

## Best Practice Guide

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**CONTROL of MAJOR  
ACCIDENT HAZARDS  
INVOLVING DANGEROUS  
SUBSTANCES  
REGULATIONS**

# CONTROL OF MAJOR ACCIDENT HAZARDS INVOLVING DANGEROUS SUBSTANCES REGULATIONS

## Table of Contents

<b><i>Scope of this Guide</i></b> .....	<b>3</b>
<b><i>Introduction</i></b> .....	<b>3</b>
<b><i>Guide to the Regulations</i></b> .....	<b>4</b>
<b><i>Part 2: General Duties</i></b> .....	<b>8</b>
<b><i>Part 3: Major Accident Prevention Policy and Safety Report</i></b> .....	<b>11</b>
<b><i>Part 4 Emergency Plans for Upper-tier Establishments</i></b> .....	<b>13</b>
<b><i>Part 5 Reporting of Major Accidents</i></b> .....	<b>15</b>
<b><i>Part 6 Enforcement and Regulation</i></b> .....	<b>16</b>
<b><i>Part 7 Land-Use Planning</i></b> .....	<b>17</b>
<b><i>Part 8 Information and Confidentiality</i></b> .....	<b>17</b>
<b><i>Part 9 Charges for Services</i></b> .....	<b>19</b>
<b><i>Part 10 Offences</i></b> .....	<b>19</b>
<b><i>Schedules to the Regulations</i></b> .....	<b>20</b>
<b><i>Sources of Information:</i></b> .....	<b>24</b>

## Scope of this Guide.

This guide provides an overview of the [Chemicals Act \(Control of Major Accident Hazards Involving Dangerous Substances\) Regulations 2015 S.I. No. 209 of 2015](#) (the 'COMAH Regulations'). It is not a legal interpretation of the Regulations.

## Introduction.

The Regulations implement the Seveso III Directive (2012/18/EU). They replace the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 and the European Union (Control of Major Accident Hazards Involving Dangerous Substances) (Amendment) Regulations 2013, which implemented the Seveso II Directive (96/82/EC).

The purpose of these Regulations is to ensure there is a high level of protection for human health and the environment, at establishments where dangerous substances are handled, through measures aimed at:

- (i) the prevention of a major accident,
- (ii) the use of any necessary measures to limit the consequences of such an accident, should it occur.

The intention is to achieve this through tiered controls on the operators of the establishments subject to the Regulations: the larger the quantities of dangerous substances present at an establishment, the more onerous the duties on the operator.

The Regulations apply to any establishment that presents a major accident hazard because of the presence of dangerous substances in quantities that exceed specified thresholds. The dangerous substances and threshold quantities are specified in Schedule 1 to the Regulations.

Under the Regulations dangerous substances are classified using the [European Regulation \(EC\) No. 1272/2008 on the classification, labelling and packaging of substances and mixtures](#) (the "CLP Regulation"). The CLP Regulation is amended from time to time in line with technical and scientific development. These amendments are known as 'Adaptations to Technical Progress,' or ATPs, and are usually published at least annually. Therefore any reference to CLP in the COMAH Regulations will always include the latest adaptation to technical progress.

## Guide to the Regulations.

### Part 1 Preliminary and General

#### Regulation 1 Citation

The Regulations may be cited as the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015, S.I. No. 209 of 2015.

#### Regulation 2 Interpretation

The Regulations interprets and defines terms. Most of the definitions are directly transposed from the, [Seveso III Directive](#) some of which are additional to those that were included in the Seveso II Directive. They include:

“dangerous substance” means a substance or mixture—

- a) covered by Part 1 of Schedule 1, or
- b) listed in Part 2 of Schedule 1, including in the form of a raw material, product, by-product, residue or intermediate;

“major accident” means an occurrence such as a major emission, fire, or explosion resulting from uncontrolled developments in the course of the operation of any establishment covered by these Regulations, and leading to serious danger to human health or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances;

“operator” means any natural or legal person who operates or controls an establishment or installation, or to whom the decisive economic or decision-making power over the technical functioning of the establishment or installation has been delegated;

“establishment” means the whole location under the control of an operator where dangerous substances are present in one or more installations, including common or related infrastructures or activities; establishments are either lower tier establishments or upper-tier establishments;

“lower-tier establishment” means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 2 of Part 1 or in Column 2 of Part 2 of Schedule 1, but less than the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Schedule 1, where applicable using the summation rule laid down in note 4 to Schedule 1;

“upper-tier establishment” means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Schedule 1, where applicable using the summation rule laid down in note 4 to Schedule 1;

“existing establishment” means an establishment that, on 31 May 2015, was subject to the provisions of the 2006 Regulations, and that from 1 June 2015 is an establishment falling within the scope of these Regulations without changing its classification as a lower-tier establishment or upper-tier establishment;

“other establishment” means a site of operation that falls within the scope of these Regulations, or a lower-tier establishment that becomes an upper-tier establishment, or vice versa, on or after 1 June 2015 for reasons other than those pursuant to which an establishment becomes a new establishment as defined above;

“the public” means one or more natural or legal persons, and includes their associations, organisations or groups;

“consultation distance” means a distance or area relating to an establishment, within which there are potentially significant consequences for human health or the environment from a major accident at the establishment, including potentially significant consequences for developments such as residential areas, buildings and areas of public use, recreational areas and major transport routes;

“inspection” means all actions, including—

- a) site visits;
- b) checks of internal measures, systems and reports and follow-up documents; and
- c) any necessary follow-up; undertaken by or on behalf of the Central Competent Authority to check and promote compliance of establishments with the requirements of these Regulations;

Any reference in these Regulations to “writing” includes writing which is communicated or kept in electronic form and can be printed.

### Regulation 3 Application of the Regulations

The Regulations lay down rules for the prevention of major accidents which involve dangerous substances, and the limitation of their consequences for human health and the environment, with a view to providing a high level of protection in a consistent and effective manner.

The COMAH Regulations do not apply to:

- (a) any property occupied by the Defence Forces and any land or premises referred to in section 268(1) of the [Defence Act 1954 \(No. 18 of 1954\)](#);
- (b) hazards created by ionising radiation originating from substances;
- (c) the transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air outside establishments defined in Regulation 2(1), including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;
- (d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments defined in Regulation 2(1);
- (e) the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes;
- (f) the offshore exploration and exploitation of minerals, including hydrocarbons;
- (g) the storage of gas at underground offshore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons, are carried out;
- (h) waste land-fill sites, including underground waste storage.

Notwithstanding paragraphs (e) and (h), these Regulations shall apply to onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines and chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as to operational tailings disposal facilities, including tailing ponds or dams, containing dangerous substances.

### Regulation 4 Establishment of the competent authorities

The National Authority for Occupational Safety and Health, also known as the [Health and Safety Authority](#) (HSA), has been designated as the Central Competent Authority (CCA) for enforcement of the Regulations.

There is provision to designate public authorities, such as An Garda Síochána, a local authority, the Environmental Protection Agency, the Health Service Executive, a harbour authority and a planning authority, as Local Competent Authorities (LCA) for the purposes of emergency planning.

## **Regulation 5 Commencement**

The commencement date for the Regulations is 1st June 2015.

## **Regulation 6 Amendments**

Amendments to the Chemicals Act as a result of these Regulations are given:

- The definition of a chemical has been updated under Section 2 of the Act to include a reference to the Seveso Directive:
- A new provision is inserted in Section 3: 8(3B) of the Act designating the Central Competent Authority (CCA) as a national authority for the purpose of the Seveso III Directive

## Part 2 General Duties

### Regulation 7 General Duties of the Operators

To prevent major accidents occurring and to limit the consequences of any such major accidents for human health and the environment every operator shall take all necessary measures including -

- a) the identification of all major accident hazards in the establishment including an assessment of the extent and severity of the consequences of such accidents;
- b) the provision and maintenance of installations and systems of work and of the means of entry to and exit from the establishment or any part thereof that are, so far as is reasonably practicable, without risk to human health and the environment;
- c) the making of arrangements to ensure that the use, handling, storage and transport of dangerous substances in the establishment are, so far as is reasonably practicable, without risk to human health and the environment;
- d) the provision of such information, instruction, equipment, training and supervision as is necessary to ensure, so far as is reasonably practicable, the safety and health of the persons working in the establishment; and
- e) the use of the best practicable means—
  - (i) to prevent a major emission into the environment from any part of the establishment of dangerous substances resulting from uncontrolled events in that establishment; and
  - (ii) for rendering harmless and inoffensive such substances as may be so emitted.

An operator is required to provide the relevant competent authority with all the assistance necessary to enable that authority to carry out any function under the Regulations, including inspections and investigations carried out by the Central Competent Authority.

The operator must also assist the competent authority to fully assess the likelihood of a major accident and determine the scope of any increase in probability and in the provision of information for the preparation of the external emergency plan.

An operator must provide appropriate evidence (which includes documentation) at the request of the Central Competent Authority, to demonstrate that:

- (a) identified the major accident hazards and taken all necessary measures to prevent major accidents and to limit their consequences for human health and the environment; and
- (b) taken all necessary measures to comply with the operator's obligations under these Regulations.

**Regulation 8 Notification**

- (1) Every operator shall send to the Central Competent Authority a notification in writing, in whatever format that authority may specify, containing the following information—
- (a) the name and, where different, the trade name of the operator and the full address of the establishment concerned;
  - (b) the registered place of business of the operator, with the full address;
  - (c) the name and position of the person in charge of the establishment, if different from subparagraph (a);
  - (d) information sufficient to identify each of the dangerous substances and category of substances involved or likely to be present;
  - (e) the quantity and physical form of the dangerous substance or substances concerned;
  - (f) the activity or proposed activity of the installation or storage facility;
  - (g) 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, of sites that fall outside the scope of these Regulations, areas and developments which could be the source of or increase the risk or consequences of a major accident and of domino effects within the meaning of Regulation 9(1).
- (2) The time limits for sending the notification to the Central Competent Authority are:

<b>New</b>	No later than 3 months prior to start of construction or operation or the modification (Regulation 8(2)(a))
<b>Other</b>	1 year from when the COMAH Regulations apply to the establishment (Regulation 8(2)(b))
<b>Existing</b>	Every 5 years and prior to any modification (Regulation 8(2)(c))
<b>Transitional Arrangements for existing Establishments</b>	If the information in the existing notification meets the requirements of these Regulations, there is no requirement to submit a new notification until the routine 5-year notification update is due (Regulation 8(3))

An Operator shall inform the Central Competent Authority in writing in advance of the following events

- (a) any significant increase or decrease in the quantity or significant change in the nature or physical form of the dangerous substance present, as indicated in the notification provided by the operator referred to above or any significant change in the processes employing it;
- (b) modification of an establishment or an installation which could have significant consequences in terms of major accident hazards;
- (c) the permanent closure of the establishment or its decommissioning; or

(d) changes to the name and/or trade name of the operator and the full address of the establishment or the registered place of business, or of the name or position of the person in charge.

The Health and Safety Authority will put a downloadable electronic notification form on its website.

### **Regulation 9 Domino effects**

The Central Competent Authority shall identify all lower-tier and upper-tier establishments or groups of establishments, referred to as 'domino groups' where the risk or consequences of a major accident may be increased because of the geographical position and the proximity of such establishments, and their inventories of dangerous substances. These effects are referred to as "domino effects".

Operators must cooperate with, and provide information (MAFFs, safety reports, emergency plans etc) to, the other operator(s) within the domino group to assess the nature and extent of the overall hazard of a major accident arising from the group.

Operators of upper-tier establishments within a domino group are required to co-operate with each other in informing the public (as required under Regulation 25) and the local competent authorities for the preparation of external emergency plans (under Regulation 16).

Establishments of all tiers should cooperate in informing other neighbouring sites that fall outside the scope of the Regulations.

## Part 3 Major Accident Prevention Policy and Safety Report

### Regulation 10 Major Accident Prevention Policy (MAPP)

All operators (upper and lower-tier establishments) are required to prepare a MAPP in accordance with the second Schedule to the Regulations and submit it to the Central Competent Authority. Upper-tier establishments include their MAPP in the safety report. The MAPP must be reviewed, and when necessary updated, at least every 5 years.

The 'monitoring performance' section of Schedule 2 has been strengthened and now includes a definite requirement for performance indicators.

The time limits for the preparation of a MAPP and its submission to the Central Competent Authority are:

<b>New</b>	No later than 1 month prior to when the COMAH Regulations apply (Regulation 10(6)(a))
<b>Other</b>	1 year from when the COMAH Regulations apply (Regulation 10(6)(b))
<b>Existing</b>	Before 1st June 2016 (Regulation 10(4))
<b>Review &amp; Update</b>	Prior to any modification and every 5 years (Regulation 10(2))
<b>Transitional Arrangements for existing Establishments</b>	If the information in the existing notification meets the requirements of these If the MAPP prepared under the 2006 Regulations complies fully with the requirements of the COMAH Regulations 2015, it can be submitted before 1st June 2016 (Regulation 10(5))

### Regulation 11 Safety Report

This Regulation applies only to the operators of upper-tier establishments.

The safety report is required to specify the name(s) of the relevant organisations involved in the drawing up of the report and contain at least the data and information specified in Schedule 3 to the Regulations.

The time limits for sending the safety report (hard copy and electronic version) to the Central Competent Authority are:

<b>New</b>	No later than 4 months prior to start of construction, operation, or the modification (Regulation 11(3)(a)).
<b>Other</b>	2 years from the date from which the COMAH Regulations apply (Regulation 11(3)(c)).
<b>Existing</b>	Operator should submit an update by 1st June 2016 (to be considered as an update rather than a 5-year review and the original 5 year review date given under the 2006 Regulations applies) (Regulation 11(3)(b)).
<b>Review &amp; Update</b>	Every 5 years or following a major accident or at any other time where necessary (Regulation 11(7) and (8)).
<b>Transitional Arrangements for existing Establishments</b>	If the safety report submitted under the 2006 Regulations complies with the requirements of the 2015 COMAH Regulations then an update does not have to be sent to the CCA and the original 5 year review date (given under the 2006 Regulations) applies (Regulation 11(4)).

The Environmental Protection Agency (the “EPA”) has a strengthened involvement in the safety report assessment process and may be consulted by the Central Competent Authority on the risks of a major accident to the environment. The EPA will, within two months of receipt of such a request, advise the Central Competent Authority on the relevant major accidents to the environment and on the best practicable means for their prevention and mitigation (Regulation 21(10)).

#### **Regulation 12: Modification of an installation, establishment or storage facility**

An operator is required to review, and where necessary update –

- (a) the notification,
- (b) MAPP and safety management system, and
- (c) the safety report (for and upper-tier establishment)

prior to the modification of an installation, establishment, storage facility or process or of the nature/physical form/ quantity of dangerous substances which could have significant consequences for major accident hazards, or could result in a lower-tier establishment becoming an upper-tier establishment or vice versa.

## Part 4 Emergency Plans for Upper-tier Establishments

### Regulation 13 Objectives of the emergency plans

Every Emergency plan shall contain the information specified in Schedule 4.

### Regulation 14 Implementation of emergency plans

The Emergency plan shall be put into effect by the operator and, if necessary, the designated Local Competent Authority without delay when

- (a) a major accident occurs; or
- (b) and uncontrolled event occurs which by its nature could reasonably be expected to lead to a major accident

### Regulation 15 Internal emergency plans (IEP)

The timelines for the preparation of an Internal Emergency Plan are:

<b>New</b>	No later than 1 month prior to start of construction or operation or the modifications leading to a change in the inventory of dangerous substances (Regulation 15(3)(b)).
<b>Other</b>	1 year from the date from which the COMAH Regulations apply Regulation 15(3)(c).
<b>Existing</b>	By 1st June 2016 (Regulation 15(3)(a)).
<b>Review &amp; Update</b>	Every 3 years or more frequently as circumstances may require it (Regulation 15(4)).
<b>Transitional Arrangements for existing Establishments</b>	If the IEP under the 2006 Regulations complies with the requirements of the COMAH Regulations 2015, the original 3 year review date applies (Regulation 15(3)(a)).

The timelines for testing the Internal Emergency Plan are:

<b>All</b>	At least every 3 years
<b>Transitional Arrangements for existing Establishments</b>	3 years from the date of the last test under the 2006 Regulations (Regulation 15(5)).

**Regulation 16 External emergency plans (EEP)**

The timelines for the operator to provide information to the local competent authority are:

<b>New</b>	No later than 1 month prior to start of operation, or modification (Regulation 16(2)(a)).
<b>Other</b>	6 months from the date from which the COMAH Regulations apply (Regulation 16(2)(c)).
<b>Existing</b>	By 1st June 2016 (Regulation 16(2)(b)).
<b>Transitional Arrangements for existing Establishments</b>	Do not have to supply information under this Regulation if the plan drawn up under the 2006 Regulations and the related information remains unchanged and complies with this Regulation and Regulation 13 (Regulation 16(2)(b)).

**Regulation 17 Review, testing and reporting of external emergency plans**

External emergency plans have to be reviewed and, where necessary, updated and tested as often as the circumstances require, (taking into account any changes) but in any event at intervals not exceeding 3 years. A Local Competent Authority (LCA) can request the cooperation of another LCA. LCAs must submit a report to the Central Competent Authority (CCA) on their activities under Regulations 16 and 17 within 2 months of the end of the calendar year in accordance with such guidelines as may be given by the CCA.

## Part 5 Reporting of Major Accidents

### Regulation 18 Information to be supplied by the operator and actions to be taken following a major accident

Following a major accident, the operator of the establishment where the accident occurred shall as soon as practicable and using the most appropriate means—

- (a) inform the Central Competent Authority of the accident which has occurred;
- (b) provide the Central Competent Authority with the following information as soon as it becomes available—
  - (i) the circumstances of the accident;
  - (ii) the dangerous substances involved;
  - (iii) the data available for assessing the effects of the accident on human health, the environment and property; and
  - (iv) the emergency measures taken;
- (c) inform the Central Competent Authority of the steps it envisages are required in order to—
  - (i) mitigate the medium-term and long-term effects of the accident; and
  - (ii) prevent any recurrence of such an accident; and
- (d) update the information provided if further investigation reveals additional facts which alter that information or the conclusions drawn.

(2) Where a major accident occurs in or about or in connection with an establishment, no person shall disturb the place where the accident occurred, or tamper with anything in that place, except with the consent of an inspector of the Central Competent Authority or for the purpose of mitigating the effects of the major accident.

### Regulation 19 Action to be taken by the Centre Competent Authority following a major accident

Following a major accident the Central Competent Authority (CCA) must ensure that any urgent, medium and long-term measures which are necessary are taken. It must collect by inspection, investigation or other appropriate means, the information necessary for a full analysis of all aspects of the accident and take appropriate action to ensure the operator puts in place the necessary remedial measures. The CCA must also make recommendations on future preventative measures. Where the major accident meets the criteria set out in Schedule 6 to the Regulations, the CCA must provide the European Commission with a report, within a year, with the specified information on the accident.

### Regulation 20 Notifiable Incident

Operators are required to inform the Central Competent Authority of certain incidents and 'near-misses' as set out in this Regulation and in Schedule 7 to the Regulations.

Operators may, as employers, have a duty to report incidents to the Health & Safety Authority under other national legislation.

## Part 6 Enforcement and Regulation

### Regulation 21 Functions of the Central Competent Authority (CCA)

The functions of the CCA are described in this Regulation such as the requirement to make reports to the European Commission ((Regulation 21(1)), determine whether operators belong to a domino group and then notify each operator within the group of this ((Regulation 21(2)), notify the relevant LCA of its conclusions in relation to a safety report (Regulation 21(8)), and consult with the EPA on the information in a safety report concerning risks of a major accident to the environment (Regulation 21(10)).

### Regulation 22 Inspections

The Central Competent Authority must, under its powers under Part 4 of the Chemicals Act, implement a national system of inspections covering all establishments. It must prepare an inspection plan that contains a list of all the establishments and includes inspection procedures and programmes and frequencies for inspections.

Inspections must ensure that the operator can demonstrate that the appropriate measures have been taken for the prevention of major accidents and the limitation of their consequences. They must be used to verify safety report (or other report) information and to confirm that the public information (under Regulation 25) has been supplied.

The findings of an inspection must be communicated to the operator within four months of the inspection and the operator must comply with them in a reasonable period of time (Regulation 22(7)). Where significant non-compliance is found, an additional inspection must be conducted within six months (Regulation 22(8)). Non-routine inspections must be carried out on foot of serious complaints and near misses (Regulation 22(6)).

### Regulation 23 Inspectors

This Regulation covers the appointment of inspectors for the purposes of the Regulations. Such appointments are made pursuant to Section 11 of the Chemicals Act and in particular Parts 4 to 6. The Central Competent Authority may appoint consultants, advisers or others as inspectors under Section 11 of the Act.

## Part 7 Land-Use Planning

### Regulation 24 Technical advice on land-use planning

The Central Competent Authority (CCA) will advise the relevant planning authority of a consultation distance for an establishment, following the receipt of a notification from the operator. It will periodically review and update the consultation distance as necessary.

The CCA will provide technical advice to a planning authority in response to a request under this Regulation and the timelines for doing so are set out in paragraphs (9) and (10).

Operators are required to provide sufficient information to the CCA, as part of a notification (Regulation 8) and when planning a modification (Regulation 12) or following a request at any time from the CCA, on the risks arising from an establishment, to enable the CCA to fulfil its functions under this Regulation, and in particular to ensure that technical advice on those risks is available for land-use planning purposes.

## Part 8 Information and Confidentiality

### Regulation 25 Provision of Information to the public

The Central Competent Authority must make certain information relating to each establishment permanently available to the public. The nature of this information is set out in Schedule 5 to the Regulations: Part 1 relates to all establishments, while Part 2 is specifically for upper-tier establishments.

The safety report and inventory of dangerous substances (upper-tier establishments only) can be made available to the public only on request, but subject to the provisions of Regulation 26

Operators of upper-tier establishments are also specifically required to ensure that 'all persons likely to be affected' by a major accident originating at the establishment receive clear and intelligible information on safety measures and what they should do in the event of a major accident. This information must be supplied to all buildings and areas of public use, including schools and hospitals and, in the case of domino groups, to all neighbouring establishments (Regulation 25(4)).

The information should be kept under regular review and updated as necessary. It must be supplied at least every 5 years. For new or other establishments it is to be supplied within six months of when the Regulations apply.

Where the information to persons likely to be affected by a major accident originating at the establishment has been supplied under the 2006 Regulations and it meets the requirements of these Regulations, then the existing 5 year review and update timeframe remains in place (Regulation 25(7)).

### **Regulation 26 Access to information and confidentiality**

Environmental information received by the Central Competent Authority (CCA) will be made available to any natural or legal person who requests it in accordance with the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133 of 2007), as amended by the European Communities (Access to Information on the Environment) (Amendment) Regulations 2011 (S.I. No. 662 of 2011). However, disclosure of that information may be refused or restricted by the competent authority where the conditions laid down in the Access to Information on the Environment Regulations apply (Regulation 26(2)).

Information supplied to other competent authorities or public bodies for the purpose of the Regulations must be treated as confidential by those who receive it. A safety report under assessment will be treated as confidential until the CCA has communicated its conclusions to the operator (Regulation 26(8)). Technical LUP advice provided to planning authorities under Regulation 24 will be treated as public information (Regulation 26(9)).

## **Part 9 Charges for Services**

### **Regulation 27 Charges for Services**

The Central Competent Authority and Local Competent Authority may charge fees in accordance with section 10 of the Chemicals Act for the provision by it of a service, or for the performance of a function imposed on it pursuant to these Regulations. The current scale of fees will continue until the Minister approves a new scale.

## **Part 10 Offences**

### **Regulation 28 Regulations subject to penal provisions**

This Regulation lists the Regulations subject to penal provision.

### **Regulation 29 Offences, prosecution and penalties**

An operator who fails to comply with any duties or obligations imposed by the provisions of the Regulations declared to be penal provisions by Regulation 28 shall be guilty of an offence and liable on conviction to the penalties prescribed in section 30(1) of the Chemicals Act.

## Schedules to the Regulations

### Schedule 1 Application of the Regulations (Regulation 2)

This Schedule transposes Annex I of the Directive. The arrangement of parts has been changed from Seveso II and the categories of dangerous substance now constitute Part 1, which now reflects the new CLP generic classifications.

There are now 21 categories in this part, under the groups of:

- Health Hazards,
- Physical Hazards,
- Environmental Hazards, and
- Other Hazards.

Dangerous substances covered by the hazard categories listed in Column 1 of Part 1 of this Schedule are subject to the qualifying quantities set out in Columns 2 and 3 of Part 1.

Where a dangerous substance is covered by Part 1 of this Schedule and is also listed in Part 2, the qualifying quantities set out in Columns 2 and 3 of Part 2 apply.

Part 2 now contains the named dangerous substances: most of the named substances and mixtures, and their respective thresholds, are identical to those contained in Part 1 of Annex I of Directive 96/82/EC. Part 2 does have a number of new additions, and there are now 48 named substances.

The addition rules and other notes that assist with determining qualification are included in this Schedule.

The starting point for applying Schedule 1 is the classification of the dangerous substance. If there is a 'harmonised classification' under CLP then operators must use it. Dangerous substances which are not listed as having a harmonised classification must be classified by the operator in accordance with the self-classification rules in the CLP Regulation. For these Regulations, 'dangerous substance' includes intermediates and wastes with the relevant hazard characteristics.

The Central Competent Authority will put a spreadsheet calculator on its website to assist operators in applying the addition rules.

## **Schedule 2 Information on the safety management system and the organisation of the establishment with a view to the prevention of major accidents referred to in Regulation 10 and Regulation 11**

This Schedule transposes Annex III of the Directive and sets out the elements to be taken account of for the implementation of the safety management system.

The safety management system applies to both lower-tier and upper-tier establishments. It must be proportionate to the hazards, industrial activities and complexity of the organisation in the establishment and be based on assessment of the risks.

Schedule 2 includes some important new elements:

- measures to raise awareness of the need for continuous improvement,
- involvement of employees/subcontractors only if important from the point of view of safety,
- inclusion of subcontracted activities when identifying/evaluating major hazards,
- the need to take into account information on best practices,
- risks associated with ageing equipment,
- strategy and methodology for monitoring and control,
- provision of follow-up actions and countermeasures,
- an obligation for monitoring procedures to cover the system for reporting major accidents or near misses,
- the necessity for these monitoring procedures to include performance indicators and
- the obligation to consider and include necessary changes indicated by the audit and review.

## **Schedule 3 Minimum data and information to be considered in the safety report referred to in Regulation 11**

This Schedule transposes Annex II of the Directive and details the minimum information that operators must provide in a safety report.

New or expanded elements to be included in the safety report include:

Paragraph 2(c): information related to the identification of domino effects.

Paragraph 3(b): information related to the description of processes and the need to take into account available information on best practices when doing so.

Paragraph 4: includes two important new elements of information to be included in the safety report, related to the obligation to further describe the causes that may trigger accident scenarios and the need to also include a review of past accidents and incidents.

Paragraph 5: includes examples of the types of equipment that should be included in the description in 5(a) and adds an important element to be included in the safety report, related to the technical and non-technical measures taken to reduce the impact of a major accident.

#### **Schedule 4 Data and information to be included in the emergency plans referred to in Regulation 13**

Part 1 of the Schedule addresses Internal Emergency Plans, which is an operator duty. It remains largely unchanged from the previous Regulations with the exception of the addition of “where necessary” in (f) relating to arrangements for staff training.

Part 2 covers External Emergency Plans, the implementation of which is a function of the local competent authority.

The main changes to this Schedule include:

- the arrangements for off-site mitigatory action should include responses to major-accident scenarios, and consider domino effects including those having an environmental impact and
- the plans should also provide for informing neighbouring establishments or sites identified for possible domino effects

#### **Schedule 5 Items of information to the public as provided for in Regulation 25**

There have been a number of changes to this Schedule, which addresses information which must be provided to the public.

The Central Competent Authority (CCA) must make specified information relating to each establishment permanently available to the public. Therefore all operators are required to provide the CCA with the information listed in Part 1 of the Schedule.

Part 1 applies to all establishments; this is an essential element of the new Directive.

An operator is required to provide a description, in simple terms, of the hazardous properties relating to the relevant dangerous substances on the establishment which could give rise to a major accident.

The operator is also required to provide information relating to the appropriate behaviour to take in the event of a major accident and an indication of where the information may be available electronically.

The date of the last site inspection and information on where more detail on inspection related activity can be found must also be set out.

Part 2 of the Schedule sets out the additional information operators of upper-tier establishment must provide. This now requires the operator to provide general information relating to the nature of the major accident hazards including the potential effects on human health and summary details of the main types of major accident scenarios and the control measures to address them. Relevant information from the EEP is now also required to be provided to the public.

Where there is a possibility of a major accident with trans-boundary effects, this must be indicated.

#### **Schedule 6 Criteria for the notification of a major accident to the European Commission as provided for in Regulation 19(2)**

This Schedule transposes Annex VI of the Directive.

It sets out the criteria for a notifiable major accident, and is the same as the Schedule contained in the 2006 Regulations.

#### **Schedule 7 Criteria for the notifiable incident referred to in Regulation 20**

Operators are required to inform the Central Competent Authority (CCA) of certain incidents and 'near-misses' as set out in this Schedule.

There are changes to this Schedule, compared to the 2006 Regulations, in that the first paragraph now specifically relates to an explosion or fire involving a dangerous substance that may result in suspension of normal work in the establishment for more than 24 hours.

In relation to the uncontrolled or accidental release or the escape of any dangerous substance in an establishment, the operator is required to notify the CCA if the release had the potential to cause serious injury consequences to human health, serious damage to the environment or damage to property, of the type described in the sixth Schedule.

This should capture 'near-misses' and ensure that they are notified to the CCA.

## Sources of Information:

Health and Safety Authority Guide to the COMAH Regulations 2015 (S.I. No. 209 of 2015):  
A Guide to the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances)  
Regulations 2015 (S.I. No. 209 of  
2015) [http://www.hsa.ie/eng/Your\\_Industry/Chemicals/COMAH/A\\_Guide\\_to\\_COMAH\\_SI\\_No\\_209\\_of\\_2015.pdf](http://www.hsa.ie/eng/Your_Industry/Chemicals/COMAH/A_Guide_to_COMAH_SI_No_209_of_2015.pdf)

S.I. No. 209 of 2015 Chemicals Act (Control of Major Accident Hazards Involving Dangerous  
Substances) Regulations 2015 [http://www.hsa.ie/eng/Your\\_Industry/Chemicals/COMAH/SI\\_209\\_of\\_2015.pdf](http://www.hsa.ie/eng/Your_Industry/Chemicals/COMAH/SI_209_of_2015.pdf)

Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of  
major-accident hazards involving dangerous substances, amending and subsequently repealing Council  
Directive 96/82/EC  
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0018>

European Commission: The Seveso Directive - Prevention, preparedness and response  
<http://ec.europa.eu/environment/seveso/>