.

† Oct. 24, Prudential Assurance building, High Holborn, London: Terry Heckford was cutting a steel beam which was supporting a concrete wall. The load gave way on top of him, crushing him to death.

† Nov. 3, on the same site, 55-year-old Larry Curtin was struck on the head by a falling scaffold pole. He was wearing a hard hat at the time. He died in hospital the next day.

† The fifth death was that of a nine year old girl in Kent. She was crushed to death during the demolition of a piggery.

† Between 1981 and 1987, twenty four children were killed on construction sites in Britain.



# School asbestos disaster

Vigilant trade unionists have averted an asbestos disaster at a school in Hackney. Children and staff were evacuated from Daniel House Language Centre in Stoke Newington after shop stewards from the DLO discovered asbestos stripping contractors still at work in the building on Monday 25 September. The job should have been finished over the weekend.

The Language Centre is used by Hackney Council but administered by the Inner London Education Authority (ILEA).

Not trusting either of them to provide proper supervision of the work, DLO convenor Alan Russell took on the task of making a daily inspection. On the first day he reported a lack of proper warning signs and the sealed waste skips required by law.

When he and Les Foye of the DLO Asbestos Unit arrived on the Monday the contractor, Economic Insulation of Portsmouth, was still at work. "We found asbestos debris scattered around the kitchen and there was dust on the piping," said Alan Russell. "After we'd got the place evacuated we saw one of the contractor's people throw a bag of asbestos debris into the back of an unmarked van. Then he shook his overalls in the street, producing a cloud of dust." Air testing confirmed that the school was contaminated and it was not passed as clear until more than a week later.

The case was taken up by the London Asbestos Action Campaign. "An HSE inspector gave us ILEA's version of events," said Kushaan Sen Gupta of LAAC. "She told us this was a

small job, over in a couple of days with slight problems in clearing up but no contamination of public areas. But we took photos on 4 October showing the building still closed. We believe ILEA is covering up the disaster."

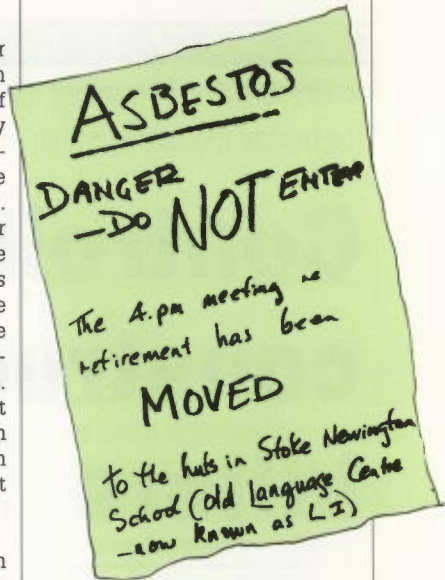
Hackney NUT has asked ILEA to explain its dismal performance at Daniel House.

The prospects are now bleak for the control of asbestos hazards in London's schools. Abolition of ILEA in April 1990 will destroy the largest and - for all its faults - most expert programme in the country for asbestos removal. ILEA's highly skilled direct-labour removal team is likely to be disbanded. Individual boroughs don't want to pick up any of the pieces. Private contractors are likely to win - and mess up - whatever stripping gets done. Hackney DLO, whose excellent trade union organisation protected children and staff in this case, is itself under threat from competitive tendering.

And the London Asbestos Action Campaign which has for three years monitored asbestos safety in hundreds of schools has had its funding stopped by the London Borough Grants Scheme.

It can no longer employ a worker. Trade union safety represent-

tives must recognize that they are now the front line in protecting fellow workers, pupils and the general public from asbestos hazards. Donations are urgently needed if LAAC is to keep going in any form. Send donations and letters of support via the Hazards Centre.



ILEA told the HSE that asbestos removal was finished and the school cleaned up by 25 September. This photo was taken by LAAC on 4 October and shows that the school was still contaminated.

## H A P H A Z A R D

### CHEAP AT THE PRICE

The proposed health and safety laws described on our front page are worth having but will do little good unless enforcement improves.

London has about a dozen Construction Inspectors to control the hazards of the capital's building boom. They weren't at the Trinity Tower site in London's docklands when young Ian Nesbitt was killed just before Christmas last year (see DH 20). And they weren't there again when Michael Docherty jumped off a runaway dumper in what was nearly a carbon-copy of the 'accident' which decapitated Ian Nesbitt.

In November C.J. Pearce and Co., the subcontractor responsible for these two crimes under the Health and Safety at Work Act, was punished at Wells Street Magistrates Court. For killing Ian Nesbitt, the magistrates imposed their stiffest penalty - a fine of £2,000. Endangering the life of Michael Docherty cost the same.

No charges were brought against the giant contractors with overall responsibility for the site, Skanska and Taylor Woodrow. Confronted outside the court by angry members of the Construction Safety Campaign, an HSE construction inspector offered the usual excuse: they didn't have the time and

resources to mount a case in the Crown Court, where unlimited fines can be imposed. Small wonder that the Construction Safety Campaign puts more faith in organising workers to defend themselves. Those outside the magistrates court had just come from picketing the Prudential site in Holborn. This massive demolition job has now claimed two lives.

### BATTY PRIORITIES

The legal void gapes even wider when it comes to the protection of people threatened by wood preservatives and other hazardous substances in the home. As we showed in our book 'Toxic Treatments', the law in this area has all the range and speed of a Sinclair C5.

But what's this news from Hertfordshire? A remedial specialist has been prosecuted for dangerous use of wood preservatives! Protim Services was fined £1,200 for spraying a toxic chemical - on a protected bats' colony. It's the second time in four years that the company has been fined for 'intentionally disturbing a brown long-eared bat while it was occupying a structure for shelter.' (*The Independent*, 7 Nov.)



Had the creatures occupying the structure been humans instead of bats, of course, no offence would have been committed.

## America bans asbestos

The Environmental Protection Agency has declared an estimated 94 per cent ban on asbestos products. "This is pollution prevention," EPA Administrator William Reilly said announcing the the ban. "We're eliminating a known cancer-causing substance from the marketplace. Virtually all asbestos-containing products will be replaced with safer alternatives." Why then is the equivalent EEC directive allowing a ten year phase out? And meanwhile asbestos is still being produced and promoted by the same multinationals in the third world that are promoting alternatives in the first.

## Asbestos and kidney cancer

Strong evidence has emerged from research at the University of California that asbestos exposure may cause cancer of the kidneys. Three studies of insulation workers, asbestos factory workers and shipyard workers show the link.



# COSHH Regulations: Control of Hazardous Substances

The Control of Substances Hazardous to Health (COSHH) Regulations are the most important piece of health and safety law since the Health and Safety at Work Act. The regulations became law in October though employers have until 1st January 1990 to comply with most provisions.

Thanks to employers' efforts the COSHH Regulations are not as strong as they should be, but it is up to safety reps to use the strengths and minimise the weaknesses.



There are a number of pamphlets on COSHH available from the HSE, covering different aspects and workplaces. Contact the local HSE Inquiry Point (London: 01-221 0870).

## WHAT DO THE COSHH REGULATIONS COVER?

COSHH covers all workplaces where substances hazardous to health are used or arise as by-products.

These substances come in a variety of forms, including pastes, powders, liquids, oils, gases, aerosols, sprays, fumes, dusts, bacteria or viruses. They could arise as solvents, glues, oils, resins, paints, pesticides, acids, degreasers, thinners, toxic metals, welding fumes, cleaning materials, man-made mineral fibres, inks and many more.

## EXCEPTIONS TO COSHH

Substances exempt from COSHH are asbestos and lead. Risks not covered are ionising radiation, fire, explosion and pressurisation. Workplaces not covered are mines and offshore installations.

## EMPLOYERS' LEGAL DUTIES UNDER COSHH ASSESSMENT (REGULATION 6)

From 1st January 1990 an employer may not carry on any work which is liable to expose any worker to any substances hazardous to health unless a suitable and sufficient assessment has been made of the risks to health, and of the steps that need to be taken to eliminate or control workers' exposure to those substances. Assessment means asking the right questions and getting accurate answers.

- ★ what substances are in use (stored, transported or disposed of) in the workplace, or can arise in the work process?
- ★ are any of these substances hazardous to health?
- ★ is anyone at work exposed to these substances?
- ★ what further steps are needed to get clear answers so that action on control can be taken? (eg. do we need specialists?)

The approved code on COSHH assessments states that records must be made and kept for virtually all assessments. They should contain sufficient

information to show how decisions about risks and precautions were arrived at; reflect the detail with which the assessment was carried out; be useful and meaningful to those who will need to know about it, now and subsequently; and indicate the circumstances when the assessment might need to be reviewed.

## WHO CARRIES OUT ASSESSMENTS? (COMPETENCE UNDER REGULATION 6)

Safety reps need to be involved at all stages. The HSE guidance booklet recommends that the assessment process be started in-house before any decision is made to call in an outside specialist. It lists skills that a person carrying out a COSHH assessment should have and states that formal qualifications are not an absolute requirement for a competent assessor. Good observational and communication skills and an understanding of "employee behaviour" are as important as technical expertise.

The trade union right to consultation is ensured under the Health and Safety at Work Act Section 2 (6), by which employers must consult safety reps on all health and safety matters. The Safety Reps Regulations 7 (2) requires the employer to provide information on "plans" which affect health and safety matters.

## CONTROL (REGULATION 7)

The employer must ensure that the exposure of workers to substances hazardous to health is either prevented or, where this is not reasonably practicable, adequately controlled. This applies whether the substance is hazardous through inhalation, ingestion, absorption through the skin or contact with skin.

### ★ Prevent exposure by:

1. Removing the hazardous substance by changing the process.
2. Substituting with a safer substance, or using it in a safer form (e.g. pastes instead of sprays).

### ★ Or where this is not reasonably practicable:

3. Totally enclosing the process.
4. Using partial enclosure and extract ventilation equipment.
5. Using safe systems of work, and personal protective equipment.

Only if one method is considered to be "not reasonably practicable" should the next one be considered, though a combination of control measures can be used. Personal protective equipment is to be used only as a last resort, or as a stop gap till proper control measures can be implemented.

## USE OF CONTROL MEASURES (REGULATION 8)

Every employer who provides any control measure should ensure that it is fully and properly used.

## MAINTENANCE, EXAMINATION AND TEST OF CONTROL MEASURES (REGULATION 9)

The employer has to ensure periodic thorough examinations of engineering controls. Local exhaust ventilation plant should be tested at least once every 14 months, and a record of the results must be kept for five years.

## ROUTINE MONITORING OF EXPOSURE (REGULATION 10)

Employers should carry out tests to see that levels of substances are within safe limits.

This can be done by general air monitoring, and by workers wearing personal samplers to measure their exposure as they work. It must be done if failure or deterioration of the control measures could result in serious risk to health, or where the substances have a maximum exposure limit or occupational exposure standard which must not be exceeded. A record must be kept showing dates, procedures and results.

## HEALTH SURVEILLANCE (REGULATION 11)

This will affect fewer employers, as there are only two sets of circumstances where it has to be done.

1. Where there's exposure to substances specified under schedule 5 of the Prescribed Diseases Regulations. This is a list of substances and related processes which can cause prescribed industrial diseases.
2. Where there is a "reasonable likelihood" that an "identifiable disease" or "adverse health effect" may occur, and that indications of the disease or effect can be detected using "valid techniques".

## INFORMATION, INSTRUCTION AND TRAINING FOR PERSONS WHO MAY BE EXPOSED TO SUBSTANCES HAZARDOUS TO HEALTH (REGULATION 12)

Any workers likely to be exposed must be given information and training about the dangers of their work, and ways of avoiding those dangers. They must also be given information on the results of environmental monitoring or medical tests that have been carried out by their employer.

## WHAT CAN SAFETY REPS DO?

Make demands for training and guidance from your union. The TUC is to produce a full policy document, a booklet and leaflets aimed at both safety reps and members. They are also developing COSHH workshops to train safety reps - so make sure you take full advantage of them.

Check to see what action is being planned at your workplace:

Has a complete audit of substances been carried out? Are assessments underway now on those substances identified as hazardous to health? Has a central point been set up to collect and review all information? Get copies of all your employer's information. Report all your members' health complaints in writing. Use your rights to investigate, inspect and consult with your members.



# PAINT

## Hazards

The construction union UCATT is about to launch a campaign on paint hazards following a World Health Organisation report which links painting with cancer.

UCATT is currently conducting a survey of its members to reveal the extent of ill-health caused by paints and related products. The information will be used in 1990 to launch a campaign for the substitution of water-based paints for those based on organic solvents.

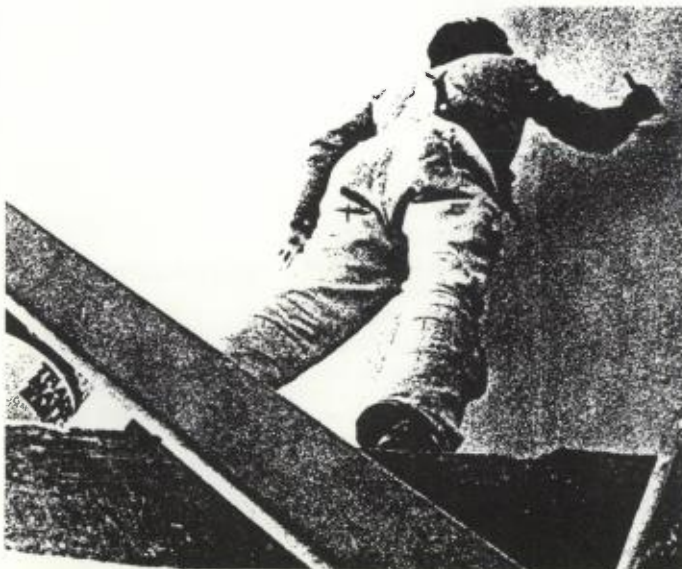
The World Health Organisation report shows that painters suffer lung cancer 40 per cent more often than the average, and other cancers 20 per cent more often. To be published by WHO for the International Agency for

Research on Cancer, it was widely leaked and publicised earlier in 1989.

Paints have also been shown to damage the central nervous system. The organic solvents they contain cause such symptoms as impaired co-ordination, tremors, anxiety, depression, and loss of memory. "Painters' dementia" is a recognised industrial disease in Scandinavia.

In this country the industry and the HSE both resist acknowledging these hazards. An HSE leaflet on hazards to painters published in August 1989 plays down the cancer hazard and ignores dementia. Much more useful is the information published by UCATT.

**UCATT. The hazards of paint.** (Health and safety news no 12, Sept 1989.) Part of the Site Safe pack, £2.50 from UCATT, 177 Abbeville Rd, London SW4 9RL. **HSE. Health hazards to painters.** Leaflet IND(G)72(L), August 1989. Free from HSE Inquiry Points.



# REVIEWS

## Low frequency radiation proves high risk to health

Until recently, people who claimed that power lines and other sources of low frequency electromagnetic radiation could endanger health, were largely dismissed as cranks. A new book with an old fashioned title, *Electromagnetic Man*, provides a great deal of evidence that the biological effects of non-ionising electro-magnetic radiation, particularly from sources such as power lines, should be taken seriously. The dangers include increased risks of heart disease, reproductive damage, cancer and mental illnesses.

Unfortunately, the book assumes a fairly extensive understanding of biomedical and physical sciences and this may discourage some readers. However, it will still be useful to groups campaigning for a compulsory increase in the distance between new power lines and homes, schools or workplaces. In the US many states require a 'safe corridor' or 'right of way' around power lines of up to 250 feet depending on the electric field levels generated.

\* *Electromagnetic Man: Health and Hazard in the Electrical Environment*, Cyril Smith and Simon Best, Dent (1989) £17.95.

## Urdu health and safety leaflets

The Birmingham Health and Safety Advice Centre, has translated into Urdu fourteen Health and Safety Commission guidance leaflets on basic health and safety rights, dust and fume, asbestos, skin, wood dust, legionnaires' disease and fork lift trucks.

HASAC, Unit 304, Argent Centre, 60 Frederick Street, Birmingham B1 3H5. 021-236 0801

## Noise Regulations 1989

The new noise regulations will not protect worker's hearing. Statistics produced by the Health and Safety Executive themselves show that at least half of the workers exposed to the 'safe level' will have hearing disabilities by retirement age. The Hazards Campaign is lobbying European MEPs to try and reinstate the European Directive on noise fully into UK legislation.

A more detailed critique of the new regulations is available from the London Hazards Centre.



# CENTRE NEWS

## Staff changes

Due to the serious cuts in our funding from the London Boroughs Grants Scheme we have had to lose a member of staff through voluntary redundancy. This has meant the loss of a worker from the advice and information team, reducing our ability to provide the less resourced people of London with health and safety advice. We will miss Nilou Hawthorne who took voluntary redundancy in October.

## Funding cuts

Hazards Centre has suffered another cut of 15% on top of that of last year from the London Boroughs Grant Scheme. The cumulative effect will damage the service we provide unless we receive funds from other sources.

## You can help us:

**Donations** are welcome from local union branches, community groups and individuals.

**Affiliation** brings a year's supply of this newsletter and news of other publications and activities.

**Pay for our work** if you have funds. Any work that is paid for helps ensure that we can continue to work for those without financial resources.



## ONE-DAY CONFERENCE ON REPETITIVE STRAIN INJURY



10.00 a.m. - 5.30 p.m.  
Saturday 24th February 1990  
Red Rose Labour and Socialist Club  
129 Seven Sisters Road, London N7 7QG

**This is a conference for advice centre and trade union activists on repetitive strain injury-monitoring, diagnosis, compensation and, most important of all, prevention.**

Details from Hugh MacGrillen, London Hazards Centre,  
3rd Floor, Headland House, 308 Gray's Inn Road, London WC1X 8DS;  
phone (01) 837 5605



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