

Employee Spill Response

There are many substances that employees will encounter which are harmful to health, and it is vitally important to ensure that even small spills are approached with appropriate caution. Any employees involved in the clean-up process must not only be trained to deal with the situation, but also equipped with suitable Personal Protective Equipment (PPE) and/or Respiratory protective Equipment (RPE) to enable them to safely deal with the spill.

If, as an Employer, you fail to ensure both of these criteria are met, you could find yourselves in breach of the Health & Safety At Work Act, as well as potentially incurring Employers Liability claims for any injuries that your employees sustain as a result.

Volumes do not have to be big to be problematic – a recent HSE prosecution¹ dealt with a case where less than 200 litres of a chemical (which included Hydrofluoric Acid) spilled across a large area of a factory floor.

Four workers were involved in the clean-up that took several hours, and according to the HSE, not only did they have no spill response training, but they were also provided with inadequate personal protective equipment (PPE) and respiratory protective equipment (RPE) to undertake a clear up.

Some of them suffered ill-health following the incident, which included an asthma attack, a severe headache, nausea, sore eyes and throat. One of the workers was referred by his doctor to a specialist for treatment.

The HSE's investigation found that:

- There was significant non-compliance regarding management of substances hazardous to health.
- The company had failed to carry out a suitable and sufficient assessment and had not prepared for this sort of emergency (but foreseeable) situation.
- The RPE (face masks) provided did not have the correct type of filter for protecting against Hydrofluoric Acid gas.
- The type of RPE provided to workers relied on a good seal against the face in order to protect workers and no face fit tests had been undertaken to ensure the masks fitted the workers' faces.
- Furthermore, workers were unshaven meaning their beards or stubble prevented an effective seal of the RPE to their faces.

The company was fined £13,000 and ordered to pay costs of £9,551, but the true cost to the business is likely to be much higher, with senior management time involved in the case, and the likelihood of increased insurance costs due to the HSE

prosecution and potential Employers Liability claims arising out of the incident.

All of these negative impacts could be easily avoided and would have cost far less than the HSE penalties.

So, what can you do?

There is a process you should follow to ensure your Employees will be kept safe should they need to respond to a chemical spill, which includes:

- Identifying products you store, manufacture or transport that are potentially hazardous (as per the COSHH regulations) as part of your overall Spill Response Plan
- Providing spill response training your employees to take into account any of the products that they could encounter (including potential accidental mixing of products due to spillages)
- Ensuring the PPE and RPE you provide is suitable for the situation your employees might encounter

What are the issues surrounding face fit testing and beards?

The general consensus regarding face fit testing and beards is the less hair, the better. In fact, HSE conducted a study² that showed just how much a beard could affect the seal quality; assessing the impact of stubble on the mask's seal quality and measuring its effects from the wearer from being clean-shaven to having seven days of growth.

The study concluded that the effect on protection was quite specific to the mask/wearer combination. Protection could be significantly reduced where stubble was present, beginning within 24 hours from shaving, and generally worsening as facial hair grew.

What are the solutions?

The answer will largely depend on the person's reason for growing the beard. If they don't have a particular attachment to it and are prepared to wear a close-fitting mask, then they could shave this off as well as any additional facial hair that may affect the seal.

However, some people choose to grow a beard for religious reasons, whilst others could grow a beard for medical grounds, so if the beard is grown for either of these underlying factors, then alternative options will need to be found, such as loose-fitting RPE such as visors, helmets and hoods.

Spill Response Planning & Training

Spill response planning and training is a specialist area, and we would urge businesses to only use suitably experienced and qualified providers. OAMPS have worked with OHES for many years, and their team provides the 24/7 Emergency Spill Response on the Pen Underwriting scheme.

Oamps.co.uk

² RR1052 - The effect of wearer stubble on the protection given by Filtering Facepieces Class 3 (FFP3) and Half Masks

¹ <https://press.hse.gov.uk/2021/03/11/global-engineering-company-fined-after-employees-exposed-to-chemical-spill/>