



Northern Ireland
Assembly

Committee for Enterprise, Trade and
Investment

OFFICIAL REPORT (Hansard)

Farm Safety: Health and Safety Executive
for Northern Ireland Briefing

29 November 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)
Mr Steven Agnew
Mr Gordon Dunne
Mr Alban Maginness
Ms Maeve McLaughlin
Mr Stephen Moutray
Mr Robin Newton (Acting Chairperson)
Mrs Sandra Overend
Ms Sue Ramsey

Witnesses:

Mr Dermot Breen	Health and Safety Executive for Northern Ireland
Mr Malcolm Downey	Health and Safety Executive for Northern Ireland
Mr George Lucas	Health and Safety Executive for Northern Ireland
Dr Bryan Monson	Health and Safety Executive for Northern Ireland

The Acting Chairperson: We will now receive an oral briefing from the Health and Safety Executive for Northern Ireland (HSENI). Mr George Lucas, Mr Dermot Breen, Mr Malcolm Downey and Dr Bryan Monson are with us. Thank you very much for coming. I am in the Chair because the Chairman is doing an interview. You are very welcome to the Committee.

Mr George Lucas (Health and Safety Executive for Northern Ireland): Is it permissible to make an opening statement?

The Acting Chairperson: I was about to ask you to do so. Your colleagues can make any other statements that they want to after that, and then we will throw the meeting open for questions.

Mr Lucas: As chairman of the Farm Safety Partnership and the Health and Safety Executive Northern Ireland, I welcome the opportunity to give evidence to the Committee on the very important subject of farm safety.

Farming is a vital part of the Northern Ireland economy, providing employment for nearly 50,000 people on 24,500 farms. However, with 42 work-related fatalities on farms since April 2007, the sector has a poor safety record: that is an average of eight farmers killed each year.

A poor safety record in farming is not unique to Northern Ireland. The incident rate for fatal accidents is the number of deaths per 100,000 workers, which is the standard measurement of safety standards. The five-year average rate for Northern Ireland is 11.7 deaths compared to 11.1 in Great Britain and a

pan-European rate of 12. However, it is worth noting that comparing our rate with that of Europe is not comparing like with like, as the European figure does not take account of all fatalities and some groups, such as children and the over-65s, are excluded. Therefore, there is an element of under-reporting. The Republic of Ireland's five-year rate is 31 deaths per 100,000, and in the USA and Germany, it is 30.

(The Chairperson [Mr McGlone] in the Chair)

The Chairperson: Hello.

Mr Lucas: I will introduce my colleagues: Dermot Breen, Malcolm Downey and Bryan Monson. I am George Lucas.

The Chairperson: OK. Thank you very much. Please continue.

Mr Lucas: I was just giving a brief opening statement and talking about Northern Ireland's record for farm fatalities compared to that elsewhere. It is a situation that exists across the world. The Northern Ireland rate is 11.7 deaths per 100,000 workers, compared with a rate of 11.1 in GB, 31 in the Republic of Ireland and 30 in the USA and Germany.

Until three years ago, fatal accidents on farms accounted for approximately a third of workplace fatalities; that has since risen to 50% of all workplace fatalities. So far this year, there have been 13 workplace fatalities, 10 of which have involved farming. No one could fail to be touched by recent tragic events.

Recognising the need for change, the Health and Safety Executive formed the Farm Safety Partnership earlier this year, which was launched in May by the Minister of Enterprise, Trade and Investment and the Minister of Agriculture and Rural Development. The original partners were the Health and Safety Executive, the Department of Agriculture and Rural Development (DARD) and the Ulster Farmers' Union (UFU). Since then, the National Farmers' Union Mutual, the Young Farmers' Clubs of Ulster and, more recently, the Northern Ireland Agricultural Producers Association have joined the partnership.

Since the partnership was launched in May, the partners have been involved in a wide range of activities to drive up health and safety standards on farms and have worked to develop the first farm safety action plan. The action plan, for the period November 2012 to March 2014, was launched at an event at the Ravenhill rugby ground on Tuesday and was supported by the Minister of Enterprise, Trade and Investment, the Minister of Agriculture and Rural Development and former Ireland and Ulster rugby player Simon Best. An advance copy of the plan has been provided to members as part of the HSE's written evidence to the Committee. Hopefully, you all have a copy.

The action plan contains 44 specific actions to be delivered by partners, covering a wide range of activities under four key areas: the provision of information and the promotion of safe working; health and safety training; motivating good practice and discouraging poor practice; and the collection and analysis of information.

I will touch on two of the actions in this brief opening statement. One of the actions will be the design and launch of an effective and targeted multimedia campaign, aimed at raising awareness of farm safety in Northern Ireland. Market testing in focus groups, to assist in the design and development of the campaign, is already under way. The intention is to launch the campaign in March next year. Subject to the necessary approvals, the cost of the campaign is estimated at about £300,000, which will be met mainly by HSE and DARD, although each partner is considering a contribution.

Another key action concerned the farm safety visit initiative, which commenced on 5 November and which targets certain accident black spots around the country. HSE is being assisted in that initiative by the environmental health officers from the relevant district councils. The visits are primarily to offer advice and assistance. However, enforcement action is being taken where dangerous situations are encountered. The action plan recognises that there are, unfortunately, no quick fixes or magic bullets available to address what has proved to be an intractable situation across the world.

Farming can be dangerous, but that does not mean that accidents are an inevitable part of farming. With the right mindset and approach, we believe firmly that all accidents are preventable. An example relates to children on farms. In the 10 years before 2004, sadly, 10 children died in farming accidents.

An initiative was launched with the Ulster Farmers' Union, HSE and the Department of Education. They went round rural primary schools giving talks on farm safety and hazards, promoting a calendar competition that children could enter, and encouraging safe play areas on farms. In the past eight years, there has been one fatality, although that is still one fatality too many. That work will continue, as it shows that with the commitment and engagement of farming families and the wider community, change can be made.

The success of our plan will ultimately depend on a massive change in the attitude of the farming community towards safety. Analysis of fatal accidents over the past five years shows that 96% had four main causes: slurry; animals; falls; and equipment. We, therefore, need farmers to embrace fully the following message: before engaging in any hazardous work, stop and think SAFE, which is an easily remembered acronym for slurry, animals, falls and equipment. Thank you, Chair.

The Chairperson: Thanks very much for that. I am sorry that I was not here for the start of your presentation. That is how it was this morning. Several members have indicated that they wish to ask questions. First, is Mrs Overend.

Mrs Overend: Coming from the rural constituency of Mid Ulster, I am very conscious of how serious farm accidents are. I know many people who lost their lives or who were badly injured — some very close to home.

I have many questions. To start off, I welcome the launch of the Farm Safety Partnership. What was there before it? Perhaps you could tell me whether you have a budget, where that money comes from, and how it was dealt with beforehand.

Mr Dermot Breen (Health and Safety Executive for Northern Ireland): We have been involved in a great deal of activity on farm safety for many years. George mentioned a particular area where we have had some success, which relates to children on farms. I will just make a slight correction to the figures: in the 10 years before 2004, there were actually 18 child fatalities on farms. It was a very bad situation, which, fortunately, we have improved. However, as George said, there is more work to be done.

On a wider front, we have had a number of initiatives and campaigns that were aimed at improving farm safety standards in general. They have been aimed at young people and at farmers, young and old. There have been varying degrees of success. We take a multi-strand approach. We have inspectors and business advisers who can assist farmers in understanding the risks that they face and how they should be managed. We also take part in promotional events and awareness initiatives, such as seminars. We engage with the College of Agriculture, Food and Rural Enterprise (CAFRE) on training events. We have also been involved in safety and health awareness days in relation to the agriculture industry. Those are opportunities for us to engage with the farming community to drive home the message that it needs to make health and safety a priority and improve standards in the workplace.

However, it is a difficult industry to get through to, shall we say. I make that comment simply because of the way in which it is structured. It is quite different from many of the industries with which we engage in that it is largely made up of self-employed farmers. It is not like the manufacturing or construction industries with a management structure that we can easily engage with and influence. There is a boss at the top who makes things happen throughout the company.

Farmers are largely self-employed and are their own bosses, so we have had to find other ways to convince them of the need to change. I have given examples of some of techniques that we used with varying degrees of success. We have always found partnership to be the most valuable route. That proved very successful with the child safety on farms campaign, and we are using that in this wider message through the farm safety partnership.

The Health and Safety Executive is funded by the Department of Enterprise, Trade and Investment. We have a total budget of approximately £6.8 million to cover a range of functions. As well as farming, we are responsible for a range of other high-risk industries as well as the public sector. We have to allocate that budget throughout the organisation to try to address what we perceive to be the organisation's priorities.

Mrs Overend: In the past five and a half years, farming had 42 fatalities, manufacturing had 16 fatalities, construction had 11 fatalities, and other work sectors had 17 fatalities. That adds up to only

86, but farming accounts for a huge percentage. What percentage of your budget is directed at farm safety?

Mr Breen: It is difficult for us to segregate out how the budget is devoted. The main part is devoted to salaries. That covers not only administration staff but field operatives, inspectors, business advisers and compliance officers. They are involved in a range of activities and cover a range of work sectors. Some 35 inspectors are devoted to basic inspection and investigation activities, about 10 of whom are devoted to farm safety.

Aside from salaries, £800,000 to £900,000 a year is available for programme activity, promotional activities, guidance, publications and information. This year, some £150,000 of that was devoted to farm safety initiatives.

Mr Lucas: Risks and fatalities are an issue, and there is also the wider risk. Something could happen to an individual, and that has to be balanced with that one individual and perhaps 100,000 individuals being affected if something goes wrong at a chemical or large gas plant. One has to take the wider risk into account; that is what we try to do.

Mrs Overend: If you do not mind, Chair.

The Chairperson: Go ahead, Sandra. This is an important issue.

Mrs Overend: Farming is an isolated job, and farmers are under a lot of pressure, especially in the current economic climate. I know what they feel like. They do their job in a certain way. They are aware of the risks, and they just have to be careful. Financial assistance is required to make their tasks safe — for example, they might need safety slats for slurry tanks. Is any financial assistance available, or will it be available? About this time last year, an elderly gentleman was killed in a slurry tank. People have told me that they thought that help would be available for farm safety, so they did not do anything themselves. Farmers need to know whether financial help will be available through any means at all. Perhaps you can help me with that one.

Mr Lucas: I will try to answer that. It is important to get across that managing safety needs to be integrated into all organisations and everything that we do. It needs to become part and parcel of the way in which farms and businesses are run. In keeping with most organisations, as farms move up the standard of safety, they quite often improve their effectiveness as an organisation because they make processes simpler, more efficient and better. Part of the plan is to encourage people to look at the cost of not managing safety. At the launch of the partnership, the National Farmers' Union had a slide of a tractor with a hay bale on it trying to hold up a steel beam for a shed that was being built. Sadly, the person involved fell from a ladder the day after the photograph was taken and ended up a paraplegic, having to be fed through a straw. The cost was £6 million, but the human cost was a lot more. As part of the plan, we will try to encourage an understanding of the cost when safety is not managed well, the human cost and the cost to a family. Another example is of a farmer from the Health and Safety Authority (HSA) in the Republic of Ireland from whom we received significant help. We use a clip of him as a communication aid at the open farms. The clip shows the cost of losing a leg. His leg was amputated when a power take-off shaft took his leg off and severely injured him. Previously, he had been able to move cattle from one field to another, and he now needs help to do that. He cannot really operate as a farmer. The clip shows him telling his story, asking people to please think of the cost of not managing safety and explaining how quickly accidents can happen. As part of the wider issues in the plan, we have actions for various partners to consider. The Department of Agriculture and Rural Development is going to look at what connection can be made to grants, and so on. That is built into the plan. I do not know whether that answers your question fully.

The Chairperson: Perhaps I can piggyback on that? Following the awful tragedy of the Spence family, people on farms told me a number of stories. Some said, "That could have been me." Those people could have been the ones seeing cattle drop down at the far end of a shed and then feeling themselves overcome by fumes. What preventative measures can be taken to monitor those fumes to see what can be done? That seems to be a major issue that has manifested itself in full in tragic circumstances this year.

Mr Lucas: That is a very good question.

Dr Monson: Slurry gases are an issue. They are not one of the three largest causes of fatalities, but as a result of recent incidents, they have become a key issue in people's minds. There have been a lot of questions about equipment that could be used to reduce risk. We have spoken to the HSE on the mainland and the HSA in the Republic of Ireland, and our analysis is that although some changes to equipment may help, the key issues around slurry gas safety are procedural. It is about how that work is carried out. Through our leaflets and the agricultural press, we have provided guidelines that set out the sequence that should be adopted to ensure safety when people are mixing. As a result of the visits that we have been involved in, many people have told us that something similar nearly happened to them or that they knew of a neighbour to whom that had happened. When we looked at the sequence of events, we saw that by adopting some procedural changes that we suggested, the vast majority of those incidents could have been eliminated.

It comes back to Mrs Overend's question. We are not always looking at issues that will require significant capital investment to make the process safe. We have heard a lot about monitors. In some instances, monitors may be of assistance, but we are very concerned that a lot of money could be spent on monitors, but they would not protect people for a number of reasons. First, in some instances, by the time a person reacts to a monitor, the levels of hydrogen sulphide may be too great to take action. Secondly, the monitors need frequent calibration, which is a concern because of the cost implications, and, also, if they are not calibrated, they may not work properly. Thirdly, people who have used monitors tell us that they are set to low levels and go off all the time so that people become oblivious to the noise of the monitor. We have said repeatedly that people should look at our guidelines. We refer to a few simple actions such as ventilation, moving stock away from areas where mixing is being carried out, and starting the mixing and leaving the area for a period of time. We have looked at a number of those matters, and they seem to be the best defence for people. That is what we are promoting.

Mrs Overend: Have you looked at other ways to improve your communication with farmers? Many farmers now work part-time. They have day jobs so they do not have the same links with organisations. That is a really important aspect. Part-time farmers are probably more at risk than full-time farmers who are there all day, every day, and know all the ins and outs.

Dr Monson: We are very aware of that issue. Focus groups were run recently with a range of farmers and farm families. Those included farmers who were over 60 years of age, under 25 years of age, the group in between, and wives and families. Communication has been vital to that, and we have been asking questions about what works and what does not work. We will try to design a campaign around the things that work. It looks as though the HSENI leaflet, for example, may be less useful than placing an article in one of the farming papers. The same information can be communicated through an article in the farming press. So we will look at aspects such as that.

We are looking at this media campaign carefully because there is the potential for much useful information to be conveyed in an acceptable way. The issue of part-time farmers is picked up in the farm safety partnership action plan and is an action for HSENI. We are hoping to work with some larger employers. Some larger employers to whom we have spoken have said that a number of part-time farmers work for them, and they are keen to look at trying to get messages out through the larger organisations. The Ulster Farmers' Union and other representative trade bodies have told us that they have ways to get information to their members, and they are very varied. The channels have to suit the demography and the age groups, so we will look at a range of channels to try to get that information across.

Mr Lucas: It is worth adding that we have been assisting the Guild of Agricultural Journalists and the media generally to get the message out, particularly over the past three to four months. It has been enormously helpful, and we are trying to understand how we can improve communication with farmers. Do they tend to read a paper, for example, or listen to the radio? Some of the young farmers who were represented mentioned Facebook, the way people text nowadays, and so on. As Bryan said, we are looking at various methodologies.

Mrs Overend: Sorry, I am conscious that I do not want to take up all your time, but I have one last question. As we look to the future and to increasing and improving farm safety, I urge you to talk to other agencies, such as the Planning Service, about the way in which planning is undertaken for new houses around farms. People are sometimes encouraged to build houses very close to a farm. I am sure that many of us have experience of planning officials wanting houses to be built beside slurry pits. That is not ideal for farm safety.

Mr Lucas: Thank you for that contribution. We will take that on board.

Mrs Overend: Thank you very much.

The Chairperson: I can assure Sandra that I recently raised that very issue with my party colleague the Minister of the Environment.

Mr Dunne: He is responsible then.

Mr Newton: I want to pick up on a comment of Mr Lucas's that safety should be integrated and not treated as an item. It should be pervasive in everyone's thinking. I assume that many, but not all, young farmers go to college and that farm safety is a major feature of the programmes and courses that they do. When they get their qualification, I presume that an element is about safety. I also assume that there is ongoing professional development for farmers who are interested in that. However, not all farmers go to college, and they follow other pursuits. As Ms Overend said, some are part-time farmers. Farmers who attend college get a good grounding in health and safety, but the others need to pick up on the issue. If someone owns a manufacturing company, your agency has the right to walk in, and if poor health and safety practice is found, you have the right to close down that company. What is the situation in a farming environment if you find poor practice? Do you visit farms? Is it much the same practice as at an industrial base?

Mr Lucas: Yes. I will ask Malcolm to answer that, if I may.

Mr Malcolm Downey (Health and Safety Executive for Northern Ireland): We visit farms regularly and try to bring farmers along through good practical advice. However, if we observe practices that are highly dangerous and likely to cause serious injury in the near future, we will take appropriate action to say that that operation must stop. We have the same powers on farms as we have on other industries in Northern Ireland in being able to stop an activity until something is put right. We will, and do, take that action.

You spoke about training for young people going through the agricultural colleges. My background is in agricultural colleges, and I know that safety is an integral part of all the training that they receive. We are delighted that the Ulster Farmers' Union and the Department of Agriculture have been working closely in partnership, along with Health and Safety Executive, to develop a training course for farmers. The first of those courses is due to be run next week. As we speak, some trainers are being trained, and the remainder will be trained tomorrow. We hope that we will be able to encourage the farming community strongly to attend those practical half-day training events, with an element of classroom work but based on a farm, afterwards going around a farm to see the practical demonstration of some of the issues and ways to solve those problems.

Mr Newton: As Mrs Overend said, how do you penetrate into the area of part-time farmers to encourage them to attend college courses or short seminars?

Mr Downey: We mostly visit during the working week, but we will visit outside those times when it suits farmers to do so. We are trying to engage with those people because many large employers in Northern Ireland, particularly those with a strong base in the farming community, have been contacting us over the past number of months and offering to deliver our information to their members and to those people who may not get it through the normal route. We engage not only in those areas but at evening meetings, and so on, to try to get the message across to farmers about the importance of working safely and keeping themselves safe so that they can farm and bring the farm on for future generations, which is so important to the farming community.

Mr Newton: How many instructions have you offered to the farming community to make a practice safe?

Dr Monson: On every farm visit, we discuss issues that we observe. There is rarely a farm that cannot be improved by doing something slightly differently. For minor issues, that can be done through discussion. In some instances, we will issue a compliance form, which will state the issues in more detail, and we then ask inspectors to follow up, whether by telephone or revisiting. In extreme circumstances, as Malcolm described, where there is a significant danger to life and limb there and then, we will serve a prohibition notice, which stops the activity until it can be made safe.

In all those instances, we advise people what they need to do to make a situation safe. We do not have the most up-to-date figures on notices, but we have made over 400 visits since the start of November where advice was given in all cases.

Mr Lucas: You are also talking about the broader concept of education and how we get that across. We have a variety of methods, from focus farms to integrated NVQ courses, and even whether Girlguiding or youth organisations could issue badges. There is a raft of measures. It is important not simply to tick the health and safety box. It is a lifelong journey of continuous improvement on which people are always just one step away from a fatal accident. Farmers need to learn continually and adopt ideas from other people, and not be afraid to challenge friends or neighbours if they see something dangerous. That culture needs to be integrated into farming so that people feel comfortable saying to a friend, neighbour, daughter-in-law or son-in-law that a practice is dangerous and they should not do it. When that starts to happen, the tide will turn.

Mr Dunne: I thank the panel for attending to discuss this important issue. I was brought up on a farm, so I know a lot of the risks involved. I moved away from the farm into another constituency, and North Down does have farmers. Some people forget that about North Down, but that is by the way.

Your approach today is rather soft. I appreciate the way that you have started. You first need to raise awareness through education. When I was at school a few years ago — it is a few years ago — I went to the agricultural college in Enniskillen for a safety demonstration. So there has always been public awareness and training about farm safety, especially with children, because there is always risk. Farms, however, have moved on. They are highly mechanised, with work being done very quickly with modern, fast equipment. There is always a push to get work done, so the risk is high. The management of health and safety on farms needs to be emphasised in legislation. Is the Health and Safety at Work (Northern Ireland) Order 1978 applicable to farming?

Mr Breen: Yes.

Mr Dunne: So a farmer has responsibility for himself, his family and everyone on the farm. Many people visit farms — contractors, sales reps, and so on. Employee safety needs to be looked at, which has not even been mentioned.

I am rather concerned that you have not talked about risk assessment, or maybe I was not listening properly. My colleague Robin mentioned that the management of risk in industry and across the public sector is done through risk assessment. There is an argument that farmers should focus on carrying out risk assessments. I do not mean that they should be bogged down with bureaucracy because they complain about that. However, I believe that they need to go down that route, get focused and probably move towards training on that.

Risk assessment is a way to manage risk. There could be, for example, risk assessments on slurry, silage and tractors. Quads are also an issue. Farmers do not walk very far these days; they use quads. Chairman, you will know that from your constituency. A number of farmers have been killed on quads. They are not aware of the dangers of speed, and so on. I appreciate that education is part of the issue, but until farmers are forced into doing things, they will not do them. That is my opinion. My brothers are both farmers, and I see how they work. If there were legislation that they had to comply with, it may come to that. Risk assessment needs to be looked at in an ordered fashion.

Are your inspections announced or unannounced?

Dr Monson: Both.

Mr Breen: They are largely unannounced.

Mr Dunne: You will know better than me, but if you go to a farm at this time of the year, there is not a lot of activity. If you go to a farm in April, farmers will be so busy that they will not have time to talk to you. However, you need to go to farms when the processes are very active. Slurry is handled at certain times of the year. Slurry is a big risk area, and I know that you are aware of that. Farmers need a safe method to handle slurry, with which they need to comply. Those are my thoughts, and I would appreciate your comments.

Mr Breen: We agree that enforcement is important. It is about trying to get the balance right about raising awareness, education, help and enforcement when it is necessary. That is our approach.

The Health and Safety at Work (Northern Ireland) Order 1978 and the secondary legislation apply as much to the agriculture industry as they do to all other workplaces. There is no difference there, but we need to ensure that farmers comply with the legislation. There is enough legislation, but it is about ensuring that farmers comply with it, which can be difficult.

We have to recognise that small businesses, including farms, find it very difficult to understand a lot of the legislative requirements, so we have to make it simple for the industry to understand, just as we do for other small businesses. When it comes to issues such as risk assessment, we tend not to call it risk assessment because that immediately gets people's hackles up, and they see the paperwork and bureaucracy behind it. We tend to talk now about simple checklists. We concentrate on the four big killers in the industry, as was mentioned: slurry; animals; falls; and equipment. We designed simple checklists and information about those four big hazards.

Mr Dunne: Who carries out the assessment?

Mr Breen: We designed the checklists so that farmers can carry out the assessments. Farmers are responsible for the workplace, so the legislative requirement is on them to manage those risks. We would expect them to do a risk assessment without realising that they are actually doing it. They are using a simple checklist about how to keep their workplace safe for themselves, their families and any visitors to a farm.

Mr Dunne: Is it for everybody on site?

Mr Breen: It is for everybody on site. Through our visits, we are interacting with the farming community and delivering that information directly to farmers and farming families. It is about providing them with simple checklists. We provide them with enough information to talk them through how to use the checklists and how we expect them to be used in future.

Mr Dunne: Are they obliged to do it?

Mr Breen: They are obliged to do it under the law.

Mr Dunne: So they must have checklists in place. As part of the inspection, you will look for evidence that they have carried them out regularly.

Mr Breen: Yes, we would be. You may be aware that the legal requirement for risk assessment applies to all work places, but it does not have to be put down on paper or recorded unless you have five or more employees. That is the legal requirement. So, for most farming businesses, there will not be that written requirement. That is why we have introduced the much simpler method of a simple checklist, which talks farmers through the dangers that exist, particularly in relation to those four main hazards, and walks them through the process, so that they can look at their own workplace and identify what needs to be changed and managed. That is the approach that we have been taking.

So, it is risk assessment, but the issue is trying to deliver it in a way that is easily understood and complied with by the industry.

Mr Lucas: It is worth saying that we took advice from the HSA in the South of Ireland, which has had years of trying to put forward a booklet and getting farmers to comply. As the thing was a little bit over-complicated, as farmers saw it, we decided to adopt the simpler approach.

You mentioned employees, and in those situations where there are employees on a farm, the rigour of the law does apply. The first case of corporate manslaughter involved a farming contractor earlier in the year.

The Chairperson: When you do an on-site inspection, presumably the records of that are retained by you.

Mr Lucas: Yes.

Mr A Maginness: Thank you for the documentation, which was extremely helpful to my trying to understand the situation. Over the past 20 years, the legislation on health and safety at work has improved enormously, largely as a result of European directives. Risk assessment is at the very heart of the workplace. Over the past number of years, there has been a steady improvement in health and safety at work. Is that discernable in the figures? You gave us the figures for the past five years, and there has been a slight increase in the number of fatalities at work, but, generally speaking, has health and safety improved in the workplace?

Mr Breen: Absolutely, yes.

Mr Lucas: We have a couple of statistics on occupational health.

Mr Breen: In relation to accidents at work, there is a statutory reporting requirement, known as RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations). The number of accidents that are reported to us and to local authorities each year gives us a benchmark for how Northern Ireland is doing on health and safety at work. Over the past 10 years, there has been, I think, a 37% drop. There has certainly been a significant drop in the number of accidents that have been reported to us over that period of time. The numbers of fatal accidents are a little bit up and down. In population terms, we are talking relatively small numbers, so, statistically speaking, they are not the best measure to use.

Mr A Maginness: The figures are better than those for the Republic.

Mr Breen: Yes, in relation to farming. I hope that we are getting it across that we do not want to become complacent on improving, because the immediate trend — over the past three years — has been upwards, and we need to stop that and reverse it.

Mr A Maginness: Is it fair to say that farming is a problem in itself, insofar as fatalities are concerned, because of its nature, the lack of management structures, the isolation of farmers, etc?

Mr Breen: Those factors all combine to make it a more dangerous industry than some others.

Mr A Maginness: I want to ask you about slurry specifically. I do not know much about slurry, but I believe that hydrogen sulphide is the main gas produced. Why is that so difficult to deal with? What are its properties? How dangerous is it?

Mr Downey: The slurry falls down from the animals; the manure or the urine goes down into a tank below where the animals are housed. The real danger starts when the farmer has to mix that slurry when it has been in storage for a number of months. When mixing starts, you get very large quantities of hydrogen sulphide released within the first two or three minutes of mixing commencing. The mixing of the contents of the slurry is done using a pump that goes in underneath.

The danger occurs for a number of reasons. The advice is for farmers to take livestock out of the house. That causes difficulties to a lot of farmers because of the need for areas where they can put the livestock instead. The danger is that, when the mixing commences, if the stock have not all been removed, the animals are even more susceptible or equally susceptible as the human is to the very high levels of hydrogen sulphide. The animals become distressed, and they start to pass out and go down. The immediate reaction of the farmer is to go into the house to try to recover those animals. You will realise that if you are going into a long building and taking a breath outside, it is very difficult to run down and try to bring animals out and not take a breath yourself. That is why we advise very strongly that animals come out.

The advice is, when starting mixing, to open all the doors and to try to mix on a windy day, because that helps to blow the gas away. We advise that the farmer should leave as quickly as possible after starting and should stay out, if possible, for at least 30 minutes. The gas is released in very large quantities at the beginning, and that tapers off as mixing continues. The farmer will probably have to go in to move the pump to a different location to mix another area or to turn it round to mix a different area.

Following those guidelines really does make the difference. Trying to reduce the level of hydrogen sulphide is very difficult. There are some systems that use compressed air that is bubbled up from below, at the bottom of the tank. It is blown up through pipework. The system changes it from being

anaerobic, where hydrogen sulphide is produced, to an aerobic situation. However, there is the cost of installing and the long-term running of that system. That is one system that may help to reduce the problem of hydrogen sulphide being released during mixing. Hydrogen sulphide is always present, and it changes depending on so many variables, including what the animals are being fed on, how long the slurry has been in the tank and many other factors. We say to farmers that hydrogen sulphide will always be released when you are mixing slurry. We say to them: it is always dangerous, and please follow these guidelines to keep yourself safe.

Mr A Maginness: The danger is that if you inhale that gas, you could become unconscious.

Mr Downey: Absolutely.

Dr Monson: Respiratory paralysis normally occurs at between 600 and 700 parts per million. That can occur at the start of mixing. As people will probably know, hydrogen sulphide smells of rotten eggs, but one of the difficulties is that, as you go over about 15 or 20 parts per million, which is very low, it disables the smell sensors in a person's nose, so people do not realise that the levels are starting to increase.

Mr A Maginness: So, you literally cannot smell the gas.

Dr Monson: Once it gets to the dangerous levels, you will not be able to smell it.

Mr A Maginness: Obviously, it would be important if there were any advances in the science of dealing with the gas. Are there any advances to try to help with safety?

Mr Downey: There have been considerations of the aeration system of blowing air through from below. A number of companies are working on additives to try to reduce or to eliminate the problem. Those have not been effective to date, but we hope that there will be some development there.

Dr Monson: Or they have involved chemicals of equal hazard.

Mr Downey: Or greater hazard.

Dr Monson: We are not keen to introduce another hazard onto the farm.

Mr A Maginness: Of course. Thank you very much, gentlemen.

Mr Moutray: You are very welcome. I apologise that I was not in for all of your presentation. I hope that what I raise has not been covered already.

Alban made a point about the number of fatalities. The figures show that, over the past five years, the average number of fatalities was 11.7 per 100,000, but the disturbing figure is that it was 17.1 last year. That is a considerable rise, despite the farm information events that you have held. You are taking part in one in Craigavon next Tuesday night, and that is very welcome. However, it is a very worrying trend. We are going the wrong way, and it needs to be dealt with quickly. Sometimes, there can be complacency on farms. Just how aggressively are you tackling this? The pattern of fatalities is going the wrong way. What exactly is being done to turn that around? I do feel that there is a sense of urgency.

Mr Lucas: Rest assured, I have been in the job as chairman of the Health and Safety Executive for a year and it has been my major concern that we formulate a plan, organise a partnership and get together with partners to try to improve the situation. So, there has been a great desire on behalf of the team in the Health and Safety Executive to bring about a change, as there has been on behalf of the partners in the farm safety partnership formed in May. We mentioned that at the beginning. The Ulster Farmers' Union, the Department of Agriculture and Rural Development, the Northern Ireland Agricultural Producers' Association, the Young Farmers' Clubs of Ulster and the National Farmers Union Mutual have come together to bring our collective wisdom, energy and drive to make a change. That is certainly where we are. Do you want to talk, Bryan, about some of the more recent things we have been doing?

Dr Monson: We agree: we are very concerned at the fact that the numbers have risen. In the past month, we have basically devoted all our field and advisory staff to visiting farms to significantly raise the profile. As a result of the tragedies that we had, there was a perceivable change in attitude amongst farmers. We saw that as a great opportunity to put our staff out to advise people when they were in a receptive frame of mind. So, we have put a huge effort into putting people out on the ground. The response we are getting from farmers has been exceptionally positive. They have been saying that they were concerned about the visits before we came, but now that we have visited, the response has been, "Yes, that was good; it was worthwhile", and they are prepared to make changes.

We have increased the number of staff we have available to allow that sort of work to continue throughout the rest of this year and into next year. You will see from the partnership that one of our targets next year is a further 1,000 visits to farms throughout the Province. Yes, it is of concern, and I can say, having spoken to the people we have out in the field, that they are very keen to do their best to get that message out, and they have been trying exceptionally hard to do that.

Mr Moutray: How many farm safety events would your organisation organise in a year? I am aware that the one next Tuesday night is an initiative of the mayor of Craigavon and that you are going along with other agencies to play a part. However, how many would you, yourselves, be responsible for organising?

Dr Monson: We tend to do a lot of those in partnership with other organisations. If HSENI runs events about purely farm safety, there is a degree of resistance to coming to those because, in all honesty, in the past, we were seen as a regulator. If we run them along with our partners, such as the UFU — we have done a huge number of evening meetings where we go along to a UFU meeting — people are already there. We go in respect of child safety; we go to be-safe events, again because people are coming to those. We assist with safety and health awareness days with organisations such as NFU Mutual and others. The approach has been to work with partners and to allow that to let us get the information out.

Mr Lucas: As Bryan said, it is very much about how people learn, where they listen and where they are receptive. We are looking at any means of communication at all. Almost all Ulster Farmers' Union meetings now start with a statement on health and safety. The Young Farmers' Clubs of Ulster will introduce that from January. We are trying to contact the Women's Institute, the Mothers' Union, the GAA and a variety of organisations to see how we can get that message on other people's agenda to help the farming community. It is very much about how we communicate, build and engage with people.

Ms Maeve McLaughlin: Thank you all for that. I go back to the point that Alban made about legislation, and the point about the figure of 17.1 and the realisation that the figures are going the wrong way. Has any benchmarking been done on legislation elsewhere in relation to best practice? I have listened carefully, and I have read your report, and you have said that the legislation is in place, but has there been any benchmarking of best practice in other regions?

Mr Lucas: Dermot will respond on the legislation element of it, but in respect of trying to uncover best practice, that is essentially what the action plan is all about. It is about moving ahead to try to get that engagement and to stimulate individual innovative ideas from farmers, through those visits, through advisers going out and talking to farmers, and through farmers coming up with ideas. We will then take those on board and integrate them into the plan.

We had a tripartite meeting with the Chair and the chief executive of the Health and Safety Executive for Great Britain (HSEGB) and the HSA in the Republic of Ireland a fortnight ago. We sat down and discussed what ideas they had and what they have learned and points that were taken across. We were at a conference recently in Dublin, at which people put forward ideas on safety generally. The Chair of HSEGB had just come back from speaking at a conference in New Zealand, where there are 100 fatal accidents a year out of a population of about four million, which is more or less double our population and is roughly the population of the Republic of Ireland. About half of those accidents are farm deaths, and about half of those — about 25 — are caused by quad bikes, which Mr Dunne mentioned. Quad bikes have not appeared on the radar for us. They are within that 4%, but we are aware of quad bikes being a likely problem in the future.

In respect of trawling best practice, we are looking anywhere in the world where we can find it. Bryan recently got permission from the Australian health and safety people to use some of the material that

they have. So, wherever we can find it, we will adopt it and integrate it. Dermot will pick up on the legislation.

Mr Breen: Yes, on the specific question about legislation, we have benchmarked against the rest of the UK, the Republic of Ireland, European-wide and beyond looking at legislation issues. The framework that we have in place is as good as and, in many cases, better than that which exists around the world. We have concluded that the legislative framework that we have here is ideal. It comes back to compliance. The farmers and the industry need to comply with the existing law. It is about trying to find new and innovative ways and best practice around the world that will allow us to achieve that goal, which will then lead on to reductions in accidents and, hopefully, in fatalities.

One of the key actions, which has been mentioned, is the design of a multimedia campaign. We intend to roll that out from next March. We are involved in the design and development of that campaign. A big element of that is trying to determine what is the best way to communicate with our local industry and what lessons we can learn from around the globe. That has led to Bryan identifying the Australian model. There is some very good material there. There was an excellent advertisement that New Zealand has used, which, in the focus groups, was identified as being an excellent way of reaching the farming family. We see that as a key route for us. We have to concentrate on the farmer, but we have to use other means to influence the farmer. If that involves pester power of the children, of the wives, of the neighbours, we will use it. We will use whatever means we can to influence the farmer to change. Through the benchmarking process, we have picked up some very good models from around the world that can be adopted here.

Ms Maeve McLaughlin: Thank you for that. Finally, I noted, in the written brief, the location of the fatal accidents, and, specifically, you identified five areas: Omagh, Cookstown, Newtownabbey, Larne and Lisburn. In respect of the action plan, does it follow that those areas will be targeted more heavily than others or will it be a catch-all? I think that you said that there was a £300,000 campaign. Does targeting take place in relation to those identified areas?

Mr Breen: The targeting is mainly used in relation to the visits. The direct contact and engagement includes those visits. That may also translate into specific events that we stage around the Province. When it comes to the media campaign, we see that as having a wider reach. We will be trying to target the whole industry with that campaign. It is on the ground, where we have more direct contact, that we need to look at, as George described them, the "accident black spots" that we have identified. In the current visit campaign, which we are running in conjunction with the district councils, we have targeted specific council areas to match the areas that we have identified.

Mr Dunne: I want to ask one question about the slurry issue. Is there a possibility that metres or indicators could be made available to farmers? We need something that is relatively cheap, because farmers keep telling us that things are tight. Something that is readily available would be a big step forward. You have looked at some of the Fire Service equipment. Farmers are not going to want a full fire suit, but an indicator or some sort of metre would be of benefit. Obviously, calibration is something you talked about being important to ensure that a monitor is functioning properly. Is that something that is worth exploring? A piece of equipment that is relatively cheap, accessible and warns the farmer of the danger of the gas, which is a silent killer. You cannot see it, and you are not aware of it. In the case of the Spence family tragedy, there was not a lot of slurry in the tank that the accident happened in and the fumes from another tank were responsible. So, is there something that you can drop in or hold in? Is that something that has been explored in any real depth?

Dr Monson: It has been explored. The difficulty is that the hydrogen sulphide is there. The issue is not that we do not know whether it is there. It is there in virtually every instance. We are looking at making sure that the processes that are used protect people from that. We know it is there; the issue is its building up to levels that are going to kill people.

Mr Dunne: It is at a low level until the slurry is agitated. Is that correct?

Dr Monson: Yes.

Mr Dunne: The risk is when you start to agitate the slurry, yet you cannot see any difference.

Mr Lucas: That is the whole point: you have to get away from it. It goes back to risk management. It needs to be simple.

Dr Monson: Your point is well made. We still need to look for technology that we can use. We are looking worldwide for that in the same way that we talked about looking for technological advances from anywhere. We are not seeing anything coming back that clearly works and that other countries, whether it is America, Germany, Australia or New Zealand, are saying works for them.

Mr Lucas: Slurry is a major problem, and it is a very poignant one because of recent events. However, it is worth saying that it makes up 15% of all farming fatalities. The other three issues in the SAFE acronym account for the other 85%. Animals are responsible for 27% of deaths; falls — people falling off hay-shed roofs and things falling on people — make up 27%; and accidents with equipment — people falling into mulching machines, tractors turning over on them or slurry tankers crushing them — make up another 27%. We need to keep those four major killers continually in focus. Everything we are trying to do will encourage people to consider and address those four major issues.

The Chairperson: Thanks very much indeed. I found that presentation very informative. Please continue with your valuable work.

Mr Lucas: I thank you and your Committee.