

## Phil Chambers

**From:** Phil Chambers at Strategic Safety Systems Ltd. [phil@strategicsafety.co.uk]  
**Sent:** 28 April 2011 12:10  
**To:** phil@strategicsafety.co.uk  
**Subject:** News and Legal Updates from Strategic Safety Systems Ltd.!

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## Strategic Safety Systems Ltd. Newsletter

April 2011

Dear Philip,

Welcome to the April edition our new style newsletter. What we aim to do is to provide information which is of use to you and to let you know the activities in which we have been involved. We also aim to let you know of any incidents that have occurred in, and legislation that is related to, the areas in which we work. We realise that, with the broad spectrum of our activities, some may not be relevant to you but we hope you find the rest useful.

Whilst the intention of this newsletter is to be useful, we realise that most people are plagued by spam and should you wish to prevent future issues being sent to you, unsubscribe using the link at the bottom of the page.

Regards,

Philip Chambers  
Strategic Safety Systems Ltd.

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## First corporate manslaughter case

At the end of February, Cotswold Geotech became the first company to be prosecuted under the Corporate Manslaughter and Homicide Act 2007. Cotswold Geotech are a very small company carrying out soil investigation work. The death occurred after an unsupported trial pit collapsed on the deceased person.

The Managing Director was initially charged with common law manslaughter under section 37 of HSWA, but this was dropped due to the ill health of the MD. The company was then charged under the Corporate Manslaughter Act. The original intention of the act was to enable larger companies to be charged where there were difficulties in identifying a "controlling mind." So, the use of this act in the case against Cotswold Geotech goes against the intention of the act, but it has happened and we now have a precedent that should cause concern to most managers. The fine of \$385,000 represents 250% of the turnover of the company. The level of fine was set because the company's practices gave risk to a foreseeable risk of major injury, and were contrary to good practice. Whilst the fine is phased over several years, such a high level of penalty is bound to adversely affect the ability of a company to stay in business.

So the message to all of us must be to address situations where there is a foreseeable risk of major injury or death and to follow good industry practice.

[See article in SHP](#)

## Plan ahead for F-gas R22 phase-out

The use of R22, which is a refrigerant gas with compounds which are damaging to the ozone layer, is being phased out and you must ensure that all air conditioning or chiller units no longer use this gas by 1st January 2015.

There are 2 ways you can do this:

1. Have the R22 in the existing units changed to a more acceptable gas
2. Replace older units with new ones containing R410C or a similar gas.

Option [1] looks the lower cost alternative, but there may be problems with seal compatibility and performance; the "friendlier" gases might not be as an effective refrigerant as R22.

Although 2015 may seem a long way off, it is far better to plan for it now, because it will go crazy around the end of 2014. Get expert opinion, weigh the options and budget for the change **NOW**. Don't forget chillers; it's not just air conditioners.

## Business Continuity Management always a good idea

Toyota have apparently had an extended Easter break. This wasn't due to a shortage of orders, it was due to a shortage of electronic components from Japan, due to the tsunami. Whilst it is difficult to plan for earthquakes and the like, it is alarming how many companies have not thought out a robust Business Continuity Management (BCM) plan. Many companies only provide for data back-up (which has often never been tested), or think of BCM as coping with a fire at their premises. But the loss of key suppliers

ability to supply, or key people being no longer available are far more likely.

As part of our BCM services, we have recently helped one of our clients set up a BCM programme. This highlighted exposure in having only one sub-contractor approved by one of their (aerospace) clients for a particular anodising process. On the Monday, they made their customer aware of this situation. With perfect timing, on the Tuesday, this sub-contractor had a fire which will put them out of operation for 3 months. Had they started the BCM process earlier, they would have had an alternate sub-contractor already approved. Instead, they had to initiate a hurried approval process; it could have been worse.

[See about SSS Business Continuity Management Services.](#)

## Beware the CE mark, yet again

I know I could get boring about repeating this message, but I make no apologies. I have recently assessed a Chinese laminator, which was CE marked. The MD of the operating company assumed a new machine with a CE mark means that it is acceptable. The faults I found on this machine were:

1. Inadequate guarding of in-running nips between infeed rollers
2. Inadequate guarding for the gap under the heated cylinder; in addition to the crush injury posed by the in-running nip, there is a serious burn risk were the hand to be drawn into this nip and then not released.
3. Total absence of any guarding of the in-running nip between the burst rollers.

The guard for [1] and [2] comprises an unclippable hinged guard with no interlock. When I viewed the machine, this guard was not in place, and I consider it likely that at some point it would be left off completely. Although this is relatively light machinery, it can still remove a finger tip or leave you with a disfigured hand.

[See more about CE](#)



[Marking.](#)

## CE mark updates



SSS have just finished the CE marking process for a batch of machines used as a pilot plant for confectionery. Strictly, this wasn't necessary as the equipment was already in use, but the company concerned wanted to export the equipment to a site in another country and wanted to forestall any issues when importing at that country. There were some interesting challenges in bringing some of the machines up to an acceptable standard.

[See more about CE Marking services](#)

I hope you have found this information of interest. If you have any suggestions of other information you would like to see, please [contact me](#).

Regards,

Philip Chambers  
Strategic Safety Systems Ltd.

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