

# Obligations Legionella-your obligations under the legislation

## Statutory Dutyholder - 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).*

*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.

### **Notification of Cooling Towers & Evaporative Condensers Regulations 1992**

This 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 on regulations L8.**

**Legionnaires' disease - Part 1: The control of legionella bacteria in evaporative cooling systems (HSG274).**

**Legionnaires' disease - Part 2: The control of legionella bacteria in hot and cold water systems (HSG274).**

**Legionnaires' disease - Part 3: The control of legionella bacteria in other risk systems (HSG274).**

**The Control of Legionella and other infectious agents in spa-pool systems (HSG 282)**

Downloadable from the HSE website - <http://www.hse.gov.uk/>

HTM 0401

This document from the department of health gives specific guidance for healthcare for control of Legionella and other waterborne pathogens. Part A gives guidance on design, build and commissioning. Part B gives guidance on operational management. Part C gives guidance on control of *Pseudomonas aeruginosa* in augmented care settings. Supplement D08 gives guidance on thermostatic mixing valves in healthcare settings. All parts are available as free PDF downloads.

<https://www.gov.uk/government/publications/hot-and-cold-water-supply-storage-and-distribution-systems-for-healthcare-premises>.

These documents can be used as guidance on the tasks and responsibilities that are applicable to the water systems on your site.