

FROM THE EXECUTIVE DIRECTOR

DIRECT TEL 020 7591 3200

28 November 2018

Mr Andrew Hetherington
HM Assistant Coroner for the City of Sunderland
Civic Centre
Burdon Road
Room 2.108 Office of HM Coroner
Sunderland
SR2 7DN

Dear Mr Hetherington

Regulation 28 report

I write in response to the regulation 28 report into the tragic circumstances of the death of Mr McLaren.

The Environmental Services Association (ESA) is the trade association for the waste and recycling industry. We work with all levels of government, regulators and the public to deliver a more sustainable approach to the management of the UK's waste. Our Members provide a range of waste management and collection services for both householders and businesses.

You direct two questions to ESA; I respond to each in turn below.

Could you raise your Members' awareness nationally of the issue and risk, and to provide a reminder to employers and employees to consider a heightened check to look for people who may be sheltering in the bins particularly in the colder months?

The risks posed by people in waste containers has been high on ESA's health and safety agenda since about 2009 when this issue first emerged as a concern. Since then ESA has actively sought to raise the profile and dangers posed by people in containers to ensure that awareness, and control measures, are disseminated across the industry as widely as possible.

ESA has:

- used the national and trade press to communicate key messages;
- participated in a cross-sector steering group set up to reduce the risk of harm caused by people in containers;
- arranged a 'people in containers' safety week;
- issued a safety alert to ESA Members; and
- contributed to the development of guidance, WISH Waste 25 (people in containers)

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With the onset of winter, we will re-issue a safety alert in December 2018 to our Members as per your request and include a link to WISH *Waste 25*, which contains guidance on practical checks that can be carried out by collection crews prior to uplift of containers.

Would you consider suggesting that head torches are used in dark or poorly lit areas regularly to provide additional lighting which appears to be good practice?

The servicing of any waste collection contract requires an assessment of health and safety risks, which includes an assessment of risks at the point of waste collection. Lighting conditions, along with a host of other relevant factors, are considered as part of a waste contractor's risk assessment process.

The risk assessment process will inform the course of action taken to address the risk and, in some cases, the provision of head torches might very well be deemed appropriate. However, within the hierarchy of control there could be other more effective measures than head torches in addressing the specific risks presented at any given site. For example, the provision of LED lighting at the rear of a collection vehicle (where it was not possible to orientate the vehicle to make use of its headlamps) would help to illuminate the working area far more effectively than a head torch. Furthermore, other checks (as detailed in section 6 of WISH *Waste 25*) are likely to be just as effective in preventing harm.

In practice, some ESA Members use head torches, others deploy alternative measures informed by a thorough risk assessment process. Head torches might be issued in one part of the business and not in another, where risk was assessed to be much lower. Rather than endorse a 'one size fits all' approach, of key significance is that the selected approach is effective, can be justified and is proportionate to the risk.

An often overlooked aspect is that the hierarchy of control referred to above is of equal consideration to waste producers (those businesses responsible for placing waste into a container) who, as waste holders, have a duty to prevent risk of harm to the public. The storage of waste containers in a secure and well-lit area is considered (among other measures) as a reasonable practical step towards meeting this duty, and would be likely to help discourage people from seeking refuge in containers in the first place.

ESA and its Members strongly advocate the approach adopted in the WISH *Waste 25* guidance and aim to ensure that this is kept up to date to reflect new techniques or the safest working practices. It is also incumbent on the industry, working in collaboration with HSE and others to raise awareness of the vital part waste producers have in helping to keep people safe, and the practical steps that can be taken on site towards this aim.

Yours sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.