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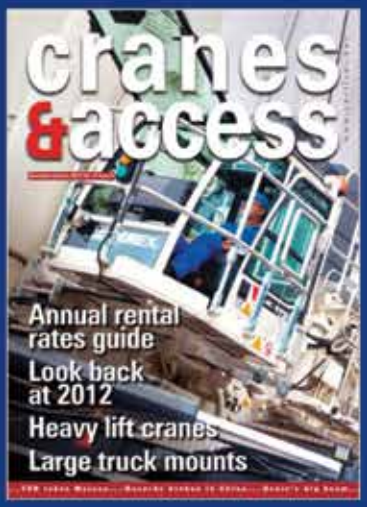

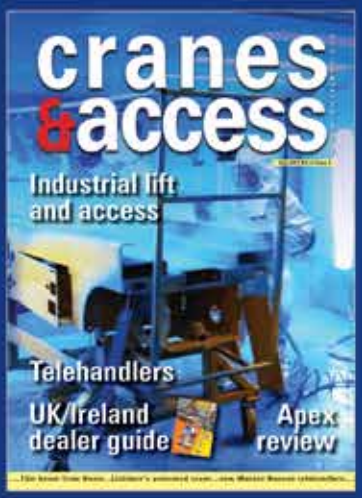

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Readers Letters

Over the past couple of months we have received a number of emails and a verbal communication regarding the regulation or legal requirements covering 360 degree telehandlers. The following is relatively typical of the input we have received.

Dear Sir

I have read your article in telehandlers and wanted to make a point that I feel is being ignored by the safety authorities and by contractors looking for cheaper ways to do a job. Roto telehandlers are treated as just that – telehandlers and yet they bear very little resemblance to a regular telehandler given their 360 degree slew, long booms and complicated attachments. Given that quite a few also sport winches and hooks they are more a mobile crane than a telehandler.

In fact I would like to know what difference there is between a rough terrain crane and a telehandler? They are 360 degree slew, rely on four outriggers being set for most of their load chart, have longish booms a winch and hook and a sophisticated cab. If I were to add a fork attachment to an RT crane can I call it a telehandler and benefit from less onerous regulation, operator training and load indicators etc… while saving money on the cost to boot.

Perhaps you or one of your readers can explain why they should be treated any differently?

Yours truly,

Brent Fishwick

Dear Leigh,

Further to our conversation last week on the misuse of mobile crane situation and Judith Hackitt's position on the same, I now attach copies of my e-mail of the 18th August (Learn from Past Events attachment) and the response from Melvin Sandell (Cranes and Entertainment attachment) and my reply of today to Judith Hackitt (see below) which will all be self-explanatory and will probably leave you gasping for breath!

I have now given further thought to the idea of a petition and I think it would be useful if we could come up with a document asking people and companies to sign and I believe there is enough feeling in the industry to produce a considerable number of signatories.

The only problem I foresee is that some companies might be wary of committing their company name to such a document in the thought that the HSE might seek to take revenge but if enough of them sign it, they could rely on the old adage of "safety in numbers".

I would appreciate your comments and thank you for your interest and support.

Best wishes.

Paul

See page 70 for Paul Adorian's email and HSE's response.

Still there

In August we began receiving letters and mostly emails regarding the fact that a 500 tonne crane that overturned back in early May when the ground gave way below one of the outriggers at a site near Aberdeen was still lying where it fell. We did contact the owner Whytes to ask what the recovery plan was and were informed that it was waiting on a number of things including a detail plan of recovering, the availability of the equipment, including lifting gear and transport, plus the finalisation of the repair and re certification contract with the manufacturer. Here are just two of the emails- which say much the same as the all the others.

Dear Sir

Were you aware that the 500 tonne Liebherr telescopic that overturned near Aberdeen last May is still lying on its side almost three months after it tipped? I am not sure why it has not yet been recovered although it is not going to be an easy one that's for sure. Maybe it is waiting on a big lattice be available or? It has to be costing someone dearly. I heard that Liebherr is going to carry out the repair and re-test – but don't know this for sure.

Perhaps you can find out more?

Keep up the good work

Jeremy Standmarsh

Dear Sir

As of 20:00 hours tonight 18/08/2014, I can confirm that the Big Liebherr Crane is still lying on its side on the premises of Aquatic Ltd at Bridge of Don Industrial Estate, North of Aberdeen. There must be a story here somewhere, as the Rental Charge (or even fixed costs) for a 500 tonne Mobile Crane must be a significant cost to someone ?

Whats the Story ?

Kind Regards

Mike Ponsonby

Dear Judith Hackitt,

My purpose in writing this e-mail is firstly to wish you and your colleagues all the very best on achieving the 40th birthday of the Health and Safety Executive, in the hope that your organisation is still flourishing another 40 years into the future.

Needless to say, I regularly keep abreast of the HSE web site and always read your contributions in the hope that I can find a 'chink in your armour' which might enable me to persuade you to have another look at the activity of people joy-riding on contraptions suspended from cranes. You may recall, or indeed you may have forgotten, the lengthy correspondence between us over the Hanging Flower Garden at Chelsea a few years ago, which caused quite a furore in our industry following your decision not to interfere with the ruling of the Kensington and Chelsea Local Authority.

On reflection, I can understand your reasoning for taking the decision you did, although I can never actually agree with it. I feel that the real problem, in cases like these, is the legal anomaly which places the responsibility for health and safety of fairground equipment in the hands of the relevant Local Authority. You must know and I certainly know that very few Local Authorities employ people with health and safety responsibilities who have sufficient experience of mobile cranes or lifting machines to equip themselves to make a sensible decision where the cargo under the hook is human beings. For this reason, I feel it is time for Government to look at legislation relating to fairground health and safety and where the "fairground equipment" is a piece of construction plant, such as a mobile crane, the responsibility should be placed under the care of the Health and Safety Executive, as your Authority is the only one equipped to make sensible decisions over the use of such equipment for lifting people.

In another of your recent blogs, you reflected on the past for a safer future and one of the paragraphs in that blog stated the following "One of the biggest challenges we face in the world of real health and safety and preventing catastrophes is getting people to recognise what could happen and to learn from past events even if they have never been close to such a disaster themselves".

That is all I am asking of you and if you need a good example of what might happen you only need to look at the serious accident in Germany, which followed the Chelsea Flower Show Hanging Garden incident and which very nearly resulted in the death of at least thirteen people in a suspended cage and perhaps many more who might have been injured on the ground. A large telescopic crane was allowed to lift a pergola type cage containing thirteen joy-riders. With the joy-riders up in the air in the pergola, the crane over-turned backwards and by the grace of God, its fall to the ground was arrested when the boom crashed into the roof of an adjoining building; the pergola, still suspended from the hook, whacked into the side of the building causing some serious injuries but fortunately no deaths to the occupants of the pergola.Had that accident happened without the presence of that building to break the fall of the crane and the pergola, there could have been many deaths, all of which could have been avoided had the use of that crane, for that purpose, been banned by the appropriate legislation. Surely that accident should serve as a warning to everyone involved in the legislation affecting the safe use of construction equipment and presents a classic opportunity to "learn from past events".

I am sure you are aware of the movement, throughout Europe, to prohibit the use of cranes for lifting people in these circumstances. Surely, the time has come when legislation should be brought in throughout the UK to stop this dangerous practice once and for all before we are faced with a tragic accident resulting in multiple deaths and/or injuries. In such circumstances I would hate to have to say, I told you so!

You refer, in your blog, to the Flixborough accident in 1974 when you were nearing the end of your second year exams in Chemical Engineering at Imperial College. I well remember that accident as my company provided a great many aerial platforms to help sort out the chaos it caused and as we know, lessons were learned from that accident which have probably avoided a repetition over the past 40 years.

Without wishing to be offensive in any way, I do feel this is an opportunity to put your words into action and assist my long-running campaign to end the potential risk associated with the use of cranes for joy riding.

As an aside, I was interested to see that you went to Imperial College, as my late father went there in 1926 to continue his studies in Electronic Engineering. That clearly played a major part in his life and I know he was a great believer in learning for the future from happenings in the past. You obviously feel the same way and I very much hope you will reconsider your position on this important problem.

In conclusion, I have not copied this e-mail to the construction media but I do hope that it may go some way to persuading you to reconsider your past decision so that we may soon be able to advise the media that good sense has prevailed and another serious risk of potential injury and death has been removed once and for all.

With kind regards

Paul Adorian

While Mr Adorian did not receive a direct response from Judith Hackitt he did receive the following.

Mr Adorian,

Thank you for your email of 18 August, I have been asked to reply to you in my capacity as Acting Head of HSE's Operational Policy Sector for the entertainment and leisure industry. I am also HSE's lead for fairgrounds and fairground equipment.

I should perhaps say at the outset that enforcement of health and safety law on fairgrounds is in fact reserved to HSE under the Health and Safety (Enforcing Authority Regulations) 1998. Whilst HSE would see the use of cranes in entertainment as 'akin' to fairground rides, it is arguable whether they fit the definition of a fairground ride contained in the Health and Safety at Work etc Act 1974. Consequently, for the purposes of allocation under the 1998 Regulations, we have characterised these activities as leisure activities and therefore enforced by Local Authorities.

HSE has overall policy lead for occupational health and safety legislation for the LA enforced sector. Consequently we would expect the same standards of risk control and management at these activities as we do at fairground rides and we can assist Local Authorities in achieving this, by the provision of enforcement and technical guidance. Local Authorities are also encouraged to comply with HSE's Enforcement Policy Statement and Enforcement Management Model.

This system has worked reasonably well and is flexible enough to ensure that the appropriate authority leads in particular circumstances.

I hope this clears up any misunderstanding and makes HSE's position more clear.

M Sandell