

£120,000 fine for Biomass Company

The recent fine levied on EPR Ely Limited following a fatal accident in 2008 highlights some key issues for anyone involved in biomass operations.

This fatality occurred while a driver delivering straw to the plant was crushed when a bale of straw fell from a lorry during the unloading operation using an overhead gantry crane. The company pleaded guilty and was fined £120,000 plus costs of £30,735 on 11 February 2011 at Cambridge Crown Court.

The accident is not peculiar to biomass operations, sadly off-loading accidents using cranes are not uncommon in many industries. However, given the need to transport and handle large volumes of feedstock the chance of incidents occurring in this way are high unless those operating biomass plants put in place:

- (a) Clear and well thought out processes for off-loading materials; and
- (b) Rules that make it clear that anyone not properly authorised to assist are kept away from the lifting operations.

Fatal accidents will normally result in a great deal of scrutiny from the HSE who will look at the company procedures and operations. In addition the police will usually carry out at least some preliminary inquiries to see if the circumstances suggests that there has been an offence under the Corporate Manslaughter & Homicide Act 2007. An absence of clear policy and process, which stems from senior management's failure to get to grips with and manage the health and safety obligations of the business, makes a corporate manslaughter prosecution more likely.

As early as 2009 the HSE first identified specific safety issues flowing from an increase in biomass use including the increased collection of dependent sources like straw.

In addition the HSE continues to monitor the renewables sector more generally and it is clear from recent discussions with HSE that they are looking closely at all renewables as activity levels increase. For example at on-shore wind farms, HSE can see that standards are developing but they are concerned that the risks (arising out of access to the sites and the sequence of construction) are not being managed adequately. In particular HSE is concerned about the interplay between parts of the site under construction, and those being commissioned and in operation. HSE has said it is looking to work with designers through early intervention projects to design out these issues.

For advice on the issues raised in this bulletin, or any other renewable energy queries, please contact:



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