



# Legionella & The Law

## Introduction

Employers have a duty of care under the Health and Safety at Work Act to protect their employees and any one visiting their site or work place. They therefore have a responsibility to ensure that Legionella is controlled in their water systems.

The Control of Substances Hazardous to Health (COSHH) provides a framework which allows the risk from hazardous substances to be controlled. The essential elements of COSHH are:

1. Risk Assessment
2. Prevention of exposure or substitution of a less hazardous process (changing from water cooling to air cooling)
3. Control of exposure, where prevention or substitution cannot be carried out.
4. Maintenance measurement and control
5. Providing information and training
6. Health surveillance (only where appropriate)

Legionnaires Disease Risk Assessment is therefore all about establishing whether situations exist in a water system where the Legionella bacterium can multiply, whether an aerosol can be created, and whether the people exposed are vulnerable. (Smokers, immune - suppressed patients, the elderly and those suffering from a chest infection are at greatest risk.)

The real risk areas are therefore water systems with an evaporative cooling tower, water systems incorporating an evaporative condenser, domestic hot and cold water systems and any other systems likely to operate above a temperature of 20° C and generate an aerosol e.g. Spa Baths, air washers and humidifiers.

## Is water treatment in Public Buildings really necessary?

At the beginning of 2002 the H&SE issued a new Approved Code of Practice and Guidance for the Control of Legionella bacteria in water systems (L8).

The publication effectively gives guidance on how water systems in public buildings should be managed to ensure that there is no possibility of proliferation of Legionella or other harmful bacteria which could pose a risk to human health.

This applies to all public buildings and every organisation needs to appoint a "Responsible Person" who must ensure that water systems are safe. While the work to ensure that water systems do not constitute a risk to staff and customers is generally delegated to a water treatment company, the legal responsibility stays with the "Responsible Person."

## Responsible Person

While overall responsibility for the control of Legionella in a public building rests with the Board, it is the Responsible Person (RP) who must ensure that all the recommendations made in a Risk Assessment are carried out.

The RP should therefore ensure that they understand the Risk Assessment and the reasons for recommending the remedial measures.

The RP is responsible that, the maintenance and testing regime recommended in the risk Assessment is rigorously carried out. Above all the RP must ensure that every analysis, piece of engineering work, and disinfection is recorded in the Log Book.