

CARBON MONOXIDE (CO) DANGERS

REPORT COMPILED BY MOLLY MAHER
CO-FOUNDER OF

CONSUMER SAFETY INTERNATIONAL (CSI)

AND SISTER CHARITY

**THE CARBON MONOXIDE & GAS SAFETY SOCIETY
(CO-GAS SAFETY)**



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Consumer Safety International (CSI) is a charity committed to reducing accidents in holiday accommodation and their facilities worldwide and provides advice and assistance to holiday accident victims and their families.

*Charity Registration No.1014664
Registered in England No: 2751644*

The Carbon Monoxide & Gas Safety Society (CO-Gas Safety) is a charity committed to reducing accidents from Carbon Monoxide and other gas dangers worldwide and supporting gas-related accident victims.

*Charity Registration No. 1048370
Registered in England NO: 3084435*

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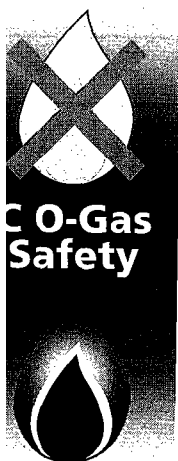
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SECTION 1

**Opening letter by Molly Maher
President and co-Founder of
Consumer Safety International (CSI)
Launched in January 1992**

and

**Vice President and co-Founder of
The Carbon Monoxide & Gas Safety Society
(CO Gas Safety)
Launched in January 1995**



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February 2000

CO-Gas Safety and CSI Members and Associates
*Also copied to potential new supporters as well as
Industry and Government Representatives*

Dear Members and Associates

You all know CO-Gas Safety is a charity which was formed to identify why people worldwide are so unaware of CO dangers and continue to die or be injured from accidental Carbon Monoxide poisoning. Also to campaign for public awareness and necessary changes to at least vastly reduce these avoidable tragedies in all countries. From necessity we have had to particularly concentrate our work surrounding CO problems within the UK.

This is one of the most upsetting reports I have helped to compile but I believe it is one of the most important. Upsetting because it contains so much written evidence of grief by people who shouldn't have had to suffer such pain. I do urge you to please try and find the time to study it and consider whether you, your department or organisation can do more to help reduce accidental CO deaths. I particularly ask you to read the heart rending accounts from CO victims' families because I know how much effort it took them to recall and record the worst event in their lives. * Refer to Sections 3) and 5). Their efforts were so commendable and everyone did this for the same reason. "To try and stop this happening to other families". Some essential data can be very dry - the families' accounts are not. They expose stark reality and why there simply must be changes. With Industry and Political will and much needed humanity the necessary changes can happen.

Key members of both charities have justified the work and cost of preparing and distributing this document, decided who should receive it and identified what we hope to achieve.

1. WHY WE HAVE COMPILED AND WIDELY DISTRIBUTED THIS DOCUMENT

- a) During a recent CO-Gas Safety meeting with HSE and Fuel Industry Representatives, courageous caring family members who have lost loved ones from accidental Carbon Monoxide (CO) poisoning, gave verbal and written reports at considerable personal distress to try and prevent other families suffering as they have. Their written accounts certainly warranted being distributed to parties who might be able to bring in necessary changes.
- b) Many key members also wished to publicly pay tribute to Stephanie Trotter's five years of intensive unpaid work. Around the time of CO-Gas Safety's 5th Anniversary seemed an appropriate time to express our thanks and appreciation and those of numerous family members. I met Stephanie through her successful campaign to have children's UK activity holidays licensed which began after her son Alex was seriously injured at one of these centres. Fortunately Alex fully recovered. Stephanie joined CSI in late 1994 and we were delighted when she agreed to be the President of CO-Gas Safety.

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Monoxide & Gas Safety
CO-Gas Safety) is an
nt charity committed to
accidents from Carbon
and other gas dangers
le and supporting gas
f accident victims.

Limited by Guarantee
stered in England
ation No: 3084435
gistration No: 1048370

She is a barrister and also lectured post-graduate Bar final-year law students for nine years. The enclosures identify some of Stephanie's extraordinary dedication, legal expertise and her sensitivity and commitment to families of CO victims. She has painstakingly investigated all aspects of CO dangers, obtained evidence, proposed essential improvements, ways these could be paid for and how they could be achieved. * Refer to Index items numbered. 8) 9) and 10).

- c) Key members unanimously agreed that Stephanie's 3-page Brief and 19-page Draft response on behalf of CO-Gas Safety to the HSE's Discussion Document: Gas Safety Review: Options for Change, clearly sets out our views and certainly needed to be widely distributed.

2. WHO WE THOUGHT SHOULD RECEIVE IT.

- a) Supportive cross party members of the UK and European Parliaments; UK Government representatives at ministerial level; selected civil servants who are often extremely sympathetic and helpful with the efforts of CO-Gas Safety; relevant parties in Belgium and other countries.
- b) Fuel Industry representatives who are providing a product or service for profit, particularly in the UK. ALSO Holiday Industry representatives who send clients to accommodation with gas water heaters or cookers.
- c) People, Companies, Associations who may wish to consider or reconsider sponsorship to CO-Gas Safety and/or CSI to continue our work.
- d) All CO-Gas Safety and CSI long term and comparatively new members, associates and supporters, including journalists who have covered our efforts and achievements.
- e) Others whose names may be put forward at a later date.

3. WHAT WE HOPE TO ACHIEVE

- a) Acknowledgement of the true extent of Carbon Monoxide dangers and the lack of public awareness. Productive responses and action. Agreement and support for Stephanie Trotter's proposed UK Holiday Industry Levy and/or Licensing of Tour Operators, her proposed UK Fuel Safety Bill and her proposals contained in her Draft Response to the HSE's Discussion Document. *Section 8 in this report.
- b) For Journalists, Doctors and others to promote to people what they need to protect themselves from CO poisoning i.e. regular authorised servicing; British Standard audible alarm CO Detectors; swept chimneys and a constant source of ventilation for an essential supply of oxygen.

Sincere thanks to everyone who has supported our efforts and to those of you who can find the time to read through this report and consider our proposals.

Kind regards

Molly Maher

SECTION 2

CONSUMER SAFETY INTERNATIONAL (CSI) INFORMATION

2-Page Brief covering CSI Aims and some developments written by John Byfield, CSI Treasurer and Company Secretary whose wife died of Legionaries Disease contracted in a hotel during a Portuguese holiday.

Patrons
Baroness Masham
of Ilton
adron Seligman CBE

President
Molly Maher
Chairman
Executive Member

Vice President
Janie Trotter LLB (Hons)

**Treasurer &
Company Secretary**
John Byfield
Executive Member

Vice Chairs
Roger Gale MP Con
Nigel Griffiths MP Lab
Liam Breed MP Lib Dem
Consumer Affairs Spokesman

Executive Members
Mary Neal BSc (Hons)
Executive Member

Gareth Reason BA (Hons)
Executive Member

Aine Kane BSc (Hons)
Executive Member

Baroness Maddock

Elaine Mines

Sheree Maher

Tony Pompe
Gas Safety Consultant

Harry Rogers
H.R.A.E. M.I.Gas.E. M.B.A.E.

Board of Reference

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Caroline Jackson MEP Con
Lip Whitehead MEP Lab
Liam Watson MEP Lib Dem
Mary Banotti MEP EPP
Claire McKenna MEP Green
Patricia McCarthy MEP Lab
Liam Attwooll MEP Lib Dem

Consumer Safety International (CSI)
Charity committed to reducing
injuries in holiday accommodation
facilities worldwide and
providing advice and assistance to
holiday accident victims and their
families

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INFORMATION

Consumer Safety International (CSI)

Consumer Safety International (CSI) was launched in January 1992 by co-founders Nigel Griffiths MP and Molly Maher. Molly suffered a tragedy in 1985 when her son Gary was killed and her daughter Sheree was severely damaged after being poisoned by fumes from a gas water heater which leaked deadly Carbon Monoxide (CO) in their Tenerife Holiday apartment. Investigations by Molly and journalist friends going back for more than 20 years revealed many similar disasters in which victims were invariably wrongly diagnosed and badly treated by the authorities in host countries. After five years of campaigning for improvements to holiday safety, mainly through the media, Molly Maher met Nigel Griffiths MP and CSI was formed.

CSI was launched at the House of Commons as an independent, non-profit making charity promoting the safety of travellers' worldwide. The Committee includes eminent Safety Advisers and is privileged to have full cross party support in Westminster and at the European Parliament. Members relate extensively with one another and hold regular meetings at the House of Commons with the aim of promoting the Health and Safety of travellers, holidaymakers and the users of holiday accommodation and facilities throughout the world.

CSI works to achieve this through: -

Co-operation with other groups, both in the United Kingdom and abroad, with a view to improving and harmonising safety standards and promoting compliance with them. By promoting and educating the public of the need to be aware of safety in relation to holiday accommodation and facilities and by advising and supporting the victims of holiday tragedies and their families.

Developments from 1992: -

Contacts have been established in other countries, particularly in Member States of the European Community, where the lack of safety legislation and effective enforcement have put holiday makers at risk. CSI was pleased to be informed that in the Canary Islands, a new Spanish law came into force in July 1997 ensuring private-lets must comply with commercial standards.

Major British Tour Operators and others finally decided on a worldwide boycott of all holiday accommodation, using individual gas water heaters, because the lack of properly trained gas operatives could not be resolved in the foreseeable future.

Unfortunately, the UK is not exempt from criticism in this area and in January 1995 with some shared membership, CSI launched a sister group, "The Carbon Monoxide and Gas Safety Society" (CO-Gas Safety). CO-Gas is headed by CSI Vice-President, Stephanie Trotter LLB. Molly met her during Stephanie's campaign to license children's UK Activity Holiday Centres. *CO-Gas established that CO poisoning is a universal problem and for instance, in a 4-year press cutting survey (1995-99), they proved that 230 people died and there were over 1598 near misses from accidental CO poisoning in the UK.

In 1994 the European Commission kindly funded CSI and arranged for a representative to attend the Press Conference for a one year Holiday Dangers Awareness Leaflet Project. Major distribution assistance included Heathrow and other Airport Authorities, Stena Sealink and all Sainsbury's stores. Media sources gave good coverage to promote the project.

In 1997 Airtours Holidays plc kindly elected to unconditionally sponsor CSI's efforts for two years. This support has been greatly appreciated by everyone associated with CSI. We understand Airtours and all our members are satisfied that we have used their funding carefully and productively. Our accounts are freely available on request.

Among the issues CSI is currently involved with are: -

The promotion of an EEC Directive on Safe Installation and Maintenance of Gas Appliances throughout the Community.

A proposed EEC Directive on Fire Safety in place of the present Recommendations. Our Fire Safety Inspections and Reports in 1998 and contact with families of severe burns victims caused in holiday accommodation gives deep concern and great sadness. We commissioned Arup Fire to prepare a Consultation Document for an EU Hotels and Apartments Fire Safety Directive. This was widely distributed in Europe. With extensive media coverage this was presented and debated with good support in Brussels on 23 March 1999.

Research into the cause of holiday accidents, inspections of holiday accommodation and facilities, investigations into safety standards, e.g. for swimming pools, balconies, electrics, fire safety and play areas. Eventually we attended many constructive meetings with major British Tour Operators.

Every year millions of holidaymakers will be leaving the UK and other countries for holidays abroad. Many will return home badly injured. Some will not come back at all. Each year holidaymakers die abroad - many being the victims of lack of necessary 'Warnings', lax holiday safety standards and in some cases, criminal negligence.

Holiday accident victims and their families need much more help and we have lobbied for National and International Holiday Victims Helplines. These could be funded by a voluntary or mandatory Safety Levy on the Holiday Industry.

CSI now needs further support, sponsorship and media coverage. Please contact the President, Molly Maher, at the Ilford address for further information if our aims and objectives are of interest to you or you wish to consider offering CSI some financial assistance. Tel: 0181 220 0372. Fax: 0181 598 2177.

John Byfield
Company Secretary
October 1999

(*CO Statistics updated February 2000)

SECTION 3

Resumé by Lindy Davis on the events surrounding the death of her brother Gary Maher and injuries to her sister Sheree Maher from Carbon Monoxide poisoning in a Tenerife holiday apartment in February 1985.

My Account Surrounding the Death of My Brother Gary and Injuries to My Sister Sheree
from CO in a Tenerife Holiday Apartment
Why CSI and CO-Gas Safety Must Have More Support

24 February 2000 was the 15th Anniversary of a phone call I received. The caller said my brother was dead and my sister was critically ill and in a coma – it was said to be a suicide attempt from pills and gas. My mother had only dropped my sister off at Heathrow Airport the day before to join Gary for the last week of his visit to Tenerife. I was alone in our house in Brighton and ran into the street screaming. Someone brought me back but I don't remember who. My parents had gone to have lunch with my grandmother and her sister Lily. I later learned my mum also received a similar call, came off the phone, picked up her car keys and with some vague excuse went to her car and drove off. A bridge was closed and she had to stop. She was screaming, banging the steering wheel but somehow drove home. My dad Peter arrived a bit later to find us both in shock.

Immediate events that followed are too harrowing to relate. My dad took over and we arrived in Tenerife the next day. It was really true, Gary was dead and Sheree had received the last rites in hospital. False reports, no help and corruption were all we encountered. Forcibly my dad insisted on a Judge and Solicitor to be present in the flat. He closed doors and windows and lit the gas water heater. The Judge panicked – “we could all die”. My dad, a builder, also took measurements and photographs ignoring commands from the Judge and the Solicitor. So much for the police claiming it was a suicide pact. An illegally installed gas water heater was the culprit when Sheree ran a bath. If only someone had told them to leave a window open. For the first time my mum and I were informed about Carbon Monoxide – we always thought it was just something that came from car exhausts. So many people believe this.

Sheree survived but is confined to a wheelchair. Our family was suddenly destroyed and devastated and outside friends and relations, no one gave a damn. My dad developed health problems and died 5 years after the ‘accident’. My dad, mum, grandmother and great-aunt decided their hard-earned assets would be used for Sheree's treatment and “to do something”. My dad often sat quietly pondering “how big is this CO problem?” How many more people had died like Gary? How many more would die or be crippled? Dad's photos were invaluable. I still wonder how he was so strong and efficient at that terrible time. He was such a wonderful person and I'm sure would still be alive if he hadn't taken most of the strain surrounding our tragedy at the time. I know it crucified him but he tried to be so strong for us.

We received no help from Government Authorities in England or Tenerife. The then Labour leader of Brighton Council Steve Bassam, now Lord Bassam, Home Office Minister, was the first person to express concern and continues to offer support. He introduced my parents to journalists, who remain friends today. Media exposure of the CO problems abroad was all my parents could do. When our dad died Sheree and I didn't think my mum would cope but somehow she did. Nigel Griffiths MP and my mum formed the charity Consumer Safety International (CSI) to try and reduce not only CO deaths and injuries in holiday accommodation but tragic avoidable incidents from other causes, fire, pools etc. With great perseverance Sheree gradually learned to use a computer for CSI work. I tried too. I failed but my wonderful great-aunt Lily and I helped in other ways while CSI developed. She was the strong sister. My poor grandmother is still alive but just faded into a world of her own. Aunt Lily helped us all so much but suddenly died of a brain tumour 3 years after my dad. The sadness caused by that fateful Tenerife holiday is endless.

Tenerife Authorities were polite during meetings with my mother but there were no safety improvements. They also said that with the greatest respect the UK had more gas problems than they did. No one believed them until a young Brighton couple died of CO on Christmas Day in 1994. On 28 December 1994 my mum phoned Nigel and other CSI members. Would they agree to be part of a new sister charity to primarily investigate and address CO problems in this country? Everyone immediately agreed. A month later CO-Gas Safety was launched. Stephanie Trotter had joined CSI in late 1994, agreed to head CO-Gas Safety and has done a wonderful job. We were all stunned when Stephanie found there were so many carbon monoxide tragedies in this country.

This is the first time that I am publicly expressing what that totally preventable accident did to us. I lost my brother, still see my sister in a wheelchair, bear all this grief and watch our mum try to carry on what our beloved dad intended to do. I still feel furious but I try to put this aside and support my family and I now have children of my own. Families who have experienced what we have, never get over the loss but eventually you try to carry on with some sort of normality.

We had a great close-knit family. Suddenly it was destroyed and everything of value was taken away. Grief takes over and the remaining members' try desperately hard to keep-up for one another. It's all a sham. For a very long time any sense-of-humour is forced and interest in most things is mild. The only thing we really cared about on a personal level was Sheree getting better, but she still can't walk. It breaks our hearts but my brilliant sister is the bravest person I know and most of the time she is very witty and cheerful. As grief becomes controllable, fury sets in. How dare these fat-cat holiday companies and Government Departments be so complacent? What if it was their children, sister or brother? Why do they knowingly let people take appalling risks without at least proper 'warnings'? Well if their profits are high and revenue is continuously going into central funds who is really going to be interested in exposing too many dangers? Yes I'm cynical and will always remain very angry. Families shouldn't face unnecessary risks and equally be unaware that they are placing themselves in this position. I don't know how the people who were and are responsible for such preventable tragedies can live with themselves. There was no Helpline for my family. 15 years later there is still no Helpline for other families.

One of my efforts towards helping CSI to develop was to be included in a Tenerife inspection visit with Stephanie. We worked solidly for a whole week and found appalling dangers, which were filmed and photographed. At the end of the week I arrived at the Tenerife airport and went through passport control. It was agreed that I looked after the bag containing the camera films and negatives. I put the bag down to erect my baby's pushchair. I turned around to find the bag had been stolen. Frantic enquiries were fruitless and we didn't get them back. Us having proof obviously was not acceptable. We have heard of other carbon monoxide deaths in the Torres del Sol complex, where Gary died. Just last year further inspections proved that it remains a death trap and potentially more CO deaths are inevitable.

Thank God there are dedicated people like our amazing mother, Madron Seligman, Nigel Griffiths, Stephanie Trotter, John Byfield, Don and Mary Neal and others who keep working to achieve changes to stop these pointless deaths. They have certainly had some successes but the charities need much more support and action from industry and governments.

Lindy Davis
Daughter of Peter and Molly Maher
February 2000

SECTION 4

Holiday Industry Safety Levy and/or Licensing of Tour Operators

**Proposed and Prepared by
Stephanie Trotter LLB
Vice President of Consumer Safety International**

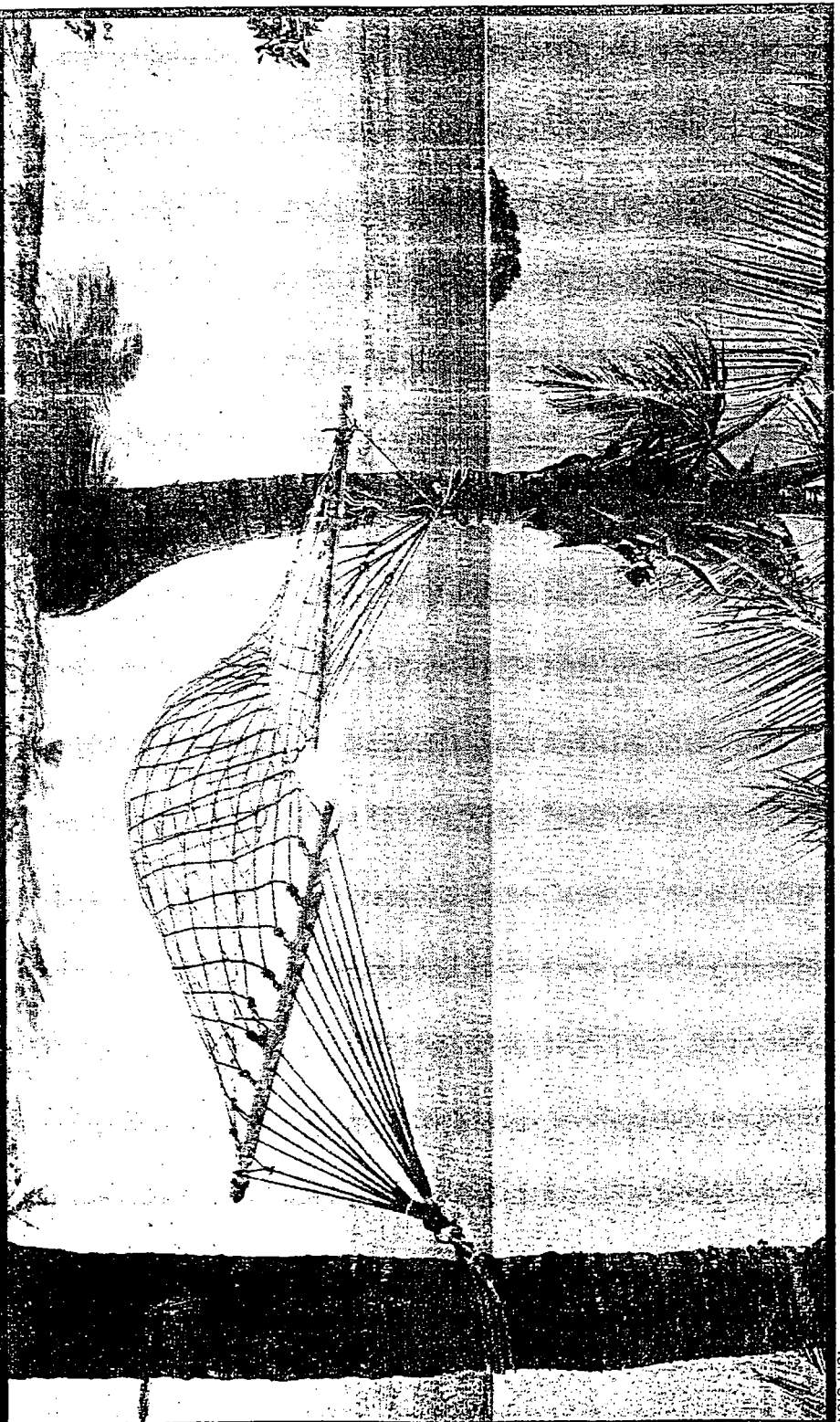
With

Relevant Covering Times Article

THE TIMES TUESDAY JANUARY 5 1999

Holidays: risks of the trade

British tour
operators must
be regulated,
says Stephanie
Trotter



TONY STONE

A beach resort may look like the answer to your wish for a relaxing holiday. But has your tour operator discovered any potential pitfalls?

This is the state of the world when we dream of holidays in the sun. But the killing of tourists in Yemen last week has cast a brutal shadow on the notion of white sand, tropical seas and palm trees. Should holiday-makers take responsibility for choosing dangerous destinations? Does the fact that British tour operators organise holidays imply that they are safe? In the case of Yemen, was it enough that a warning had been issued of a high risk of kidnapping (although until then nobody had been killed)?

If we leave aside the tricky question of a possible cause of action against the Yemeni Government for alleged failure to pass on a message that British nationals were to be targeted, could the Foreign Office be sued if it acted negligently? The Crown Proceedings Act 1947, Section 2, allows actions to be brought in tort, but there is no apparent evidence of negligence.

Neve Johnson of the Foreign Office says: "The Foreign Office issues advice. We cannot actually stop people from travelling, but we will word it as strongly as possible. In Chechnya, for example, we say, 'Don't go, in any circumstances'. With Florida, we state that British tourists have been targeted for kidnappings there, but it is the only America state where we give advice."

"We never get involved with insurance. The prime information we use comes from our posts overseas. They advise us about how and when advice should be changed, and then we look at it in the broader perspective."

Package tours give the traveller a sense of security; the feeling that everything has been checked out, plus

the added assurance of a company representative being on hand if things go wrong. However, on a Thomson holiday in Egypt, the tour representative, was blamed by a holidaymaker, Sheryl Scarsbrick, who was seriously injured when she walking into a glass balcony door. She claimed that the rep failed to help her.

Clive Garner, a partner in Irwin Mitchell of Birmingham, which specialises in foreign illness and accident claims, says: "There has been a large increase in the past two years of accident claims against a wide range of tour operators."

"The largest group actions claim of its kind that we are involved with arises from illness among 600 people at an hotel in Mallorca."

"More people are travelling abroad now, increasingly on all-inclusive holidays, and tour operators are going to more exotic locations."

which increases the risk of illness. If the infrastructure of the country is not developed, as is the situation in the Dominican Republic, there is an increased risk."

Mr. Garner believes that consumers are more aware of their rights now and are more alert to the need to gather evidence, and instruct specialist solicitors rather than pursuing claims on their own. "What has traditionally happened," he adds, "is that people who have suffered quite serious illness have been painted off with ludicrously low levels of compensation. They have accepted low amounts because they have not been advised as to what the courts are likely to award."

Future holidaymakers should know that the arbitration service, run by the Association of British Travel

Agents, excludes personal injuries. The Package Travel Regulations 1992 enable holidaymakers to sue the tour operator for breach of the holiday contract, leaving the tour operator to recover against suppliers abroad.

An independent body could advise consumers and recommend experts

are being processed or initiated. Will the holiday industry survive this level of attrition? Will lawyers continue to profit from these sad cases? The easiest remedy is, to stop obvious dangers. For example, tour companies could select safer hotels, by cutting out accommodation with locked or blocked fire exits.

If rigorous selection can reduce risk, an independent holiday safety body should be set up to monitor holidays. Such a body could also advise consumers, recommend experts, operate a constant emergency helpline, investigate complaints and ensure that tour operators abide by a code of conduct. Funding could be from a modest levy.

Brenda Wall of Holiday Travel Watch claims that about £60 million in compensation was paid out last year and that many more claims

with the Foreign Office. The Advertising Standards Authority ensures that advertisements are legal, decent, honest and truthful. Funded by a voluntary levy on industry, it works by publishing the trades' misdeeds — a penalty that could also work in the media-sensitive travel trade.

If the co-operation needed to raise holiday safety standards failed, then mandatory licensing and the setting up of an "Ohol", with a regulator for holiday safety, could be imposed by statute.

But this should not be necessary. There should be an independent, funded body to make sure that unpleasant, sometimes life-threatening, holidays are stopped at source wherever possible. Responsible tour operators should be crying out for it.

● The author, a barrister and president of CO-Geas Safety, is vice-president of Consumer Safety International.

Second Draft of Bill for Discussion

PLEASE NOTE that although legislation could be drafted and passed to license tour operators, in my opinion it would be better to persuade the tour operators to provide a voluntary levy and set up a body called, for example, "The Independent Committee for Holiday Safety" (ICHS) which could work in a similar way to the Advertising Standards Authority - See later page 5.

Please note that ABTA does not deal with personal injuries.

Licensing of Tour Operators (Holiday Safety) Bill 1998

A bill to license tour operators in order to improve the safety standards of holiday accommodation and facilities as well as to improve the service given by tour operators to consumers after a holidaymaker has suffered personal injuries.

Licensing of Tour Operators

1. No person shall conduct business as a tour operator without a licence.
2. The Secretary of State shall by order designate a person ("the licensing authority") to exercise such functions as may be prescribed by regulations relating to the licensing of tour operators.
3. The Secretary of State shall not make an order under section 2 designating a person other than one nominated by the Health and Safety Commission and approved by the Department of Trade and Industry.
4. The licensing authority shall be called "OFHOL SAFETY" and shall consist of-
 - (i) a Director General for holiday safety, appointed by the Secretary of State,
 - (ii) a committee appointed by the Director General and approved by the Secretary of State, and
 - (iii) a secretariat, appointed by whoever the Director General nominates and approved by the committee.
5. OFHOL SAFETY's duties shall include:-
 - (i) Recognising and publishing a code of conduct and safety after discussion with tour operators.
 - (ii) Liaising with tour operators with regard to the code and its implementation.
 - (iii) Undertaking independent checks and inspections. Half of such checks and inspections must be done without notice.
 - (iv) Receiving and investigating individual complaints.
 - (v) Making and publishing annual reports.
 - (vi) Imposing sanctions such as warnings, fines, publicity and the refusal or withdrawal of licences.

6. Regulations may make provision as to-

- (a) the case or circumstances in which persons which undertake business as tour operators, are required to hold a licence;
- (b) any requirements relating to safety which must be satisfied by an applicant for a licence;
- (c) the conditions subject to which licences are granted, (which may include conditions relating to inspection by the licensing authority and conditions imposing requirements of the kind referred to in paragraph (b) above;
- (d) the display of such a licence;
- (e) the variation of such conditions;
- (f) the renewal, variation, transfer and revocation of licences by the licensing authority;
- (g) the charging by the licensing authority of such fees in connection with licences as may be specified in the regulations.;
- (h) the making of payments into the Consolidated Fund;
- (i) the investigation by the licensing authority of complaints concerning the licence-holders;
- (j) the exercise of functions of the licensing authority by persons authorised by them;
- (k) the keeping and availability for inspection by the public of a register of licences;
- (l) the bringing of appeals to the Secretary of State against such decisions of the licensing authority, as may be specified in the regulations; and
- (m) the procedure to be followed on, and the orders which may be made on determination of, such appeals.

7. In exercising their functions under regulations made under this section the licensing authority shall have regard to any guidance given to them from time to time by the Health and Safety Commission; and before giving guidance under this subsection the Commission shall consult such persons (if any) as they consider it appropriate to consult.

8. Failure to obtain such a licence as required by this act or as required by regulations made under this act, is a criminal offence punishable with a fine, not exceeding £5 million.

9. Failure to display or provide such a licence as required by this act or by regulations made under this act, is a criminal offence punishable with a fine, not exceeding £500,000.

10. Where the tour operator fails to obtain, display or provide a licence as required by this act or by regulations made under this act, the licensing authority, without prejudice to its power to proceed under section 11, may proceed under section 12.

11. Where the licensing authority has reason to believe that there is an immediate danger to health or life, the licensing authority can itself make an immediate order to prohibit the continuance of the business of providing tours. The tour operator may then take proceedings in court to challenge that order which will continue to run until such proceedings are finally determined, unless the court considers that the prohibition order was made irresponsibly or with a total disregard to reasonable conduct.

12. Where business as a tour operator is undertaken without obtaining, displaying or providing a licence, as required by this act or under regulations made under this act, proceedings may be brought by the licensing authority to prohibit the continuance of the business of providing tours, until such licence is obtained, displayed or provided.

Interpretation

(The phrase "tour operators" will have to be defined but this needs further consideration and consultation. Possibly the interpretation of "package" used in "The Package Travel, Package Holidays and package Tours Regulations 1992" could be used but this needs more research).

Matters to be covered in Regulations made under this Bill

(i) The licence shall be displayed in a prominent and public position at the business premises of the tour operator and

(ii) The licence shall be included in every brochure which describes or contains details of tours offered to the consumer.

(iii) In the case of a tour operator who does not operate from such business premises, as well as in all other cases, such licence shall be declared on the tour operator's headed paper and in every advertisement put out by the tour operator.

(iv) The licence shall state the name and address of the tour operator, the name and address of the licensing authority, the aims of the licensing authority, the 24 hour a day emergency Help Line telephone number and the number of the licence.

An abbreviated licence stating the number of the licence and the name of the licensing authority may be given in advertisements.

An abbreviated licence stating the number of the licence, the name of the licensing authority and the telephone number of the 24 hour Help Line may be given on the tour operator's headed paper and such information must also be given on all invoices to the consumer.

(v) It shall be the duty of the licensing authority:-

To inspect the tour operator specified in the licence each year before deciding whether or not to grant renewal of the licence.

To keep a list of licensed tour operators and to provide facilities to those wishing to inspect such a list.

To receive, record and consider complaints about a tour operator and to investigate such complaints, as it thinks fit.

To provide an emergency 24 hour help line for consumers with regard to personal injury.

To keep a list of the names and addresses of current directors of each tour operator and to give copies of these to every complainant of that tour operator.

To inspect the safety system of each tour operator with regard to the dealing with safety issues affecting consumers.

To inspect the manner in which tour operators deal with matters relating to the consumer's comfort, and the comfort of the consumer's family after personal injury has been suffered, (for example, the provision of translation services, medical advice, repatriation etc.).

To undertake a media cuttings service and contact injured consumers and offer help and advice.

To compile a list of experienced lawyers and other experts, offer such lists to consumers, receive comments on these experts from consumers and where found unsatisfactory strike them from the list.

To annually review and make recommendations with regard to the improvement of the safety systems of tour operators.

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Advertising Standards Authority (ASA)

Its duty is to ensure that advertisements are legal, honest, decent and truthful. It consists of a Chairman, Committee and Secretariat. The advertising business community pays a voluntary levy to a body which negotiates with the ASA and the businesses to fix the budget for each year. This sum is then paid to the ASA which undertakes to receive complaints from the public about advertisements. If the complaint is upheld, the advertiser is asked to alter or withdraw the advertisement. If the advertiser refuses, the ASA makes the matter public. The ASA works extremely well and is very highly regarded.

SECTION 5

**Written accounts by families whose loved ones died of
accidental Carbon Monoxide poisoning in domestic
premises in the UK.**

**These were personally presented to HSE
27 January 2000**

Carbon Monoxide Awareness (Wales)

5 Brynteg, Lotwen
Capel Hendre, Ammanford
Carmarthenshire SA18 3

Home Phone 01269 841590

Email p.thomas@clara.co.uk

To whom it may concern

We are the parents of a victim of accidental Carbon Monoxide (CO) poisoning, our daughter Maxine and her partner Stephen died in Nov 1995 at Garnswllt near Ammanford. They were overwhelmed by fumes from a Solid Fuel fire apparently caused by a partially blocked chimney. From material we have since gathered it would seem they were suffering the symptoms of CO poisoning some days prior to their deaths, but neither we or anyone else they complained to were aware of what was happening to them. Consequently we became very active in promoting awareness of the cause and effects of CO poisoning, especially in regards to Solid Fuel.

It is difficult to put into words how we felt then, we and so many others around us just couldn't understand what Carbon Monoxide was, where did it come from? Why didn't we know about it? How could two fit, young people go to bed as usual, safe in their own home and just never wake up? So many questions, over the following weeks and months we tried to find some answers, it was then that we became aware of the apathy that surrounds CO poisoning. One of the early aspects that totally perplexed us was that no official body was to investigate how this could happen, that was left to the Solid Fuel Association (SFA), an association of coal retailers. We found that fact totally unacceptable then and as nothing has changed, we still do.

Consider that according to SFA figures, on average 20 people die annually due to solid fuel related CO poisoning and that 1.4 million homes use some form of Solid fuel, which incidently is easily equivalent to the population of Wales. That relates to twelve times the risk from gas. i.e. 1 in 70,000. (HSE figures)

1. Why is there no independent agency that investigates Solid fuel related incidents? As I have already said, at present it is left to the Solid fuel Association who are also the organisation that supplies the fuel and which has no statutory obligation to do so anyway. The S.F.A is an association of coal retailers and a conflict of interest could easily arise. An independent agency could also attempt to compile accurate statistics.

2. How do the above statistics relate to the HSE Framework for decision making?

Are they in the, "broadly acceptable" zone, the "tolerable" zone or the "unacceptable" zone and if they are "unacceptable" to the HSE why should they be acceptable to the rest of us?

3. We think there should be some sort of registration of chimney sweeps, possibly involving local authorities. We are very aware that any cost to the sweep must be kept to a minimum, otherwise it will place an extra burden on consumers and consequently adversely affect the numbers of chimneys cleaned. It is sweeps themselves who are frequently horrified by the results of "cowboys" efforts.

It seems to us that solid fuel users are treated as an irrelevance by officialdom and we find that totally unacceptable to say the very least.

Peter and Frances Thomas

Helen and Kenneth Smith

Service by BGS

We had our boiler serviced in January 1998 by British Gas Service and 10 days later Ken was dead. The service was either 3 or 5 star, I forget which, but I know it was the most expensive.

Inquest

At the inquest, it was revealed that BGS left us without enough ventilation and the chimney should have been higher. In addition, the baffle plate was not removed during the cleaning process, so therefore the boiler could not have been serviced properly.

It was also revealed at the inquest that when the operative came to test the emissions, his Telegas flue gas analyser didn't work. Apparently, he knew that it wasn't working that day because it wasn't registering anything. His analyser had been working intermittently for seven days. Yet, he left us with the boiler turned on and no warning. When he left us I said, 'is everything OK?' He said 'yes'. I understand that BGS had CO detectors on special offer at the time, yet we were not offered one.

No Contact from BGS

It is terrible to lose my husband, through Carbon Monoxide poisoning, particularly having had our boiler serviced. However, on top of this, I am terribly shocked that nobody contacted me from BGS.

No charge against anyone

In addition, at the time I thought there would be a charge of manslaughter brought against the fitter and British Gas Service, but this charge was dropped through lack of evidence. I then assumed that there would be a charge brought by the HSE. However, a year ago or so I was told that there wasn't enough evidence, even for this. This is despite the fact that the fitter serviced a back boiler at an elderly couple's home and ten minutes after he left, their two budgies died of CO. I found this out through the media coverage of Ken's inquest, (the couple concerned telephoned the Nottingham Evening Post who contacted CID). There has been correspondence between this couple and British Gas Service but nothing has come of this.

How much evidence do they need to charge British Gas Service?

Training, checking and striking off, of engineers

I think that it is incredibly important that gas engineers be properly trained, checked and struck off or retrained when mistakes occur. I also think that everyone should have to have CO detectors, whenever combustible fuel is being burned.

CO Detectors & TV Warnings

I think the TV adverts shown now, are very good in that everyone should have a service once a year. But they don't ever seem to mention CO or CO detectors. Why ever not? I don't think they'll ever mention CO detectors unless they are forced to by HSE and Government.

Our two daughters died as a result of accidental Carbon Monoxide poisoning in 1998. I was seven months pregnant with Chelsea when I was poisoned. As a result of my poisoning, she was stillborn.

Laura's birthday is the 27th January – she would have been four years old today. If we had been aware of CO at the time we could have done something to prevent her death. Chelsea was a breach baby and I was induced knowing she was dead and I had no anaesthetic, no epidural, just ordinary pain killers. I really don't want this to happen to anyone else. That's why we are collecting signatures for a petition to make sure the law is changed. We've already handed in around 1500 signatures to 10 Downing Street. The Thomases also handed in around 1500 making 3000 altogether, You'd have thought that Tony Blair, with his wife being pregnant, might do something to stop this happening to anyone else or at least to try to stop it happening again.

We want landlords to be licensed so that someone checks to make sure that the property is safe. It's all very well having laws about gas safety checks but there has to be someone to make sure the landlord has done what the law says he should have done.

There needs to be more advertising about CO detectors as well.

CORGI and the gas emergency people, Transco should have equipment to check for CO. When the boiler wasn't working properly I called British Gas Service and asked them to check the boiler but they said it was a £30 call out fee and we couldn't afford this. We had two kids and were on social security at the time. I did keep getting dizzy and had what I thought were bad colds. I went to the doctor and the hospital to see the midwife about my pregnancy, but they thought my symptoms were due to the pregnancy. If only I had been more aware at the time I might have called Transco. Who knows whether that might have made a difference? I might have mentioned that we had all been ill. I might not.

I also want to add how angry we were at the court. The landlords were charged with not having a gas safety certificate. The HSE did mention the death of our daughter Laura but did not mention the death of Chelsea, the severe poisoning I experienced, nor the CO poisoning suffered by our son, Ronnie. HSE explained to us why this was and we have discussed it with Stephanie. We understand the reasons but why are the consequences of not obeying the law not allowed to be mentioned in the charge and not even given out in the court? The law is obviously wrong and needs changing. Stephanie thinks this too and she is a lawyer.

What are you going to do to stop this whole tragedy happening to someone else?

Susan Woodford

3

Sonja Hyams - killed by CO 19/11/96

Sonja was 19, a student at Keele University. For the 2nd year, usually spent off campus, Sonja and four friends agreed to find a house together. They were pleased with the one they found, and when we took her belongings up at the beginning of term, we also thought that the house looked nice. They had spent some time looking and had tried to follow advice. They specifically asked about the safety of the gas appliances and were reassured that all was in order, but they never saw a certificate. There was no certificate, of course. The landlord used an unregistered plumber friend of his to do his work. The Police and H.S.E. subsequently found dangerous faults in several of his houses.

On the morning of 19th November, one of Sonja's friends felt ill while in the bathroom, and collapsed on the landing. Three of the others tried to help, either by getting her to a bed and staying with her, or by going to a call box to phone for assistance (phone lines were down). Meanwhile Sonja, unaware of what was happening, had gone into the bathroom. The others found the door locked, got no reply and became worried. One boy climbed through a roof space into the bathroom, and found Sonja dead on the floor.

The girl who collapsed and the boy who got into the bathroom had to be taken to a hyperbaric chamber on Merseyside. The other two and a neighbour who tried to help spent the night in hospital.

On investigation, it was found that the gas heater had been wrongly fitted, and not maintained correctly. At least one other of Sonja's friends had been affected, as well as previous occupants of the house, but none had realised the reason for their symptoms.

The landlord was sentenced to 2 years for manslaughter, and the plumber to 16 months.

The landlord continued to collect rent while in prison, and as far as I am aware, he continues to do so.

Helga Hyams

11 High St.
Souldrop
Bedford
MK44 1EY
Tel. 01234 782227

24.01.2000

This week is the 5th anniversary of the death of my daughter, Helen, who drowned in her bath having been overcome by Carbon Monoxide fumes. She had just purchased a flat, which had previously been rented and lived in, in apparent safety, for 5 years. She died 24 hours after moving into her flat. She was 25 years old.

I have asked myself what could have saved her. Certainly, a valid certificate of safety presented at exchange of contract, or forming part of a surveyor's report. This too could form part of a tenancy agreement in rented accommodation. In fact at the inquest, the presiding Coroner remarked how simple it would be to introduce such a system. As he said, "We already do this for cars". Secondly, an effective Carbon Monoxide Detector would help.

We knew about Carbon Monoxide – arrangements were to have the appliances checked by a CORGI registered engineer.

We knew about Carbon Monoxide Detectors – one was in our shopping list for that week.

What we did not have, was time.

In the aftermath, one particular concern is that a standard post mortem procedure does not automatically include a test for CO poisoning.

Following her death, I wrote numerous letters to MPs and consumer groups to urge for changes in the law. Nothing has happened.

Hundreds have died since my daughter. How many more are still to die before we say, enough. Or do we just sit and count numbers?

Brenda Luckett (Mrs.)

Footnote; I would like to express my sincere thanks to Charles Gilbey of HSE who successfully pursued a prosecution of the previous owner, as a landlord.

Anne Elizabeth Brennan - Her ambition was to become a Labour Party MP

If you want to find Anne Elizabeth Brennan, you won't have any difficulty. She won't be with her family, she won't be out having a laugh with her mates, she won't be working and she won't be travelling the world like many people of her age. No, if you want to find Anne Elizabeth Brennan you'll find her in a small plot of land in Houghton-le-Spring, Tyne and Wear. But really you can't find her at all - all that will be there is a tombstone that attests that underneath the earth lies the body of a girl who died tragically' on 15 November 1995.

Anne was a bright bubbly and beautiful person, dearly loved by her family and friends. At the time of her death, Anne was in her second year of a BA (Hons) degree in English Literature at the University of Durham. She was nineteen and Carbon Monoxide was her silent killer.

Anne lived in a privately rented house in Durham city, with myself and seven other friends. When, on a cold November afternoon, standing out on the pavement outside our student house, we learned of the horrific truth of Anne's death, we all knew before the police and the doctors that Carbon Monoxide was the cause. How? Well aside from the fact that I had spent that morning in hospital after collapsing, and my other housemates had felt drowsy and ill, as incredulous as it might sound, we all had concerns about Carbon Monoxide poisoning. We had, since moving into the house, all suffered from 'flu like symptoms, lethargy and headaches. Our concerns were such that we even contacted our landlord who sent a friend to check the boiler. No problems. But just to make us feel even more comfortable, we got a CO tester. Considering the level of ignorance that still surrounds this silent killer, we thought we had done everything that we possibly could to protect ourselves.

Bearing all this in mind, why did Anne die? Well the landlord's friend was not CORGI registered, the boiler had been faulty for years and we were ignorant of the fact that gas appliances need to be checked by a CORGI registered official every year. The CO detector wasn't a British Standard audible one. Anne died early in the morning, so she didn't stand a chance. Need I go on.

So, I can't say we didn't know of the dangers of CO, because we did. I can't say we weren't concerned by the dangers of CO, because we were. Despite this, a very close friend lost her life and the rest of us were slowly poisoned over a period of two months.

Looking back now, as I have every single day for over four years, an audible alarm costing approximately £30 would have saved Anne's life. Smoke detectors are a legal requirement in all privately rented accommodation. Why can't CO detectors follow suit? If the landlord had done his duty, and had the boiler checked annually by an appropriate person, Anne would still be here. Far too many landlords, either through their own ignorance or lack of concern, do not carry this out, but when you consider the cost of such a service, perhaps £ 100 at most, against the life of a person, you can't help but wonder why this law is not enforced more strongly than it is at present.

The more advertisements the better. People really need to realise the effects that CO can have. But, my housemates and I saw the adverts read the leaflets, even acted on concerns and it still made no difference. As sad as I am to admit it, there is something about human nature that instinctively believes that such horrors 'will never happen to me'. But if you want to find Anne - go to the cemetery in Houghton-le-Spring. If the adverts for CO poisoning don't have any effect on you, walk around that corner from the cemetery. There you will find a house where Hugh and Margaret Brennan live- Anne's dad and mum. Look into their faces, talk to them, then you will realise the true horror of Carbon Monoxide poisoning.

Rachel Hastie. Best friend of Anne Brennan

24-10-97

Dear Mrs. Trotter,

We were in Egypt on a dream holiday, when a phone call on Tuesday 2.3.96 devastated us and broke our hearts. We had spoken to Jeff just before we went - he was full of his plans for the future. He was moving out of his flat at the end of March to join friends; working for about 6 months in contract computing before coming home to us, and then going to Australia to join a friend, to a new job and a new life.

The shock of the phone call was indescribable. This was a nightmare, we would wake up and everything would be normal. Despite the fact that my sister had told us to prepare for the worst and my instinct that he had died at midnight on the Tuesday night as we were awaiting a flight from Cairo to London, he was still alive when we arrived at the hospital in Bournemouth at 2pm. He was in the Intensive Therapy Unit, wired up to all manner of machines keeping his body functioning. He was unmarked, his body brown and warm. His eyes shut, he was beautiful, our first-born, just asleep. We could not hold him, only touch his hands and skin. We had only 2 hours with him before we were told there was no hope, several tests had shown no brain activity, and would we consider organ donation. We felt this was what Jeff would have wanted and agreed.

We were in a strange place, Christchurch was our son's home, not our's, with people many of whom we had not met before. We were given a holiday cottage in which to live, whilst the official business and the funeral took place. It was still a nightmare despite everyone's kindness and caring. We relied on the authorities to discover the truth, that's what they are there for, aren't they? We believed that they were doing their best for Jeff, for us and our family. The police were not involved but the Coroner's Office and the Health and Safety Executive were.

We returned home at the end of March 96, a month after leaving for Egypt, awaiting a date for the Inquest, with a lot of questions to be answered. The Inquest was in June 96. Whilst we were informed that we could have a solicitor present, we believed that Jeff's death was an accident, and we were going to attend ourselves - why would we need a solicitor? In retrospect, a solicitor was essential.

Bearing in mind we had never been to an inquest, that we were given basic information on procedures and that we could ask questions, we had no idea that there was any question of negligence. We were led to believe that everything was straightforward, there were no 'surprises' and the verdict would be Accidental Death.

We could not and still cannot understand why a perfectly healthy, fit, intelligent young man could place food under a grill, leave the kitchen, sit down and die. We believed those questions would be answered.

The Court atmosphere was very official and quite frightening, though officials were kind. There was no jury, only the Coroner, no witnesses' statements were read out, they were accepted, and the Coroner asked various questions of each witness. I, at one point, tried to ask a question about the maintenance of the cooker and Miss Harvey of the H. & S.E., also tried to ask one later but the Coroner said my question would be dealt with further on and then that it was for another court to decide. We felt intimidated and somewhat stupid to a

CO-Gas Safety Press Conference, House of Commons 26.11.97 Page 26

degree, and asked nothing else. It was a shock that the cooker had not been maintained, we had no idea of this. We also discovered from the evidence of a British Gas expert that the reading of the carbon monoxide levels given off the grill was 'off the scale' of the test machine. The fact that another court was to be involved was also a shock. A solicitor acting for us would have asked the right questions and understood all the implications of the evidence being given. We should have been advised a solicitor was ESSENTIAL and would have been acting in our interests.

We then had to wait for the H. & S.E. to decide whether there had been a breach of H. & S.E. law and whether they would prosecute and whom they would prosecute. Eventually we were told that they were to prosecute the Letting Agent, not the Corgi gas fitter (who is allowed, it appears, one mistake) nor the owner of the flat. The Magistrates' Court hearing was 9 months after our son died and 6 months after the inquest, in December 96. We employed the solicitor in Christchurch, who was dealing with Jeff's affairs, to attend in our stead, as we lived 300 miles away, and felt it would be too upsetting for us, and we still believed that the authorities would find the truth and define responsibility for Jeff's death. The case was referred to Crown Court in Jan 97, as the magistrates felt the case was too serious for them to deal with. After several Crown Court sittings, the case was abandoned on a technicality in March 97, exactly a year after Jeff died. Our solicitor sent us a report of the proceedings at each court, but we could not properly understand how and why the decisions were made.

We approached a local solicitor, familiar with property matters, for advice and help. All we wanted to do was find out as much as possible how it could have happened, and define who was responsible and how we could prevent other similar tragedies and other families' suffering. We were worried about the cost and whether we had enough savings to pay what could turn out to be beyond our means. Legal Aid is not an option for ordinary people like us. Many other people would not be in a similar financial position to us, and we ourselves have limits as to how far we can take the case. Money is not the issue, but money is needed to pursue justice for the dead and their families. We have felt abandoned by authority and have been too trusting.

The whole process interferes with the grief we feel, delays and waiting for things to happen over which we have no control, no support and the feeling of being abandoned and that there is no justice unless you can afford to pay for it.

As yet we see no end in sight and but what we can see is--results will be reliant on how much we, as his parents, can afford, to fight for the justice our son deserves. No-one should lose his life in what are preventable circumstances. We have lost a son, his life, his future, his successes or failures, possibly grandchildren, pride in his achievements, he had so many plans and ambitions that will never come to pass. Our life is devastated and will never be the same again.

Please use any or all of the information I have provided in any way you wish.



Signed ANNE PROCTOR (MRS)

CO-Gas Safety Press Conference, House of Commons 26.11.97 Page 27

SPECIFIC POINTS TO CONSIDER

- 1) We fully agree with all the information and suggestions provided in leaflets and press packs you sent us.
- 2) A Solicitor, representing the family's interests, to be present in all courts, is essential.
- 3) Authorities, such as the H. & S.E., are not necessarily working for the victim's family.
- 4) Speed in dealing with court matters will help families to come to terms with their grief and devastation. We are still deeply involved 19 months after Jeff's death.
- 5) Money is not an issue, there can be no monetary value placed on a son's death, but, without it, Justice cannot be pursued and the guilty go free, when authority abandons you. For example, any further information you need (via a solicitor) - copies of photographs, statements of evidence etc. has to be paid for to the authorities concerned, together with solicitors' and other experts' costs. Many bereaved families could not afford this.
- 6) Families need to know the truth, and the responsibility for a person's death should be laid firmly on those whose negligence and lack of care caused it.
- 7) The dangers of gas ovens and grills should be promoted specifically in all publicity concerning carbon monoxide, not only as 'gas appliances' which in most people's minds are heaters, fires and boilers. Maintenance programmes and contracts should automatically cover gas cookers and grills.



SIGNED ANNE PROCTOR (MRS)

Mrs J Mills
8 Maple Grove
Langwood Gardens
Watford
WD1 3JZ

27.1.2000

My Husband and I have lived here for 15 years. We bought it new it was our dream home. On March 17th last year, I awoke during the night feeling sick and dizzy and upon getting up, I started to shake uncontrollably like fitting, my husband came around to my side of the bed, he held me upright till it started to ease. I was crying, he thought I was having a stroke. We then lay on the bed. After a while my husband got up to use the bathroom, his legs gave way and he fell into the bedroom wall then onto the floor. I couldn't help him as I couldn't sit up. After a while he pulled himself onto the bed we both lay there until we started to feel a little bit better.

My husband then called gas emergency services saying we had fumes in the house. A Transco engineer arrived in half an hour, we told him what a terrible night we had had. He tested the gas fire in the lounge and the boiler in the kitchen. He said everything was fine but recommended an airbrick in the lounge, he left a work sheet stating this.

On April 24th last year we had supper around 8.30 then watched Television. I started to feel very tired and unwell, I don't even remember saying goodnight. I awoke around 3am, I tried to get up, I put the bedside lamp on, Gerry was not in bed. I'd been sick all over his pillow, the bed was in a terrible state. I got up to find Gerry, I then passed out on the floor, when I came round I crawled to the bathroom, the door was locked. I called and banged on the door asking Gerry to help me. I didn't get any answer. I then went into the bedroom to call a doctor, I couldn't hear properly so I called my daughter to ring for me. I told her I was very ill and Gerry was locked in the bathroom, I then passed out. When I came round I went back to the bathroom to speak to Gerry, there was banging on my front door. I let in the police and paramedics, who opened the bathroom door to find my husband dead. My daughter arrived. The police doctor said my husband had probably had a heart attack and I had food poisoning.

The post mortem said my husband died of Carbon Monoxide poisoning. My husband was a fit, healthy, very happy man, we had everything, it never should have happened. We had had a warning the previous month and were badly let down. The emergency services do not carry CO testing equipment, the test takes *3 minutes, if this was done my husband would be here today. All emergency calls should be made to carry this equipment, in doing so it would save many lives.

That's the reason I am here today. It's too late for me. I have since bought Carbon Monoxide detector plugs. I'd never heard of them before; they should be publicised like smoke detectors. We the public know very little about CO, I never knew so many people died every year because of it. A TV commercial would help to save lives. By people recognising the symptoms. If Gerry and I had seen one we would have had a chance. There are people here today who can do something and make it happen.

To die like this is totally unnecessary, a complete waste of a life and total misery for those who have to live the rest of their lives with only a memory of that wonderful person.

**At the inquest, the gas expert stated that he tested the flue and found 26.900 parts per million of Carbon Monoxide – This test took him 3 minutes.*



PRESENTATION TO THE HSE
By those who have lost loved ones
From accidental Carbon Monoxide poisoning
Thursday 27th January 2000
At 7 Millbank, Room E
2.30 PM to 5.30 PM

Outline of Programme

1. Introductions

By Stephanie Trotter.

Expected attendees from families are: -

Shirley Adams, who lost her sister, Prilla in 1971
Peter and Janet Thomas, who lost their daughter, Maxine in November 1995
Helen Smith, who lost her husband, Kenneth in 1998
Susan Woodford, who lost her daughter, Laura, aged just two years, in November 1998.
(Susan also lost the baby, Chelsea, that Susan was carrying at seven months of pregnancy. Her son, Ronnie, was also affected. She was also badly poisoned.)
Joyce Mills, who lost her husband, Gerry, in April 1999, just nine months ago. (Joyce was also badly poisoned.)
Brenda Luckett, who lost her daughter, Helen in January 1995
Helga Hyams, who lost her daughter, Sonja in November 1996

Expected attendees from HSE are:-

Clive Norris, Director of the Safety Policy Division
Donna Hancock, Gas Review Team
Barry Watkinson, Gas Review Team.

Expected attendees from other organisations are: -

Harry Rogers, MASHRAE, MI Gas E, MBAE, Gas Consultant to CO-Gas Safety
Keith Howse, Croyde Chimney Sweeps
Charles King, GMB
Martin Glynn and Jim Kinnibrugh, NACS
Nicole Perry and Bob Towse, CORGI
Mick Warmesley, SFA
Misia Jack, Scottish Federation of Housing Associations

MPs expected to attend are: -

Colin Breed MP
Vernon Coaker MP
Dr. Peter Brand MP
Clare Ward MP

2. Accounts by family members

3. Question and Answer Session

4. Summary and vote of thanks to all for attending

CO-Gas Safety Society
Lorien House
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Claygate
Surrey KT10 0HY

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(01372) 468965
Hon. Baroness Maddock

Board Members
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LLB (Hons)
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Vice-Chairs
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Fraser Kemp MP Lab.
Treasurer
Harry Rogers MASHRAE,
MI Gas E, MBAE
Company Secretary
Helga Hyams
John Ball MBE FIDHE
Dr. Don Neal BSc PhD
Nathan Kane, CoGDEM
David Baber BA (Hons), BSc,
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Dompe, Gas Safety Consultant
Professor John Henry, St Mary's
Hospital Paddington
Harry, Chief Executive, CORGI
Charles King MA, GMB
Mike Hilson BSc FIGas E
Carbon Monoxide & Gas Safety
Society (CO-Gas Safety) is an
independent charity committed to
preventing accidents from Carbon
monoxide and other gas dangers
and supporting gas related
accident victims.

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SECTION 6

**Article written by Jim Kinnibrugh,
Technical Officer of
The National Association of Chimney Sweeps (NACS)
as a result of his presence at the presentation by
families of Carbon Monoxide victims
to the HSE on 27 January 2000**

CO-Gas Safety Meeting at 14.30, no.7 Millbank, Westminster on Thursday 27 January 2000

Waking. 5.30 on the clock. Sporadic early traffic. Tears. Starting from my eyes, running on to the pillow. What is this? Yesterday in London. Susan's striking, gaunt beauty. Straining to hear her's, the quietest voice, reading from a text prepared against her not being able to speak at all. Her baby, dead on the floor. Her, recovering to find her next baby, two months off being born, dead in her womb.

Self composed, smartly dressed Helen tells of struggling to reach the bedside light and crawling to the bathroom door but she without the strength to do more than lift the phone. Her head bowed in hollow silence now. We all know there is only one thing she can be going to tell us. She raises her head and speaks. How the paramedics forced open the door to the bathroom where her husband had crawled and died.

That most powerful of all the human faculties, the imagination, kicks in, supplies the fiction. The cheery wave from the gate, "It's all right now madam." And it is alright. The gas fire is working correctly. So is the central heating boiler. False alarm? If only he'd checked the grill.

All the impotent "if onlys". 26,900ppm in the flue gases. If only he'd had a flue gas analyser. All the houses in the Close having detectors fitted. Too late for one. If only they'd thought of that before.

Her father was a chemist. She was at university to study chemistry. So were her mates. They knew. They knew exactly what it was, how it comes from incomplete combustion. But it has no smell, no taste, is invisible. And it killed her. Sitting next to me now, her mother's head also bowed. The voice of the barrister who has invited us here to be confronted by these people and their grief, familiar from long telephone conversations, now offering to continue to read from the account. Helga declines, wipes away her tears and continues. From whence do these people derive power to come to London, most of them at their own expense, from all over the country to put themselves through this again and again. And they each and every one say the same thing. "We've come here so this will not have to happen to anybody else." That means us. They have come on our behalf.

I doze. More traffic now but too early to get up. The little insensitivity's come back, the assumptions, the understandable mistakes. The first thing they get afterwards is the gas bill. Couldn't that have been stopped?

The young constable guarding the door. Commiserating in the freezing winter air which penetrates every corner of the house where they still sit in their chairs, the fire out. Both quite dead. Then the tail nobody has noticed. Hands grasp the tail, drag the stiff labrador out from behind the settee. The golden fur and the gasp or realisation. The dog has a fur coat. It couldn't have been hypothermia. What races through a mind at a moment like that?

Clive Norris from the HSE steadily taking notes. I wonder what he writes. The screen high up on the wall says it is The Financial Services and Markets Bill, Amendment 27 being debated. The enlarged photographs, the curly hair and smiling face, the shining eyes. They will never marry now. Her parents are here in the room with us all. So much bereavement in one room.

Next to me, Mick Waumsley, Technical director of the Solid Fuel Association. In defiance of his industry he has compiled an exactly detailed list of all the incidents involving solid fuel. Name, age, location and cause, if known. For once there is a crack in his usually steady clear-headed delivery. Big, bluff Martin Glynn, President of the National Association of Chimney Sweeps, always so confident and reassuring. He speaks only haltingly now. And my own shock at being unable to speak of the death of one of my own customers. If only I had pursued his GP. My own, "If only."

The ugly shock of the division bell. The MPs rise awkwardly, silencing us all, one haplessly fumbling to extricate his coat from the tangle on the coat stand. They are called to vote on our behalf. The fire alarm insistence of that bell. Why must it go on so long? Now the Officials speak, are questioned. CORGI, The Gas Consumer Council, The SFA, NACS, we were all there to question and be questioned. How is it the landlord could go on collecting rent from the 14 houses he owns while he is in prison for manslaughter and several of these houses are discovered to have more faulty installations? Why is there no single nationally agreed procedure when an incident takes place? Why so many misdiagnoses? Are the figures masked by ignorance in the surgery and the A&E Department?

All the things they told us through their tears and the answers are blurred with conflicts of interest, concern over cost, whether a risk is acceptable, the burden upon industry. Industry needn't worry. It will never have to. The burden's been shouldered by others. Yesterday I met some of them in Conference room E at number 7 Millbank opposite the Houses of Parliament. They are eloquent. We must listen.

The sky is lightening, the traffic steady now. My tears have not dried but I can get up.

© Jim Kinnibrugh
February 2000

SECTION 7

Parliamentary Lobby article on Carbon Monoxide (CO) tragedies proving public unawareness and what is urgently needed to prevent similar tragedies.

THE INVISIBLE AND SILENT KILLER

You cannot see it, taste it, smell or touch it but Carbon Monoxide (CO) can kill you inside your own home while you sleep

Sheree Maher whose brother Gary, died of Carbon Monoxide (CO) poisoning in Tenerife and who is herself confined to a wheelchair as a result of the same incident, commented on the recent death of a toddler, "It is bad enough that these tragedies happen abroad but I'm outraged and so upset that little Laura, died in London. Laura's Mum was seven months pregnant and also lost her unborn baby. What must she be feeling?"

Molly Maher, Sheree's mother says, "I've been campaigning for thirteen years - at least there should be TV CO danger warnings - it all comes down to money and let's face it the fuel industry is very wealthy. I also find it sickening that the gas emergency services don't have equipment to trace CO which has no smell - it's like sending someone out to trace radioactivity without a Geiger counter. Four people have died in a week - it makes me so angry. TV warnings at least on the need for ventilation could prevent so much tragedy. The government won't do this and it's scandalous"

Carbon Monoxide (CO) poisoning is the most common poison in the UK and can be emitted from ordinary heating or cooking appliances burning any fossil fuel, (gas, solid fuel, oil, wood etc.)

CO can give you headaches, nausea, exhaustion, drowsiness, dizziness, vomiting, flu like symptoms, palpitations, pains in the chest, collapse without necessarily losing consciousness, followed by unconsciousness and perhaps death. Long term exposure even at low levels can cause brain damage. Doctor John Henry, then Consultant Physician at the National Poisons Unit, surveyed 200 General Practitioners. He sent them symptoms of CO poisoning. Although many sensible suggestions were made, not one GP suggested CO as a cause of these symptoms. A survey by the Consumer Unit of the



Durham student, 19 year old Anne Brennan intended to become a Member of Parliament. CO killed her 15 November 1995.

Nigel Griffiths MP says:
"We need concerted action to tackle these tragic deaths."



The invisible killer caused the death of this two year old girl, Laura, in Tooting, 1st December 1998

DTI, dated 1995, showed that on average 50 people die per year from Carbon Monoxide poisoning from domestic heating appliances. A further 175 serious cases require attendance at a hospital accident and emergency unit per year.

Data compiled by CO-Gas Safety, (most deaths checked with Coroners) found **134 deaths and over 800 near misses from accidental CO poisoning in 26 months from 01.09.95 to 30.11.97**

All CO tragedies can be prevented so why isn't more being done?

Servicing is not enough on its own, people must have adequate ventilation, swept chimneys, CO detectors with audible warnings to British Standard 7860 and better information.

Our draft Fuel Safety Bill proposes:-

- Licensing of all landlords - this would stop deaths and injuries and provide worthwhile jobs.

- A fuel safety levy - the equivalent of only £1 per household per year would provide £19 million of funding for safety measures such as TV warnings in prime time, better training, research, equipment such as flue gas analysers, monitoring, spot checks and help for victims.

- Other needed safety measures such as registration of chimney and solid fuel engineers.

CO-Gas Safety is an independent, registered charity (No. 1048370) with cross party support. It was launched in 1995 at the House of Commons, founded by Molly Maher and Nigel Griffiths MP. Stephanie Trotter, president, is a barrister and has drafted a Fuel Safety Bill. Fraser Kemp MP has kindly agreed to sponsor the Bill. The Bill has the support of 16 other MPs but many more are needed. For more information and copies of the Bill and support form please contact Stephanie Trotter on:

Tel: 01372 466135
 Mobile: 0802 946207
 Fax: 01372 468965
 CO-Gas Safety, Lorient House,
 Common Lane, Claygate,
 Surrey KT10 0HY

We would like to thank CORGI & COGDEM for their support with this advert



SECTION 8

- A) 3-Page Brief of the following document:-**
- B) Draft Response by Stephanie Trotter on behalf of CO-Gas Safety to an HSE Discussion Document: Gas Safety Review: Options for Change**

CO-Gas Safety – Gas safety review: options for change

Abbreviated Response to the HSE Discussion Document

LACK OF VICTIM SUPPORT

We consider the one of the most important and neglected aspects is a lack of victim support and an ongoing interest in improvement of safety standards to reduce deaths and injuries. There is especially a lack of suggested improvements from the victims' perspective.

ADVICE VICTIMS NEED – AFTER A DEATH OR INJURY

Information is needed urgently by families. Firstly, with regard to a live victim, advice about medical treatment. This should be quickly followed by advice from a gas expert. Some time later, the family or victim may need to be guided to a lawyer, familiar with CO incidents. They may also need some general advice, help and support and contact with other victims. Why is the only contact with supplier nearly always the gas bill?

Many families also long to do something to raise awareness and stop these injuries and tragedies happening to others.

A body to act for victims should be set up and funded by a levy on the industry as a whole. It could also act as a crucial research tool.

HSE'S JOB

Why does HSE only consider gas problems? What about CO deaths from solid and other fuels?

HSE has a most valuable job, to investigate and to decide whether to prosecute or not. It should not confuse this with victim support. HSE has in the past, told families that it is there to help them when this can be very misleading. Such confusion does a great deal of harm to victims who then rely on HSE to their detriment, (for example, not finding out what caused the death of a loved one for many months or even years, i.e. until all the criminal matters are dealt with). What families need are their own advisers and experts.

LEVY

This is fundamental to improvement of gas safety. We would like to see a safety levy on all fuels. Again, we are shocked that the levy and resources aspect has not been more prominent. We consider that the big businesses that supply fuel are far too powerful and have too much lobbying power. However, we are glad that the interests and difficulties experienced by the small installers have been considered.

OWNERSHIP OF CO AND GAS DANGERS

A body must own the responsibility for CO and gas dangers.

GAS EMERGENCY SERVICE -TRANSCO

The emergency service must be able to identify CO, how many parts per million and where the CO is coming from. To do this it needs flue gas analysers (FGAs), or similar instrumentation.

How is a consumer to know that if s/he reports 'fumes' Transco is likely to turn off at least one appliance (of course it may be the wrong one) but if s/he reports a 'gas leak' Transco is likely to check only for a leak of natural gas, (potentially explosive but not poisonous). How can the consumer tell when CO cannot be detected by the senses?

There is a further need to provide immediate help (i.e. put the boiler etc. right, not just turn it off) for the poisoned, the confused, the ill, the elderly and the poor.

Is Transco in breach of the Regulations and Licence conditions?

As a matter of urgency, we would very much appreciate HSE's view on the duty of Transco, and whether this is fulfilled without the use of FGAs. We would also appreciate HSE's view on whether Standard Condition 18(3)(b) of the Licence is fulfilled without the use of a flue gas analyser (FGA).

If Transco is not in such breach, shouldn't the Regulations and Licensing Conditions be changed?

Solid fuel needs its own emergency body.

There is recent concern that Transco may not even be dealing adequately with gas leaks, (family of four blown up in Lanarkshire – rumours of numerous reports to Transco before explosion).

RISK REDUCTION – HOW MUCH SHOULD IT BE?

From surveys, such as the Health and Housing survey, which found that 1 in 20 households had suffered CO, there are enormous numbers of people suffering low levels of CO whose work, health and lives are being horrendously affected not to mention the lives of those they affect (e.g. drivers, doctors, nurses, etc.) The number directly affected could be almost 3 million. The effect on the unborn child and babies may well be huge. As CO causes brain damage, this could be a reason why children suffer learning difficulties. The target should be a greater reduction than 10% over 10 years. In our opinion the reduction target should be at least 30% over ten years, if not 50%.

Please note that the levels at which CO detectors are set should be lowered as soon as possible. At the moment the detectors are ‘death alarms’ but not ‘health alarms’.

TV WARNINGS

There must be paid for, prime time TV adverts, warning of the dangers of CO and what to do to reduce these (e.g. servicing, chimney sweeping and CO detectors). These should be put out in September, November and around Christmas. The fuel industry as a whole should pay for them through the levy. Why is there a prime time TV warning campaign every November about the danger of fireworks when there was not a single death in the latest year I could find figures for? Why do the risks from fireworks justify this (although we agree that it does) yet the nearly 60 people per year (our figures) who die from CO are within the ‘acceptable level of risk’?

We think that this shows that statistics, while relevant, are merely a factor in deciding whether TV warnings are worth spending money on. It also shows perhaps, that the TV warnings do work. Surely, money is worth spending when it is fairly obvious that warnings can save lives and prevent long term health problems?

RESEARCH

Research should be undertaken on all CO and gas deaths in one year. I suggested to GCC, many years ago, that junior barristers be instructed to attend every inquest into a gas or CO death, preferably after some training or some help from someone experienced, along side. A report could then be written up, preferably after a form had been devised after the experience of quite a few inquests to make sure the form was right and relevant. This would not cost a fortune and could cost as little as around £300 per death plus additional reading, compiling and sending out letters to improve matters. This could be an ongoing project starting with a whole year’s deaths and maybe reducing to just a sample every year. Again, this should be undertaken by a body with the consumer’s point of view and with prevention in mind.

Flats with gas throughout are a real risk – so are gas cookers, especially for the elderly

We are also very concerned about low levels suffered by employees in catering.

SOLID FUEL

This needs its own emergency service. Possibly, there could be a central number with consumers being passed on after initial contact to either Transco, or the solid fuel emergency body, or possibly other fuel emergency bodies for oil etc.

Solid Fuel Association – this has done an amazing job but needs funding and independence from suppliers. Solid fuel users are less well aware of the dangers of CO than gas users. The data we have collected on solid fuel deaths shows that those dying from solid fuel related CO are ten years older than gas related CO deaths.

Sweeps and all fuel operatives should have a compulsory registration system and independent funding. The elderly, disabled and sick register is very difficult to get on. People need help and supplying that help would also provide a monitoring service.

What happens when boiler condemned and person too poor to buy new one? This must be dealt with by social security.

MISDIAGNOSIS BY GPs

The level of this is still scandalous. Even after the Chief Medical Officer's excellent letter. The answer might be to include CO in doctors' training and also to empower and inform consumers as well as put breathalysers in supermarkets. Such equipment can also be used to monitor smoking.

CORGI

There must be prosecutions for not being CORGI registered. Otherwise, what is the point of being registered with CORGI?

CORGI must NOT undertake commercial work. This is bound to erode CORGI's statutory work.

CORGI needs powers, (possibly prohibition and improvement notices and be able to prosecute for not being CORGI registered).

CORGI also needs independent resources – from the levy.

CORGI's COUNCIL must be listened to by CORGI. The Council either needs more power or is not using its existing powers.

There is a very low number of operatives qualifying under new scheme. This is an acute problem which needs addressing urgently.

There should be loans and grants for individual installers. Why is English Literature subsidised and not gas safety? Installers often have families and mortgages and have to give up work to be trained and examined.

DIY WORK

This should be banned.

NO SUPPLY WITHOUT SERVICE

This is a wonderful idea, But how can it be imposed now with such acute shortage of qualified operatives?

If imposed – we suggest that it comes into force in five years to give time for more operatives to be trained.

Please note that 'no supply without service' needs to apply to all fuels.

We like certificates for all gas (and other fuels) work and log books.

LANDLORDS

All landlords should be licensed. Dog kennels have been licensed for over thirty years. Licensing could deal with requirement to service appliances powered by other fuels as well as the need to install CO detectors.

The right of entry should not be given to landlords because this could lead to harassment etc.. However, there needs to be this power. It should be given to the licensing authority.

Councils need to be monitored and licensed. We have found higher deaths in Council property than privately rented. Who would do this particularly if all HSE gas work were to be undertaken by Local Authorities (LAs)?

CO DETECTORS

Ideally, CO detectors to British Standard should be compulsory and fitted in every dwelling and workplace.

If not compulsory, at least they should be fitted 'free'. Probably gas suppliers would claw the cost back.

All fuels need detectors.

GAS SAFETY (INSTALLATION AND USE) REGULATIONS

The Regulations should apply across the board i.e. all fuels & all premises, e.g. in boats for LPG.

GOAL SETTING

Goal setting is temptingly simple, but extremely dangerous at the moment. Much more research needs to be done before this is even considered. In addition, operatives need to be better trained and equipped before this is seriously contemplated.

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Gas Safety Review: Options for change

Response by CO-Gas Safety (Draft sent out to directors & interested parties on 28th January 2000)

Our response is based on the fact that the charity has been in existence for five years. We were launched at the House of Commons on 25.01.95. We were founded by Molly Maher, Nigel Griffiths MP and David Jenkins of ROSPA. Molly had lost her son Gary, to accidental Carbon Monoxide (CO) poisoning in Tenerife in 1985 and her daughter, Sheree, was confined to a wheelchair as a result of the same incident. Molly campaigned for many years for holiday accommodation to be improved under the charity she founded, again with Nigel Griffiths MP, Consumer Safety International. The Spanish authorities told her to put her own house and country in order before bothering them.

I met Molly while campaigning for children's activity holiday centres to be licensed. Our son, Alex, was injured at one and he suffered a clot on the brain. Luckily he made a complete recovery. Molly helped me with my campaign. This took three years, due to the work of the canoe parents and David Jamieson MP. (Three years is a long time but it feels like nothing compared to the five years on Carbon Monoxide poisoning and gas issues that we have spent so far.) Molly heard that two young people, Melanie Downs and Peter Fox, were found dead by their parents from accidental CO in front of their gas fire on Christmas Day 1994. This upset Molly so much she decided to launch CO-Gas Safety. She asked me to head it. Like an idiot, I agreed. I had no idea it would take so long to achieve any real change. **We therefore greatly welcome the HSE Fundamental Review.** We hope that the views of victims about how to stop these unnecessary deaths and injuries are fully taken into account and implemented as a matter of urgency.

Page 1

Gas installations are not the only appliances, which cause CO. About 44% of the deaths we count are solid fuel related. We know that HSE's remit is only gas but in these days of less factories, more home working and an awareness of the need to protect people rather than just workers, we hope that the HSE takes on a remit with regard to solid fuel. In our opinion, it is illogical not to.

We agree that too many burdens are placed on installation businesses. Indeed, it seems the entire burden is placed upon them. Perhaps they lacked a powerful lobby presence when the gas industry was freed to competition. We find it difficult to understand why the rest of the industry has managed to distance itself quite so thoroughly from the consequences of using the fuel and appliances from which the industry makes such a large profit.

We also want a reduction in the number of fatalities but feel that 10% over ten years is too low an aim. We are glad that the HSE wants to see a further reduction. We agree that we need an effective and publicly acceptable strategy and appropriate underpinning arrangements. We agree that everyone needs to play his or her part.

We consider that the most important requirement for this to work is money and resources. We cannot understand why the levy is buried in paragraph 52. HSE has kindly explained that this was a clerical error, but we find this very difficult to accept because the levy is fundamental to putting the problem right.

It would be good to hear the views of the general public with regard to this review and this document. However, the document, although thorough, does suffer from being long and very complicated, (as no doubt this response is too). The questions in the short document do not correspond with the questions in the long document, probably in an attempt to help the consumer or light reader. However, it can confuse further.

In case the reader and compiler of our contribution, gets tired and gives up, I enclose our Guide to our Fuel Safety Bill, which is our considered contribution of how to cut down the deaths and injuries. I drafted this after about three years of study and research. The bill was then discussed fully in several meetings of interested parties at the House of Commons. We have also sent the bill out widely and received many comments and criticisms.

I am glad that your documents are available on the website. Although I tried to copy them without success to save some typing – probably my lack of ability with the Internet generally. Is the whole document obtainable on the Internet? Will our response be available for others on the web site? My e-mail to your bulletin board could not be delivered. Could you please check that this works.

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(I) the commitment to reducing carbon monoxide fatalities, including any ways in which you would like to become involved in work to fulfil it.

After the work we have done, including collecting data of deaths and injuries and drafting the Fuel Safety bill, we hope to see at least some of these ideas made into law. We consider the most important neglected aspect is a lack of victim support and an ongoing interest in improvement of safety standards to reduce deaths and injuries. There is especially a lack of suggested improvements from the victims' perspective. Originally, we did not see CO-Gas Safety as a continuing organisation. We saw ourselves as researching, supporting victims and suggesting changes, ultimately leading to a properly funded body, basically to do what we do and to take over giving advice and support. However, we are now less sure that this can be done by a Government body. If there is an attempt to do this then there needs to be people, such as ourselves, involved in such a body and also victims and families of victims in perpetuity.

In our experience, families need information very quickly, (i.e. ideally within hours of the death or injury). We could apply to put ourselves on a register for the police to give out our name and telephone number after a death. We would dearly have liked to do this, but felt that our resources are so lacking that it would not be right to take this step until we have a proper office, staff and resources. The information needed urgently by families is firstly, advice about medical treatment, quickly followed by advice from a gas expert. Following this, they may need to be guided to a lawyer, familiar with CO incidents. They may also need some general advice, help and support and contact with other victims. Many families also long to do something to raise awareness and stop these injuries and tragedies happening to others.

We have decided (somewhat reluctantly!) that this work is very valuable and certainly needs to be done by some body, which is clearly set up for consumers and victims only. HSE has in the past, told families that it is there to help them when this can be very misleading. HSE has a most valuable job, to investigate and to decide whether to prosecute or not. It should not confuse this with victim support. Such confusion does a great deal of harm to victims who then rely on HSE to their detriment, (for example, not finding out what caused the death of a loved one for many months or even years, i.e. until all the criminal matters are dealt with). What families need are their own advisers.

(ii) how far the options considered in the discussion document could help to meet the target for reducing accidents.

I would have preferred more definite ideas from HSE on this, rather than everyone's input. However, we do understand the reasons for this. However, could there be a way to make this document easier for ordinary people to respond to? I hope that the next document will make recommendations. We are very shocked that the need for resources and levy has not been more prominent.

(iii) how far the options so far put forward meet the legitimate concerns of stakeholders, including small businesses.

Again, we are shocked that the levy and resources aspect has not been more prominent. We consider that the big businesses that supply fuel are far too powerful and have too much lobbying power. We feel like David against Goliath – we just hope that David wins in this case! Too often, in real life as opposed to stories, Goliath wins. However, we are glad that the interests and difficulties experienced by the small installers have been considered.

(iv) any other options you think should be considered.

A body must own the responsibility for CO and gas dangers.

There must be paid for, prime time TV adverts, warning of the dangers of CO. These should be put out in September, November and around Christmas. The fuel industry as a whole should pay for them through the levy, which should also pay for a consumer body, which cares.

Transco must have flue gas analysers and be willing to undertake free testing to identify: -

1. Whether there is any CO in the house or flat and if so, how many parts per million. Equipment is needed for this. *
2. Where the CO is coming from. *
3. Be available to provide some immediate help where the occupants are either very poor, disabled, elderly etc. and/or very disorientated from the CO and are not able to function fully to telephone for a CORGI installer to fix the problem. Ideally, Transco should be able to fix the problem but that doesn't mean they shouldn't charge for extra work. The important thing is for the consumer to be left in a safe state with heating etc. We have been called by people who should never have been left. One particular case stays in my mind. He was blind, she was disabled, and they absolutely refused to allow Transco to cut off the heating. It was a Friday afternoon in January and bitterly cold. In the end, we were able to contact John Wybrew of BG and he sent a fitter. What do all the other people do who cannot get through to us or are too confused to get through to anyone at all? Surely an invoice could be left and if the consumer is unable to pay, provision could be made for this by Social Security? We realise that this needs joined up government.
4. Solid fuel also must have a similar emergency body.
 - It seems to me from the Regulations ((Regulation 7 GSMR 1996) (and certainly if read with the guidance to the Regulations), that these requirements should already be being met. I would welcome the opinion of HSE lawyers on these points. This is something I asked for on the 30th November. I understand from Donna Hancock of HSE that HSE lawyers do not give out such opinions. But why not? These are matters crucial to people's safety.
 - If the Regulations require that the requirements suggested above should be provided by Transco, surely HSE should take action to enforce these requirements? If the law is not clear and such action is strongly defended by reference to the Regulations alone, then the HSE should seek for these matters to be clearly stated, not just in the guidance but in the Regulations.
 - Standard Condition 18(3)(b) of the Public Gas Transporter's Licence requires that the prevention of an escape of gas is effected by a person 'adequately trained to recognise signs of leakage of carbon monoxide and instructed to'. As you know, CO cannot be smelled, tasted, seen or heard. Visual signs, such as sooty marks, yellow flames etc. are not necessarily indicative of CO; nor is their absence necessarily indicative of safety with regard to CO. It follows therefore that equipment to trace CO is required. We do not think that the Regulator agrees with us. However, again we consider that HSE should look into this and if they agree with me, put it to the Regulator.

As a matter of urgency, we would very much appreciate HSE's view on the duty of Transco, and whether this is fulfilled without the use of FGAs. We would also appreciate HSE's view on whether Standard Condition 18(3)(b) of the Licence is fulfilled without the use of a FGA.

There is a terrible shortage of decent gas fitters with the right certificate. A loan scheme with no interest, at the very least, should be provided to enable them to finance their courses. Why can students studying English Literature obtain loans and grants and yet gas fitters obtain nothing? Generally, see our Fuel Safety Bill.

(v) how well we have conducted this review – specifically how you would rate this document (very well, well, not well, poorly) at explaining the issues it addresses.

(vi) if you answered 'not well' or 'poorly' to (v) above, how things might be improved in the future. It must be right to ask as many interested parties as possible. However, with a complicated subject like gas safety the result is just so detailed that we feel ordinary people would be put off reading it, let alone responding. The short document just doesn't seem to help especially. However, it is difficult to suggest many changes except perhaps it would have been helpful to try to avoid duplication, as the same things tend to come up repeatedly. This may be unavoidable, however.

Page 3 Summary and Key issues for consumers

We will respond to these as they are mentioned fully in the document.

Level of risk

Where does gas safety stand in the hierarchy of risks? How does risk from gas compare to other fuels and other risks encountered by the public?

Question 1 – How should these relative risk levels affect our approach to protecting the public?

Solid fuel has twelve times the risk compared with gas and needs urgent action.

Question 2 – Should there be a risk reduction target for gas, as proposed by the HSC of a 10% reduction in gas-related fatalities over a 10 year average?

The risk from gas related CO is well within the 'acceptable' band of risk, as HSE works this out. We would urge the HSE to treat gas related CO differently for the following reasons:-

1. We are not convinced that the statistics are correct. We have come across deaths which could easily have been missed as CO.
2. From surveys, such as the Health and Housing survey which found that 1 in 20 households had suffered CO, there are enormous numbers of people suffering low levels of CO whose work, health and lives are being horrendously affected not to mention the lives of those they affect (e.g. drivers, doctors, nurses, etc.) The effect on the unborn child and babies is probably huge. As CO causes brain damage, this could be a reason why children suffer learning difficulties.
3. This is a complicated issue, which has been ignored for too long and yet could be put right quite easily. Tripping at home may be a higher cause of death but, after stair rails etc. are provided, I doubt if the number of deaths could be greatly reduced. I suspect that tripping is merely the coup de grace for many elderly people, whereas CO takes people, who although some are elderly, were living perfectly independent, full and active lives. Many are also young people. If costs were shared amongst all parties (fuel suppliers, manufacturers, installers, consumers etc.) these costs would not even be noticed and yet the benefits would be enormous. In addition, at a time when gas bills in particular, are being slashed, to reserve a mere £1 or two for improved safety would not concern consumers, even those on social security, (according to the ones I've asked). It would however, be nice if the very wealthy fuel supply and manufacturing companies had to contribute a fair share.
4. People have a right to feel safe in their own homes and yet this is generally where they die and are injured from CO. The resulting shock seems to be even worse than deaths and injuries outside the home.
5. The target should be a greater reduction than 10% over 10 years. In our opinion the reduction target should be at least 30% over ten years if not 50%.
6. Even where the deaths and injuries do occur there should be some properly funded help and advice for the families from an independently funded body, totally committed to the consumer and victims.
7. Why is there a prime time TV warning campaign every November about the danger of fireworks when there was not a single death in the latest year I could find figures for? Why do the risks from fireworks justify this (although we agree that it does) yet the nearly 60 people per year (our figures) who die from CO are within the 'acceptable level of risk'? We think that this shows that statistics, while relevant, are merely a factor in deciding whether TV warnings are worth spending money on. It also shows perhaps, that the TV warnings do work. Surely money is worth spending when it is fairly obvious that warnings can save lives and prevent long term health problems? However, with gas, more than just warnings need to be done. The most urgent is for Transco to have equipment to trace CO.

Pages 13,14,15 & 16

Question 3 – Should research be carried out on specific risk topics? If so, which?

We agree that flats are the most dangerous and that the elderly are particularly vulnerable both from gas related CO, gas explosion and solid fuel related CO. Serious consideration should be given to banning gas in flats altogether, apart from a shared central heating boiler in a outhouse, well away from the inhabitants. We would ban gas cookers from the elderly and/or confused. Their actions or lack of them put others at risk too. Gas boilers are probably safer and some fires with automatic lighting mechanisms are also probably reasonably safe.

We are also very concerned about low levels suffered by employees in catering.

Solid fuel users are less well aware of the dangers of CO than gas users. The data we have collected on solid fuel deaths shows that those dying from solid fuel related CO are ten years older than gas related CO deaths.

Question 4 - Does this analysis of potentially vulnerable population groups justify further regulatory action? If so what measures are needed to protect them?

In our experience, the elderly, disabled and sick, register does not work. It is almost impossible to get through to register on the telephone. I've tried for people and after hours, managed to register them but you need amazing persistence. Perhaps, with regard to this issue what is needed is proper monitoring and enforcement of what is already there.

Those at home for the most time seem to be most at risk of death from CO. I suggest they are targeted by TV adverts during the day, specially aimed at them. However, many others are also being exposed to low levels or high levels for the short term. In other words, improve the whole system of awareness, better servicing, better emergency service, CO detectors and the vulnerable should also enjoy an improvement. However, there are things, which would help the vulnerable:-

1. Improved action to get onto register for free checks. Monitoring of this to make sure fuel companies not cheating by making it too difficult to register. You can do this monitoring by helping people to get them registered. Some way of making complaints which really made the company concerned take notice is needed. Perhaps an improvement notice or a fine? Perhaps also, publicity – naming and shaming.
2. Some financial fall back if a new boiler is needed, as shown by the free check, (a social security issue rather than a gas safety issue but of course, they overlap).
3. **Better ways of helping those that have just been poisoned and are therefore very confused. It is outrageous that such people are left to try to call a CORGI firm themselves. I have spoken to such people on the telephone and helped them. I have thought they were particularly vulnerable and perhaps have a very low IQ. A few weeks later they contact me again and I realise they are perfectly normal, if not highly intelligent. It was just the CO making them seem as if they only had a few brain cells!**

Page 17

Question 5 – Would reporting changes be justified to cover causation, including behaviour and the specific groups discussed? What specific changes might be needed?

Who fills in Annexe 4? It should be the person injured or the family of the person injured perhaps with some help. I thought RIDDOR forms were filled in by the gas supplier in which case I really doubt that Annexe 4 will be helpful. The JIP has devised some useful forms. Other than that, and with regard to deaths, I suggested many years ago that Junior barristers be employed to attend every inquest into a gas or CO death, preferably after some training or some help from someone experienced, along side. A report could then be written up, preferably after a form had been devised after the experience of quite a few inquests to make sure the form was right and relevant. This would not cost a fortune and could cost as little as around £300 per death plus additional reading, compiling and sending out letters to improve matters. This could be an ongoing project starting with a whole year's deaths and maybe reducing to just a sample every year. Again this should be undertaken by a body with the consumer's point of view and with prevention in mind.

Question 6 – Do you have any views on possible misdiagnosis and practicable suggestions for overcoming it?

Yes, the misdiagnosis is general. I was very impressed when someone telephoned me to say her doctor had taken a blood sample. In fact I was excited and wanted to write to the doctor and congratulate him (the victim had referred to her Doctor as Mr. Brown or something). Then the victim told me it wasn't her normal doctor but a locum and a lady. I knew the victim lived in London. I asked her if the doctor's name was Pippa Oakshott (a friend of mine to whom I had reported the problem of CO) and she answered 'yes'. I was disappointed as Pippa and I had sat together while we looked after some children and I'd told her all about CO some weeks before the incident!

Of 200 doctors given symptoms of CO, not one suggested CO as a possible cause. (Professor's Henry's survey). Doctors are on the whole, very poor at diagnosing CO. They hardly ever suggest a blood test. If

they do agree to one, (usually only after the patient has actually asked for one for CO), they invariably fob the person off and ask them to come back the next day, (by which time there is no CO in the blood stream). I suggest that general awareness is raised and that chemists and practice nurses keep a Bedfont (or similar) breath analyser for people's use. In fact, these could be put in supermarkets. I have tried Tesco's and Boots (I think) but so far I have had no luck with this. If the DOH asked or backed us up, maybe we could get further. The analysers could deal with two issues, smoking and CO exposure.

The letter from the Chief Medical Officer to GPs etc. barely helped doctors' diagnostic ability. Why are doctors so bad at this? Perhaps they are just poor at diagnosis in general. This is my experience of them. I think consumers, themselves, need to be made aware. We have read of many cases where lives have been saved through the story about CO on Coronation Street or a magazine article. CO detectors have done a great job of raising awareness and saving lives. Decent prime time TV adverts would also help. So would better education at school and a better emergency service with equipment to test for CO.

Page 18, 19 & 20

Shows that the public perception of gas dangers is high but consumers do not really know what to do to protect themselves. Around 20 to 30% don't have their appliances serviced. However that means around 70 to 80% do have them serviced regularly. Perhaps the servicing is inadequate. Perhaps this should be researched. We strongly recommend spot checks on jobs done by CORGI installers, CO detectors, mandatory flue gas analysers and better help and information for consumers with problems.

We find it scandalous that the only real recourse a consumer has is to ask CORGI to send an inspector yet that CORGI inspector apparently owes no legal duty of care to the consumer (County court case of Wright v. CORGI).

HSE should also be responsible for the CORGI inspectors. The 140 or so CORGI inspectors should all have flue gas analysers. We know of one case where the CORGI inspector failed to check an unsuspected gas appliance, which was also giving off CO causing the consumer to continue to feel ill. The appliance was not hidden and was known about, as it had even been used to purge the gas pipe!

Page 20 states that the accident levels are being broadly maintained. **We do not agree that the recent increase of 30% can be described as 'maintaining the accident levels,' even broadly. We think the HSE is being complacent in this respect.**

It is in the gas suppliers' interest to support Loughborough's research establishment and the JIP. Yet, we were informed that the threat of a levy was needed before this happened. We consider that the gas suppliers will never care enough about the consumer to give voluntarily to reducing deaths and injuries from CO. We consider that a levy for this is therefore vital. We have also heard that some companies do want to give but feel they shouldn't be unfairly treated. In other words, they want a level playing field and in our opinion, a levy is the only sure way to do this. People, such as us have been working for years on nearly no budget and with no salary or office to raise this issue. Many of our victims, despite being grief stricken, have also worked extremely hard and given not only their own time but also paid their own expenses. Please contrast this with the gas suppliers, their huge offices, numerous employees and vast budgets. The fuel suppliers don't even begin to understand the misery of our victims whose only contact with them after a death or injury is often just the gas bill. Their heartlessness and their ability to distance themselves from any responsibility or even feeling, takes my breath away and I've not even been damaged by CO.

Page 21

Question 7 - Is the level of resources expended by the HSE on enforcing the Regulations appropriate or is some other level more appropriate? Is spending on current publicity adequate? If not, how much more should be spent?

HSE needs to support CORGI by bringing prosecutions for not being CORGI registered, whether or not a consumer's life has been put in danger. Otherwise CORGI is put into disrepute.

It seems to us that HSE is willing to prosecute small firms which cannot afford barristers and QCs but not to prosecute large firms which can afford barristers and QCs. HSE ought to be able to instruct barristers and QCs where appropriate. Often they send HSE officers only. Even if this is only confined to guilty pleas and inquests, this does not send out the right signals, particularly when allied with the seeming reluctance to prosecute large firms at all.

The spending on publicity is scandalous. Perhaps the recent rise in fatalities has something to do with the lack of TV adverts. It certainly seems, from our research, that it is TV adverts etc., which are effective. However, these are expensive and therefore there is extreme reluctance to put these out in prime, paid for time. There should be enough money spent every year on this. Ideally some adverts should be tailored for the locality, to bring it home to the people living nearby that it could happen to them. Data taken from the previous year and victims and family members of victims, should be featured where they are willing to do this. In our experience, many victims are happy to help and it can assist them with their grief and anger to feel they are doing something positive. Nevertheless, it shouldn't be left entirely to them to do this. There should be help and support for them too.

Solid fuel

It is scandalous to us that solid fuel is so neglected. We consider that the deaths and possible injuries from solid fuel are not properly reported, particularly as they seem around ten years older than the gas related CO deaths, (and therefore be more likely to be labelled as deaths from natural causes). If they were fully reported, we consider that the number of deaths would, economically, more than justify publicity and registration of engineers and chimney sweeps. Voluntary schemes don't work properly – even the statutory ones often leave much to be desired. Why should Martin Glynn of NACS (National Association of Chimney Sweeps) have to run NACS in his own time, while trying to run his own business? The SFA seems very good indeed to us, but there is a clear conflict of interest as they are set up and funded by the solid fuel industry which is hardly going to want to find lots of deaths and injuries from solid fuel. SFA is always struggling financially as well. In our year 3, 1997 to 1998, 57% of our deaths due to domestic appliances were solid fuel related.

I have just heard, today (20.01.2000) that SFA's income is going to be greatly reduced and they will have to cut down on what they do. We applied to all the fuel suppliers to help fund us and were turned down due to the support given to SFA, by the solid fuel suppliers and the support given to VIGIL, by the gas suppliers. Solid fuel suppliers are having a bad time, I gather, but gas suppliers are not. We consider that we have achieved a great deal more than VIGIL has or ever will achieve. Please note that the New Vigil will be funded to the tune of £100,00 for six months but we doubt it will do much – Vigil did virtually nothing in a year except decide it needed funding. We hope we are wrong about this as we may not be able to continue our work unless we are properly funded.

Page 22

Paragraph 52

Why is our idea of the levy buried here? I have been informed that this is a clerical error and I hope that it will be the most prominent and strongly recommended feature of the HSE's recommendations.

We suggested the levy to be collected and put into a body specially set up to do this. Then another body representing all the interested parties, including consumers and victims would decide each year, or perhaps for three to five years at a time, where the funding was to be used. The model for this is the Advertising Standards Authority.

Page 23 Para 56

Transco tends to merely turn the gas off when there is a report of fumes. The problem is that it does not usually turn anything off when there is a report of a gas leak. In that case, Transco does a pressure test and a smoke test, but it carries no equipment to trace CO. As a result, in a recent and fatal case, Transco failed to test the products of combustion and later it was revealed that 26,900 parts per million (more than fatal) were going up the flue. This later leaked causing a death. In our experience consumers often, report a gas leak as 'fumes' and 'fumes' as a gas leak.

Question 8 – What are your views on the current role and level of response provided by ESPs?

Question 9 – What are your views on whether ESPs should legally be required to take reasonable steps to verify that there is a genuine incident (i.e. by carrying out the necessary examinations/tests), before a report is made under RIDDOR/GSMR?

The level of response provided by Transco has, in the past, been generally acceptable apart from the fact that the operatives do not carry equipment CO. Consumers often cannot tell whether a smell is the products of combustion (and probably CO) or gas. Both can be reported as 'fumes' or 'gas leak'. Anyway, it is scandalous to rely on the reports from a mere consumer about a lethally dangerous gas, which cannot be smelled. To send someone out to check by visual means is ridiculous, as the whole problem with CO is that you cannot see it or sense it in any way. Sometimes, gas appliances, which give off CO, have yellow flames and sooty marks but this is certainly not invariably so. Sometimes, a clean appliance with a blue flame is giving out dangerous amounts of CO. Our gas expert, (Harry Rogers) has evidence of this. Sending out operatives to 'make safe' without such equipment is like sending someone out to check for radiation without a Geiger counter.

This must be remedied straight away. Then they would know if there has been a genuine incident before a RIDDOR report is made.

Lately, we have become concerned over what Transco does or rather does not do. It only turns off an appliance and this could be the wrong one or not the only one giving off CO. In addition, even if there is only one appliance, the CO could be coming from another house or flat. In addition, even if it is clear that an appliance must be turned off because it is the one which is emitting CO, the householder may be quite confused by the poisoning and unable to call a CORGI firm. It would be much better if Transco could put the problem right itself.

Just lately, we have also been concerned that Transco is not even managing to deal with gas leaks properly. (The recent case of the family of four wiped out by a gas explosion in Lanarkshire – there are allegations that reports of the smell of gas had been made over quite a long period to Transco – we do hope that the QCs employed by Transco don't make the task of HSE extremely difficult and certainly that it does not put them or the police and Crown Prosecution Service off altogether.)

Page 25

Part 4 Role of HSE and Intermediary bodies

We agree that there is a need for a more proactive approach. This is dependent upon funding again. Today, (19.01.2000) I was contacted by a Julie Bull who is a single parent in rented accommodation. She and her two children nearly died from CO, her landlady has not produced gas safety certificate and gas fire had obviously not been touched for years. HSE knows about it but apparently will not prosecute – presumably lack of funds. She now (03.02.2000) has received this in writing and will be sending me a copy.

Levy Para 64

We suggested a levy and we suggested that the levy come from the whole industry, certainly from the fuel suppliers and manufacturers and a much smaller contribution from the installers businesses and individual fitters. We have made these specific suggestions many times in the past and I thought I had made them to HSE when interviewed.

Page 26

The long-term plan of raising awareness amongst schoolchildren is a good idea. We would like to be able to help with this. We also suggest a 'course for life' after GCSE exams. This could include all sorts of things e.g. First Aid, Parenting, cooking, how to complain effectively, gas safety, CO awareness, electric safety etc.

Para 69

Again, we suggested the levy.

Para 72

Prosecutions must be brought against installers who are not CORGI registered whether they have endangered life or not. OTHERWISE, CORGI members feel they have paid for nothing. Higher penalties need to be imposed against those endangering life. I have offered to undertake a course to make Magistrates and Judges aware of the suffering of victims and I have many people who would be willing to take part but my offer has never been taken up. Why not?

Para 73

We think it would be better if CORGI did not undertake commercial work.

Page 28

Page 29 Question 10 - What are your views on these options for extending the enforcement role of LAs (Local Authorities) with regard to gas safety? What would be your preference or would you wish to see no changes?

We would like HSE to keep the responsibility for gas safety with some enforcement powers to be granted to environmental health officers, (improvement notices and prohibition notices). We consider that the dangers of double jeopardy outweigh any benefits which might arise if the power to prosecute were granted to LAs. We are also concerned about who would investigate & prosecute the LAs. In four years we have found 35 deaths in rented property (Council) and 27 deaths in rented property (private). If only LAs were responsible for gas safety, the standards could vary and there would be no central body to lobby for change.

N.B. Whoever enforces the gas safety legislation, the costs must be met by someone.

Question 11 - What are your views on CORGI being given similar limited enforcement powers in Great Britain?

CORGI should have the power to issue prohibition and improvement notices under the Health and Safety at Work Act 1974. If CORGI was still funded directly from registration fees, then prosecution powers seem highly undesirable – if they prosecuted those for not being registered it would seem they were just chasing their fees and if they prosecuted those who are registered it would seem they were biting the hand that feeds them. Even if CORGI's funding came from a levy, we feel that ideally CORGI should not have the power to prosecute with regard to gas safety, as again double jeopardy could be a problem. However, if CORGI only used its prosecution powers with regard to non-registration where there was no question of any other breaches of safety law, then we would support this change. CORGI inspectors should owe a duty of care to consumers where they visit homes and deal with gas safety issues.

If it was a question of whether CORGI or LAs were to be given the power to prosecute with regard to gas safety, we would rather CORGI has this power as there would be a central body for consumers to communicate with. We are concerned about LAs having the responsibility to deal with gas safety as we feel that standards would vary far too much from authority to authority. In addition, who would pay for LAs to do this?

Part 5 Statutory registration of gas installation businesses

Question 12 what are your views on the continuation of the statutory registration scheme? Is it still relevant and essential to the maintenance of gas safety standards? Is it necessary to maintain both a register of installation businesses and a database of individual certificate operatives?

Yes, because gas safety depends upon the competence of the individual operative as well as his/her care and it also depends upon the businesses ordering the work in the right way so as not to place an undue burden upon the operative, so that it is virtually impossible for anyone to do the job properly.

The cost should be borne by the entire industry, not just the installers and fitters.

Question 13 – If you are in favour of the continuation of statutory business registration, should this cover the whole field, including commercial/non-domestic work or focus on the domestic sector only?
We think it should cover everything or it will become very confused.

Question 14 – What are your views on the extension of the registration scheme to cover non-gas work undertaken by gas installers?

We would support this.

Question 15 – What are your views on the CORGI Council's role? Should it have a greater involvement in policy and strategic planning?

Yes, we think it should. From what we hear, the Council is largely ignored and this means that change and innovation are very difficult.

Question 16 - If you consider that accountability of the Board to the Council should be increased, do you have any specific proposals as to how this might be effected?

Better communications and more meetings. The members of the Council should be paid and should attend perhaps every month. Communication by E-mail in between where there are important matters that must be decided.

Question 17 - What are your views on Vectra's proposal for the creation of a Steering Group comprising representatives of the main interest groups on the Council, to mediate between the Council and the Board?

We cannot see this working. It would just make matters more cumbersome and provide yet more opportunity for time wasting and procrastination, not to mention a waste of resources.

Question 18 - What are your views on the approval of more than one registration body? If you consider that competition should be introduced into this area, do you have practical suggestions as to how this might be put into effect?

Although we are generally in favour of competition, this is a difficult one. However, we think it would be better to keep CORGI as the body to police the industry, advise on gas safety and other technical issues such as training and act as the public's watchdog; possibly it could also prosecute, at least for not being registered. This would mean it would have more of a public role and therefore it wouldn't seem wrong for it to be a monopoly. It should not make money and should have a duty of care to consumers. The new Energy Consumer Council would then merely concentrate upon money and market matters, reflecting, in our opinion, what actually occurs in the GCC. Consumers need independent gas experts and CORGI should be able to supply this need, charging whenever it can. However, it should not charge people who cannot afford the charge. It should also operate spot checks on CORGI installers and operatives, issue prohibition and improvement notices and help the government with its warnings about CO. CORGI should be funded by a levy. There would then be room for a trade organisation or two to represent the installer industry and the operatives. This would work well in our opinion.

Question 19 – What are your views on CORGI's non-statutory business activities?

Question 20 – Do you see any potential conflict or incompatibility between CORGI's undertaking commercial activities and its statutory role? If so, do you see a need for a change in or clarification of the operational criteria set by HSE?

CORGI's non-statutory business activities get in the way and distract from its statutory role. For example, we are told that the same inspectors, who should be monitoring the installers and helping consumers, are the people used by the commercial side to fulfil the commercial contracts. This is wrong. I know that HSE is now charging for its services, but this must waste valuable time in giving estimates, making up bills, chasing money etc. Both organisations need secure funding from a central levy, (or licence fee in the case of HSE) to provide the services that the industry needs. Industry should pay but in a centralised way which would make it much easier to collect. We are believers in making the 'polluter' pay but surely, you simply cannot combine the two roles of statutory body and commercial enterprise without downgrading the primary activity, i.e. the statutory role. There are also clear worries about conflict of interest. Surely, this obsession about commerce is just Conservative party policy taken to extremes?

There is an enormous need for a change in the operational criteria set by HSE. We think that CORGI should have to take part in a bid for its own work each time HSE considers whether to continue CORGI's statutory role. Apart from that, CORGI should be assured of enough income to do its job without distractions and it should be an organisation to drive forward standards, help consumers over quality issues and gas safety and keep the register. Bonuses need to be built into the structure to make sure staff don't become complacent. However, the business itself shouldn't be worrying all the time about where the next lump of money is coming from. We know that this makes life virtually impossible and in our case, we have the 'luxury' of incredibly low outgoings!

Question 21 – From your knowledge and experience do you consider CORGI's relations with other stakeholders to be satisfactory and conducive to promoting safety? If you consider them to be less than satisfactory, do you have any proposals for change?

We consider that Dr. Bob Henry has done a very good job of dragging CORGI forward but we feel he needs more support. The problem is that business considerations, while promoting much-needed modernisation and speeding up, should not result in profit being the primary goal for CORGI. In our opinion, CORGI needs the following:-

1. its criteria to be changed,
 2. to make sure it knows what it should be doing,
 3. to install up to date business practices to promote efficiency and
- have the goal of raising standards, improving safety and acting as the public's watchdog. This should all be conducive to promoting safety. CORGI should have to report and justify its actions or lack of them to perhaps the Council and to the media on a regular basis. Criticism should be sought and dealt with constructively.

Question 22 – Assuming CORGI retains its statutory business registration functions, do you think there is a case of separating this from other activities, such as monitoring and inspection? Do you consider that alternative bodies or sub-contractors could carry out any of CORGI's functions on more cost effective basis than at present?

As we have stated, we consider that only the commercial activities should be separated and indeed dropped from CORGI's role. They just do not mix well. Whereas we think that the registration, monitoring and inspection fit quite well together provided its funding is independent of the registration fees.

Question 23 – Do you have comments on the early impact of the new certification arrangements?

We are very concerned at the low number of operatives who are qualifying under the new scheme. Something must be very wrong and needs putting right urgently or we will have a situation where there are practically no qualified fitters.

Question 24 – Do you have comments on the effects on businesses of the cost of training and competence certificates?

The burden on the individual installers is outrageous. Help must be given for small businesses. We suggest grants and loans, similar to student loans. However, it should be borne in mind that gas fitters are often supporting a mortgage and a family and need more help than young students, not less help. Why should a student studying English Literature receive a loan and the gas fitter receives nothing and often has to forgo a minimum of a week's earnings as well? Who has decided that English Literature is more important than gas safety?

Question 25 – Do you consider that there is a case for refining or simplifying the scheme in any way? If so, do you have any specific proposals?

We do not feel qualified to comment fully on this. We do welcome the separation between training and examination. It is tempting to think that the scheme is too complicated but we do agree that the base line has been appallingly low in the past and so the contrast appears dramatic. Certainly, we agree that the Joint Standards Board has not been very open to suggestions. We are disgusted that flue gas analysers are not taught as part of the scheme and have tried to remedy this with little help, apart from the CITB which assures us, covers this topic. However, why is the teaching of the use of FGAs not compulsory?

Question 26 – Do you consider that there is a case for treating competence assessment in the domestic and the non-domestic sectors in different ways? If there is a case of maintaining the current assessment arrangements, with or without refinements, in the domestic sector, is this approach appropriate for large-scale commercial or industrial plant? If the scope of the scheme should be limited in some way, would it be practicable to define this in terms of the input/output of appliances?

We are not sure we are well enough qualified to comment fully. We do not approve of Quality Marks as they never seem to be very satisfactory. After all, CORGI was originally that sort of scheme and it was made statutory.

Question 27 – Do you have views on the relationship between the ACS and the existing vocational qualification such as S/NVQs? Is there excessive duplication, and if so how can the system be dovetailed more effectively?

We are not able to comment fully. However, if others cannot fully comment this should be the subject of a further study.

Question 28 – Should the registration body have a role in the accreditation of certification bodies? Do you see any potential conflict of interest? If so, do you have views as to the alternative sources of technical expertise to which UKAS might turn?

We do see a potential conflict, although this would be alleviated by CORGI becoming 'more statutory' and no longer commercial, but it is difficult to find an alternative source of technical knowledge.

Question 29 – What are your views on the continuing relevance of the ACoP following the introduction of the ACS? Is it useful for the HSC to publish a document defining the standards expected for the training of competent gas installers?

We agree with the GMB representations on this.

Question 30 – Your views are requested on whether:

- a) **DIY gas work should be legally prohibited, e.g. by restricting sale of gas equipment to registered gas installers;**
- b) **retailers should be legally required to record sales of gas equipment and to pass these on to a central body, perhaps CORGI;**
- c) **and central body selected for this purpose should be required to arrange for inspection of gas installation work in any case where the record of sale suggests this will not be carried out by a registered installer;**
- d) **Do irrespective of your view on the need for further legal controls on DIY gas work, that increased publicity should be given on the dangers of this work, (i) by HSE campaigns, (ii) warnings in manufacturer's instructions for gas equipment, or (iii) any other means (please specify)**

We think DIY gas work should be made illegal. The very sad case of the grandmother whose grandchildren died after one of their fathers installed a gas water heater, was a good example of why DIY should be banned.

The sale of gas equipment is more difficult because it could be so cumbersome and we can also see the problem that would cause in a European dimension. We think members of the public should be able to buy gas equipment but that they should have to produce a CORGI firm's name and details for the record, preferably at sale, and definitely before the equipment could be picked up or delivered. Obviously means could be used to get round this, (and probably would by the firm selling the equipment, nominating a CORGI firm). However, it is unlikely that this would be done very much apart from perhaps, landlords. If landlords were all licensed then that would deal with that problem.

Ordinary members of the public should want to use a CORGI installer and they would, at least, have been well warned by the need to produce the name and details of a CORGI installer whom they have instructed or will instruct to do the work. We suggest this as a compromise.

With regard to enforcement, there should be spot checks made on say 10% of the sales. The spot checks would have to be paid for by the levy and undertaken, perhaps by CORGI, or perhaps, by another agency set up to do this.

Increased publicity of the need to use a registered installer should be given in HSE campaigns (which should be on TV in prime time) as well as in manufacturer's instructions.

Question 31 – Do you consider that further action needs to be taken to curb the activities of non-registered installers?

Yes we do. This is central to the problems that CORGI has. How can it justify the fees it charges, (however low these fees might become under a new scheme) if those who are not registered get away without paying? We have heard that in some areas, installation work is being done by non-registered companies leaving the actual commissioning of the gas appliance to registered companies. This erodes CORGI's position. If CORGI is ever to become respected and truly useful with regard to gas safety, it must be given the tools for the job.

1. It must be worth being CORGI registered and/or not worth being unregistered. Non-registered installers have to be properly punished. We can see the problem with the courts but again, we offer to help by giving talks with victims to Magistrates and Judges. This should be done on a regular basis.
2. CORGI must offer value for money – the levy would help here.
3. CORGI needs powers – improvement and prohibition notices would help. Prosecution powers with regard to non-registration only might also be helpful (but only where CORGI was funded by a levy, became more of a ‘statutory’ body, and lost its commercial side altogether).
4. The system of recording sales would be very helpful in policing the whole thing. However, it is often the maintenance, which is undertaken by non-registered installers, rather than the installation of new appliances, which needs to be recorded and checked. We do not think that it would be helpful to make it an offence for a consumer to use a non-registered installer as the information about such installers can come from the consumers themselves.

Question 32 – If so, what are your views on proposals (a) – (h) in paragraph 157 for dealing with this matter (if you have any other suggestions for further action please give details?)

We agree that non-registered installers pose a threat to public safety and undermine the registration scheme as a whole. Prosecuting non-registered businesses must be undertaken and paid for – again the levy would pay for this.

Page 57 and 58

Question 33 – What are your views on whether gas equipment in domestic ‘owner occupied’ premises should be required by law to be (a) annually checked for safety, or (b) maintained in a safe condition or (c) both annually checked for safety and maintained in a safe condition?

Question 34 - If you agree that gas equipment in ‘owner-occupied’ premises should be required to be maintained in a safe condition, do you feel that (a) annual servicing of gas equipment should be prescribed in this respect, or (b) that it should be left to the dutyholder to decide (e.g. from equipment manufacturer’s instructions) on the detailed requirements for maintenance?

Question 35 – If you believe that a legal requirement should be introduced to require annual safety checks and/or servicing/maintenance of gas equipment, as above, do you consider this should be done by; (a) placing a duty on gas consumers to ensure requirements are met, or by placing a condition on gas suppliers (e.g. through their operating licence) not to supply a customer with gas, unless requirements met or (c) that the requirement should be applied in another way (please specify)

Question 36 – Do you consider that gas suppliers should be made responsible for ensuring that customers’ gas equipment in owner-occupied property is (a) safely maintained (e.g. by being serviced annually) or (b) subjected to an annual safety check or (c) both safely maintained and subjected to an annual check?

Question 37 – If you feel that gas suppliers should be made responsible for servicing and/or safety checks, do you consider that this should apply in respect of (a) all customers in domestic owner-occupied premises, or (b) only to people on low income e.g. single parent families, elderly people or the chronically sick?

Question 38 – What are your views on whether; (a) insurance companies and building societies should be exhorted to provide incentives for ensuring gas equipment is properly maintained and annually checked for safety thought conditions of house insurance policies and mortgages, and (c) more publicity should be given to the importance of ensuring such maintenance and checks are carried out?

We are answering all these questions together. We would very much like to see no supply without service. However, this is almost impossible, now, as there are so few properly qualified gas installers. Of course, this requirement could be put in place to come into force in say, five years time. By then, the promise of so much extra work would have provided the incentive for people to become qualified and registered. This is a very attractive proposition and should be seriously considered. Perhaps a pilot study would also be useful in a small area. We do not think that the idea of limiting this to the elderly, etc. would work at all, as the most needy would be bound to slip through the net. We think that the duty has to be on the gas suppliers, rather than the consumers. The equipment should be checked annually. Ideally, the duty should extend to maintaining the appliance in good condition. There are problems with this though. What if the

owner/occupier fiddles with the appliance? It would then not be fair to blame the supplier. However, this could probably be dealt with by providing the supplier with a defence. What if the installer does a bad job? Again, this could be dealt with by a defence. If the duty is restricted to a safety check, something which seems sensible and attractive at first glance, there is a problem where the appliance is simply looked at when there is a real problem about to happen (e.g. a build up of dust etc.). However, this does not seem to cause many problems with British Gas Service's checks. The operatives use a flue gas analyser and CO detectors could provide a further safety measure. The safety check would probably be enough and would help to save many lives.

However, there is a huge problem with solid fuel and we would very much like the duty of 'no supply without checking and ensuring that appliance and flue are safe' to be put on the solid fuel suppliers as far as this is possible. In our opinion, it would be wrong to ignore solid fuel, as consumers tend to be less aware of the need for maintenance with solid fuel, yet it could be argued to be even more important.

Question 39 – What are your views on whether: -

- (a) a certificate should be issued by gas installers on completion of any work (e.g. installation, repairs and maintenance of gas appliances/fitting), including results of tests/examinations, confirmation that the work has been carried out in accordance with the Regulations and information on the gas installer including registration details;
- (b) (a) a record (e.g. log book) should be maintained by each gas consumer, including original installation data, completion certificates (as above) and the full service history of their gas equipment;
- (c) a record should be kept by the consumer of the information as in (b) above, but only for a period of two years after the work concerned has been carried out;
- (d) any of the proposals for completion certificates or log books/records in (a) – (c) above should be required by law, or simply recommended as good practice;
- (e) whether supply of gas to premises, e.g. new buildings, should be made conditional on the appropriate completion certificates for gas work being provided;
- (f) any legal requirement for a 'completion certificate' and/or for a record/log book to be kept should apply to gas work in (i) all premises covered by the Regulations; or (ii) non-domestic premises only, or (iii) domestic premises only, or (iv) only rented residential accommodation covered by the existing landlords' duties under the GS(IU)R or (v) a combination of the premises in (ii) – (iv) please specify.

We particularly like the idea of certificates for all gas work, (but would add that this should also apply to solid fuel etc). We certainly want flue gas analysers used and measurements recorded. We like the suggestion of a logbook too. This is a good idea and we would like to see its use on resale of the premises. We agree that records would also help discipline and improve standards.

Question 40 – What is your view on whether the current duties on landlords in GS (IU)R regulation 36 should be (a) retained without change, or (b) amended in any way, e.g. to increase or relax controls? (If you feel that changes should be made, please give details).

We would wish the duty to be retained and to be made a condition of a mandatory licence on landlords. Such a licence would also require by law and any appliance which burns combustible fuel be checked (as well as its chimney and flue). Ventilation should also be dealt with and made mandatory. Councils would also need to be checked by an independent body.

Question 41 – What are your views on the proposals in para. 178 above, concerning the need for; (a) more proactive inspection and enforcement of gas safety requirements in rented accommodation; (b) simplification of legal requirements on landlords; (c) further action to target gas safety publicity on landlords; (d) more guidance to be given to landlords; (e) removing liability of landlords in respect of work done by gas installers; (f) a legal provision to ensure access can be gained to tenants; accommodation in order to carry out landlords' maintenance/safety check duties?

In our opinion, licensing would do more to improve safety than any of the above. We are not sure that giving the landlord a right of entry is right. It seems very attractive until you think of perhaps a vulnerable tenant whose landlord wants an excuse to gain entry. Some body should have a right of entry but it should not be the landlord. We would like this right given to the authority which licences landlords.

Councils too need to be checked and monitored. Could a new style CORGI do this or would it be unable to be sufficiently proactive and assertive with County Councils/LAs?

Question 42 – What are your views on whether the existing general duty for landlords to ensure gas fittings/flues are maintained in a safe condition (regulation 36(2) should (a) be replaced or (b) supplemented, by a requirement to ensure that gas equipment is serviced annually?

British Gas Services' 3 Star 'service' is merely a safety check. As this is so, how can landlords realistically be expected to do more?

Question 43 – What is your view on whether a legal requirement should be introduced to require; (a) gas equipment in 'owner-occupied' properties to be checked for safety; (b) any faulty equipment to be made safe or repaired before the property is sold?

Equipment powered by combustible fuel should be checked and if unsafe, disconnected and the lack of safety made clear to the purchaser. The question about the safety of such equipment should be one of the preliminary inquiries that solicitors ask in house purchases. We have already suggested this to the Law Society, with no results I fear.

Question 44 – If you feel such a requirement should be introduced;

(i) **What is your view about providing an exemption (a) where a check has been made within one year prior to the date of property sale; (b) in the case of property less than 5 years old?**

The exemption suggested would just cause confusion and cannot be justified on safety grounds where the property is less than five years old.

(ii) **do you believe that responsibility for ensuring a safety check is carried out and action is taken to make safe or repair equipment, as necessary, should be placed on (a) the property vendor, (b) the estate agent, or (c) someone else (please specify)?**

The duty should probably be placed upon the vendor.

Question 45 – What is your view on whether solicitors involved in house transactions should be required to make reasonable inquiries to obtain proof of safety of gas equipment in property to be sold?

I suggested this to the Law Society some years ago with no luck yet. Perhaps HSE and HSC will achieve better results.

Question 46 – Do you consider that fitting of carbon monoxide alarms should (a) be required by law in certain premises, (b) recommended as good practice in certain premises or (c) neither required by law nor recommended as good practice?

The fitting of CO alarms should be required by law in all accommodation. We appreciate that this would be very difficult to enforce but could be backed up by an advertising campaign, with hopefully, some humour. Failing this, CO detectors should be provided 'free' every five years.

Question 47 – If you believe that carbon monoxide alarms should be legally required, do you feel this should apply to (a) all domestic premises, or (b) all rented premises or (c) houses in multiple occupation, or (d) the homes of the elderly, chronically sick or disabled persons, or (e) other places (please specify).

The fitting of alarms should be in all domestic premises and in work places too. Most work places have heating appliances burning combustible fuel or other processes, such as smelting or garage work which are even more dangerous. The recent case of Mr. Gill, the science teacher who has just won an award for around £500,000 shows how dangerous even schools can be.

Questions 48 – If you feel that a requirement for alarms should be introduced, do you believe, in principle, that this should be done by placing (a) a specific legal duty on gas consumers, e.g. in GS (IU)R or (b) a control on gas suppliers which makes the supply of gas conditional on the fitting of alarms?

The duty should, ideally be placed on gas suppliers as in (b) above.

Question 49 – What are your views on whether the gas supplier should be responsible for providing CO alarms; (a) in all cases where fitting of alarms was required by law, (b) in the case of people on a low income?

Ideally the CO alarms should be provided by the supplier 'free'. Of course, the cost may be clawed back in higher charges for other things. If HSE decides that the gas supplier should be able to charge for the fitting of CO alarms, the mass production of such alarms should bring the price right down. As the gas companies seem set to compete against each other to offer the consumer a better deal, perhaps after the fitting of alarms is made compulsory, free alarms could be a valuable marketing tool. In the case of people on low income, if there has to be a charge, social security should pay. With regard to tenants, if there has to be a charge, the landlord should pay.

Question 50 – Do you consider that (a) Emergency Service Providers and/or (b) gas installers generally should be equipped with flue gas analysers?

Yes, very, very definitely. We have come across cases where the use of FGAs saved lives. Recently we came across a case where, in our opinion, the lack of a FGA by Transco, caused a death. We are also aware of cases of poor maintenance where a FGA would have alerted the fitter to the fact that the job he'd just done was not just sub-standard, but lethally dangerous.

Question 51 – If you believe they should be so equipped, do you consider that a legal requirement should be imposed, or that the use of flue gas analysers should simply be recommended as good practice.

Yes, definitely the use of a FGA should be made compulsory by law. The reason for this is that the FGA is such a valuable safety feature that we cannot understand why they are not almost universal already. The price is as low as £339 plus VAT now, (from Gasafe). Unless HSE and HSC make the use of FGAs compulsory, it will be another 1000 years before they are generally used! However, help should be given in the form of grants from the levy or at least loans for this equipment.

Question 52- What are your views on either excluding (a) all gas work in the 'commercial' sector from the Regulations, or (b) gas work in the 'commercial' sector from the need for registration (and related competence assessment under ACS)?

We agree with the opposing arguments and consider that excluding the commercial sector in any way would reduce gas safety.

Question 53 – Your views are requested on whether:

- (a) the hanging of appliances (i.e. 'carcassing') or installation of pipework or both of these types of work should be excluded from the requirement for registration (and the related competence assessment), where confined to the pre-commissioning stage, i.e. not involving 'live gas':**
- (b) any such relaxation should apply only to 'non-domestic' premises, or should also extend to domestic situations;**
- (c) any exception should be restricted to where all gas appliances, fittings and pipework are readily accessible for subsequent inspection by the commissioning (registered) installer, or should extend also to other situations where work is within the scope of the Pressure Systems and Transportable Gas Containers Regulations**

We agree with all the opposing arguments. We are very concerned because we hear that work is already being carried out by non-registered gas installers and only commissioned by registered installers. We see safety risks in this, particularly where the pipework is buried etc. Using registered installers only to commission the appliances, takes the work from the registered installers, puts an unfair burden on the registered installers who would have to take responsibility for work they might be unable to fully check and undermines CORGI's position.

Question 54 – What are your views on whether work on ‘industrial’ scale purposes designed plant in commercial premises should be excluded from (a) the ACS competence assessment and (b) the requirement for registration under GS (IU) R, where the work is done by the equipment manufacturer, or a person trained by them to do this work?

Question 55 – If you believe that a relaxation should only be provided in respect of the ACS competence assessment requirements in these circumstances, what are your views on whether this should be achieved by:

- (a) a legal exclusion clause in GS(IU) relying on industrial standards/practice alone for defining training/competence requirements, i.e. with no ACoP;
- (b) a provision in an ACoP within new Regulations to allow competence under GS9(IU)R to be demonstrated in the way proposed, i.e. through training/assessment by the equipment manufacturer; or
- (c) a legal exclusion clause in new Regulations, with a new ACoP on standards of training/competence in work on industrial plant (i.e. dealing with general HSWA duties)?

Question 56 – If you agree that an ACoP is required, do you feel that this should be;(a) a ‘stand – alone’ document specifically on ‘industrial’ equipment, or (b) part of a revised ACoP on standards of training/competence for both domestic and industrial gas installations, to replace the present (1988) ACoP?

We are not really qualified to comment on questions 54, 55 and 56.

Question 57 – What are your views on whether gas work carried out during the construction of buildings intended to be used for ‘industrial’ purposes, e.g. factories, should be excluded from the Regulations?

Question 58 – If you believe that this work should be excluded from GS(IU)R, do you feel that associated competence/training requirements should be covered by a new ACoP dealing with general HSWA duties in this respect?

We are not really qualified to comment but any change should be to increase safety not to put safety in jeopardy. We are sure that HSE will be able to take expert advice on this.

Question 59 –What are your views on whether:

- (a) work on any part of the ‘supply system’ of an LPG installation (i.e. storage vessel, service pipework and valves, regulators and other fittings upstream and including the first emergency control on the premises) should be excluded from the Regulations, or
- (b) work only on LPG service pipework should be excluded from either the Regulations as a whole, or from the specific requirement for registration (and the related ACS competence assessment regime)?
- (c) Safe location of LPG storage vessels (including cylinders) should be removed from GS(IU)R leaving controls to other more general legislation.

We have commented on this issue before in relation to another HSE document. We have always been in favour of keeping GS(IU)R with regard to LPG. We like the following suggestion in para 219 page 84, ‘the industry’s concern could (at least partly) be addressed by providing greater flexibility in ACS, without having to relax regulatory requirements further (see paras 133-134)’

Question 60 – What are your views on extending the current scope of GS(IU)R to cover all caravans and inland waterway boats?

Question 61 – What are your views on excluding wholly or partly from GS(IU)R those boats subject to a boat safety scheme operated by a navigation authority? If you feel such boats should be excluded in some way, which of the provisions of the Regulations do you feel should be disapplied in these circumstances?

We agree with the argument (para 223) that ‘although the schemes can make a useful additional contribution to gas safety, the overall risks from the use of LPG on aboard boats demand that the GS(IU)R legal regime should apply equally across the board.

Question 62 – Provided that practical concerns can be addressed (e.g. by more flexibility in operation of the registration/competence regime), what is your view on extending the Regulations, as far as possible, to cover (a) all premises or (all gas fittings/appliances or (c) all premises and all gas fittings/appliances?

Question 63 – What is your view on the way in which requirements should be applied? Do you feel that scope should primarily be defined by type of gas equipment, or on the basis of premises as in the existing Regulations?

We would wish to see the Regulations extended to all premises and all gas fittings/appliances. Indeed we would also want to see similar Regulations with regard to solid fuel and other fuels.

Question 64 – What are your views over whether the current detailed and prescriptive approach in GS(IU)R should be retained (i.e. without change) for (a) the domestic sector, or (b) the non-domestic sector or (c) both sectors?

Question 65 – What are your views on the principle of introducing a more goal-setting approach to cover certain provisions, while retaining prescription for others. i.e. a hybrid approach as discussed in paragraph 234(a)?

Question 66 – If you agree that limited goal-setting should be introduced as above, do you consider that this should apply to (a) the domestic sector, or (b) the non-domestic sector, or (c) both sectors?

Question 67 – What are your views on the proposal in para 234(b) above, for introducing a ‘safety plan’ regime for large-scale gas work carried out during building construction?

Question 68 – Do you agree with any of the specific changes suggested in Annex 6? If so, please specify which of these you support.

Question 69 – Do you have any further suggestions for simplifying requirements in GS(IU)R or replacing particular regulations by more goal setting provisions? If so, please give details.

We are answering questions 64 to 69 together. Goal setting seems attractive and perhaps further research should be undertaken to see whether it could be practical. Such research would have to be undertaken by some impartial but qualified body. However, does such a body exist? Meanwhile we agree with what is said in para 237 that a clear set of rules is needed for the foreseeable future.

Question 70 – Should the existing definitions of ‘gas appliance’ and ‘gas fitting’ be amended in any way?

We consider that these definitions work very well.

Question 71 – Should the requirements of GS(IU)R in regard to flues be changed, i.e. to bring any work in a flue/chimney within the scope of competence requirements?

Yes, we do. This should include chimneys and flues connected to solid (and other) fuel appliances.

Question 72 – What is your view on whether the existing definition of ‘work’ should be replaced by a more goal setting definition?

We consider that the definition of ‘work’ seems to be clear as it is.

Question 73 – If you agree that a more goal setting approach should be adopted, do you feel this should be done (a) by limiting the definition to work which has the potential to affect gas safety but retaining a list of specific activities covered by the definition, or (c) some other approach (please give details)?

Question 74 – If you agree with a more goal setting definition, do you feel this should apply to; (a) all work covered by the Regulations or only to work in the non-domestic sector; (b) all work-related provisions in GS(IU)R or only some of these requirements (if the latter, please specify the regulations where you feel application should be governed by the goal setting definition of work)?

We do not want to adopt goal setting – not yet anyway.

Question 75 – Is there a need for further action to clarify and provide further information in interfaces between GS(IU)R and related controls?

Question 76 – Are there any other circumstances where the interface with GS(IU)R need further clarification?

We are not really qualified to comment but we haven't really noticed anything apart from the double jeopardy problem. This seems to have been dealt with, lately at least, but it does need watching all the time.

SECTION 9

UK FUEL SAFETY BILL

**Proposed and Prepared by
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Carbon Monoxide & Gas Safety
Society (CO-Gas Safety) is an
independent charity committed to
reducing accidents from Carbon
monoxide and other gas dangers
and supporting gas related
accident victims.

Company Limited by Guarantee,
Registered in England.
Registration No. 3084435.
Charity Registration No. 048370.

GUIDE TO FUEL SAFETY BILL - 25.01.2000

(nutshell and some reasons for drafting this bill)

Data

CO-Gas Safety has found 230 deaths and over 1,598 near misses from accidental Carbon Monoxide (CO) poisoning in four years, from 01.09.95 to 31.08.99.

DTI figures show 50 deaths and 175 injured per year from accidental CO from domestic appliances, (N.B. DTI does not include accidental CO cases relating to vehicles).

Cost Implications of this Bill

Initial funding might be required but the Bill should be cost neutral or even produce surplus funds, especially if the costs of each sudden death, (£902,500), and injury (£30,250 average - both DOT figures at 1997 prices) are taken into account. The Fuel Safety Levy should bring in at least £19 million per year to be spent on safety improvements. Licensing landlords should pay for itself and provide interesting, worthwhile jobs.

Please note even on DTI figures these deaths are costing £45,125,000 and the injuries are costing £5,293,750, i.e. £50,418,750 or more than £50 million per year.

.....

Licensing of Landlords, Carbon Monoxide and Fuel Safety in Dwelling-Houses Bill 1998

A bill to license landlords of dwelling-houses and to improve safety with regard to the dangers from carbon monoxide poisoning from gas and all combustible fuels.

Part A Licensing of Landlords of Dwelling-Houses

The government has pledged to license Houses of Multiple Occupation but due to deaths and injuries in ordinary rented accommodation it is felt that all landlords need to be licensed. CO detectors to BS could be required as a term of the licence. So could the servicing of all appliances burning combustible fuel.

N.B. Dog kennels are licensed (and have been for around 30 years).

N.B. A recent case has highlighted the difficulty of defining HMOs Even under the new proposed definition we do not see why ordinary families will not enjoy the same protection as three unrelated persons.

Part B An Annual Safety Check for dwelling-houses (with regard to CO contamination of dwellings)

An annual check (similar to the MOT vehicle check) is attractive but seems impossible to enforce. This is a compromise on such an annual MOT and puts the duty on the mortgage lender. Insurance has been considered but will not work. Only real possibility is to link with Community Charge but this could be very difficult to administer and enforce. Possibly could be linked with fuel supply - i.e. no supply without service. Possibly no supply without CO detectors.

Part C No Gas Work Without Registration

This is to make it illegal for people to undertake DIY gas work, (for example the recent tragic case of the death of two children and their grandmother from a gas water heater, installed by the father of the children). At present DIY is legal provided the person is "competent".



Part D Registration of any Person who Undertakes Work to Install and/or Maintain Appliances powered by Combustible Fuels other than Gas

This is to provide registration for fuels other than gas, [44% of the accidental CO deaths (from domestic appliances for heating or cooking) recorded by CO-Gas were from solid fuel].

Part E Registration of Chimney Engineers

This is to provide for registration of chimney sweeps as their work is as important to safety as that of gas operatives.

Part F Compulsory Insurance of any Person Registered to Undertake Work on an Appliance Powered by Combustible Fuel

This is to provide Public Liability Insurance for persons undertaking such work in order to raise standards and where necessary, to provide funds for the injured person or bereaved family, (where someone is injured in a car there is compulsory insurance and the Motor Insurance Bureau).

Part G New Offence of Causing Serious Injury by Undertaking Work on Appliances Powered by Combustible Fuel - Gross Negligence

If a consumer dies, an operative can be charged with manslaughter, an imprisonable offence. If, by luck, the consumer survives, the operative can only be charged with an offence punishable by a fine. Yet the consumer may be a virtual vegetable and the negligence can be the same, i.e. gross.

Part H Fuel Safety Levy

The equivalent of a mere £1 per household per year would provide resources for the many measures which need to be taken to stop these unnecessary deaths and injuries, from better training and equipment, spot checks and enforcement, to providing some help and support for bereaved families. Why is there so little help for these people? What is more, by helping people, flaws in the system can be spotted and dealt with.

Part I Miscellaneous Provisions to Prevent Deaths and Injury from Carbon Monoxide Poisoning

- (i) Vehicle MOTs to include test for exhaust leak into vehicle or cabin.

To cover the cases CO-Gas has come across, where drivers could cause accidents by falling asleep because of CO.

- (ii) Conveyance of property - preliminary questions by purchaser to vendor to include questions on the installation and maintenance of appliances burning combustible fuels.

To cover the cases we have found where someone moves into a property not realising that the cooking and heating appliances are lethal.

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(First drafted February 1998)

Comments, (whether good or bad) are very welcome:-



Stephanie Trotter, Lorien House, Common Lane, Claygate, Surrey
KT10 OHY

*** Should CORGI and Environmental Health Officers have powers to issue prohibition notices under the Health and Safety at Work Act 1974?**

This could work and is better than a power to prosecute which could cause double jeopardy problems. But would this be needed if the Health and Safety Executive (HSE) was properly resourced and the law required the licensing of all landlords?

*** Should the specific duty on landlords to maintain gas appliances be extended to appliances powered by other combustible fuels?**

If there is licensing, this could be made a specific condition of the licence anyway.

*** Should we strive to try to marry safety with efficiency? We did try this but reluctantly decided it did not seem to work. However, inevitably, safer appliances are also more efficient so fuel should be saved and emissions reduced.**

Please note that if the government took up this Bill it would no doubt be changed considerably. I have tried to use some drafting conventions but this has been abandoned where to do so would either make the text even longer or would obscure the immediate meaning.

It is also unlikely that the idea of allowing the licensing authority itself to prosecute would find favour - the job of prosecuting would probably be given to the Health and Safety Executive. However, I would like to see an independent prosecutor because the HSE is short of resources - in 1996/7 it only investigated 4% of the 50,000 major incidents and only 15% of the 359 cases of gassing, poisoning and asphyxiation - HSE's own figures, published by the Institute of Employment Rights Tel. 0171 738 9511

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Support Form

If you would be kind enough to add your name to our petition for the Fuel Safety Bill, we would be very grateful.

I.....

Organisation/Job Title/ MP for, etc.....

Signed.....

Please return to CO-Gas Safety, Lorien House, Common Lane,
Claygate, Surrey KT10 OHY



SECTION 10

Resumé of Formation and Achievements to date of The Carbon Monoxide & Gas Safety Society

CO-Gas Safety

The Carbon Monoxide and Gas Safety Society

We are an independent registered charity with cross party support at the House of Commons and European Parliament. We were founded by Molly Maher and Nigel Griffiths, MP. CO-Gas Safety was launched at the House of Commons on the 25th January 1995 to work to try to reduce accidents from Carbon Monoxide (CO) poisoning and other gas dangers. We lobby for changes which will help to achieve this. We also help and advise victims whenever we can.

I became involved through meeting Molly Maher, who had lost her son, Gary, through CO poisoning in Tenerife. Molly's daughter, Sheree was confined to a wheelchair as a result of the same incident. I had been campaigning for children's activity holiday centres to be licensed. (Our son, Alex, was injured at one and had to have an operation for a clot on the brain. Luckily he recovered completely and is now in his second year at Southampton University, reading Philosophy.) I am a barrister who has practised and has also lectured at the Inns of Court School of Law for nine years, (postgraduate course - final year of the Bar Exams).

I knew nothing about CO poisoning when I started. Hardly any bodies would talk to us or help us, so I learned from the victims and their families. The same stories recurred again and again. Quite quickly I had compiled a list of aims and objectives which were prepared in February 1995 for our Constitution. It is depressing to read these now and find that so few are fulfilled and so many are still extremely urgent. However, there is now a British Standard for CO detectors, and more or less, registration for individual gas operatives. We have also published our own data of CO deaths and incidents. But there are still objectives that are unfulfilled, for example that landlords be licensed, and that no household be supplied with gas, without proof of service.

Our greatest achievements so far are:-

1. British Standard for both CO detectors and flue gas analysers.
2. Publication of our data, 230 deaths and over 1,598 near misses from accidental CO in four years. Data taken mainly from newspaper cuttings and checked with coroners.
3. Raising of awareness of the dangers of CO from solid fuel and the importance of servicing solid fuel appliances and chimney sweeping of all appliances. (Solid fuel and chimney sweeping were and probably still are, very neglected.)
4. Giving help, advice and support to hundreds of injured people and bereaved families, at no expense to them. (But we are too small to do more than scratch the surface of this need.)
5. Helping to persuade the Chief Medical Officer and the Department of Health to send out a special letter to GPs about CO poisoning.
6. Our draft Fuel Safety Bill.
7. Persuading Coronation Street (Granada TV) to run a CO story.
8. MP Fraser Kemp's Ten Minute Rule bill on Fuel Safety. This passed its First Reading with flying colours. The bill informed Parliament of the importance of action to stop CO.
9. A Conference at the House of Commons with over 200 delegates. Opened by Kim Howells MP, Minister for Consumer Affairs. Chaired by Nigel Griffiths MP and supported by Fraser Kemp MP, SFA (Solid Fuel Association) and others.
10. Our petition presented at 10 Downing Street containing around 3000 signatures which were collected by CO Awareness (Wales) and Susan Woodford and Christopher Twiner, (parents of Laura Twiner, who died from CO aged just two years).
11. HSE undertaking a Fundamental Review into Gas Safety.

We have done all this on a shoe string using volunteers and a very small amount of paid administrative help to process the data. We have a very small grant from the Department of Health for which we are very grateful but it pays less than half our expenses. Last year's expenditure was only £15,257. We have no office and virtually no paid staff. I use our home computer etc.

We have enjoyed numerous appearances in the media, (TV, radio, newspapers and magazines).

COGDEM (Council of Gas and Environmental Monitoring) kindly paid for a PR firm to help me organise the conference at the House of Commons. Everything else has been undertaken by volunteers, (e.g. press conferences, petitions, lectures etc.).

There is still so much that needs to be done urgently: -

1. **The gas emergency service, Transco, should carry equipment to trace Carbon Monoxide.** As I am sure you know this deadly poison cannot be smelled or sensed. Visual signs can be useful but cannot be relied upon. The result is that the wrong appliance can be turned off, leaving the consumer to be poisoned by another unsuspected appliance. We have many examples of these cases and delivered them to Transco several years ago. Transco objects to providing equipment and testing, on the grounds of expense. Recently we came across a case where there had been a near miss around five weeks before the death. After the death it was found that 26,900 parts per million of CO were going up the flue and had obviously leaked, causing the death. Sadly, as Transco had had no equipment to trace the CO, no measurements were taken on call out. As the incident was apparently reported to Transco by British Gas Service as a gas leak rather than fumes, the appliance was not turned off. As the flue apparently pulled well when a smoke test was used, the boiler was left in use and a fatality occurred.
2. **There must be greater awareness of the dangers of CO**
For example, information from prime time, paid for, TV advertisements of the dangers of CO and the need for British Standard Carbon Monoxide detectors. A simple annual £1 per household fuel safety levy, (or equivalent) on the fuel companies would easily pay for this. Each death costs the country £902,500.
3. **There must be independent help, advice and support for victims and their families.**
In these days of 'counselling' for every minor trauma, why is it that all too often, the only contact a dead victim's family receives, is the gas bill? HSE is there to investigate, not to help the family. Each accidental CO death should also be used as an opportunity for research and future prevention. This may be being done now (by the JIP) but who takes the family's view into account? Families desperately want to stop this happening to others and often have superb ideas on prevention.
4. **Independent funding for CORGI** (Council for Registration of Gas Installers)
CORGI needs to be an independently funded organisation, which owes a duty of care to the consumer, (CORGI does not at the moment according to a County Court case). CORGI should be an independent source of technical safety standards as well as keep the register, make spot checks, strike off those who are negligent or incompetent and help inform the public about how to avoid CO poisoning. All CORGI inspectors also need to carry equipment to trace CO.
5. **Licensing of all landlords.**
This would prevent deaths and injuries, improve health, provide worthwhile jobs and be self financing. Licensing would mean that regular maintenance would be undertaken and CO detectors installed. N.B .Dog kennels have been licensed for over thirty years - but of course, dogs have fur!
6. **Registration of chimney sweeps and solid fuel engineers.**
Why is only gas regulated?
7. **CO Detectors**
The alarm level should be lowered, (the European Standard should accomplish this), and the installation of British Standard detectors should be greatly encouraged and perhaps, be made compulsory.

**CO-GAS SAFETY STATISTICS OF DEATHS AND INJURIES
FROM ACCIDENTAL CARBON MONOXIDE POISONING
IN FOUR YEARS 01.09.95 – 31.08.99**

TOTAL DEATHS230

OWN HOME.....129

(own home 113, own garage 16)

PRIVATELY RENTED.....26

COUNCIL.....34

HOUSING ASSOCIATIONS..... 2

MISCELLANEOUS.....39

CAMPER VAN.....4

OWN CARAVAN.....4

RENTED CARAVAN.....1

COMMERCIAL RENTAL.....1

HA RESIDENTIAL CARE.....1

UNKNOWN (HOME).....10

VEHICLE.....3

HOTEL.....3

BOAT.....5

LODGING.....1

INDUSTRIAL.....1

PUBLIC HOUSE.....2

WORKPLACE.....3

SUBTOTAL.....39

TOTAL DEATHS.....230

TOTAL NEAR MISSES.....1,598

	95-96	96-97	97-98	98-99	TOTAL
SOLID FUEL	26	19	26	11	82
GAS MAINS	31	22	15	26	94
GAS PORTABLE	9	8	4	3	24
PETROL	7	7	4	8	26
OIL	-	2	-	-	2
PARAFFIN	-	-	-	1	1
UNKNOWN	1	-	-	-	1