

Independent Guide

What do I need to know about ACOP L8?



Independent workplace compliance

Introduction

To give it its full name, ACOP L8 is “Legionnaires’ disease. The control of legionella bacteria in water systems. Approved Code of Practice and guidance on regulations” is published by the Health and Safety Executive (HSE). “L8” is the HSE Legal Reference for the document and this is often used as a reference for it, ACOP is an abbreviation for Approved Code of Practice. L8 first came into force in 1992 and is currently in its fourth edition (which was published on the 25th of November 2013).

Who is ACOP L8 targeted at?

The document is targeted at employers, duty holders and others, including those in control of premises, and applies “to the control of legionella bacteria, in any undertaking involving a work activity managed by you or on your behalf. It applies to premises controlled in connection with a trade, business or other undertaking where water is used or stored; and where there is a means of creating and transmitting water droplets (aerosols) which may be inhaled, causing a reasonably foreseeable risk of exposure to Legionella bacteria.”

What legislation is ACOP L8 enabled through?

L8 is enabled through primarily 3 pieces of legislation:

- The Health and Safety at Work etc. Act (1974) – Sections 2, 3, 4 and 6;
- The Control of Substances Hazardous to Health Regulations (2002) (COSHH) – Regulations 6, 7, 8, 9 and 12; and
- The Management of Health and Safety at Work Regulations 1999 – Regulations 3, 5, 7, 10 and 13.

It is also supported by a series of technical guidance documents, also published by HSE and covering a range of water systems/services:

- The control of legionella bacteria in evaporative cooling systems (HSG274 Part 1);
- The control of legionella bacteria in hot and cold water systems (HSG274 Part 2);
- The control of legionella bacteria in other risk systems (HSG274 Part 3); and
- The control of legionella and other infectious agents in spa-pool systems (HSG282).

What does ACOP L8 practical advice on?

In total, the documents provide practical advice on how to comply with the law and the requirements placed on duty holders, employers and others. This includes:

- **Risk assessment** – The need for a suitable and sufficient risk assessment, covering all water systems, to appropriately identify and assess the risks of exposure to Legionella from the work activities and/or premises. Specifically, the risk assessment should evaluate the means of preventing exposure to legionella, or where this is not reasonably practicable, means of controlling the risk from that exposure.
- **Management responsibilities** – Where the risk assessment identifies any reasonably foreseeable potential sources of Legionella, the appointment of competent, well-trained individuals to produce, implement, manage and deliver all required precautions and control measures.
- **Preventing or controlling the risk** – If the identified risks cannot be avoided, a written scheme for controlling Legionella in all relevant water systems /services should be produced, implemented and managed. The precautions you adopt will depend on each system, their relative risks and the levels of control required. Your written scheme should cover aspects including a current plan of the system, a description of its correct and safe operation of the system, all relevant precautions and checks to be carried out and the remedial actions to take where the written scheme is shown to be not effective.



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- **Record keeping** – Effective record keeping is central to demonstrating how you are meeting your legal requirements. As well as covering your management responsibilities and who is involved in meeting these, the significant findings of the risk assessment, written scheme and results of all checks, tests, inspections and monitoring of your systems (including dates) should be kept. In addition to your current management information historic records should be retained for two years, all tests, checks and inspections, should be retained for 5 years.
- **Responsibilities of other parties** – Duties also extend to other parties including, for example, those involved in the supply, design, manufacture, installation, maintenance, water treatment and consultancy of the relevant systems and services you manage. These extend to operation, usage, performance and safety information relevant to the system/service.

In summary

It must also be remembered that Approved Codes of Practice have a special legal status. So, complying with the requirements of L8 should mean you are meeting your legal obligations. However, should you be prosecuted for a material breach of the law, and you have not followed the relevant provision of the Code, unless you can clearly demonstrate how you've met the law in some other way, the Court will find you at fault.

Always base your compliance on a suitable and sufficient assessment of risk and look for partners who have a proven and demonstratable record of successfully supporting its management.

This guide is of a general nature; specific advice can be obtained from Assurity Consulting. Assurity Consulting is the UK's leading independent compliance consultancy specialising in workplace health, safety and environmental solutions. We have over 35 years' experience of helping customers of all sizes, from across all sectors, manage their compliance responsibilities, making sure that their organisation is compliant, their employees are safe, their processes are cost effective and their management team is in control.



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