

Mr Carroll
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Hazardous Installations
Directorate

Mr David Bagnall

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Chemical Industries Division
Head of Unit Ron De Cort

Date 20 July 2010

Reference 2010060490

Dear Mr. Carroll

Environmental Information Regulation Request Reference No: 2010060490

Thank you for your request for information about:

What security advice was given to Rhodia by the HSE following a site visit to their Rattlechain Mere Site in John's Lane, Tividale, West Midlands last year? Request for any written records of this inspection or letters to the company or notes of the meeting.

Your request was received on **26th June 2010** and I am dealing with it under the terms of the **Environmental Information Regulation 2004**.

I can confirm that the Health and Safety Executive have not visited the site but holds a letter to the company.

1. Letter to Rhodia UK Ltd on the 14th September 2009.

This information can be disclosed and copy is enclosed.

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If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the decisions made by HSE you may ask for an internal review within two calendar months of the date of this letter by writing to me.

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545700
Fax: 01625 524510
Email: mail@ico.gsi.gov.uk
Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Farhana Ahmed'.

Farhana Ahmed

FOI Officer

Rhodia UK Ltd
PO Box 80
Trinity Street
Oldbury
West Midlands
B69 4LN.

Hazardous Installations
Directorate

MRS KAY E BROOKES
1, Hagley Road,
Birmingham,
B16 8HS

Date: 14 September 2009

Tel: 01905-743-600 (Office)
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HM Principal Inspector
Mr David Bagnall

Dear Sir or Madam

**HEALTH & SAFETY AT WORK ETC ACT 1974
CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 2002 (AS AMENDED)**

Further to your letter of 02 July 2009, & following a recent meeting between representatives of the Health & Safety Executive, the Environment Agency & the Veterinary Laboratories Agency, when Mr Ian Carroll's concerns regarding issues arising out of or in connection with your site at Rattlechain Lagoon were discussed, I am writing to advise you of our conclusions regarding the health & safety issues he has raised.

As you are aware, we had been advised that:

- (i) Mr Ian Carroll has accessed the site on a periodic basis over a number of years for the purpose of monitoring & retrieving ailing birds on behalf of a 'swan-watch' organisation;
- (ii) Mr Carroll is not an employee of Rhodia UK Ltd;
- (iii) Mr Carroll has, on a number of occasions, sought information from you with regard to the nature of the substances present (i.e. stored or produced) at the site, & has been assured that they are 'harmless' & include calcium phosphate;
- (iv) During a recent meeting with Mr Carroll, however, you advised him that the pool contains drums of yellow phosphorus; &
- (v) Mr Carroll is, as a result of this further information, concerned that he may have been exposed to substances hazardous to health during his time on site over the years.

You should also be aware that Mr Carroll has subsequently raised further concerns, namely that:

- (vi) He is now experiencing ill health effects which he attributes to exposure to substances hazardous to health arising out of contact with the water of the lagoon;
- (vii) Members of the public gain access to the site in order to dig the banks for bottles;
- (viii) Earlier this year a fire broke out on site when, he understands, drums that had been pulled from the pool spontaneously ignited; &

- (ix) You have recently moved plant onto the site for the purpose, he believes, of removing the discharge pipe. He is concerned that such work will disturb the sediment at the bottom of the lagoon & that this will have an adverse effect upon wildlife in the area.

To deal with each of his concerns in turn:

1.0 Provision of information

I note your account of the situation in terms of when & what information you provided to Mr Carroll, plus your reference to the records of all waste deposited since 1974 being available to the public at the EA's Public Registry. I would, however, remind you of your duties:

- (i) To ensure that you have assessed the risks to health & safety arising out of or in connection with the site; &
- (ii) To implement appropriate preventive & protective measures for the purpose of ensuring the health & safety, so far as is reasonably practicable, of both your employees & persons not in your employment (who may be affected by your undertaking at this site).

The latter includes the provision of suitable & sufficient information, instruction & supervision of visitors to the site.

We propose to take no further action regarding this matter on this occasion.

2.0 Exposure to substances hazardous to health & subsequent ill health effects

I note your comments regarding the relative risks to health of entering the water in certain parts of the lagoon & the fact that you did not permit Mr Carroll to enter those areas where waste deposits lie close to the shoreline. Clearly you cannot be expected to account for those areas which Mr Carroll entered when he gained access to the site without your permission.

I have advised Mr Carroll to consult his GP with regard to his health concerns &, depending upon their diagnosis, we may wish to investigate this matter at a later date.

3.0 Site Security

You are reminded of the need to ensure that the site is kept secure for the purpose of preventing, so far as is reasonably practicable, all unauthorised access.

We propose to take no further action regarding this matter on this occasion.

4.0 Site Fire

I am advised by the Environment Agency that they liaised with you regarding this matter.

We propose to take no further action regarding this matter on this occasion.

5.0 Removal of the discharge pipe

The potential effect of such work on the wildlife in the area is not within HSE's remit. However, I would remind you that this (& indeed any work) carried out on site should be done so following a suitable & sufficient assessment of the risks & in accordance with a safe system of work in order to ensure, so far

as is reasonably practicable, the health & safety of your employees & other persons who may be affected by your activities.

I have referred this matter to both the EA & the VLA should they wish to pursue it. We propose to take no further action regarding this matter on this occasion.

6.0 Other

I would ask you to ensure that your preventive & protective measures on site include that of controlling the risk of drowning in the lagoon.

Yours faithfully

MRS KAY E BROOKES, HM INSPECTOR OF HEALTH & SAFETY