

| Health and Safety Commission Paper |                | HSC/03/41         |            |
|------------------------------------|----------------|-------------------|------------|
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| Exemptions:                        | None           |                   |            |

## HEALTH AND SAFETY COMMISSION

### APPROVED CODE OF PRACTICE - UNLOADING PETROL FROM ROAD TANKERS

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**Cleared by Nick Starling on 14/3/03**

#### Issue

1 Approval of revised draft ACOP (Annex 3) on Unloading of Petrol from Road Tankers.

#### Timing

2 Urgent.

#### Recommendation

3 Members are requested to agree to the Code of Practice being submitted to the Secretary of State for his consent for HSC to approve the Code of Practice.

#### Background

4 At its meeting on 16 July, the Commission considered the results of consultation on Phase1 of the Modernising Petrol Legislation project (HSC/02/71). The Commission agreed to the proposal to revoke Schedule 12 of the Carriage of Dangerous Goods by Road Regulations 1996, which currently regulates the unloading of petrol from road tankers and to replace it with an ACOP. The revocation, through the introduction of DSEAR, comes into force on 5 May 2003

5 Following on from this agreement the Commission considered and approved the draft Unloading Petrol From Road Tankers code of practice at its meeting on 15 October 2002.

6 The ACOP and associated guidance material give practical advice to those with responsibilities for unloading petrol from road tankers. It was drawn up in consultation with the Petrol Working Group (PWG) of the Advisory Committee on Dangerous Substances (ACDS). Membership of the PWG includes, the industry, including oil companies, supermarkets and independent petrol retailers, local government organisations, petrol enforcement authorities and HSE's technical experts.

## **Argument**

7 Since the meeting on 15 October there have been two representations which have led to material changes (see extracts at Annex 1), explained in further detail below, and some minor, non-material changes listed in Annex 2.

### Restriction on the number of simultaneous deliveries from a road tanker

8 A representation was received from the United Kingdom Petroleum Industry Association (UKPIA) which called into question the need for the restriction that 'petrol should not be unloaded from more than two compartments at the same time even if one of those compartments contains diesel' to be an ACOP requirement, as opposed to guidance.

9 Revised wording has been agreed which forms two new stand-alone paragraphs 65 and 66 of the draft ACOP and guidance (see extract at Annex 1). The amended ACOP restriction now reads 'Where petrol is being unloaded from a road tanker at a site, no more than two of the tanker's compartments (including any containing diesel) should be unloaded at the same time, unless justified by a site-specific risk assessment'. This revised ACOP restriction is supported by guidance see paragraph 66 of the draft ACOP and guidance attached. These changes have been agreed by the PWG, ACDS Flammable Substances Sub-committee (FSSC) and the ACDS.

### Responsibilities of an unassisted tanker driver undertaking a split delivery

10 A further representation was been made by a number of members of the PWG about the wording of the draft ACOP as approved by the Commission at its meeting on 15 October last year. The paragraph relates to a split delivery by an unassisted tanker driver. Again, following further consultation, revised wording has been agreed by the PWG, ACDS FSSC and the ACDS. The revised wording is at paragraph 64(a)(ii) in the attached draft ACOP and guidance (see extract at Annex 1). In addition the guidance material at paragraph 60 of the draft document has been strengthened to emphasise preventative maintenance.

## **Action**

11 The Commission is invited agree to the Code of Practice being submitted to the Secretary of State for his consent for HSC to approve the Code of Practice.

**EXTRACTS FROM DRAFT ACOP AND GUIDANCE****ACOP material in Bold text**

Guidance material in Plain text

60 The overfill prevention device and high level alarm should be fit for purpose, sufficiently accurate and have an appropriate level of safety integrity. It is very important that these devices are regularly maintained and are, therefore, subject to an appropriate maintenance regime. These devices need to meet the specific requirements of DSEAR and also appropriate international standards such as IEC 61508 (functional safety of electrical, electronic or programmable electronic safety-related systems).

**RESPONSIBILITIES OF THE TANKER DRIVER**

64 **Petrol should not be unloaded from a road tanker at a site:**

**(a) unless the contents of any single compartment of its tank do not exceed the ullage of the storage tank into which the compartment is to be unloaded, except:**

**(i) where the tanker driver is assisted**

- the storage tank is fitted with means of preventing an overfill; or
- the road tanker is fitted with means for continuously measuring the amount of petrol being unloaded from its tank;

or

**(ii) where the tanker driver is unassisted**

- the storage tank is fitted with means of preventing an overfill; and
- the road tanker is fitted with means for continuously measuring the amount of petrol being unloaded from its tank, being means other than the use of a dipstick;

65 **Where petrol is being unloaded from a road tanker at a site, no more than two of the tanker's compartments (including any containing diesel) should be unloaded at the same time, unless justified by a site-specific risk assessment.**

66 Any risk assessment undertaken as a result of the requirements of paragraph 66 must ensure that it takes into account any limitations to the number of compartments that may be unloaded at the same time, as stipulated in any authorisation issued by the local authority or Scottish Environment Protection Agency on vapour recovery. The findings of such a risk assessment cannot override the conditions of such an authorisation.

| <b><u>Position</u></b>    | <b><u>Details of amendment</u></b>   | <b><u>Reason</u></b>     |
|---------------------------|--|--------------------------|
| <b>Title page</b>         | 'and guidance' inserted  | Description of content   |
| <b>Notice of Approval</b> | Commencement date inserted   | Regs now in force        |
| <b>General</b>            | All references to 'road tanker driver', 'tanker driver' and 'driver' recast to 'tanker driver' | Consistency              |
| <b>All</b>                | Paragraph numbering  | HSE house style          |
| <b>All</b>                | Paragraph number references recast   | Due to above change      |
| <b>1 -13</b>              | New introductory paragraphs  | DSEAR-suite style        |
| <b>20</b>                 | Paragraph removed as a result of changes to paragraph 65                                       | Superfluous              |
| <b>20</b>                 | Replaced old paragraph   | Renumbering              |
| <b>26</b>                 | 'Diprod' replaced with 'dipstick'  | Consistency              |
| <b>32</b>                 | 'site' inserted before 'operator'  | Omission                 |
| <b>49</b>                 | 'and guidance material' inserted   | Description of content   |
| <b>54</b>                 | As above   | As above                 |
| <b>56</b>                 | Bullets inserted   | HSE house style          |
| <b>59</b>                 | The first 'and' replaced 'or'  | Comment from PWG members |
| <b>60*</b>                | Guidance strengthened re maintenance of overfill prevention devices                            | Comment from PWG members |
| <b>61(a)</b>              | 'and' deleted  | Superfluous              |
| <b>64 - subheadings</b>   | 'where' inserted   | Reads better             |
| <b>64(a)(ii)*</b>         | Revised wording – see revised draft ACOP   | Comment from PWG members |
| <b>65*</b>                | Sub-paragraph of previous paragraph now stand alone paragraph                                  | Clarity                  |
| <b>65*</b>                | Additional wording 'unless justified by a site specific risk assessment' added                 | Comment from PWG members |
| <b>66*</b>                | New guidance paragraph   | Comment from PWG members |
| <b>71(c)</b>              | 'he has' replaced with 'there is'  | Non-gender specific      |
| <b>71(c)</b>              | 'the tank of' deleted  | Consistency              |
| <b>81</b>                 | 'top' inserted   | Omission                 |
| <b>85-86</b>              | References recast  | HSE house style          |
| * see also Annex 1        |  |                          |