



HSE/WM/212/2009 24 July 2009

## HSE warns employers about the dangers of confined spaces after deaths of two workers



Gate at the top of the access stairs to HA1 pit at Bodycote HIP Ltd, Hereford. [Download image](#)[1].

The Health and Safety Executive (HSE) is warning employers and staff of the dangers of working in confined spaces, following the prosecution of part of a multi-national group after two of its employees died while undertaking routine tasks in a Herefordshire factory.

Bodycote H.I.P. Ltd of Macclesfield, Cheshire, pleaded guilty in the case brought by HSE before Worcester Crown Court on 24th April 2009.

Bodycote HIP Ltd was fined £533,000 and ordered to pay costs of £200,000 on 24th July 2009 for breaching section 2(1) of the Health and Safety at Work etc Act 1974 following the deaths at its manufacturing plant in College Road, Hereford.

The court heard that on the 14th June, 2004, the company's Works Manager and Maintenance Engineer were found collapsed on the stairs leading to a concrete-lined pit into which argon gas had leaked from a large pressure vessel. The pit's oxygen alarm system was switched off and the ventilation system was not running.





The access stairs to the pit below the HA1 Hot Isostatic Press at Bodycote HIP Ltd, Hereford.  
[Download image](#)[2].

HSE Inspector Luke Messenger said:

"Both these tragic deaths were not only regrettable but also entirely preventable. The risks from confined spaces and asphyxiation due to the presence of argon were well known to the company, which had experience of a similar double fatality at a Bodycote Group site in California, just three years earlier.

"Despite this warning the company failed to undertake a proper risk assessment for entry into the confined space. Although they had implemented a safe system of work and permit to work procedure, they had not properly trained employees in their use, or ensured that these systems and procedures were being followed through their auditing procedure. On the day of the incident, the ventilation system, which could have removed the leaking argon before it became a problem, and the oxygen alarm system, which would have warned of the oxygen-depleted atmosphere, were not switched on. Had these systems been working these two deaths may not have occurred.

"Confined spaces can be found in a wide range of workplaces and these deaths should serve as a reminder to all industries of the dangers of this type of work. Entry to confined spaces should be avoided if possible, but where entry has to be made the work should be done by properly trained and authorised persons in accordance with a safe system of work. Simple checks then need to be made to ensure that employees are, in fact, following the system."

## Notes to editors

1. Section 2 (1) of the Health and Safety at Work etc Act 1974 says: "It shall be the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare at work of all his employees."
2. HSE published a revised and updated publication on 17 February 2008, containing an Approved Code of Practice (ACOP) and guidance on the duties in the Confined Spaces Regulations. It offers guidance and reference points to a range of industries and businesses that deal with confined spaces.
3. Further information and a list of publications available about working in confined spaces can be found at HSE's website at <http://www.hse.gov.uk/confinedspace/index.htm>[3]
4. An HSE Inspector will be available for interview after the case, contact Amanda Wood, COI News & PR West Midlands, tel: 0121 352 5512

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