

# THE DAILY HAZARD

## FAMILY FIGHTS FOR JUSTICE

**Construction Safety Campaign (CSC) member, Anne Elvin, took her fight for justice over the death of her son to the steps of the Department of Transport in January.**

Anne and her family were joined by CSC members and Democrat MP, Simon Hughes, to demonstrate against the Railways Inspectorate's failure to prosecute her son's employers, and to hand in a letter urging immediate action.

Paul Elvin, 24, was electrocuted on his first day on a sub-contracted window-fitting job at Euston Station, 15 months ago. He had spent the morning unloading equipment and was then told to take some seven metre aluminium poles through an unauthorised gap in protective hoardings. As he did so, the pole he was carrying touched a 25,000 volt overhead cable. Paul lay unconscious, his clothing on fire, for 20 minutes before the traction power was cut off. He died in hospital 20 hours later. The jury at his inquest last March recorded a finding of accidental death, but also blamed lack of safety procedure.

Since then Anne Elvin and Paul's girlfriend, Lorna Elkins, who had their baby daughter three months after Paul's death, have been campaigning tirelessly. Anne says: "We always thought that when a death like this happened the authorities would step in to investigate and to prosecute those responsible. We didn't realise that you have to fight the authorities in order to get justice. We feel that Paul has been murdered, legally." Anne has phoned and written to the Railways Inspectorate countless times.

A letter from Robin Seymour, Chief Inspector of Railways, assured her that a thorough

investigation had taken place and that the inspectorate had "sweeping powers" and could carry out a public inquiry, and promised that a detailed report would be ready by the end of March last year. The report, if it exists, is still not available.

At the CSC's lobby of Parliament in October the family presented their MP Simon Hughes with a 7,000 signature petition, calling for manslaughter charges to be brought against British Rail and three contractors, Cawberrys, Hayward Glazing and GBR Windows. Mr Hughes handed the petition over to the Department of Transport and the Railways Inspectorate in October. This has not provoked a response either.

Simon Hughes wrote a strongly worded letter to Mr Seymour, Transport Secretary Cecil Parkinson and to Michael Portillo the

Minister of State for Transport, urging them to come to a decision without further delay. Handing the letter in at the demonstration in January, he commented: "It's clear that many people were at fault in the circumstances surrounding the death of young Paul Elvin. It is simply unacceptable that still no decision to prosecute has been taken, it seems to me that there are very strong grounds for prosecution. British Rail should be made accountable, because they are absolutely lousy at enforcing health and safety regulations."

Anne and her supporters say if there is no decision by the end of February they will be back to repeat their protest, only this time they will be much louder.

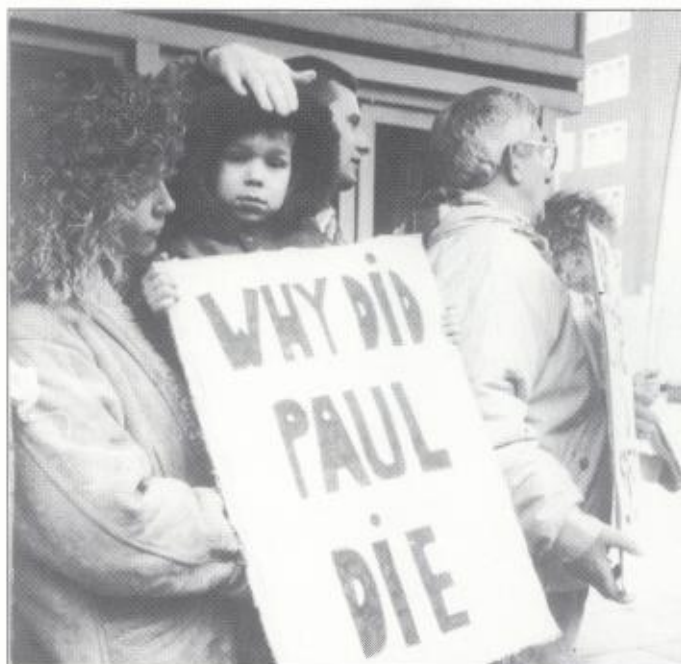
### Railways Inspectorate - out of steam?

Tony O'Brien, Secretary of the Construction Safety Campaign, feels that the Railways Inspectorate is a paper tiger. "Given the high level of construction activity,

and the greatly increased use of sub-contracted labour, the Inspectorate is hopelessly inadequate. There should be safety spot checks on contractors, so they know they could be caught out at any time, as well as ensuring that contractors are capable of meeting their legal duties under the Health and Safety at Work Act, COSHH and other relevant legislation. There is an obvious link between the lack of safety inspections and the death of Paul Elvin."

The CSC's views are supported by the Railways Inspectorate's own Annual Report for 1988. This reveals that: fatal and major injuries among railway staff and contractors rose from 160 in 1984 to nearly 300 in 1988 - a rise of 87 per cent. The number of "non-movement" injuries to contractors, employees and others rose from 24 to 133 - a rise of 454 per cent. Inspections during the same period fell by 40 per cent. At one time during 1988 there were only seven Railway Employment Inspectors out of a complement of fifteen. The Annual Report itself was six months late because of the "exceptional pressure" on the Inspectorate. Anne Elvin questions the independence of the Railways Inspectorate from the railway authorities, given their reluctance to prosecute in Paul's and other cases. "Four people were killed in an incident at Glanrhyd, and the inquest finding was unlawful killing. Why has there been no prosecution? It's time all this was brought out into the open."

We can only hope that this very long absence of action from the enforcement authorities will result in a watertight case for a vigorous prosecution of those responsible for Paul Elvin's death.



Paul Elvin's family demonstrate outside the Department of Transport.

photo Alan Dalton

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# Deadly dust in Hackney homes

**The Kingshold Estate in Hackney is a typical 1960's system-built nightmare. Apart from structural walls, most of the internal walls and panels are made from asbestos. Unbelievably, tenants were only informed of the asbestos hazard in 1989, nearly 20 years after the blocks were erected.**

One tenant on the estate, who has absolutely no history of occupational exposure to asbestos, has developed pleural thickening - an asbestos-related lung condition. The chest specialists can only surmise that ten years of living with so much asbestos

in the home is the cause of his condition. This tenant, in common with a great many others, has decorated and done DIY work countless times in his home.

Last November, quite unexpectedly, Hackney council sent tenants a circular letter to let them know that there was asbestos in their flats. The letter advised them not to hammer, screw, rub down, scrape, sand, brush, saw, strip wallpaper, or decorate any wall. Tenants were not given any diagrams or information about the location of the asbestos, but were told to inspect their own homes, and not to worry if surfaces seemed to be in good condition. Nowhere did the letter spell out the real cancer risks of asbestos. Tenants are very angry and worried, because many still do not know whether the soft, damaged walls in their homes could be releasing deadly asbestos fibres.

The Tenants' Association feels that Hackney should have done a proper survey and drawn up a plan to remove the asbestos from the block in one integrated programme, in full consultation with occupiers. Tenants are considering taking legal action, and in the meantime are registering their possible exposure to asbestos

with their GPs. Taking a legal case will be difficult - a recent workplace exposure which caused pleural thickening resulted in a High Court damages award to the victim of £64,000. However, the asbestos experts have always maintained that the health risks from non-workplace exposure are insignificant.

Estates such as this one are giving the lie to their theories. The levels of exposure to asbestos are likely to be significantly higher than background levels in the air. And when tenants work on walls or vibrate the structure, levels up to and above occupational control limits are likely to be released. With hundreds of similar system-built blocks across the country, how many more victims of asbestos will there be as these structures continue their inevitable process of decay?

## Sick building provokes union walk-out

During the Summer of 1987, Ealing council moved over 1,000 of its employees into the Great Western Centre. This was a prestige office development offering all the advantages of full air conditioning and promising a "new era" of luxury for local authority workers. Within weeks of moving in, staff began to complain of headaches, sore eyes, sore throats and stomach upsets. By the spring of 1988, dozens of such cases had been reported to safety representatives, and sickness absence was increasing.

After months of trade union pressure the council commissioned a survey of environmental conditions in the building by London Scientific Services, including a staff questionnaire. The survey was inconclusive, but did find that *Legionella pneumophila* organisms, responsible for legionnaires' disease, were present in the air conditioning system. More internal reports pressed for cleaning and improvement of maintenance systems, but these were all ignored.

Only when a mass meeting and a walk-out were organised by the trade unions did improvements

really start to happen. Union members walked out when it was revealed that there were major defects in the building that breached fire regulations as well as hygiene standards.

The final straw came when the majority of staff in the switchboard room were mysteriously and suddenly struck down by severe allergic reactions, landing some in hospital. The cause turned out to be a breach in the internal ductings of the building. This breach allowed a direct connection between a leaking sewage pipe, a laboratory where hazardous chemicals are used, a service duct contaminated with fungal growth and the room occupied by the switchboard staff.

The trade union reps demanded the immediate repair of these defects and an undertaking from management that the environmental problems of the building would be investigated as a matter of priority. Reps also insisted that staff would be paid for the time they had refused to work.

These demands were met and a joint committee was set up to monitor the progress of the investigations and repairs. Consultants were commissioned to design an effective maintenance programme. The reports so far show that the pressure exerted by the unions was entirely justified and that Ealing Civic Centre is a sick building making a gradual recovery.



Len Fay, Chair of the Tenants Association, points out a typical asbestos wall in an empty, vandalised flat.

### LOOK OUT

#### Points to watch out for:

**Is there a properly designed maintenance programme for the heating and ventilation system?**

**Does maintenance include proper cleaning, not just chemical treatments?**

**Don't rely just on tests for legionnaires' disease - dirty systems breed a wide variety of bugs.**

**If there is a high level of sickness it may be building-related. Get symptoms in the accident book, and run a simple staff questionnaire to assess the extent of the problem.**

# FORMALDEHYDE

## Action points

**As formaldehyde is used in such a wide variety of processes and products, there are usually substitutes. Aim to introduce a safe alternative at work, do not purchase formaldehyde-containing consumer products for the home.**

**All work processes should be enclosed or extract-ventilated and waste materials should not be vented to the atmosphere. Protective clothing, gloves, goggles and respiratory equipment should be easily accessible to anyone working with or near formaldehyde.**

**Regular air testing to determine concentrations of formaldehyde should be carried out. Tests should be carried out every 15 minutes over a full working day/shift to determine maximum levels.**

**Negotiate for exposure levels below the Swedish indoor level of 0.1ppm.**

**Medical examinations of people working with formaldehyde should be carried out at least annually and whenever exposure to concentrations greater than 2ppm has occurred. Tests for lung function are essential.**

**Fully equipped safety showers with emergency eye baths must be made available. Training must be given in hygiene and in dealing with spills and other emergencies.**

**To reduce exposure where urea formaldehyde has been installed:**

- ◆ **Increase house ventilation using fanlights or plastic disc ventilators in window frames or glass.**
- ◆ **Remove any excess foam - but avoid direct skin contact during removal.**
- ◆ **Seal gaps where foam has entered using a suitable material such as cement and sand and mortar.**

## Almost everyone, at home, at work, or in the community, is exposed to formaldehyde.

It is a colourless gas with a strong pungent odour which is known to cause skin, eye and respiratory damage, and which, in sufficient doses, affects heart and lung function and the menstrual cycle. It causes allergic reactions and mental disturbances and increases the risk of several types of cancer.

## Hazards of exposure to formaldehyde

Formaldehyde irritates the eyes, causing pain, redness, blurred vision and severe watering. It can irritate the nose and throat causing soreness, coughing and shortness of breath. In severe cases this can lead to accumulation of fluid in the lung (pulmonary oedema) and to chronically impaired lung function in workers exposed over a long period of time. Formaldehyde can cause skin hardening, swelling and flaking. Dermatitis and allergic eczema can also develop.

Formaldehyde is also a skin and respiratory sensitiser. A sensitising agent stimulates changes in the body's immune response so that exposure to even very small amounts triggers off an allergic response. Despite this evidence, in 1986 the UK Industrial Injuries Advisory Council rejected designation of formaldehyde as a cause of occupational asthma prescribed for disablement benefit. Formaldehyde has also been shown to cause poor sleep, impaired memory, lack of concentration, nausea and menstrual irregularities.

## Can formaldehyde cause cancer?

Formaldehyde is classified by the World Health Organisation as a probable human cancer agent. Several studies during the last five years have shown that work with formaldehyde increases the risk of nasal cancer. Some workers developed pre-cancerous lesions even though their exposure to

formaldehyde was at levels below the current Swedish occupational control limit of 1ppm. In a recent Canadian case the Workers' Compensation Board found that the death of a pharmaceutical worker from a brain tumour was caused by exposure to formaldehyde.

## Exposure levels

In the UK formaldehyde has been assigned a Maximum Exposure Limit (MEL) of 2 parts per million (ppm). Exposure to any substance for which a MEL has been set must be kept below that MEL. This limit is hard to explain in the light of the HSE's own toxicity review which found that eye irritation can be caused by exposure to levels of formaldehyde as low as 0.01ppm, 200 times less than the MEL. Compare the UK exposure limit with the limits set in the US where the Occupational Safety and Health Administration (OSHA) has set a Permissible Exposure Level of 1ppm with an Action Level of 0.5ppm. In Sweden and Germany the maximum permissible indoor level is 0.1ppm. The UK control limits fail to take account of the fact that skin irritation can occur at levels well below the MEL and that many people will experience 'double exposure' by coming into contact with formaldehyde both at work and at home. They also

ignore the fact that home exposure affects vulnerable members of the population, such as the very young or old, pregnant women or people with existing skin or respiratory complaints.

## Exposure at work.

Formaldehyde is used in hundreds of industrial processes including the manufacture of moulded plastics, paint, paper, textiles, carpets, pesticides and fumigants, particle boards, plywood, cosmetics, insulating foams, furniture, biomedical products, leather goods and resins. Anyone involved in the manufacture or use of any of these products may be exposed to formaldehyde. Some local Construction Safety Campaign groups have succeeded in banning the use of fire-retardant paints containing formaldehyde.

## Exposure at home

The main sources for exposure to formaldehyde in the home are furniture made of chipboard and plywood, and urea-formaldehyde cavity foam insulation. A 1982 study showed that levels of formaldehyde in indoor air more than doubled after installation of urea-formaldehyde foam. Formaldehyde vapour can be emitted for several years after installation. Additional exposure may come from formaldehyde-containing cosmetics and cleaning

materials. Some carpets and soft-furnishing textiles also contain formaldehyde preservatives which can make a significant contribution to domestic exposure levels.

## Exposure from environmental pollution

Any process involving the use of formaldehyde, particularly the manufacture of particle boards, can lead to emission of fumes to the environment. Several chipboard factories in the UK produce up to 1.5 million tons per year, operating day and night, seven days a week. German law limits formaldehyde emissions from such industrial processes to 0.03 milligrams per cubic metre of air. Recent tests have shown that emissions from one German company manufacturing in the UK (where controls on emissions are far less stringent than in Germany) were nearly double the level permitted in Germany. Pollution of local rivers and water supplies with formaldehyde has also occurred.

## Should urea-formaldehyde foam insulation be banned?

Canada and the US say yes. There are many safer substitutes, including expanded polystyrene. Do not accept any new urea-formaldehyde installation!

*photo Brenda Prince (Format)*



*This trainee joiner will be exposed to high levels of formaldehyde-containing dust when the circular saw is used to cut the blockboard*

# 'Guilty' pleads pesticide firm

A major supplier of pesticides has been prosecuted by the HSE for supplying an unapproved product. Mould Growth Consultants Ltd (MGC) pleaded guilty at Sutton Magistrates' Court on Monday 12 February to a criminal offence under Regulation 4.2 of the Control of Pesticides Regulations 1986. They were fined £350 with £150 costs.

MGC are the second company to fall foul of the Pesticides Regulations. In September 1989, Industrial Chemical Company Preston Ltd were found guilty of supplying an unregistered pesticide and fined £500 with costs.

By what seems a strange coincidence MGC is simultaneously involved in another legal case. This, however, is one the company started itself: MGC is suing the local government magazine *Municipal Journal* for libel. The



alleged libel occurred in an article published in July 1989 about the use of MGC's 'Halophen', a mould killer (masonry biocide) much of whose enormous sales goes to local authorities for use in damp council flats. Sales of halophen apparently dropped considerably after the article.

In an effort to win back customers, MGC issued writs and sent out 2,000 circulars to its major customers announcing the slight to their 'unblemished reputation'. The first point of their argument was that halophen was an approved product. "Councils are not permitted by law," they pointed out forcefully, "to buy chemicals which have not been approved by the Health and Safety Executive. Equally, manufacturers are not allowed to sell chemicals which have not been approved. WE HAVE THIS APPROVAL AND A COPY IS ENCLOSED."

One of the targets of this broadside was Darlington Council Safety Officer Bill Lawrence. Lawrence was reminded of dealings he'd had with the company nine months before. Making his COSHH inventory for the council, he had written for the manufacturer's data sheet on an insecticide aerosol called Wintox. Pencilled across the bottom of the document he received were the words 'No MAFF/HSE approval'. Ringing MGC to check, Lawrence's assistant was told that the product indeed was not approved, but had been submitted.

The council withdrew Wintox from its stocks, and told MGC of its concern. MGC claim that at this point they stopped selling Wintox. Lawrence heard nothing more of the matter until in

November 1989 he decided to refer the matter to the HSE. Prosecution followed.

Darlington wasn't the only customer for Wintox. Calderdale Council had also bought stocks, and similarly withdrew them after their COSHH inventory. The HSE appeared to be unaware of this.

We asked Managing Director M V Ellis for his views on the conviction. He was at pains to point out that Wintox was a very minor matter. "We haven't sold it for some time," he said, "and we never sold more than £500 worth a year." Not more than six customers had ever bought it. It had originally been made, he claimed, because "someone asked us" for a product to kill silverfish. MGC would not normally have made such a product, he explained: their business is masonry biocides for mould in homes.

As for why Wintox was never registered - well, it was simply "overlooked". Although all the active ingredients of Wintox appear in approved products, there is no existing approved product which contains this combination (dichlorophen, tetramethrin and piperonyl butoxide).

We pointed out to the HSE that MGC would have got away with it but for Lawrence's vigilance. They felt that the episode, far from being alarming, was a tribute to the 'self policing' effect of the COSHH Regulations. But it is clear that there are many workplaces where COSHH inventories are not being carried out adequately, or at all. How many more illicit pesticides are lurking undiscovered?

In a way the whole question of pesticide registration is irrelevant to the hazards experienced by workers. There are many pesticides registered which should not be in use. All the same, the lesson is: don't assume that any employer or manufacturer is obeying the law. Know the Regulations and check them for yourself. Or who knows what will get 'overlooked'?



**There's still time to register for...  
The Fourth National Hazards  
Conference Weekend 7-8 April  
Durham**

Details from NE TUSIU,  
phone 091 281 6086/7806



## CENTRE NEWS

### Staff Changes

To universal regret, Hazards Centre founder member **Pat Kinnersly** has decided to leave not just the Centre, but the country. He's going to travel to the United States, Mexico and ultimately to Nicaragua. Pat is already missed very much, and we wish him all the best for his trip, and trust that we will be working together again in the future. **Mick Holder** has joined the Centre as an advice worker. Mick, who was a UCATT safety rep. at Hackney DLO, has a wide range of health and safety knowledge. He is also an active member of the Construction Safety Campaign, and has campaigned on pesticides and asbestos both at work and in the community.

**Office Space** The Centre has space to let at an annual rent of £2,970. If you are interested ring Pat Connolly at the Centre.

### CD-ROM coming.

The Centre has obtained a grant from the London Boroughs Grants Scheme to buy CD-ROM (Compact Disk Read Only Memory) computer equipment. This will enable us to subscribe to health and safety databases which can be searched much more easily than online services. It will be an important addition to our information resources.

### Worker's Guide to Europe

A new booklet from Labour Research Department will save you hours of wading through European Commission documents trying to find out how 1992 will affect your conditions and rights at work.

**Workers' Rights and 1992** provides an easily digestible summary of the Social Charter and the Action Programme including a useful section on the Directives on health and safety. Available from LRD Publications, 78 Blackfriars Road, London SE1 8HF. £1.40

### COSHH translated

Birmingham Health and Safety Advice Centre has, through its Asian languages project, produced excellent **Guides to the COSHH Regulations in Urdu and in Punjabi**.

They are available from: HASAC, Unit 304, Argent Centre, 60, Frederick St. Birmingham B1. Tel: 021 236 0801



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