

Date: 30th March 2020

Important Legionella Control During the COVID-19 Outbreak

I am writing to you today, as a pro-active business partner and a member of the Legionella Control Association (LCA)*, to highlight your duty under The Health and Safety at Work Act 1974. The Health and Safety at Work Act still applies in the current situation and as such an employer or those in control of premises must continue to manage any risk arising from their activity and this includes legionella control. While controls in place may need to be adapted to changing circumstances, Dutyholders must still be able to demonstrate control of risk to a reasonably practicable level.

Many legionella control activities are monitoring measures rather than interventions and there may be some flexibility in how these are maintained during the COVID-19 situation. Other systems may require interventions by your water treatment specialist to remain safe and these should not be neglected. Each system should be considered individually by the Dutyholder.

Building Maintenance

Under current guidance, building maintenance which would include the water, fire and gas services should continue as long as you follow the guidance for social distancing. For water systems this would include all current legionella control regimes and where you have reduced your staff occupancy you should review your current control scheme and implement additional measures. For example. Flushing of all outlets on a regular basis. Each system should be considered individually by the dutyholder.

Social Distancing in the Workplace

In regard to social distancing, these works can still be carried out at a safe distance as per the guidance from the Government & Public Health England. They recommend keeping 2m from each other, however there is an exception where the gathering of people is essential for work purposes - but workers should be trying to minimise all meetings and other gatherings in the workplace. Hydro-X have also updated our pre-work risk assessment to include a consideration for social distancing which should be completed before any works commence.

Specific Guidance for Evaporative Cooling Systems

Evaporative cooling systems are likely to require intervention to remain safe such as water analysis, maintaining chemical stocks, adjusting dosing levels, calibration of sensors and clean & disinfections. They should also be decommissioned properly rather than simply switched off, to minimise legionella risk when they are recommissioned.

Advice for After Shutdown Return to Normal Operation

If buildings or water systems are isolated during the COVID-19 outbreak, the length of time involved may not have been known at the outset and control measures might not have been considered. Staff may not have been available to flush to simulate usage. Assess the risk – it is unlikely that buildings can simply be reopened with no additional measures.

Start-up procedures for systems may need to be reconsidered before buildings can be reopened. Consideration should be given to water system cleaning and disinfection and/or controlled flushing to mitigate the risk from prolonged stagnation. Sampling may be useful to demonstrate effectiveness of control measures.

Advice Regarding Suitable Training in Legionella Control

It is a requirement under the Health & Safety at Work Act that all personnel involved in the control of Legionella are suitably trained, competent and must be aware of the risks. Where the responsible personnel are not sufficiently trained, areas of legionella control may be missed and potentially lead to failures and a contaminated system.

In light of the COVID-19 outbreak, you as a Dutyholder may require other staff to carry out Legionella control tasks who may not be suitably trained. Therefore Hydro-X have increased the number of available live web-conference training courses where our City & Guilds accreditation permits to minimise face to face interaction and are actively offering these to customers.

Please email our training team to learn more on training@hydro-x.co.uk

Failure to address these issues not only puts your employees and public at risk but could leave you liable for enforcement action by the HSE / Local Authority Environmental Health Department.

As your legionella control Service Provider, we are keen to work with you to ensure you meet your legal requirements.

If in the meantime you need any further information or to discuss this matter, please do not hesitate to contact your Hydro-X account manager.

Yours sincerely,



Chris Findon
Hydro-X Group QHSE Manager

**Please find attached an explanation of LCA Member's responsibilities under the ACoP and as an LCA member.*

Explanation of LCA Member's Responsibilities

It is a requirement of both HSE's Approved Code of Practice (L8), para 76, and our registration with the Legionella Control Association (LCA) Code of Conduct that I write to you formally to notify you of the situation and bring to your attention the issues identified that require action.

The LCA Code of Conduct for Service Providers defines our responsibilities to you, as your Service Provider, and Commitments 3.2 and 4.3 explain why it is necessary for us to write to you directly:

- 3.2 - The service provider will have a system for verifying that corrective and preventative actions are implemented.
- 4.3 - The service provider will bring to the client's attention any significant matters affecting the control of legionella of which he/she has become aware, beyond the responsibilities of the contract.

It is essential that our organisations work closely together to agree and implement the necessary actions to re-establish a safe and effective legionella control programme in order to protect public health and meet the legislative requirements laid down in the HSE ACOP (L8) and associated technical guidance (HSG274).

We believe that if these issues are not adequately addressed then you would be liable for enforcement action by the relevant authority such as an Improvement or Prohibition Notice or possibly prosecution.