

HEALTH & SAFETY BULLETIN

SEPTEMBER 2024



INTRODUCTION

Welcome to Ceres Rural's Health & Safety Bulletin. Each quarter, we update you on industry news, topical issues, and safety alerts with the aim of supporting you in achieving best practice on your farm or estate. This edition explains the health and safety responsibilities in new farming arrangements. It identifies the hazards and safety precautions to adopt when hedge cutting and provides a reminder that tree surveys are a key part of effective risk management. It points out that employers should be conscious of the hazards to which employees are exposed when monitoring crops in store following harvest, and concludes with an update on the role of the Health & Safety Executive and reiterates that Ceres Rural will continue to champion farm and estate health and safety.

H&S IN NEW FARM ARRANGEMENTS

At a time of year when the occupation, management and operation of farms frequently change hands, it is important to ensure that relevant health and safety responsibilities are satisfied. Transitions are often staggered with the outgoing party continuing to harvest grain, bale straw and holdover crops in store, while the incoming party begins cultivating, drilling and working in farm yards and buildings. Whether a change in owner, tenant or contractor, the health and safety implications should be considered and the various reciprocal obligations met. The terms of farm business tenancy and contract farming agreements should be read to understand the exact delineation of health and safety responsibilities, and the necessary actions taken swiftly.

Those taking on the management of farm yards and buildings should ensure that signage is in place, workplace transport (the movement of vehicles and pedestrians) is effectively managed, buildings are structurally sound, an asbestos register and management plan is in place, and hardwire fixed electrical safety is tested. If residential properties are included, the newly controlling party should ensure that carbon monoxide and smoke alarms are present and in working order, oil appliances and flues are checked, gas appliances have received their annual check, and hardwire electrical and legionella testing carried out. Focusing on farm land, the routes, voltages and height of overhead power lines should be plotted, as well as the locations of underground services identified, and public rights of way known. Where there is a change of contractor, this information should be supplied by the landowner to the new contractor with the request that they provide this to their employees and any sub-contractors, such as for hedge cutting, wholecrop foraging, or sugar beet drilling and lifting.

Where outgoing and incoming parties temporarily operate in parallel, there should be clear communication and a shared responsibility to coordinate and control health and safety. This is particularly the case in farm yards where there should be an awareness of those operating, with reasonably practicable steps taken to segregate vehicle and pedestrian traffic and to manage practicalities, including avoiding workers being exposed to grain dust when maintaining grain stores while crop is being outloaded, and controlling sources of ignition in close proximity to combustible materials, such as fertilisers. Practically, this can be as simple as the outgoing and incoming parties communicating effectively to ensure that jobs happen at appropriate times, in the right order and in a controlled manner.



Landowners have a duty of care to assess and appoint contractors, who should:

- Confirm they hold sufficient public and employer's liability insurance and provide certificates on request.
- Confirm they have a health and safety policy and provide the policy statement on request.
- Confirm if their business has been the subject of any enforcement action (improvement or prohibition notices or prosecutions) in the last five years.
- Agree to discharge their duties safely at all times.
- Confirm their employees have received the necessary information, instruction, training and supervision, are sufficiently knowledgeable and competent, and provide training records on request.
- Agree to comply with all health and safety regulations and guidance relevant to their work.
- Confirm they have suitable and sufficient risk and COSHH assessments and provide copies on request.
- Confirm they have read and understood the emergency procedures for the holding.

Despite the pressured time of year, the transition to new farming arrangements should include due consideration of health and safety requirements, ensuring the outgoing party's exit is safely managed and the incoming party is fully briefed and aware of their obligations to themselves and others. Finally, health and safety organisation and arrangements should be recorded and, policy updates to reflect the changing farming circumstances documented and regularly reviewed.

For more information, speak to Robert Gazely on 07592 041617.



HEDGE CUTTING

As the hedge cutting season begins, safe systems of work for the use of tractor mounted PTO-driven hedge cutters should be reviewed and reasonable practicable measures taken to ensure that hedge cutting – particularly on road sides and public rights of way – can be completed safely. The greatest risk of injury associated with hedge cutters comes from contact with the machine's moving parts and in particular:

- Entanglement in inadequately guarded power take-off shafts.
- Contact with the cutter head parts, drive belts or pulleys.
- Impact by the cutting head or machine arm as it moves.
- Impact by debris or component parts ejected by the cutter.
- Electrocutation due to contact with overhead power lines.
- Overturn due to the tractor overbalancing when the cutter arm is extended.
- Injection of high-pressure oil from damaged hydraulic hoses or couplings.
- Impact by the machine overbalancing when unhitching from the tractor.
- Road traffic accidents due to collisions with vehicles on the highway.

Key points of machine safety include:

- The PTO shaft being fully enclosed in a guard along its entire length from the tractor take-off to the power input connection on the hedge cutter.
- The tractor rear and side(s) being fitted with protective glazing, metal mesh or polycarbonate guards of a size and strength specified by the hedge cutter manufacturer to protect the operator against projectiles.
- Guards and safety devices being correctly fitted, undamaged and maintained in accordance with the manufacturer's instructions.
- Flails and fixing heads being the right size for the task and of the type recommended by the manufacturer.
- Hydraulic pipes being carefully routed to avoid damage.
- Machine fittings and couplings being in good condition.

Operators should receive adequate instruction and training and be familiar with the instruction manual. During hitching and unhitching, operators and bystanders should avoid standing in any position where they may be crushed between the tractor and hedge cutter, which should be left in a stable position using the stands or props provided and on firm, level ground. The tractor should be of at least the minimum weight recommended by the hedge cutter manufacturer, with ballast used if necessary.



For roadside hedge cutting, the time of day and volume of traffic should be considered. Appropriate warning signs should be used to alert members of the public to hedge cutting being in progress if necessary, and lights and flashing beacons on machinery checked and proven to be in working order. Debris should be cleared up if it could be a hazard to others, with workers wearing high visibility clothing.

Further information is available at: www.hse.gov.uk/pubns/ais21.pdf.


TREE SAFETY

With winter approaching, now is an opportune moment to remember that regular tree surveys are a key part of effective risk management, ensuring that trees remain safe and healthy. Each year in the United Kingdom, approximately five to six people are killed when trees or branches fall on them. The Health & Safety Executive's enforcement in such situations will be based on factors including the frequency of public access to the tree, the existence of a system for managing trees based on the level of risk, and the implementation of the system in practice, including a procedure to act on issues of concern.

Trees are living, breathing organisms and despite their presence and beauty, their structural stability can be affected by a number of factors, including soil conditions, root health, trunk structure, weather events, pests and diseases, and human activities. The safety of trees is nearly always the responsibility of the owner of the land on which they grow, with exceptions such as when tree health and management becomes a tenant's obligation under a Farm Business Tenancy agreement.

Tree surveys are crucial for health and safety for several reasons including:

- **Hazard identification** – detecting potential hazards such as weak branches, structural defects or diseases that could cause trees to fall or drop limbs.
- **Accident prevention** – identifying and addressing hazards to prevent accidents that could harm people or damage property.
- **Legal compliance** – ensuring compliance with the Health & Safety at Work etc. Act 1974 and Occupiers' Liability Act 1984, as well as reducing the risk of liability claims by demonstrating due diligence and fulfilment of the common law duty to take reasonable care to avoid acts or omissions which could foreseeably injure others.



Surveys also provide a management tool to inform proactive maintenance, helping to extend the life and enhance the health of trees while avoiding the costly need for emergency tree removals.

Tree surveys will provide a full inspection of the health and risk of the associated tree or groups of trees. They will frequently be undertaken on a zonal basis, focusing on trees in proximity to roads, public rights of way, farm yards and residential or commercial properties, where the level of risk is higher. They will assess any potential defects as well as physiological issues and pathogens. Surveys will highlight any problems that require remedial work and help in identifying areas that need to be prioritised.

The National Tree Safety Group (NTSG) sets out their position as being that:

- Trees provide a wide variety of benefits to society.
- Trees are living organisms that naturally lose branches or fall.
- The overall risk to human safety is extremely low.
- Tree owners have a legal duty of care.
- Tree owners should take a balanced and proportionate approach to tree safety management.

Further information is available at: <https://cdn.forestresearch.gov.uk/2011/12/fcms025.pdf>.



GRAIN IN STORE

As a new arable farming year begins, grain stores are full with the produce of harvest and will require regular monitoring until crops are removed. While the causes of grain spoilage are well known and documented in resources such as the AHDB Grain Storage Guide, employers should be conscious of the hazards to which employees are exposed when monitoring parameters such as temperature and moisture and observing for the presence of insects and mites.

The main causes of grain spoilage are fungi, insects and mites, in addition to which employees working with stored grain could be exposed to pesticide residues, rodents and rodent faeces, birds and bird faeces, and grain dust. The latter is a respiratory sensitiser with symptoms of rhinitis, coughing, wheezing and chest tightness. Prolonged exposure and inhalation can cause asthma, chronic bronchitis and farmer's lung, and be irritating to skin and eyes. Grain dust also has a workplace exposure limit (WEL) of 10mg/m³ based on 8-hour time-weighted average and must legally be assessed under the Control of Substances Hazardous to Health Regulations 2002.

Employees monitoring and out loading crops in store should use adequate personal protective equipment including eye protection, coveralls, gloves and suitable respiratory protective equipment. This will usually mean lightweight disposable respirators (also known as 'dust masks'). All respirators provided for use at work must be CE marked to show that the design has been tested to a recognised standard. They must also be marked with that standard, which for disposable respirators is EN149:2001. Additional markings – such as FFP1, FFP2 or FFP3 – indicate the protection level given if the respirator is a good fit and used correctly. The higher the number, the better the protection.

FFP1, FFP2 and FFP3 respirators can reduce the amount of dust breathed by factors of 4, 10 and 20 respectively. An FFP3 respirator is advisable if employees are exposed to high levels of grain dust or mould spores. Remember, these can be present not only when grain stores are filled, but when walking across grain in store, sampling and loading out.

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EXECUTIVE UPDATE

Since our last update, the Health & Safety Executive (HSE) announced that they are to stop farm inspections. They will continue to investigate inspections triggered by major accidents, but will otherwise be focusing on occupational health issues. It is highly concerning that the HSE is ceasing positive and proactive interventions, especially as their statistics for the period from 1st April 2023 to 31st March 2024 show there were 32 fatalities associated with UK agriculture. This included the deaths of three children under the age of two, as well as May 2023 being the deadliest single month (11 fatalities) for 15 years.

The HSE's cessation of farm inspections is disappointing and gives the industry the wrong message at the wrong time. At Ceres Rural, we will continue to champion farm and estate health and safety, advising on both policy and practice.

GET IN TOUCH

If you would like to discuss any topics raised in this issue of the Health & Safety Bulletin, do not hesitate to contact our Health & Safety Guidance expert.



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