



WATER TREATMENT LIMITED

## Statutory Duty holder Obligations & Service Requirements (Legionella Control)

### General Requirement (Applies to All Works)

Safe access is essential to all areas required to carry out the scope of works. If safe access cannot be provided at the time of visit, the work may need to be aborted and rescheduled once safe access arrangements are in place.

### Statutory Dutyholder – Legal Obligations

Section one of the LCA's 9 service provider commitments requires that we ensure our clients are made aware of their legal obligations with regard to *Legionella* legislation. The following briefly describes the obligations of a building operator or owner.

A Health and Safety Executive (HSE) leaflet briefly defining your *Legionella* obligations is downloadable from the HSE website and we strongly recommend you take the time to read this leaflet as a starting point. **Legionnaires' disease - A brief guide for dutyholders** - <http://www.hse.gov.uk/pubns/indg458.pdf>

**The Health and Safety at Work etc. Act 1974**, Sections 2, 3, 4 and 6 are defined within ACoP L8 as applicable to legionella control. The first 2 sections cover the primary requirements for most clients: -

*(2) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*

*(3) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.*

### **The Management of Health and Safety at Work Regulations 1999 (MHSWR)**

These regulations provide a broad framework for controlling health and safety at work. As well as requiring risk assessments, they also require employers to have access to competent help in applying the provisions of health and safety law; to establish procedures to be followed by any worker if situations presenting serious and imminent danger were to arise; and for co-operation and co-ordination where two or more employers or self-employed persons share a workplace.

**The Control of Substances Hazardous to Health Regulations 2002**, regulations 6, 7, 8, 9 and 12 are particularly relevant to Legionella control.

Regulation 6, Assessment of the risk to health created by work involving substances hazardous to health, is perhaps the most relevant.

*(1) An employer shall not carry out any work which is liable to expose any employees to any substance hazardous to health unless he has –*

*(a) made a suitable and sufficient assessment of the risk created by that work to the health of those employees and of the steps that need to be taken to meet the requirements of these Regulations; and*

*(b) implemented the steps referred to in sub-paragraph (a).*



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*Legionella* bacteria are classified as substances hazardous to health and therefore a *Legionella* risk assessment can be considered a mandatory requirement in all workplace buildings with water systems.

**The Notification of Cooling Towers and Evaporative Condensers Regulations 1992**, this regulation requires the registration of evaporative cooling devices.

*3.—(1) Subject to this regulation and to regulation 4, it shall be the duty of each person who has, to any extent, control of premises to ensure that no notifiable device is situated on those premises unless the information set out in the Schedule to these Regulations has been notified in writing, on a form approved for the time being for the purposes of these Regulations by the Health and Safety Executive, to the local authority in whose area the premises are situated.*

Specific guidance with regard to the control of legionella bacteria is supplied in: **Legionnaires' disease - The control of legionella bacteria in water systems. Approved Code of Practice and guidance L8**. Downloadable from the HSE website - <http://www.hse.gov.uk/pubns/priced/l8.pdf> This document is used by us as guidance on the tasks and responsibilities that are applicable to the water systems on your site.

## Legionella Risk Assessments

The member should inform the client:

- A. The duty holder must ensure there is a Legionella risk assessment covering all water systems. This must be regularly reviewed and updated as required.
- B. Any tender for Legionella risk assessment services must clearly define the scope of works.
- C. The client should verify the competence of the service provider.
- D. Schematic diagrams and asset registers must be available to support the assessment.
- E. All findings, corrective actions, and control measures must be implemented and recorded.
- F. A written scheme of control must be in place and maintained.
- G. Regular reviews must confirm the effectiveness of control measures.
- H. Change management procedures must ensure the risk assessment remains valid.
- I. The following must be provided to enable a suitable and sufficient assessment:
  - a. Safe access to all parts of the system
  - b. A knowledgeable escort capable of explaining the system
  - c. Access to key documentation
- J. Implications of non-provision:
  - a. Incomplete or insufficient risk assessment
  - b. Potential non-compliance
  - c. Need for re-attendance and additional cost
  - d. Increased risk due to unidentified hazards

## Water Treatment

The member should inform the client:

- A. A risk assessment, written scheme of control, and schematic diagrams must be in place and available.
- B. Sufficient information must be provided to design an appropriate treatment programme.
- C. Systems must be accessible and safe for treatment, monitoring, and inspection.
- D. Client responsibilities must be completed and recorded.
- E. Participation in review processes is required.
- F. Known risks and safety requirements must be communicated.

## Hot & Cold Water Monitoring

The member should inform the client:

- A. A risk assessment and written scheme must be in place and available.
- B. Systems must be accessible for monitoring.
- C. Safe access must be ensured.
- D. Client-assigned tasks must be completed.
- E. Scope and responsibilities must be adhered to.

## Cleaning & Disinfection

The dutyholder/responsible person must:

- A. Maintain system cleanliness and enable inspection.
- B. Provide access for cleaning with adequate notice.
- C. Advise technician information on any know deadlegs, redundant pipework, and the location of schematics/ asset registers where available
- D. Ensure safe access to all necessary parts of the system.
- E. Adhere to agreed scope and responsibilities.
- F. Ensure appropriate discharge consents are in place.

## Legionella Monitoring Services

The dutyholder/responsible person must:

- A. Have a risk assessment and written scheme in place.
- B. Provide sufficient information for sample planning.
- C. Ensure safe access for sampling.
- D. Participate in review processes.
- E. Communicate site risks and safety requirements.

## Plant & Equipment

The dutyholder/responsible person must:

- A. Recognise that system changes may require reassessment of risk.
- B. Ensure correct design, installation, and commissioning of equipment.
- C. Comply with plumbing notification requirements.
- D. Obtain trade effluent consent where required.
- E. Update the written scheme of control as necessary.