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PRESS RELEASE

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CEA RESPONDS TO HSE CRACKDOWN ON VISIBILITY

The Health and Safety Executive Construction Division for London East and South East Region recently issued a warning to Construction Plant Hire organisations in East and South East England, advising that they have a responsibility for the provision and maintenance of critical controls, visibility aids and warning devices on mobile construction plant.

They advise that during March 2003 HSE Inspectors will be visiting construction sites to check that the risks from mobile construction plant, vehicles and lifting operations are being properly controlled. They warn that HM Inspectors may prohibit work and prosecute where they see a serious failure to control risk or comply with the law.

Manufacturers of construction equipment have to comply with regulations for the supply of safe machinery and these require that the manufacturer ensures visibility from the driving position be such that the driver can in complete safety for himself and exposed persons, operate the machine in all intended conditions of use. Where direct vision is inadequate, the manufacturer must provide appropriate devices to remedy inadequate vision.

The Construction Equipment Association (CEA) has been actively working with HSE on its concerns, with a view to developing knowledge on the value of additional visibility aids and to resolve issues raised by its members when equipment visibility has been questioned. The CEA recognises that, because of the nature of operations in the UK, there can be situations where additional visibility aids might be useful. The CEA recently met with HSE on this issue and it was agreed that HSE would draft some Guidelines regarding the fitting of additional visibility aids to meet its specific concerns. Once agreed by CEA and HSE, hirers, operators and Inspectors would be encouraged to follow these Guidelines. This should lead to a common understanding of the UK requirements for additional visibility aids.

In view of this work between HSE and CEA the warning from one Division of the HSE is disappointing. It is also misleading because there is a link between supply regulations, that are imposed on manufacturers, and use regulations that are imposed on employers and hirers. Whereas the manufacturer has to comply with requirements at the time of supply (resulting from European legislation commonly applied by all EU member states), the same requirement does not apply to the employer/hirer provided that originally fitted devices are present and maintained. Consequently visibility aids over and above those provided by the equipment manufacturer are not required if the machine is being used as specified by the manufacturer. Only where there are grounds to suspect that the manufacturer has not complied with supply regulations, might there be a need to fit additional visibility aids.

HSE have the task of reducing workplace transport accidents by 10% by 2010 as announced in their 'Revitalising Health and Safety in Construction Initiative' and this is likely to be the stimulus for their recently announced 'programme of blitzes'. So far in their discussions with Industry, HSE have been unable to show that inadequate visibility from a machine has contributed to accidents, and that operator training, carelessness, poor pedestrian segregation, etc. was not the primary factor. Each of these factors would not be reduced by the fitting of extra vision aids.

A simplistic approach to identifying machines without adequate visibility cannot be accepted as this undermines the detailed tests that manufacturers conduct. The CEA advises employers and hirers to ask for the justification for any demands for extra vision aids (or even a prohibition notice), with details of why the machine does not comply in its existing condition.

Machines that were supplied before the requirement to CE mark became mandatory in 1995 may require visibility aids to be fitted to address inadequate direct vision. However, any tests should be based on recognised industry standards and not on tests such as the 1m X 1m test that has been used by some HSE Inspectors and is not recognised as an approved evaluation procedure. Employers and hirers should be wary of claims made by safety equipment suppliers when explaining the current requirements.

Notes:

1. The CEA is the recognised trade association for manufacturers of construction equipment in the UK and their component and accessory suppliers. It has around 115 members.
2. CE marked equipment provided with a Declaration of Conformity should not require additional vision aids.
3. HSE Approved Code Of Practice (ACOP) L22 indicates that the 'Provision and Use Work Equipment Regulations' (PUWER) do not require that a 'risk assessment' has been conducted by the employer/hirer for an item of plant/equipment.
4. The 'Management of Health and Safety at Work Regulations 1992' will require that a site risk assessment is conducted. HSE ACOP L22 cites the following controls for managing the risks which self-propelled work equipment can create for pedestrians.

a) Separation of pedestrians and self-propelled mobile work equipment

b) Traffic rules

c) Traffic signs

d) Planning traffic rules

e) Traffic speed

5. Vision aids are only required to address inadequate direct vision. A lack of vision aids does not necessarily constitute non-compliant equipment

6. As the restrictions to direct visibility increase, more vision aids will be required.

7. Employers and hirers can fit visibility aids in addition to those installed by the equipment manufacturer. Such additional aids require the same replacement/maintenance as originally equipped items.

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