

# An ongoing issue

**Legionella control is about more than taps and temperatures, warns Andrew Steel.**

**T**here's no shortage of advice about *Legionella* control, and the safety regulator's guidelines are comprehensive and up to date – so why do we still find premises where risk assessments are inadequate and effective control is compromised?

*Legionella* control was high on facilities managers' agendas when the Health and Safety Executive (HSE) published the fourth edition of what is known as ACoP L8 in November 2013, the *Approved Code of Practice and guidance on regulations for the control of Legionella bacteria in water systems*. However, FM team leaders must continue to keep a close eye on this issue to ensure that risk assessments are adequate and avoid the costs of dealing with an outbreak. Although a *Legionella* positive result may not immediately threaten lives, it will involve significant expenditure and potential business disruption to clear the system.

Risk assessments are the bedrock of control, yet often they are found wanting. Just ticking the box by assessing the risk every two years, regardless of changing circumstances, no longer fits the bill. There have been some significant "intervention fees" for firms where their assessments do not meet the current requirements. The 2013 guidance clearly states that risk assessment is an ongoing process and not merely a paper exercise, and now HSE inspectors are showing that they really mean it!

## THE LAW

Although ACoP L8 is guidance only, it enjoys special legal status and failure to follow it would be looked upon poorly in a court of law. If designated responsible people in an organisation do not comply with its requirements, the courts may hold them personally responsible for the consequences.

When the fourth edition was introduced in 2013, the previous ACoP L8 was more than 13 years old, so a review was well overdue. The HSE also took the opportunity to separate out the detailed technical guidance as three separate publications, Parts 1 to 3 of Health and Safety Guidance (HSG) 274. While it is acceptable to leave middle management to oversee the implementation of technical measures, as defined in the agreed maintenance regime, senior facilities managers should retain oversight of and responsibility for the risk assessment on which it is based. *Legionella* control is a live issue that carries one of the greatest FM risks to an organisation, should it go wrong.

The specific requirements for risk assessment are laid out clearly in ACoP L8. Risk assessments should include schematic diagrams detailing all

items relating to *Legionella* control, and reviews must be undertaken whenever there have been changes to the system or indications that controls are failing. Water systems evolve as a building's use changes and, all too frequently, schematic diagrams are inaccurate or completely absent. It is nigh on impossible to identify the real risks, such as 'dead legs' where pipework was ripped out and rerun, without an up to date schematic.

While British Standard BS 8580:2010, *Water quality – risk assessments for Legionella control – code of practice*, clearly lays out best practice, it only offers guidance and recommendations. It is not enough to say that you undertook a British Standard risk assessment – the buck still stops with you.

This is important to remember, given that many organisations prefer to manage routine work (such as tap flushing) internally. Although this offers significant cost savings, these will be quickly wiped out if the maintenance regime is not fit for purpose. Professional help in aligning monitoring, inspection and flushing schedules – including record keeping – with the asset register and risk assessment schematic is a solid foundation upon which to build the management programme.

## MAINTENANCE REGIME

By separating out the technical *Legionella* control guidance, the HSE has provided greater clarity and invaluable works of reference. The three parts of HSG274 cover the control of *Legionella* bacteria in evaporative cooling systems; in domestic hot and cold water systems; and in other risk systems. The guidance is quite specific, but is peppered with terms such as "as necessary" and "as per manufacturer guidelines".

It is certainly advisable to train middle managers and operational staff in the basics of the causes and control of *Legionella*, and to regularly refresh their knowledge, so they can see the logic of the maintenance regime and spot potential problems.

It is important to take heed of Part 3 of the guidance, which refers to "other systems" that you may not have considered a risk. Anything from a car wash or a spa pool to food-misting devices, humidifiers, water softeners and systems to suppress fire dust or odour must all be controlled.

All of these "other systems" can generate water droplets (aerosols), and many operate at or above ambient temperature, or are prone to thermal gain during operation. This means they may use water at temperatures that fall within the recognised range for *Legionella* bacteria growth.

Are you still sure that your risk assessment is comprehensive?

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