

## PROSECUTION

**Summary** On 28<sup>th</sup> January 2010, David Rodger died on the Tay Rail Bridge while he was working on the stripping and repainting of the bridge support piers. He was overcome with fumes after not being given the correct protective clothing or equipment. He was wearing a paper dust mask for protection, rather than full breathing apparatus. Proper ventilation or extraction equipment was also not in place and the company had decided he was not working in a "confined space". There was no monitoring of oxygen levels in the area, as well as inadequate supervision and a lack of rescue facilities in the event of an accident.

A post-mortem examination had determined Mr Rodger's cause of death as being toluene toxicity - meaning he had inhaled significant quantities of the chemical, which can cause severe neurological harm.

Mr Rodger had been working on pier 44 of the bridge in the early hours of the morning before he died. His colleagues became concerned when he did not return after his shift.

**Company** Xervon Palmers (was ThyssenKrupp Palmers)

**Breaches involved** S2 & S3 Health and Safety at Work etc. Act 1974

**Date(s) of offence** 28/01/2010

**Plea** Guilty

**Result** Guilty

**Penalty** £200,000

**Costs**

### Location of offence

**Address** Tay Railway Bridge

### ORR details

**ORR Team** Scotland

**ORR Directorate** Railway Safety Directorate