

| Health and Safety Commission Paper | | HSC/03/63 | |
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HEALTH AND SAFETY COMMISSION

DANGEROUS SUBSTANCES AND EXPLOSIVE ATMOSPHERES REGULATIONS 2003 - Approval of Codes of Practice to support the Regulations

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Issue

1. Agreement of two Approved Codes of Practice (ACOP) covering various activities within the scope of the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).

Timing

2. Routine. The proposed ACOPs include good practice originally contained in existing safety legislation on flammable substances that was revoked on 5 May 2003.

Recommendation

3. The Commission is invited to agree to the Codes of Practice being submitted to the Secretary of State for his consent.

Background

4. During the development of DSEAR existing legislation covering flammable substances was reviewed. Most of this legislation was quite old and predated the Health and Safety at Work etc. Act 1974.
5. As the project developed it was clear that this legislation could be revoked. To make sure that existing standards contained in the old legislation were maintained it was

decided to develop 'technical' ACOPs. Subsequently 10 such ACOPS were developed to supplement DSEAR and were included as annexes to the consultation package approved by the Commission.

Argument

6. Following consultation a strong view emerged that there were too many ACOP Annexes and, rather than remain as annexes to the general guidance, the information should be published separately.
7. HSE reconsidered its publication strategy and decided to merge the ACOP material into four separate documents. Two of the four DSEAR 'technical' ACOPs were considered at the HSC meeting of 8 April, as below the line paper HSC/03/57. These documents were 'Design of plant, equipment and workplaces' and 'Control and mitigation measures'.
8. The remaining two ACOPs are:
 - a. 'Storage of dangerous substances'; and
 - b. 'Safe maintenance, repair and cleaning procedures'

and are the subject of this paper. They are attached as Annexes A and B respectively.

9. This material has been developed in addition to the general interpretive ACOP and guidance material for DSEAR. This 'general' ACOP and guidance material will be submitted for Commission approval as below the line paper HSC/03/59 on 15 July to complete the set.

Consultation

10. Consultation has taken place with relevant parts of HSE (policy and operational) and HSE Solicitors. Full support for the proposed publications has been given by both the Advisory Committee on Dangerous Substances and its Flammable Substances Subcommittee.

Presentation

11. Publication of the 4 ACOP documents will take place in June and will be the subject of a Press Notice. Publication will also be advised on the HSE web site.

Costs and Benefits /Financial/Resource Implications for HSE

12. There are unlikely to be any significant costs/benefits arising from the ACOPs themselves, although the improved clarity of the legislation, ACOP and guidance material resulting from the DSEAR project has strong support from stakeholders. There are no financial or resource implications for HSE.

Environmental Implications

13. There are no direct environmental implications, although the precautions under DSEAR e.g. preventing leaks of chemicals, will have indirect environmental benefits. In addition we have included in the guidance, signposts to draw readers attention to the importance of considering environmental issues.

Devolution

14. The new ACOPs will apply across GB; there are no additional implications for Wales or Scotland.

SMEs

15. The introduction of the ACOPs is unlikely to have any adverse effects on SMEs. HSE published a separate leaflet on DSEAR aimed at SMEs entitled 'Fire and explosion – How safe is your workplace?' (INDG370) in December 2002.

Action

16. The Commission is invited to agree to the Codes of Practice being submitted to the Secretary of State for his consent.