



An Overview of the Changes to the Control of Major Accident Hazards Regulations (COMAH)

Russell Spriggs CEng MIChemE MIGEM

Principal Consultant

russell.spriggs@comahconsulting.co.uk

www.comahconsulting.co.uk

This presentation is intended to give an overview of the changes in the COMAH regime (Control of Major Accident Hazards).

A full description of the current COMAH regulations (of 2015) and the definitive guidance that supports the regulations can be found in the HSE published document, A guide to the Control of Major Accident Hazards Regulations (COMAH) 2015 – Ref L111

<http://www.hse.gov.uk/pubns/books/l111.htm>

Throughout the presentation there are links/signposts to useful official sources of information (mostly from the COMAH Competent Authority) that give further information.



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1. Introduction

- The Seveso III Directive was implemented on 1st June 2015 with the new COMAH Regulations (and associated hazardous substances consent regulations).
- Seveso III introduced the Globally Harmonized System (GHS) for the Classification and Labelling of chemicals into its framework.
- A revised version of the guidance document L111 was published by HSE to coincide with the coming into force of new Regulations.
- Provisions have been made in COMAH 2015 to ensure that the requirements of COMAH 1999 remain in force during the transition period.

Introduction-Headlines

Changes brought about by COMAH 2015 (more detail later)

The order of the Regulations has changed but the general essence of the Regulations remains the same.

- COMAH 2015 Regulations now reference CLP rather than CHIP.
- The new use of CLP for classification means that all establishments are required to review inventories, and re-notify with associated revisions to safety reports.
- There are various changes to the 'defined terms' of the Regulations.
- There are also increased requirements to provide public information.

Definitions

We have selected a number of terms for subsequent reference later in the presentation.

The definitions provided are not copied out in full – the selected copied content is intended to be sufficient for this presentation in giving a summary or overview of the changes.

See L111 for the full definitions.

2. Definitions

Competent Authority (CA) -

The Competent Authority involves five bodies – Health and Safety Executive (HSE), Office for Nuclear Regulation (ONR), Environment Agency (EA), Scottish Environment Protection Agency (SEPA) and Natural Resources Wales (NRW) / Cyfoeth Naturiol Cymru (CNC).

Individual establishments are regulated by two of the Competent Authority partners as follows:

- Nuclear establishments in England – ONR and EA;
- Non-nuclear establishments in England – HSE and EA;
- Nuclear establishments in Scotland – ONR and SEPA;
- Non-nuclear establishments in Scotland – HSE and SEPA;
- Nuclear establishments in Wales – ONR and NRW/CNC;
- Non-nuclear establishments in Wales – HSE and NRW/CNC.

'Establishment' - the whole location under the control of an operator where dangerous substances are present in one or more installations in upper tier (UT) or lower tier (LT) quantities.

So, an 'establishment' means it is subject to COMAH;

But, a 'site of operation' means locations where COMAH does not apply;

'Lower tier establishment' - remains the same.

'Upper tier establishment' - top tier site becomes 'upper tier' establishment.

'new establishment'

Where UT operations commences or the UT establishment is constructed on or after 1st June 2015;

falls within the scope of these Regulations, including moving from LT to UT or vice versa, on or after 1st June 2015 as a result of operator initiated changes to the inventory of dangerous substances.

'existing establishment'

Already a LT or UT COMAH establishment on 31st May 2015 under COMAH 1999, and there is no change in status.

'other establishment'

A site of operation that falls within the scope of these Regulations or an establishment that changes tier due to a chemical classification change outside the control of the operator.

'neighbouring establishment'

An establishment that is so close to another that the risks or consequences of a major accident are increased.

Definitions

Definitions

'Operator' -

- Any person who is in control of an establishment;*
- For a new construction, or new operation, the person who proposes to control its operation; or*
- If that person is not known, the person who has commissioned its design and construction.*

'the public'

one or more persons and, includes their associations, organisations or groups.

'presence of dangerous substances'

actual or anticipated presence of dangerous substances in the establishment, including those that may be generated during a loss of control.

'storage'

the presence of a quantity of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock.

'installation'

a technical unit within an establishment where dangerous substances are produced, used, handled or stored including all of the equipment, structures, pipework, and other structures necessary for the operation of the installation.

Definitions

'major accident' – (broken down into elements)

- An occurrence such as a major emission, fire or explosion*
- resulting from uncontrolled developments in the course of the operation of an establishment*
- leading to serious danger to human health or the environment;*
- immediate or delayed;*
- inside or outside the establishment;*
- involving one or more dangerous substances.*

'Hazard'

intrinsic properties of a dangerous substance or physical situation with a potential for causing damage to human health or to the environment.

'Risk'

likelihood of a specific effect occurring within a specified time or in specified circumstances.

Definitions

'Local Authority' - has two meanings under the Regulations:

The first is specific about the provision of information (Public Information Zone (PIZ) information for UT sites and information to the public after a major accident);

The other relevant to the preparation and testing etc. of external emergency plans.

'Inspection'

all actions undertaken by or on behalf of the Competent Authority to check and promote compliance with the Regulations including site visits, checking internal measures, systems, reports and follow up documents and any necessary follow up action.

'in writing'

includes writing which is communicated or kept in an electronic format and which can be printed – including enforcement documents under COMAH.

The Regulations apply to 'establishments' as previously defined.

Exclusions include MOD establishments, and offshore installations etc.

3. General duty of the operator

In COMAH 2015, this is provided at Regulation 5.

The general principles have not changed regarding the Operator's general duty of *taking all measures necessary (etc)*, but operators must now:

"Limit consequences to human health and the environment" (a slight change to the COMAH '99 wording of the general duty)

Demonstrate to the Competent Authority that all measures necessary have been taken (a new explicit requirement that was previously implicit)

Provide the Competent Authority with all assistance necessary to perform its functions under these Regulations.

General
duty of
operator

4. CLP and COMAH 2015

The CLP classification system is based on the Global Harmonized System (GHS), (created by the UN to keep the same classification and labelling across all member countries).

The GHS has been implemented in the EU by the Classification, Labelling, and Packaging Regulations or CLP

This means a change from CHIP to CLP as the system by which substances are classified.

<http://echa.europa.eu/web/guest/regulations/clp>

Impact on COMAH – a significant change

Schedule 1 has been revised:

- 'Categories of Substances' (not specifically named substances) becomes 'Categories of dangerous substances' (ie Hazard categories in accordance with the CLP Regulation) (Part 1);
- There are specific '**Named dangerous substances**' (Part 2).

Notifications have been affected in that:

- Every establishment must re-notify stating revised CLP categorisation of dangerous substances on the establishment.
- Safety Reports have also been affected in that:
 - Every establishment Safety Report must be reviewed & revised to reflect CLP categorisation revisions.

CLP and COMAH 2015

Named Dangerous Substances

- Now Schedule 1, Part 2 and now known as 'Named Dangerous Substances.'

Categories of dangerous substances .

Categories are based on 4 Hazard types, reflected by the layout of the Schedule 1, Part 1 table (in 4 sections), being:

- Physical hazard, (on SDS** = H2xx) ** SDS = Safety Data Sheets
- Health Hazard, (on SDS = H3xx)
- Environmental Hazard, (on SDS = H4xx)
- Other Hazard, (on SDS = EUHxx)

In most areas of the Schedule 1, Part 1 table, category numbers are used to define separate COMAH qualifying quantities.

The Part 1 table layout sections are in a specific order:

- Section 'H' – Health hazards
- Section 'P' – Physical Hazards
- Section 'E' – Environmental Hazards
- Section 'O' – Other Hazards

Each hazard category may be further subdivided affecting the qualifying quantity.



Section 'H' Health Hazards

There are 3 levels of qualifying quantities for 'toxic' substances:

- H1 - Acute Toxic, Category 1, all exposure routes
- H2 - Acute toxic, Category 2, all exposure routes, and Acute toxic, Category 3, inhalation exposure route
- H3 - Specific target organ toxicity (STOT), single exposure, Category 1

Section 'P' Physical Hazards

- Explosives
- Flammable gases
- Flammable aerosols
- Oxidising gases
- Flammable liquids
- Self-reactive substances and Organic Peroxides
- Pyrophoric liquids and solids
- Oxidising liquids and solids

Section 'E' Environmental Hazards.

This contains two categories similar to COMAH 1999 relating to substances hazardous to the aquatic environment:

- E1 - Category Acute 1 or Chronic 1
- E2 - Chronic 2

Note - COMAH 1999's categories do not directly map-across.

Section 'O' Other Hazards

These refer to the EUH 'Other' category reference numbers:

- O1 - Substances or mixtures with hazard statement EUH014
- O2 - Substances or mixtures which in contact with water emit flammable gases, Category 1
- O3 - Substances or mixtures with hazard statement EUH029

CLP and COMAH 2015

Addition Rule (often also called the 'aggregation rule')

This rule remains the same in that it continues to be applied three times, but it is now based on CLP categories:

- Health Hazards – H1 to H3 from Part 1, plus any named dangerous substances with this hazard category from Part 2;
- Physical Hazards – P1 to P8 from Part 1, plus any named dangerous substances with this hazard category from Part 2;
- Environmental Hazards – E1 and E2 from Part 1, plus any named dangerous substances with this hazard category from Part 2.

CLP and COMAH 2015

Safety Data Sheets

The only appropriate way to identify whether an establishment is a COMAH establishment under any of these categories is via REACH-compliant safety data sheets based on CLP classification, which clearly set out the chemical or mixture properties in terms of the above categorisation.

- Thus, old 'CHIP safety data sheets' cannot be used
- Risk Phrases are now Hazard Statements e.g. H123.
- Safety Phrases are now Precautionary Statements e.g. P123.

There is a list of all chemical classifications and their uses on the European Chemicals Agency (ECHA) website

In theory, you should not need this if you are working from REACH CLP based safety data sheets.

In principle, this is the same general approach as was the case for COMAH 99 and CHIP: the safety data sheets ought to provide all of the information you need.

TOP TIP -it is always wise to 'sense check' and query the supplier where necessary!

Note - Notification

All operators of 'existing' establishments will have to re-notify by 1st June 2016 due to moving from CHIP to CLP.

'Other establishments' (ie those that have become a COMAH establishment due to a classification change under CLP), will have 1 year from COMAH 2015 applying to them to notify.

Operators must notify the Competent Authority 'in advance' of significant changes to the site.

<http://www.hse.gov.uk/comah/notification/index.htm>

More on Notifications later.

CLP and
COMAH
2015

MAPP, SMS
Emergency
Plans

5.
MAPP/SMS, Emergency
Plans

MAPP, SMS Emergency Plans

Major Accident Prevention Policy (MAPP)

All Operators are required to check that their MAPP complies with COMAH 2015 (see below for completion dates).

A new item included in the MAPP requirements is the 'commitment towards continuously improving the control of major accident hazards'. This is not a new principle (eg consider MHSWR99 - revision and review etc.)

If changes are needed then the operator is required to review and revise the MAPP by the date provided in Regulation 7 depending on whether the establishment is 'existing', 'other' or 'new' (see definitions in earlier slide).

Review of the MAPP

Every operator, including LT operators will now have the explicit duty to review the MAPP at least every 5 years.

MAPP, SMS Emergency Plans

Safety Management System (SMS) Proportionality

The SMS must be proportionate to:

- major accident hazards;
- the industrial activities;
- the complexity of the organisation in the establishment; and,
- be based on assessment of the risks.

Guidance on proportionality is in the revised SRAM guidance (see later note about the revised SRAM for COMAH 2015).

MAPP, SMS Emergency Plans

SMS – additional explicit requirements

Organisation and personnel

The SMS will have to additionally address the measures taken to raise awareness of the need for continuous improvement.

Subcontracted personnel and their work are now specifically identified in the sections of Schedule 2 dealing with:

- Organisation and personnel;
- Identification and evaluation of major hazards; and,
- Planning for emergencies.

The Regulations now specifically reference:

- Monitoring performance - procedures could also include performance indicators and/or other relevant indicators;
- Audit & review - Implementing the outcomes of audit and review.

Emergency plans

External emergency plan – provision of information to the public

Local Authorities must have arrangements for the provision of information to the public after a major accident, which now includes information to any *neighbouring establishments (COMAH)* or *sites that fall outside the scope of these Regulations (non-COMAH)*.

Resources - <http://www.hse.gov.uk/comah/ca-guides.htm>

MAPP, SMS
Emergency
Plans

MAPP, SMS Emergency Plans

Changes to terminology:

- previously 'on site' is now '*Internal*'
- Previously 'off site' is now '*External*'

(for info - to reflect that the focus is not on the geographical location but on the organisation preparing the plan.)

Changes

Upper tier '**other establishments**' **ONLY**, now have an extra year to prepare their internal emergency plan (*within 2 years* of the 2015 Regulations applying).

Detail has been added to the list of information to be included in an external emergency plan.

Arrangements for external mitigatory action now includes:

- *responses to major accident scenarios as set out in the safety report; and,*
- *considering possible domino effects, including those having an impact on the environment.*

This does not mean unique responses to each accident scenario are required. The response arrangements need to take into account the range of scenarios.

The term 'emergency services' has been replaced with '*designated authorities.*'

MAPP, SMS Emergency Plans

External emergency plan – testing

A Local Authority may now request in writing the co-operation of one or more designated authorities (if necessary)

'designated authorities' means - in England and Wales, those persons or bodies specified in Part 1 of Schedule 1 to the Civil Contingencies Act 2004; and in Scotland, those persons or bodies specified in Part 2 of Schedule 1 to that Act

There is a new duty on designated authorities to co-operate, after receiving a written request from the Local Authority.

External emergency plan - exemption

This clarifies the preceding situation in that now exemptions are granted where 'the competent authority has decided that the establishment is incapable of creating a major accident hazard beyond its boundary'.

Further, there is a new provision stating that the competent authority may withdraw such an exemption (in writing, stating details of dates).

6. Notifications

All operators of 'existing' establishments will have to re-notify by 1st June 2016 due to the change from CHIP to CLP.

'Other establishments' (that have become a COMAH establishment due to a classification change under CLP), will have 1 year from COMAH 2015 applying to them to notify.

Operators must notify the Competent Authority 'in advance' of significant changes to the site (detail given later).

<http://www.hse.gov.uk/comah/notification/index.htm>

Notifications

Notifications

Notifications - Information to be included in a Notification

Previously found in COMAH 1999 Schedule 3, but is now part of COMAH 2015 Regulation 6.

Changes are shown below in **red font**:

- the **full** establishment address;
- the **registered** place of business, with full address;
- the name and **position** of person in charge;
- sufficient information to identify the dangerous substances **and** category of substances **involved or likely to be** present at the establishment;
- the quantity and physical form of the dangerous substance or substances concerned;
- the activity or proposed activity of the installation **or storage facility**;
- a **description** of the immediate environment of the establishment, and **factors likely** to cause a major accident or to aggravate the consequences thereof **including, where available, details of—**
 - neighbouring establishments;
 - sites that fall outside the scope of these Regulations;
 - areas and developments that could be the source of or increase the risk or consequences of a major accident and domino effects.

Notifications

Notifications - Pre-operation and Pre-construction

The requirement to notify prior to start of construction and operation remains the same.

The guidance describes the 'start of operation' as follows:

- For a new build the first time that dangerous substances are introduced onto the establishment;
- When moving from an UT to LT or vice versa, this is the point at which the quantities of dangerous substance change between thresholds;
- For a non-COMAH site coming into scope this is the point at which the quantities of dangerous substances exceed the LT threshold (or UT if entering straight into UT).

Notifications - Notification of Changes

Operators must notify 'in advance' of significant changes.
Changes include:

- A significant decrease as well as increase in quantities;
- Modification(s) which could have significant consequences in terms of major accident hazards;
- Permanent closure of the establishment or its decommissioning;
- and,
- Any change in the following information: operator name; establishment address; registered address; and, the name or position of the person in charge.

Notifications



7. Safety Reports

<http://www.hse.gov.uk/comah/sram/index.htm>

<http://www.hse.gov.uk/comah/srag.htm>

Safety
Reports

Purposes of Safety Reports

There are no significant changes in this area.

Safety report demonstrations are listed at Regulation 8

'Demonstration' – L111 states that, "the demonstration requires you to show compliance with the relevant parts of regulations 8, 9 and 10, and Schedules 2 and 3. You should do this by providing a level of detail in the safety report that is proportionate with the major hazard risk presented by your activities at the establishment".

Notes

Schedule 4, Part 1 is NOW Schedule 3;

Identification of major accident hazards now includes:

- 'possible MA scenarios,' and,
- limiting consequences for human health.

Adequate safety and reliability now includes 'storage facility'; and,

Emergency plans change to internal and external rather than on-site and off-site.

Safety Reports

Preparation of Safety Report

Safety reports must satisfy the purposes set out in Regulation 8 and contain the minimum data and information specified in Schedule 3; as well as identifying the organisations involved in preparing it;

Schedule 3 directly refers to Schedule 2 to ensure MAPP and SMS content is also provided.

Note - COMAH 1999 Regulation 7(7) & Schedule 4 part 2 regarding minimum information to be contained within a safety report), is now Regulation 9 & Schedule 3 in COMAH 2015.

Safety Reports

The timetable for sending a new or revised safety report to the Competent Authority

'new establishments'

a reasonable period of time (usually 6 months) prior to:

- the start of construction - (no change)
- the start of operation - (no change);
- the modifications leading to a change in the inventory of dangerous substances.

'other establishments'

two years from the date when the Regulations apply to the site.

'existing establishments,'

For a COMAH 2015 safety report, send updated content to the Competent Authority by no later than 1 June 2016.

Top tip

Discuss with the COMAH Intervention Manager for the site.

Safety report review and submissions – ‘existing establishments’

Safety report due for review before 1 June 2016 under the COMAH Regulations 1999

The Operator must keep to the deadline set under those Regulations for your submission. The review should be comprehensive. It must include classification of dangerous substances using CLP. If any material change, such as the introduction of a new major accident scenario, has arisen from the move to CLP classification this must be fully considered. The newly specified items in Schedule 3 (and Schedule 2 [SMS], as it is referred to in Schedule 3 [minimum data in a safety report]) must be included.

Safety report due for review on or after 1 June 2016 under the COMAH Regulations 1999

The Operator needs to send a safety report to the competent authority by 1 June 2016 that must satisfy the requirements of regulations 8 and 9 and Schedules 2 and 3. To meet this standard, dangerous substances will need to be classified using CLP and the newly specified items in Schedules 2 [SMS] and 3 [minimum data in a safety report]) must all be included. Any material change arising from the move to CLP should be fully considered.

Safety report submissions – ‘new establishments’

See definition of ‘new establishment’ described earlier.

Operator activities on a ‘new establishment’ must not start until the safety report’s assessment conclusions are communicated to the operator.

This means that for:

Pre-Modification safety reports –

modifications leading to a change in the inventory of dangerous substances at a site of operation (non-COMAH) or an existing lower tier establishment are not started.

Pre-Construction safety reports –

construction of the establishment is not started.

Pre-Operation safety reports –

operation of the establishment is not started.

Examination of the Safety Report

No change to COMAH 1999, in that the CA is still required within a reasonable period of time to:

- examine the safety report; and
- communicate its conclusions to the Operator; or
- prohibit operation, or start of operation via a COMAH prohibition notice.

There will be a new 'Safety Report Assessment Manual 2015 (SRAM)'. Apparently, drafts are available (and will be sent by the CIM), but apparently they have not been finalised by all parties, and so are not yet on the HSE website.

TOP TIP – check periodically, and/or ask for information from the establishment's COMAH Intervention Manager.

<http://www.hse.gov.uk/comah/sram/index.htm>

8.

Review and Revision

<http://www.hse.gov.uk/comah/report-review.pdf>

Review and
Revision

5-year Reviews

This is largely the same although with alterations to the legal provisions - but there is no longer the explicit requirement for the report to be 'fully' reviewed.

The safety report needs to be reviewed by the Operator as necessary to ensure ongoing compliance with Regulation 8 [safety report purposes] and Schedule 3 [safety report content].

Review and Revision

Other Requirements for a Review

In addition, operators should review their safety report:

- following a major accident at the establishment,
- where a review is justified by new facts or by technological knowledge about safety matters, including knowledge arising from analysis of accidents or near misses,
- where a review is justified by developments in knowledge concerning the assessment of hazards,
- following any change to the safety management system (referred to in paragraph 2 of Schedule 3) which could have significant consequences for the prevention of major accidents or the limitation of the consequences of major accidents to human health and the environment

a revised safety report, or revised parts of a report must be sent by the operator to the competent authority without delay .

Another trigger event for which the revised safety report, or revised parts of it, must be sent by the operator to the competent authority concerns the making of any modifications to the establishment, process or the nature or physical form or quantity of dangerous substances which could have significant consequences for major accident hazards.

In such cases, these revisions need to be sent in advance.

Review and Revision



9. Public Information

<https://notifications.hse.gov.uk/COMAH2015/Search.aspx>

<http://www.hse.gov.uk/comah/submitted-public-information.htm>

Public
Information



Public Information - changes

A new requirement under COMAH 2015 due to implementation of the 'Aarhus Convention.'

The Aarhus Convention is structured around:

- Access to environmental information;
- Public participation in environmental decision-making; and,
- Access to justice in environmental matters.

Detail of the information requirements is very similar to the public information zone (PIZ) information required under COMAH 1999 for Upper Tier (UT) sites (but see comments about PIZ later)

All operators will have to make basic information about their establishment permanently and electronically available and keep it up to date.

Notes:

- There is no 'Public Register' after 1st June 2015.
- Information will be 'owned' by the operator via an IT system/platform. <http://www.hse.gov.uk/comah/submitting-public-information.htm>
- Operators can only select pre-determined information from 'drop-down' menus to allay security concerns.
- The Public will be able to search via a limited postcode radius and print off an information summary for each establishment. <https://notifications.hse.gov.uk/COMAH2015/Search.aspx>
- The scope of the requirement includes lower tier establishments.

Public Information

Public Information – summary of requirements

Information requirements - summary (All establishments)

- activities in simple terms;
- the hazard classification (without substance names) of dangerous substances and their principal dangerous characteristics in simple terms;
- how the public is to be warned and provided with adequate information about the appropriate behaviour to be taken in the event of a major accident or an indication of where that information can be accessed electronically (moving to this standard may present a more of a challenge to lower tier establishments);
- date of the last site visit carried out further to a programme for routine inspections; and, identification of where more detailed information about the inspection and related inspection plan can be obtained upon request [subject to Environmental Information Regulations (EIR)].

Additional Information requirements for UT establishments

- General information about the nature of the establishment's major accidents, their potential effects, with summary details of these scenarios and control measures.
- Confirmation of the provision of adequate arrangements to deal with major accidents, including liaison with the emergency services.
- Appropriate information from the external emergency plan to deal with any off-site effects from an accident.
- Advice to the public to cooperate with the emergency services.

Public Information

Public Information – requirements for making the information available

Requirements on the Competent Authority

The Competent Authority must ensure that the information:

- becomes available to the public, including by electronic means, within a reasonable period of time from when the establishment becomes subject to the Regulations; and
- is kept updated.

The Competent Authority must specify, in advance and in writing:

- the means by which the operator must send their information;
- and the format in which they must provide it.

Requirements on the Operator

The operator must:

- provide the Competent Authority with the information required;
- revise it when necessary; and,
- comply with any reasonable request by the Competent Authority for information required by this Regulation within the time period specified.

Public Information Zone (PIZ) Information provision

This does NOT refer to the HSE IT platform that gives information to the public

The purpose of the information for the Public Information Zone (PIZ) is twofold:

- firstly, to provide information about the major accident hazards and safety measures in place for people who could be affected by a major accident at an upper-tier establishment;
- secondly, to provide information about what they should do in the event of a major accident.

For UT sites there are no significant changes to the arrangements for gathering and making available the information, provided that the information is 'at least' that required for Public Information (as described previously).

However, in order to meet the requirements in Regulation 18, the information for the PIZ is unlikely to be simply the same as that on the IT system (which applies to all operators).

L111 states that, "The public information requirements under regulation 17 will be a useful starting point but it will be necessary to put that information into the context of the establishment, ie it will need to be more detailed and cover practical issues".

Public Information

Public Information Zone (PIZ) Information provision

Notes

- A change in terminology - an 'establishment serving the public' becomes an 'other area of public use.'
- Information provided by the operator must be 'clear and intelligible'.
- The operator requirement 'to make information permanently available to the public' has been removed as it is now effectively replaced by the HSE-managed IT platform for Public Information (see earlier).
- The operator must still consult with the Local Authority but only on safety measures and expected behaviour in event of a major accident. In places where different operators have establishments located close together, this consultation will enable the local authority to perform a valuable co-ordinating role. (see note on domino establishments)

Public Information

10.

Other changes of note –
relating to the CA duties

Duty on CA to Investigate

COMAH 2015 provides that the Competent Authority must investigate, in addition to major accidents and their precursor events:

- Serious complaints;
- Serious accidents and near misses;
- Occurrences of serious non-compliance with the Regulations.

The effect of these changes is unlikely to be readily apparent because these matters have been subject to investigation. The main issue here is that the CA is now required in law to investigate.

Requests to the CA for information

There is no longer a requirement for the Competent Authority to maintain a Public Register.

Notes:

- COMAH information held by the CA is 'environmental information' for the purposes of responding to requests from the public.
- These requests are covered by the Environmental Information Regulations 2004 (EIR) (no change).
- Each Competent Authority organisation has procedures for handling such requests - including consideration of operators' views on disclosure.

Domino effects – identifying domino groups

Hazardous Substances Consent information is used to identify domino groups.

So, the consultation distances produced by HSE are used to identify domino groups.

Additionally with COMAH 2015, information from COMAH Inspections & investigations can be used to identify domino groups.

Domino effects – new duty on the CA

Where the Competent Authority has relevant information about the immediate environment of an establishment in a domino group, additional to that already provided by the domino operator, the CA must provide that additional information to the operator.

This is to assist operators with identifying sources of hazard and estimating consequences.

Domino effects – informing neighbours

Operators involved in domino groups now have a duty to inform neighbouring non-COMAH sites, in addition to the public of:

- their proximity to a domino group; and,
- in appropriate cases provide suitable information;

11. Questions?

Sources of information used in this presentation:

- **A guide to the Control of Major Accident Hazards Regulations (COMAH) 2015 – Ref L111**
<http://www.hse.gov.uk/pubns/books/l111.htm>
- European Chemicals Agency
 - <http://echa.europa.eu/web/guest/regulations/clp>
- Various HSE & CA website pages, notably:
 - <http://www.hse.gov.uk/seveso/faqs.htm>
 - <http://www.hse.gov.uk/comah/index.htm>
 - <https://notifications.hse.gov.uk/COMAH2015/Search.aspx>
 - <http://www.hse.gov.uk/comah/comah-establishments.htm>