

Risks

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Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to [Hugh Robertson](#)

CONTENTS

- [Action](#): Migrant workers health and safety research
- [Union news](#): Safety should be a priority for the 2012 Olympics * Landmark legal case triumph for overworked staff * Bad checkout design is a pain * Booze and cigs sales danger to shopworkers
- [Other news](#): HSE research shows safety reps work * Firm fined £100,000 after forklift death * Next fined £250,000 over warehouse death * British Sugar claims another life * Dangerous clamour for deregulation continues * Scotland and Wales to introduce smoking bans * Heart attacks disappear with the smoke * Farmers' kids at risk for Ewing's sarcoma
- [International news](#): Australia: Worker dies, firm sends in the lawyers * Global: Wal-Mart faces safety flak * Japan: Asbestos massacre revealed at factories * New Zealand: New union safety reps have saved lives * USA: Unsafe BP not hurt by deadly explosion
- [Resources](#): [Subsidiary headings] TUC guide to HSE's stress management standards * Contact lens use in a chemical environment

[HSE Books](#)

Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 11,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#)

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UNION NEWS

Safety should be a priority for the 2012 Olympics

The TUC has welcomed this week's decision to award London the 2012 Olympics but warned that planning must start now to ensure that there is not a repeat of the high death toll that occurred in the run up to last year's Olympics in Athens ([Risks 169](#)). At least 13 workers, mainly migrant labourers, were killed during construction work prior to the 2004 Olympics. Some estimates put the total toll at up to 40 lives when worker deaths on infrastructure projects were included. Speaking after the announcement, TUC general secretary Brendan Barber said: "The preparations for the Olympics will involve the biggest construction project seen for decades. Today's decision is great for London, but let's make sure that safety is built in right from the word go. The key to safe construction work is proper planning, realistic timescales, good safety cases, union recognition, training and worker involvement." GMB acting general secretary Paul Kenny said: "The right employment model must be used to ensure safety and to avoid exploitation and tax evasion. It is essential that the employment model at Heathrow Terminal 5 site is used for all the Olympic construction sites to ensure that no workers are killed realising these projects - as has happened in other winning cities- that the employment is well paid and that employers and workers pay their proper share of income tax and national insurance.... There needs to be well resourced, properly functioning joint safety committees like at T5 to prevent death and injury."

- [TUC news release.](#) [GMB news release.](#) [TGWU news release.](#)

Landmark legal case triumph for overworked staff

A pub landlord who collapsed due to overwork and successfully sued his former employers for failing to cut down on his hours has won a "landmark" appeal court victory, says his union TGWU. The ruling will have businesses across the UK re-thinking their employees' working hours, according to the union's solicitors, Leo Abse & Cohen. The appeal was heard last month by Lord Phillips, Master of the Rolls, Lord Justice Dyson and Lord Justice Wall at Cardiff Crown Court. The UK's most senior civil court judge and his colleagues unanimously dismissed an appeal by Six Continents Retail, formerly Bass, to reverse the decision to award pub manager Mark Hone £21,000, after he successfully sued them for breaching a duty of care last year. Mr Hone suffered a collapse and anxiety disorder in 2000 after he worked an average of 90 hours a week in one of their pubs in Luton. Rhian Ashton of Leo Abse & Cohen represented Mr Hone and said: "This case helps define how an employer can and cannot treat an employee in more detail than ever before. It took four years to get to this stage, but my client is satisfied with the outcome and hopes the case serves as a warning to other employers that

they cannot impose excessive working hours on their staff. This should also be a wake-up call to any business that doesn't have a working time policy in place to protect the health and safety of their employees.”

- [icWales](#).

Bad checkout design is a pain

Retail union Usdaw is putting its back into a campaign to reduce chronic back pain in checkout staff. Thousands of shopworkers suffer from chronic back pain as they twist and turn lifting up to two tonnes of goods in an average four hour shift at checkout stations that are frequently badly designed, says Usdaw. “There’s not many industries where workers are expected to handle two tonnes of products every four hours,” said Usdaw general secretary John Hannett. “So it’s vital that checkouts are well designed to reduce back problems which currently cost British industry 4.9 million working days every year and result in untold misery for our members.” Usdaw says it has had some success with major retailers in being involved in the redesign of checkout, but the union fears the introduction of ‘scan and pack’ checkouts in some supermarkets will make the problem worse as staff are forced to lift even heavier products into carrier bags. Usdaw national safety officer Doug Russell said: “The simple steps to prevent back pain include making sure that operators can swap between seating and standing when they need to, narrower conveyor belts so the goods are carried directly to staff and the ability for checkout operators to slide heavy goods, like cases of beer, straight over the scanner so they don’t have to lift them.” Usdaw says early reporting of symptoms, proper treatment and planned rehabilitation can make sure people with back pain can make a successful and pain-free return to work.

- [Udaw news release](#).

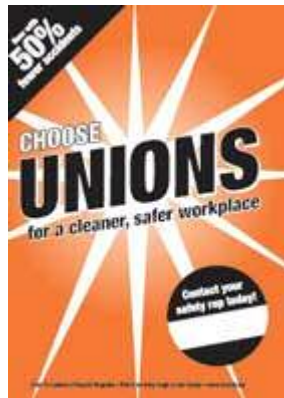
Booze and cigs sales danger to shopworkers

Udaw is warning that shop staff refusing under-age sales are facing abuse, intimidation and even violence. The retail union says selling age-restricted products, even by mistake, can result in shopworkers being sent to court and handed a large fine. Trading standards officers are encouraged to conduct 'sting' operations to catch out shopworkers. According to the union, which has set up a legal hotline for affected members: “Udaw in no way condones under-age sales but we do support members who are subject to 'sting' operations.” The union says: “Udaw recognises the difficulties faced by staff from youngsters attempting to purchase age-restricted goods. It can be very difficult to assess a young person's age. Many young people become abusive or threatening when refused a sale.” The union adds: “If you are subject to abuse, threats or violence, contact your Usdaw rep or area organiser for support in doing a risk assessment and ensuring practical measures are taken to protect you.” Age-restricted items include alcohol, tobacco and aerosol products.

- [Usdaw guidance.](#)
- [Usdaw “Respect for shopworkers” day, 13 July.](#)

OTHER NEWS

HSE research shows safety reps work



An official report has confirmed the “positive link” between the presence of union safety representatives and levels of health and safety awareness and performance. The Health and Safety Executive research report, *The role and effectiveness of safety representatives in influencing workplace health and safety*, shows how safety representatives encourage worker participation in risk management and how consultation on health and safety helps to improve the working environment. Stuart Bristow, HSE’s worker involvement programme manager, commented: “This report provides valuable support to the case for the effectiveness of employee participation and its recommendation for further analysis is in line with our strategy.” TUC head of safety Hugh Robertson commented: “The TUC is pleased to see further evidence of the effect that unions and consultation with the workforce have in improving the safety culture within an organisation. We now need further research to ensure that we know what factors lead to this effect.” A review last year by TUC found the presence of union reps led to wide-ranging improvements in health and safety performance and confirmed union members believed safety was a top union role ([Risks 168](#)).

- [HSE news release. The role and effectiveness of safety representatives in influencing workplace health and safety](#), HSE research report no.363, 2005.
- [Health and safety: The union effect, TUC, 2004. TUC worker involvement webpages. Hazards union effect webpages.](#)

Firm fined £100,000 after forklift death

A firm where forklift driver was killed in a “readily foreseeable” tragedy has been fined £100,000. Moray Inglis, 37, suffered fatal head injuries when the vehicle he was driving overturned, trapping him, in January 2003. Pall-Ex was running the depot in Gotham, Nottinghamshire, when the tragedy occurred. Nottingham Crown Court heard Mr Inglis died as he unloaded pallets from the back of a lorry at the Gotham hub. James Puzey, prosecuting for the Health and Safety Executive (HSE), said the lorry was queuing outside the warehouse where it was being unloaded by the father of two. As the queue moved, the lorry shifted forward,

catching the forklift and causing it to topple. The court heard that before the accident HSE inspectors had issued the firm with an improvement notice after concerns were raised over vehicle speed and the unloading system in operation at the site. The notice was complied with, but a new system of unloading, which saw some pallets removed from lorries as they waited, was put into operation six months before Mr Inglis' death. A specialist HSE inspector called in following the fatal accident said the tragedy had been “readily foreseeable”. Judge Dudley Bennett said: “This was an accident waiting to happen. It occurred because this company operated an unsafe system of work which had the unintended effect of putting pressure on drivers to work faster than it was safe to do so.” Pall-Ex was fined a total of £100,000 and ordered to pay £8,630 costs. Mr Puzey said the company made a pre-tax profit of £326,735 in 2004.

- [HSE news release](#). [Leicester Mercury](#). [BBC News Online](#).

Next fined £250,000 over warehouse death

A company has been fined £250,000 in connection with the death of a worker in a training exercise at one of its giant clothing warehouses in West Yorkshire. Next Distribution was also ordered to pay up to £40,000 prosecution costs after admitting failing to ensure the safety of 32-year-old Glen Morgan at the South Elmsall warehouse in August 2000. He fell as he was being shown how to abseil down from a Manriser forklift truck in case of an emergency, as part of his training for operating the equipment. Simon Myerson QC, prosecuting for Wakefield Council, told the court Mr Morgan had not been issued with a helmet, and there was no second safety line attached which may have prevented the fatality. Mr Morgan had failed the exercise at an earlier attempt because of his fear of heights, but was required to complete the task in order to work with forklifts.

- [Yorkshire Post](#).

British Sugar claims another life

Unsafe work practices and unsuitable equipment contributed to the “accidental” death of a worker after a 30ft fall at a factory, an inquest jury has ruled. David Reed, 40, fell from an elevated platform while doing sub-contract work at British Sugar in Allscott, Shropshire, in October 2003. He was not wearing a safety harness and the platform was not close enough to the job, the inquest in Telford heard. British Sugar has attracted the attention of safety authorities on a number of occasions recently. Robert Howe, 52, died after being showered with hot coals in the blast at the Allscott sugar beet factory in 2003 ([Risks 92](#)). In May this year, the company received its second six figure safety penalty of 2005, when it was fined £250,000 on charges relating to an incident which saw an electrician seriously injured, losing the sight in one eye ([Risks 208](#)). British Sugar was fined £400,000 in February 2005 for safety offences relating to the death of Lorraine Waspe in

2003 ([Risks 195](#)). British Sugar's parent company, Associated British Foods, made an operating profit of £478 million in 2004.

- [BBC News Online](#).

Dangerous clamour for deregulation continues

The Tories say they are stepping up the pressure on the government “to slash back on red tape rules undermining British business and making life unnecessarily difficult for people and families.” The move comes barely a month after the publication of the Hampton report, which prompted chancellor Gordon Brown to promise a “risks based approach” to regulation, adding this would mean “not just a light touch but a limited touch” on inspections and other regulatory measures ([Risks 208](#)). Speaking in the Commons, Conservative shadow deregulation secretary John Redwood told MPs that far from slashing red tape, ministers had continued to introduce new regulations. “No one is going to believe what they say until we see positive proof. Now is the time for action not words,” he said. By contrast, the government’s deregulation plans have condemned by Felicity Lawrence, the Guardian’s social affairs correspondent. “The problem with this rolling back of regulation and risk-based inspection is that you can only analyse risk if you have enough information from local inspectors who visit every site and know their patch,” she wrote on 30 June. “And how does the light touch on a business doing well pick up the fact that its long subcontracting chains are doing less well?” The Tories’ promised “bonfire of regulation” in the mind-1990s had health and safety laws as a key target, but turned out to be more of a damp squib, even opposed by the then Health and Safety Commission chair, the business-backed Frank Davies.

- [Conservatives.com](#). [The Guardian](#). [HSE putting the record straight webpages](#).

Scotland and Wales to introduce smoking bans

Workers in Scotland and Wales are to be protected by a comprehensive ban on smoking at work, adding pressure on the government to close a loophole in proposals for England that would leave thousands of bar workers at risk ([Risks 213](#)). Last week a ban on smoking in bars, restaurants and all public places was approved by members of the Scottish parliament. The Smoking, Health and Social Care (Scotland) Bill will come into force on 26 March 2006. Dr Peter Terry, chair of the BMA in Scotland, commented: “When this legislation is implemented, Scotland’s enclosed public places will be free from the deadly cocktail of tobacco smoke, which previously poisoned both staff and customers.” BMA’s head of science and ethics Dr Vivienne Nathanson called on health secretary Patricia Hewitt to “listen and learn” from Scotland's example. In Wales, health minister Dr Brian Gibbons this week announced a blanket ban on smoking in public places is to be implemented within three years, adding that he “fully accepted” a smoking

ban in workplaces and enclosed public places was needed. TUC head of safety Hugh Robertson commented: "This is another blow to the government's attempt to force pub and club workers in England to continue to breathe in poisonous air at work. The time has come for the government to accept that they have lost the argument, and give in gracefully."

- [Scottish Executive news release](#). [BMA news release](#). BBC News Online on the bans in [Scotland](#) and [Wales](#).
- [Hazards smoking news and resources](#).

Heart attacks disappear with the smoke

Preliminary findings of a new study suggest the incidence of heart attacks in a US town declined by 26 per cent in the six months after the statewide smoke-free workplace law took effect. The Fall River findings echo those in Helena, Montana, where a 2002 ban led to a 40 per cent reduction in heart attack hospital admissions ([Risks 151](#)). Heart attack rates in Helena returned to "normal" after the pro-tobacco lobby succeeded in getting the ban overturned six months later. The new study examined how many patients residing in Fall River were admitted to local hospitals in the period before and after the ban. The objective was to determine the impact of the ban on public smoking, which went into effect on 5 July 2004. The results show that the number of admissions for myocardial infarctions (heart attacks) was 107 in the six months prior to the smoking ban. After the ban took effect, the number fell to 79. David Weed, chair of Partners for a Healthier Community, said the findings are commensurate with two other published studies on the risks of myocardial infarction associated with secondhand smoke. "On the face of it, it looks like a similar pattern in Fall River," he said. "It's an indication that public health laws often do have beneficial effects."

- [Tobacco.org](#).

Farmers' kids at risk for Ewing's sarcoma

Children of farmers face an increased risk of developing Ewing's sarcoma - tumours of bone and soft tissues that mainly affect children and adolescents - according to a new report. Patricia C Valery from Queensland Institute of Medical Research, Australia said that many studies of childhood cancers have supported a link between parental occupation in farming and the subsequent development of cancer in their offspring. Valery and her colleagues pooled findings from seven studies that looked into Ewing's sarcoma (ES) and the Ewing's sarcoma family of tumours (ESFT). The pooled analysis showed an increase in ES risk for children whose mothers or fathers worked on farms, the investigators report in the *International Journal of Cancer*, with a stronger association if farm work occurred around the time of conception and during gestation. The increase in risk

was higher with maternal involvement in farm work than with paternal exposure, and the risk increased with increasing number of years of parental farming occupation after the child was born. Results of ESFT analysis were similar, the investigators report. “Overall, the evidence from our study plus other studies on ES supports the hypothesis of an association between ES, farm residency, and parental occupation in farming,” Valery concluded.

- Patricia C Valery and others. Parental occupation and Ewing's sarcoma: Pooled and meta-analysis, International Journal of Cancer, vol.115, no.5, pages 799-806, 2005 [[abstract](#)]. [Reuters Health](#).

RESOURCES

TUC guide to HSE's stress management standards

The TUC has published an online safety reps' guide to the Health and Safety Executive's stress management standards. This guide gives: A background to the problem of stress; an outline of the standards; guidance on what a safety rep and the employer must do; an explanation of the process; and pointers to additional information. It says: “The TUC believes that, in the absence of specific legislation, the HSE's Stress Management Standards are the most effective way of dealing with stress. However it is important that unions are involved in the introduction of the standards at every stage. If employers simply try to introduce them without proper consultation they are unlikely to be effective.” The standards classify the six principle causes of work-related stress: Demands; control; support; relationships; role; and organisational change. The TUC guide says: “For many reps this may be a new area of work and may need assistance. Trade union safety reps have a right to training. Although you should ask your employer to provide joint training on the standards for both management and safety reps, it is not a substitute for union training.”

- [TUC safety reps' guide to HSE's stress management standards](#). [TUC stress webpages](#).

Contact lens use in a chemical environment

Contact lenses are not a problem for people working with chemicals, as long as safety guideline are followed, new official US guidance says. A Current Intelligence Bulletin from the US occupational health research body NIOSH “recommends that workers be permitted to wear contact lenses when handling hazardous chemicals provided that the safety guidelines listed here are followed and that contact lenses are not banned by regulation or contraindicated by medical or industrial hygiene recommendations.” It adds: “However, contact lenses are not eye protective devices, and wearing them does not reduce the requirement for eye and face protection.” The guide calls for eye injury hazard evaluations and a

written contact lens policy in certain circumstances, provision of necessary eye and face protection, appropriate training for staff and first aid personnel and notification of any areas where contact lenses are not permitted. It adds the recommendations are for work with chemical hazards and do not address hazards from heat, radiation, or high-dust or high-particulate environments.

- [Contact lens use in a chemical environment](#), NIOSH Current Intelligence Bulletin 59, June 2005. [Also available as a pdf](#).

ACTION

Migrant workers health and safety research

An in-depth study of migrant workers is being carried out in five regions of England and Wales - London, East of England, South Wales, the South West and the North East – and the researchers are seeking your help. The HSE-backed research by the Working Lives Research Institute at London Metropolitan University “aims to gather information on the numbers and characteristics of migrant workers and on the health and safety issues that affect them. The research is focusing on recent migrant workers, who are defined as those people who have come to the UK within the last five years, specifically to find or take up work, whether intending to remain permanently or temporarily and regardless of whether documented or undocumented.” Key industry sectors targeted include construction, agriculture, food processing and packaging, hotel and catering, cleaning, and health and social care. The project organisers say: “Local union officials are encouraged to help the researchers with any information that they can provide.” They add they would like to hear from any who knows major employers of migrant workers or who has been in contact with migrant workers. “This report will include policy recommendations for the health and safety system in the UK and could inform on how trade unions can best organise and support migrant workers,” the research team adds. Unions are represented on the project’s advisory board.

- [Project summary](#). Contact the project researchers, [Deepta Chopra](#) or [Marc Crow](#), telephone 020 7320 3573/3577. Working Live Research Institute, London Metropolitan University, 31 Jewry Street, London EC2N 3EY.

INTERNATIONAL NEWS

Australia: Worker dies, firm sends in the lawyers

A union is furious that the alarm wasn't raised for a worker found drowned on a major Sydney rail site until 12 hours after he went missing. The worker's multinational employer, meanwhile, responded by sending in two lawyers upon news of the death. Construction, Forestry, Mining and Energy Union (CFMEU) spokesperson Tim Vollmer said it was alarming it took so long to find Luke

Bandrowski, who had a partner and two children. “How was it that someone was killed and it takes more than 12 hours to discover it? On a multi-billion dollar project that's a real concern.” He added that safety problems had previously occurred on the project run by German multinational construction company Theiss Hochtief, Mr Bandrowski’s employer. Union safety co-ordinator Dick Whitehead said the union had “grave concerns” about safety at the site. He added that the company had two solicitors at the scene. “It's a bit rough they would have two lawyers at the site straight away but not send anyone out to his house to look after his wife,” he said. A spokesperson for Thiess Hochtief said work at the site was suspended for 24 hours “out of respect” for Mr Bandrowski. The tragedy is being investigated by official safety body WorkCover, the union and the company.

- [The Australian.](#)

Global: Wal-Mart faces safety flak

Wal-Mart, the world’s largest retailer, is facing accusations about poor safety standards in both developing and developed nations. Wal-Mart whistleblower James Lynn, who used to be in charge of plant certification for all of Wal-Mart's direct factory suppliers in Latin America, has documented what the National Labor Coalition in New York says is “a consistent pattern of gross women's and human rights violations and harsh sweatshop conditions.” In factories producing for Wal-Mart he found mandatory pregnancy testing, body searches, locked fire exits, workers fainting from excessive heat, forced overtime including 24-hour all-night shifts, filthy bathrooms lacking even toilet paper and soap, no clean drinking water, workers docked two to three days pay for taking a sick day, and an atmosphere of repression and fear. The revelations came as the company faced criticism in both Canada and the UK. Wal-Mart Canada Corp. was fined Can\$60,000 (£27,500) on 28 June after an Ontario ministry of labour investigation found safety failings had led to a serious injury to an employee. In March it was fined Can\$500,000 (over £200,000) for covering up accidents in its Canadian stores ([Risks 198](#)). In the UK, GMB – the union at Wal-Mart’s ASDA stores – said this week that 1,000 planned job cuts at UK stores could jeopardise safety. Giovana Holt, an officer from the union’s Lancashire region, said “the scope for further savings without compromising services to customers and the safety of customers and staff alike is limited.”

- [NLC Wal-Mart news release](#) and [webpages](#). [NBC Dateline](#). [Canada Newswire](#). [GMB news release](#). [News updates on Wal-Mart from Labourstart](#).
- Think Wal-Mart has got it wrong? [Send it a letter!](#)

Japan: Asbestos massacre revealed at factories

The deadly impact of widespread asbestos use in Japan is becoming apparent as

major Japanese manufacturers admit scores of asbestos-related deaths amongst former employees, customers and local communities. The tragedy, revealed by asbestos victims' groups and safety campaign organisations, follows a surge in asbestos campaign activity following the Global Asbestos Congress in Japan in November last year. Prior to the campaign, there had been little attention paid to the issue in Japan. At a press conference held on 29 June a spokesperson for Kubota Corporation, a multinational industrial equipment manufacturer, confirmed that since 1978 a total of 75 workers from the company's Kanzaki factory and four subcontractors had died of asbestos disease. There have also been several cases of mesothelioma in residents who lived near the factory. Eighteen retired workers are currently being treated for asbestos-related diseases. The news saw the company's share price nose-dive and it now faces an official investigation. On 5 July, press reports revealed that 86 former employees of Nichias Corporation had died of asbestos-related disease since 1976. The International Ban Asbestos Secretariat says the latest reports follow revelations of asbestos deaths at other major Japanese employers, including Taiheiyo Cement Corporation, Nozawa Corporation, Japan Insulation Company, Mitsubishi Materials Kenzai Corporation, the Asashi Glass Company, the A & A Material Corporation and a subsidiary of Ube Industries Ltd.

- [Japan Times](#). [MSN Money](#). [Asahi Shimbun](#). [Mainichi Daily News](#). [Forbes.com](#).
- [Global Asbestos Congress website](#). [International Ban Asbestos Secretariat](#).

New Zealand: New union safety reps have saved lives

A 60 per cent reduction in workplace fatalities is a vindication a safety law that resulted in thousands of new union safety reps in New Zealand, a top union boss has said. Latest figures from the New Zealand Department of Labour show that since the new law took effect in May 2003 ([Risks 105](#)), the number of workplace deaths had dropped from 73 in the year ending 30 June 2003, to 61 in 2003/4, down to just 43 in 2004/5. New Zealand Council of Trade Unions (NZCTU) president Ross Wilson commented: "There is no doubt that the election and training of almost 20,000 workplace health and safety representatives has made a very important contribution to the safety of New Zealand workplaces." Independent evaluators have reported signs of a "sea change" towards health and safety in workplaces following the introduction of the new worker participation systems. Wilson said the new wave of health and safety representatives allowed by the law was an "outstanding example" of a successful partnership between the unions, business and safety authorities. But the union boss said that while unions had delivered the courts had not. Ross Wilson said the courts had ignored the increased penalties available for breaches of health and safety regulations and had continued to hand down "paltry" penalties. "The courts are not doing their job... they are not taking it seriously," he said.

- [NZCTU news release](#). [NZ Department of Labour news release](#). [Sunday Star Times](#).

USA: Unsafe BP not hurt by deadly explosion

The Texas City BP Amoco explosion that killed 15 workers and injured 170 ([Risks 200](#)) won't hurt the giant energy company's bottom line, says the company. UK-based multinational BP said this week in its annual financial report that it does not expect settlements running to tens of millions paid to victims of the disaster to substantially affect its bottom line for next year. The 500-page report, which details the London-based company's US\$285 billion (£162.2bn) in revenue and US\$17 billion (£9.68 billion) in profit for 2004, includes just one paragraph about the 23 March blast. The company is facing growing criticism about its response to the disaster ([Risks 208](#)). A BP report rushed out within days of the explosion placed the blame on "deeply disturbing" mistakes by workers, resulting in several being fired. However, a 28 June report from the US government's Chemical Safety and Hazard Investigation Board (CSB) revealed that several alarms and other equipment had failed on the day of the explosion. The Steelworkers' Union USW is now demanding an apology and the reinstatement of the fired workers. "The Chemical Safety Board's findings support what we've been saying all along: that mechanical failures and an improperly designed system had more to do with the cause of the explosion than human error alone," said region 6 director Gary Beevers. "BP needs to apologise to the employees it fired and bring them back to work."

- CSB statement [[pdf](#)] and [webpage on the BP Texas City explosion](#). Confined Space on the [BP profits news](#) and the [CSB findings](#). [USW news release](#). [Reuters](#). Houston Chronicle on [BP's safe profits](#), [BP responsibility for sub-contractors](#) and the [alarm failure](#). [The Scotsman](#).
- [BP website on the Texas City blast](#). [Hazards webpages on BP's safety record](#).

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