

Health and Safety Executive Board		Paper No: HSE/09/103	
Meeting Date:	25 th November 2009	FOI Status:	Fully open
Type of paper:	Above the line	Exemptions:	
Trim reference:	2009/444303		
Amendments to the Pipeline Safety Regulations (PSR) 1996 and the Health and Safety (Fees) Regulations			

Purpose of the paper

1. This paper asks the HSE Board to agree to the consultation package on the proposed amendments to the Pipeline Safety Regulations (PSR) 1996 and the Health and Safety (Fees) Regulations.

Background

2. PSR came into force in 1996. The regulations are split in two parts; general duties applying to all pipeline operators and additional duties applying to operators of major accident hazard pipelines (those pipelines carrying prescribed dangerous fluids).

3. Following consultation on the original PSR in 1995, the Health and Safety Commission reported that a number of matters required further consideration. The following provisions were withdrawn from the 1996 regulations pending further work;

- clarifying the duty holder in respect of duties imposed on operators of pipelines;
- a requirement for co-operation between designers, constructors and operators of pipelines;
- a requirement for local authority emergency plans to be tested (in line with the Control of Major Hazards 1999 (COMAH) regime); and
- including gasoline as a dangerous fluid.

4. Discussions between HSE and key stakeholders about these provisions continued until 2003 and a draft consultation document was produced. This project was cancelled in July 2004, following a review of HSE's work priorities. In 2005, following the Buncefield fire and explosion, the regulation of gasoline pipelines again became a matter for debate. Subsequently, the Buncefield Major Incident Board (MIIB) recommended that gasoline pipelines should be subject to the requirements of major hazard legislation^{1 2}.

5. In 2007, the PSR and original 2003 draft consultation document were reviewed by HSE. The review recommended a number of changes to PSR, but concluded that the existing definition of operator and the requirement of cooperation between designers and constructor were satisfactory. This left emergency plan testing and gasoline as the two legacy issues to be resolved. In addition, we identified three new issues: bringing within scope carbon

¹ <http://www.buncefieldinvestigation.gov.uk/reports/comahreport3.pdf>

² <http://www.buncefieldinvestigation.gov.uk/reports/volume2b.pdf>

dioxide; streamlining notifications; and cost recovery for HSE input to the regulatory regime.

6. The issue of placing a duty on local authorities (LA) to test their emergency pipeline plans, and including a provision to allow them to recover costs for their involvement in such testing, is a complex area. We are currently not in a position to define what constitutes an adequate test of a plan for pipelines that run for hundreds of kilometres and through many LAs. Furthermore, LAs and emergency services want a suitable cost recovery mechanism if testing is to be mandatory. This raises broader issues around the consistency of emergency plan requirements and associated third party cost recovery structure across the PSR, COMAH and Radiation Emergency Preparedness and Public Information Regulations 2001 (REPPIR) regimes. Resolving these issues will not be quick or easy and our judgement is that it is better to amend PSR now, without a mandatory testing requirement, and deal with the broader issues over a longer period.

7. The changes we are now proposing therefore are confined to gasoline, carbon dioxide, notifications and HSE cost recovery.

8. HSE has consulted a wide range of external stakeholders including the United Kingdom Onshore Pipeline Operators Association (UKOPA) and the Chemical and Petrol Emergency Planning Liaison Group (CAP-EPLG).

9. The consultation proposals have been broadly welcomed by industry. The only contentious issue is the intended extension of the HSE Health and Safety (Fees) Regulations to major accident hazard pipelines. We will use the PSR consultation package to alert stakeholders to the intended changes to the Health and Safety (Fees) Regulations.

Argument

Classification of gasoline as a dangerous fluid

10. Although the MIIB report did not suggest that the large gasoline pipelines which supplied the Buncefield site directly contributed to the major incident, the report highlighted the anomaly relating to the regulation of such pipelines which it considered needed rectifying.

11. HSE had originally intended gasoline pipelines to be subject to the additional requirements of PSR, but further research was needed to justify this position. Subsequent research³ commissioned by HSE has shown that although the levels of risk are low, the potential consequences of an accident are very serious. It concluded that gasoline pipelines should be treated as presenting a major accident hazard potential.

³ Arthur D Little "Risks from gasoline pipelines in the United Kingdom" report to HSE, June 1996 and WS Atkins Safety and Reliability "Assessing the risk from gasoline pipelines in the UK based on a review of historical experience", HSE research report 210/1999, HSE Books.

12. PSR imposes general duties on all pipeline operators. The proposal is to classify gasoline as a dangerous fluid which would bring gasoline pipelines within the scope of the additional duties in Part III of PSR. Further details are contained in Part 1 of the consultation document (CD).

13. Currently in the UK there are 4423km of gasoline pipelines operated by approximately ten pipeline operators, and cross through 103 local authorities. The IA gives full details of the impact and cost implications to duty holders once the additional duties of PSR apply.

Classification of carbon dioxide (CO₂) as a dangerous fluid

14. The Board have been made aware of Carbon Capture and Storage (CCS) and the associated risks in the paper Misc/08/09 (Energy Bill 2008: The impact on HSE's business) May 2008 and in the annex to an introductory paper on the EET Programme in January 2009 (HSE/09/15).

15. After considering the current research, and recognising the limitations in knowledge and hazards associated with CCS, HSE are proposing to include CO₂ as a dangerous fluid in Schedule 2 of PSR. This would extend the additional major accident hazard duties under PSR to CO₂ pipelines. The key issue is to ensure that the proposed amendment to PSR avoids introducing additional, inappropriate, regulations on existing CO₂ industries. Initial consultation indicates that CO₂ is not transported by pipeline by other industries. The CD (Part 2) seeks further assurance on this point.

16. Within HSE there is ongoing work with regards to the review of the Seveso Directive. This includes the issue as to whether CO₂ is to be included as a dangerous substance. A discussion paper has been produced on reasons for including CO₂ within the major hazards framework. This was well received by the European Commission and other Member States and as a result an EC paper on this was discussed at the Seveso Committee for Competent Authorities (CCA) meetings in October 2009. This paper recognises that Seveso could be a suitable means to regulate the safety of CCS sites where very large quantities of CO₂ are present. Member States now have until the end of November 2009 to send in their comments on the paper. The EC is expecting to make a formal proposal to change the Seveso Directive in the second part of 2010.

Changes to PSR Notifications regime

17. HSE is proposing to improve the notification requirements of PSR to align them with other consent regimes (e.g. The Petroleum Act 1998) by introducing a three year expiry date on PSR notifications. This will mean that if the construction of a pipeline does not start within three years of the original notification to HSE, it will become invalid. If the operator still wishes to go ahead a new notification will be required. This will ensure that planning applications are not impeded by restrictions arising out of pipelines that are not being constructed. (See Part 3 of the CD).

18. To respond to the challenge of larger companies being broken up, resulting in multiple ownership, HSE is also proposing to amend PSR to extend the reasons under which the operator should notify HSE. These notifications will ensure that appropriate pipeline inspection arrangements are put into place. (Part 4 of the CD provides further details).

HSE cost recovery against major accident hazard pipelines

19. Many onshore and offshore major accident hazard pipelines, or sections of pipelines, do not fall within the scope of existing cost recovery schemes (e.g. related to offshore installations). HSE feels that in order to achieve consistency in how it deals with its major accident hazard activities steps should be taken to recover costs for its work in relation to notifications and enforcement functions related to these major accident hazard pipelines.

20. HSE intends to amend the Health and Safety (Fees) Regulations from October 2010 to allow it to recover costs for work relating to notifications and enforcement functions in connection with onshore and offshore major accident hazard pipelines. The financial implications are covered in paragraph 21. (Part 7 of the CD provides further details)

Financial/Resource Implications for HSE

21. The estimated full economic costs for the project are £162,691.00. The costs of the project are affordable within indicative budget allocations for 2009/10 and 2010/11. Any costs incurred by CDS for revising and publishing the new guidance will be recovered via HSE's commercial publishing.

22. It is estimated that it currently costs HSE between £134 and £280K pa to undertake work relating to notifications and enforcement functions associated with major accident hazard pipelines not covered by existing gas or offshore cost recovery schemes. Over a period of 10 years, the present value of these costs is calculated as between £1.1m and £2.3 m. The effect of the proposed amendments to the Health and Safety (Fees) Regulations will be to transfer these costs to industry.

Action

23. The Board is invited to approve the consultation package

Paper clearance

24. This paper was cleared by the SMT on 4 November 2009.

Consultation on Amendments to the Pipeline Safety Regulations 1996 and the Health and Safety (Fees) Regulations

Page:

3-4	About this consultation document
4	How to respond
4-5	Code of Practice on Consultation
6	Introduction
7-8	Background to Regulations
8-9	The proposals
10-11	Part 1 - To classify gasoline as a dangerous fluid Issue Background Decision Proposal Proposed regulatory change Questions
12-15	Part 2 – To classify Carbon Dioxide as a dangerous fluid Issue Background Decision Proposal Proposed regulatory change Relationship with other Regulations Questions Questions
16-18	Part 3 - Regulation 21 Notification before construction Issue Background Decision Proposal Proposed regulatory change Questions
19-20	Part 4 – Regulation 22 Notification in other cases Issue Background Decision Proposal Proposed regulatory change Questions

DRAFT DOCUMENT – Version 2

- 21-22 Part 5 Proposed new regulation 29 Implementing emergency plans**
Issue
Background
Decision
Proposal
Proposed regulatory change
Questions
- 23-30 Part 6 Other changes to regulations and supporting guidance.**
Regulation 2 Definition of Operator
Regulation 3(3) Meaning of “pipeline”
Regulation 14 (previously 13A) Iron pipelines
- 31-34 Part 7 Amendments to the Health and Safety (Fees) Regulations**
Issue
Background
Decision
Proposal
Proposed regulatory change
Questions

Annexes

- Annex 1 Draft Pipelines Safety Regulations**
- Annex 2 Overview of legislative changes**
- Annex 3 Summary of Impact Assessments -**
a. Gasoline
b. Carbon dioxide
c. Short impact assessment for Regulation 21
d. Short impact assessment for the Health and Safety (Fees) Regulations
- Annex 4 Table of revised numbering of Regulations**
- Annex 5 Glossary**
- Annex 6 References**
- Annex 7 Consultation document distribution list**

Consultation on Amendments to the Pipeline Safety Regulations 1996 and the Health and Safety (Fees) Regulations

Consultation by the Health and Safety Executive.

About this document

The Health and Safety Executive (HSE) has a duty to consult stakeholders on proposals for new regulations. HSE believes that this enables an open and transparent approach to decision-making, which is essential if policies and decisions are to have widespread ownership and reflect the needs and aspirations of the people they will affect. HSE then decides on the best way forward based on an interpretation and analysis of the results of the exercise.

HSE tries to make its consultation procedure as thorough and open as possible. Responses to this consultation document will be lodged in HSE's Knowledge Centre at Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS, after the close of the consultation period, where they can be inspected by members of the public and copies can be made available on payment of an appropriate fee to cover costs.

Responses are invited on the basis that anyone submitting them agrees to their being dealt with in this way. Responses, or part of them, will be withheld from the Knowledge Centre only at the express request of the person making them. In such cases a note will be put in the index to the responses identifying those who have commented and have asked that their views, or part of them, be treated as confidential.

Many business e-mail systems now automatically append a paragraph stating the message is confidential. If you are responding to this consultation document by e-mail and you are content for your responses to be made publicly available, please make clear in the body of your response that you do not wish any standard confidentiality statement to apply.

If you reply to this consultation document in a personal capacity, rather than as a post holder of an organisation, you should be aware that information you provide may constitute "personal data" in the terms of the Data Protection Act 1998. For the purposes of this Act, HSE is the "data controller" and will process the data for health, safety and environmental purposes. HSE may disclose this data to any person or organisation for the purposes for which it was collected, or where the Act allows disclosure. You have the right to ask for a copy of the data and to ask for inaccurate data to be corrected. Please note that all replies will be made public unless you specifically state that you wish yours to be made confidential.

We will acknowledge all responses and give full consideration to the substance of arguments in the development of proposals; we may also contact you again if, for example, we have a query. When HSE has decided

DRAFT DOCUMENT – Version 2

upon its recommendation to Ministers, we will let you know how the work will proceed and how the decision reached reflects the results of the consultation.

If you are reading this document on a computer screen and would prefer a printed version, it can be obtained on request by sending an email to: karen.mcdonough@hse.gsi.gov.uk or contacting Karen McDonough at: HSE, 5.S.G Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS. Tel no: 0151 951 3308.

If you require a more accessible format, an Executive Summary is available in Braille, large print, audio formats (e.g. CD, audiocassette tape), or in other languages. Please contact **Karen McDonough at the address given below:**

How to respond

- You can complete the **online questionnaire** by going to: **INSERT LINK**
- Respond **on paper** – you can do this by
 - printing the online questionnaire; or
 - photocopying the questionnaire (which is reproduced at Annex X); or
 - making a written response in whatever format you wish; and

Send your completed response to:
Karen McDonough, HSE, 5.S.G, Redgrave Court, Merton Road,
Bootle, Merseyside, L20 7HS.

- Responses **by email** are also welcome, and should be sent to: karen.mcdonough@hse.gsi.gov.uk

Responses must be received by **XX XX XXXX** and a summary of the main issues raised will be produced once the consultation period has been completed.

Code of Practice on Consultation

HSE is committed to best practice in consultation and to the Government's Code of Practice on consultation, which sets out 7 criteria for consultation documents.

These are:

- When to consult. Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- Duration. Consultations should normally last for at least 12 weeks with consideration given no longer timescales where feasible and sensible.
- Clarity of scope and impact. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- Accessibility. Consultation exercises should be designed to be accessible to and clearly targeted at, those people the exercise is intended to reach.

DRAFT DOCUMENT – Version 2

- The burden of consultation. Keeping the burden of the consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- Responsiveness. Consultation responses should be analysed carefully and clear feedback should be provided following the consultation; and
- Capacity to consult. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you believe that this document, or the consultation on these proposals, does not meet these criteria, or if you are not satisfied with the way in which this consultation exercise has been conducted, we want to know and put things right. Please contact Maureen Kirwan, HSE, 5S.3, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS.

We aim to reply to all complaints within 10 working days. If you are not satisfied with the response, you may ask for your complaint to be passed to a more senior member of staff. Following our second response if you are still not satisfied, you can ask for your complaint to be referred to the Chief Executive.

Introduction

This Consultative Document sets out the proposals for amending the Pipeline Safety Regulations (PSR) 1996 and alert stakeholders to the amendments HSE intends to make to the Health and Safety (Fees) Regulations. The 1996 Regulations provide for the management of pipeline safety and apply to all pipelines in Great Britain, and to all pipelines in UK territorial waters and on the UK Continental Shelf. The Health and Safety (Fees) Regulations have been made under the Health and Safety at Work Act 1974. They give HSE the power to recover costs in respect to named functions, in specified areas, conferred under any of the relevant statutory provisions.

It is intended that the amendments to PSR and the Health and Safety (Fees) Regulations will come into force on the common commencement date in October 2010.

This consultation document provides an overview of the HSE's proposals and a short questionnaire for your completion. The full impact assessments for the new Regulations are available online at: <http://www.hse.gov.uk/consult/condocs/> xx and a summary included at Annexes XX.

The proposals set out in this document have already been discussed primarily with those most likely to be affected by their implementation. These have included:

(Need to insert full list of main interested parties)

- Pipeline operators
- those regulating the industry - Office of Gas and Electricity Markets;
- local authorities
- emergency services
- emergency planning groups
- the enforcing authority which has been advised through subcommittees working groups of the Advisory Committee on Dangerous Substances (ACDS).

Background to the Pipeline Safety Regulations - 1996

1. The Health and Safety Executive began developing the Pipelines Safety Regulations in 1995 with the purpose of ensuring that pipelines are designed, constructed, operated, maintained and decommissioned safely, providing a means of securing pipeline integrity and thereby reducing risks.
2. The Pipeline Safety Regulations 1996 (PSR) came into force on the 11th April 1996. The regulations were introduced to provide a single legislative framework for the control of both onshore and offshore pipeline safety management in Great Britain. The Regulations impose general duties on all pipeline operators and additional duties on operators of major accident hazard pipelines (MAHP), which are those pipelines conveying prescribed dangerous fluids. In addition to this, HSE also sets out consultation distances (CDs) around major accident hazard pipelines for land use planning purposes to mitigate the risks and consequences of a major accident.
3. Among the matters considered for inclusion in PSR, were provisions to:
 - classify gasoline as a dangerous fluid;
 - clarify who the duty holder is, in respect of duties imposed on operators;
 - require co-operation between designers, constructors and operators of pipelines; and
 - give local authorities the ability to recover the costs involved in testing of emergency plans from the pipeline operators.
4. Following the formal public consultation exercise in 1995, HSE decided that these matters required further consideration and they were withdrawn from the proposed Regulations, with the agreement that they should be provided for by way of amendments to the Regulations when further work had been completed. This allowed the main elements of PSR to come into force alongside the Gas Safety Management Regulations (GSMR).
5. Informal consultation relating to these future proposed amendments began in October 1996, with HSE initiating the Pipeline Emergency Planning Forum (PEPF), to facilitate stakeholder discussions, resolve issues and to assist in drafting guidance to support the preparation of emergency plans. The PEPF was made up of representatives from HSE, Emergency Planning Society, industry, local authorities and the UK Onshore Pipeline Association (UKOPA).
6. By 2003, following extensive discussions with and involvement from external stakeholders a draft consultation document was prepared. However in July 2004 this project was cancelled following a review of HSE's work priorities.
7. In 2005, following the Buncefield fire and explosion, the regulation of gasoline pipelines again became a matter of debate. In their official

response to the HSE's⁴ "Consultation Document 211 on Land Use Planning" the Buncefield Major Incident Investigation Board (MIIB)⁵ highlighted the anomaly that major pipelines carrying gasoline were excluded from the additional duties of PSR.

8. In 2007, HSE carried out a review of PSR, which included a review of the 2003 draft consultation document. This identified a number of areas where HSE felt changes to PSR should again be considered (see paragraph 12 below). This review also concluded that existing arrangements relating to the definition of operator, and the requirement of cooperation between designers and constructor, were satisfactory.
9. In 2008, HSE initiated further discussions with external stakeholders to discuss the proposed amendments and to highlight any issues that needed to be addressed. However, the issue of placing a duty on local authorities (LA) to test their emergency pipeline plans, and to include a provision to allow them to charge for their involvement in such testing, is a complex area that goes beyond PSR. Further work is required to:
 - Achieve greater consistency in relation to emergency plan requirements, and the associated charging structure, within PSR, Control of Major Accident Hazards Regulations 1999 and Radiation Emergency Preparedness and Public Information Regulations 2001 (REPPPIR); and
 - Address stakeholder concerns (e.g. relating to what constitutes an appropriate test of a pipeline plan and introducing a suitable charging structure)
10. Finally, HSE recognises that there are many onshore and offshore MAHPs, or sections of pipelines, which are not within the scope of existing charging schemes (e.g. related to gas safety and offshore installations). HSE feels that it would not be consistent in how it deals with its major accident hazard activities if it did not take steps to charge for its notification and enforcement functions related to these MAHPs. HSE therefore intends to amend the Health and Safety (Fees) Regulations to allow it to charge for its work on notifications and its enforcement functions in connection with onshore and offshore MAHPs not currently covered by existing major accident hazard charging schemes.

The proposals

11. Following this period of informal consultation HSE is proposing to introduce the following changes to PSR;

Part 1 – To classify gasoline as a dangerous fluid;

Part 2 – To classify carbon dioxide as a dangerous fluid;

⁴ <http://www.hse.gov.uk/consult/condocs/cd211.htm>

⁵ <http://www.buncefieldinvestigation.gov.uk/reports/cd211.pdf>

DRAFT DOCUMENT – Version 2

Part 3 – To modify regulation 21 Notifications before construction;

Part 4 – To modify regulation 22 Notification before use;

Part 5 – Proposed new regulation 29 Implementing emergency plans

Part 6 – Other changes to Regulations and supporting guidance

Part 7 – Amendments to the Health and Safety (Fees) Regulations

12. Each proposal is now covered in detail and HSE welcomes your feedback.

13. Due to the proposed amendments to the Pipelines Safety Regulations, it has been necessary to introduce new regulations (24 and 29), and to incorporate what was regulation 13A (Iron pipelines) into the main body of the Regulations. This has subsequently led to a change to the numbering of the Regulations and a table has been produced (Annex 4) which outlines these changes. All references to regulations in this consultation document are made using the revised numbering.

Part 1

Classification of gasoline as a dangerous fluid

Issue

14. Gasoline is not included in Schedule 2 as a prescribed dangerous fluid for the purpose of these Regulations and as such gasoline pipelines do not fall within the scope of the additional duties as set out in Part III of the Regulations.

Background

15. The Pipeline Safety Regulations impose two levels of duties:
- The lower level (general duties) applies to all pipelines as defined in the Regulations, these duties cover the design, construction, installation, operation, maintenance and decommissioning of pipelines; and
 - The higher level (additional duties) applies to pipelines conveying prescribed dangerous fluids; these duties cover notification, major accident prevention documents, emergency procedures and emergency planning.
16. Until a late stage in the development of PSR, HSE had intended that gasoline pipelines would be subject to the additional duties. However, research to assess whether the risks from gasoline pipelines justified these duties indicated that the risks were border-line. The first study by A D Little⁶ looked at a representative sample of existing pipelines to determine the criteria to see which substances should attract additional duties. Gasoline emerged at the lower end of the risk scale for dangerous substances.

Decision

17. PSR was subsequently introduced with gasoline pipelines subject only to the general duties. However, due to the proposal by HSE to extend the additional duties to gasoline pipelines being challenged by external stakeholder's further research was commissioned. A more detailed study by W S Atkins followed⁷. This study looked at actual incidents and their consequences, rather than risk assessments. This report confirmed that although the levels of risk were low, the potential consequences of an accident involving gasoline pipelines are very serious.

18. This report was submitted to the Advisory Committee on Dangerous Substances (ACDS) in February 2001 and a consensus was reached

⁶Arthur D Little "Risks from Gasoline pipelines in the United Kingdom" report to the UK HSE June 1996. http://www.hse.gov.uk/research/crr_pdf/1999/crr99206.pdf

⁷ WS Atkins Safety and Reliability "Assessing the risk from gasoline pipelines in the UK based on a review of historical experience" HSE research report 210/1999 http://www.hse.gov.uk/research/crr_pdf/1999/crr99210.pdf

DRAFT DOCUMENT – Version 2

which recommended that gasoline should be classified as a dangerous fluid in PSR.

19. This was further supported by the Buncefield MIIB who had highlighted the anomaly that major pipelines carrying gasoline are not subject to additional duties under PSR.

Proposal

20. To classify gasoline as an dangerous fluid in Schedule 2 of PSR. This would extend the additional duties under PSR to gasoline pipelines.
21. HSE is required to give advice to local authorities on any planning applications for developments close to MAHPs and it will be necessary for HSE to set CDs for all pipelines when gasoline becomes a dangerous fluid. HSE will use notified particulars of the gasoline pipelines and average conditions along the pipeline routes as the basis for the risk assessments to set the CDs.
22. At present HSE have an established methodology that can be used to set CDs when gasoline becomes a dangerous fluid under PSR. This methodology is based on pool fires, following a gasoline release and would set the CD at 80m. Following discussions between HSE and industry this methodology is currently under review, however, the results are not available in time for the publication of this document. If, and when, a new methodology becomes available this methodology would be adopted by HSE.

Proposed regulatory change

Schedule 2: Descriptions of dangerous fluids

Gasoline: "Any petroleum derivative, other than liquefied petroleum gas, with a flashpoint between -51 °C to -40 °C and which is suitable for use in motor vehicles".

23. The impact assessment for gasoline is attached at Annex 3a.

Consultation point - gasoline

1. Do you agree that gasoline should be classified as a dangerous fluid in PSR?
2. HSE has been holding discussions with industry to reach a consensus on a suitable definition of gasoline for inclusion in PSR. However, these discussions are still to reach a conclusion and HSE welcomes stakeholder views on the proposed definition.

Part 2

Classification of carbon dioxide as a dangerous fluid

Issue

24. Fossil fuels will continue to play a significant role in the energy mix for the foreseeable future – both in the UK and internationally. If we are to tackle climate change, we need to find ways to reduce emissions from fossil fuels substantially.
25. Carbon Capture and Storage (CCS) has the potential to reduce CO₂ emitted from fossil fuel power stations by up to 90 percent. CCS is a three-step process which includes:
- capturing the CO₂ from power plants and other industrial sources;
 - transporting it, usually via pipelines, to storage points; and
 - storing it safely in geological sites such as deep saline formations or depleted oil and gas fields.
26. At present the hazard classification of CO₂ is such that it does not attract the duties normally required for major accident hazard control under the Control of Major Hazards Regulations 1999 (COMAH) and the Planning (Hazardous Substances) Regulations. CO₂ is also not included as a dangerous fluid for the purpose of PSR, which means that pipelines used for conveying CO₂ (for the purposes of CCS) would not fall within the scope of the additional MAHPs duties set out in Part III of PSR.

Background

27. HSE has been taking an active role in CCS since the Government's 2006 Energy Review, in response to that review HSE prepared an Expert Report for the Energy Minister⁸. This report concluded that HSE's regulatory framework is sufficiently comprehensive and flexible to deal with new risks and hazards, achieving sensible risk management and specific new regulatory controls may be required in due course, it was further concluded, if the risks merit such action (and depending on the outcomes of the Energy Review).
28. The UK has become a global leader in promoting the development of CCS and in November 2007 the Government launched a competition to install, with public funding, one of the world's first commercial scale CCS power plants in the UK by 2014.
29. In particular, HSE are working closely with DECC throughout the competition. Within the competition documents, it is clearly stated that HSE requires developers to give a health and safety compliance demonstration as if CO₂ was classified as a dangerous substance or fluid under COMAH and PSR, and assume that all relevant offshore major accident hazard

⁸ <http://www.hse.gov.uk/consult/condocs/energyreview/energyreport.pdf>

regulations apply. In addition, the successful competitor must provide technical information to HSE throughout the project, to inform the development of appropriate health and safety standards.⁹

30. HSE recognises that other organisations, not associated with the competition, are also planning to work in the CCS industry. At the time of the April 2009 budget statement the Secretary of State for Energy and Climate Change announced that Government will promote competition for up to three further publicly funded CCS power plants that would demonstrate different capture technologies. On 23 April 2009 the Government confirmed that any new combustion power station at or over 300 MWe would have to be built Carbon Capture Ready (CCR). This means it should be designed so there are no foreseeable barriers to retrofitting CCS once it is proven.
31. HSE is committed to acting as an enabling regulator to help facilitate the uptake of this new technology. This includes the early identification of regulations which may need to be modified to accommodate CCS. This is in line with our statement in the Expert Report that new regulatory measures may be required if merited by the risks, (and once the outcomes of the Energy Review are known which, for CCS, they are). It is important that HSE now takes steps to clarify to the CCS industry the regulatory requirements for CCS. The introduction of an appropriate safety regulatory regime will also underpin public confidence in CCS technologies, which is vitally important when introducing untested technologies into the industrial environment. At the same time, HSE recognises the need to avoid introducing additional, inappropriate, regulations on existing CO₂ industries.

Decision

32. A review by HSE of emerging energy industries¹⁰, highlighted the major accident potential of CO₂, when used for CCS. The Review highlighted that given the large scale of proposed CCS projects, there may be the potential for leakage from a pipeline in close proximity to residential areas to cause a major accident hazard due to the toxicity and asphyxiant properties of CO₂.
33. HSE is working with key stakeholders to develop a shared understanding of the risks associated with CCS in order to review whether the risks associated with the CCS process merit extending the major accident hazard regulatory regimes to these projects. However, it is difficult to make evidenced based decisions on the hazards and risks involved when there is still a great deal of uncertainty relating to the processes, and equipment, that will be adopted at each stage of the CCS process.

⁹ CCS Project Information Memorandum [http://www.decc.gov.uk/media/viewfile.ashx?filepath=what we do/uk energy supply/energy mix/carbon capture and storage/demo_comp/file42478.pdf&filetype=4](http://www.decc.gov.uk/media/viewfile.ashx?filepath=what%20we%20do/uk%20energy%20supply/energy%20mix/carbon%20capture%20and%20storage/demo_comp/file42478.pdf&filetype=4)

¹⁰ <http://www.hse.gov.uk/consult/condocs/energyreview/energyreport.pdf>

34. HSE (with HSL) have carried out hazard and risk assessments of the likely releases from CO₂ being transported in a pipeline with the characteristics of a typical natural gas pipeline in order to compare the risks from the two substances. This work is reported in a HSL report (reference FP/09/22) and the results were published as a paper at the Institute of Chemical Engineers Hazards XXI Symposium in Manchester on 11th November (and will be available on the HSE website, link to be referenced here).
35. The results of the work show that the risk from the pipeline, whilst transporting CO₂ at 16 and 33 bar absolute, were comparable to those from the same pipeline carrying natural gas at a pressure of 8 bar absolute. At this pressure, a natural gas pipeline would be classified under PSR as a MAHP and subject to Part III of PSR. Consequently, HSE has concluded that CO₂ has sufficient toxicity for pipelines transporting CO₂ to also be capable of causing a major accident hazard and that they too should be subject to the requirements of the MHAP aspects of PSR.
36. Further work was carried out to model the risks from the pipeline transporting CO₂ at 8 bar absolute to determine if a lower pressure limit exists below which the risks are not significant. The risks at 8 bar absolute were only marginally lower than those at 16 bar absolute. This suggests that the pipeline pressure at which the risks would become insignificant is much lower than 8 bar absolute and that there would be little technical justification for any particular pressure limit.
37. It is recognised that the work described above is for a single set of pipeline characteristics. Smaller pipelines at a pressure of 8 bar absolute may not generate significant risks but larger ones may have greater risks. This would be confirmed in the pipeline safety assessment that would accompany any proposed pipeline and might be reflected in the extent of the land use planning zones set for a particular pipeline.
38. This report suggests to HSE that in terms of both hazard and risk, CO₂ when transported at high pressure, for example in CCS industries, has sufficient toxicity to be regulated as a dangerous fluid under the PSR. Although HSE recognises the limitations in the current knowledge and hazard modelling available for CCS, it feels that there is sufficient evidence of the risks associated CO₂ (when used for CCS) for HSE to adopt a precautionary approach within the PSR.
39. In the PSR Schedule 2 descriptions for dangerous fluids, description 4 (which relates to toxic gases) has no pressure limit. CO₂ is toxic but not "a toxic substance" (as defined in their schedules to regulation) but it does exhibit the characteristics given in description 4.
40. Given all of the above, HSE therefore proposes that CO₂ is included as a dangerous fluid in schedule 2 of PSR without temperature or pressure limits (in the same manner as Acrylonitrile).

41. To ensure that this proposed amendment to PSR avoids introducing additional, inappropriate, regulations on existing CO₂ industries, HSE has had some initial discussions with some of these industries. It appears that CO₂ is not generally transported cross country by pipeline (as defined under PSR) by other industries. Although it is likely that vehicle transport, transport in cylinders or in pipe work within a site will continue. HSE is seeking further clarification from industry on this point as part of this consultation. If there are no other industries transporting CO₂ by pipeline, then HSE can include CO₂ (without other defining parameters for example pressure thresholds, pipe diameter or length¹¹) in PSR without having an impact on other non-CCS industries.

Proposal

42. To include carbon dioxide as a dangerous fluid in Schedule 2 of PSR. This would extend the additional major accident hazard duties under PSR to carbon dioxide pipelines.

Proposed regulatory change

Schedule 2: Descriptions of a dangerous fluid
Regulation 19 (2)

Carbon Dioxide

Relationship with other Regulations - COMAH

43. HSE's recognises the need to ensure consistency between the PSR and COMAH longer-term. Once further evidence on the hazards and risks related to CCS becomes available, and the European Commission has considered its position in relation to carbon dioxide as a major accident hazard, HSE will need to consider what if any amendments are needed to COMAH.

44. The impact assessment for carbon dioxide is attached at Annex 3b.

Consultation point – carbon dioxide

1. Based on the information available (e.g. on the CCS process and associated risks) do you agree with HSE adopting a precautionary approach and including carbon dioxide as a dangerous fluid in PSR?

2. Should further defining parameters be introduced, for example pressure thresholds, pipe diameter or length, when including CO₂ within PSR?

¹¹ Article 31 of the CCS Directive amends the IPPC Directive to include 'pipelines with a diameter of more than 800 mm and a length of more than 40 km for the transport of carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations', thereby applying the same standards to CO₂ pipelines as those which already apply to gas, oil and chemical pipelines.

3. Are you aware of any other UK industries that currently transport carbon dioxide using a pipeline (as defined under PSR)?

Part 3

Regulation 21

Notification before construction

Issue

45. Currently notifications under regulation 21 of PSR do not have an expiry date, which results in consultation distances (CD) being set for an indefinite period, possibly for pipelines that are never constructed. This in turn impacts on local authority (LA) planning decisions on proposed developments within the CD corridor.

Background

46. Regulation 21 requires an operator to notify HSE of specific details (listed in Schedule 4 of PSR) in relation to a proposed new MAHP prior to its construction. The intention is that this notification should be made at the end of the concept design stage and before any major expenditure has been committed by the pipeline operator. This would normally be at least six months before the start of construction.

47. The purpose of the notification is to trigger HSE's inspection arrangements, and also provides an opportunity for HSE to have early contact with the operator in order to secure the proper construction and safe operation of a pipeline.

48. Following a notification under regulation 21 HSE will set an appropriate CD for the pipeline. The effect is to require the local authority to consult HSE before permitting any development within the CD corridor. The CDs are not set to prevent development, but designed to lessen the impact of any incidents by limiting certain types of new development at varying distances from the pipeline.

Decision

49. HSE have decided to take this opportunity whilst other amendments to PSR are being proposed to amend regulation 21 so that it aligns the notification requirements of PSR with other consent regimes and in line with guidelines from the Better Regulation Executive. Other regulatory regimes that currently apply to pipelines are:

- The Petroleum Act 1998¹² – under section 14(1) (a) an authorisation is required for the construction/and or use of a pipeline in “controlled waters”. However under section 18 of the Act if the works authorised by a pipeline works authorisation (PWA) do not begin within three years from the date on which the PWA comes into force the pipeline operator will be notified that the authorisation has expired. If the pipeline

¹² Petroleum Act 1998 – https://www.og.decc.gov.uk/regulation/guidance/in_pipeauthor/interim4.htm

DRAFT DOCUMENT – Version 2

operator still wishes to go ahead with this pipeline, a new application has to be submitted.

- The Pipelines Act 1962¹³ – under section 1(4) pipeline operators have to apply for a “pipeline construction authorisation” this is only granted following a period of consultation. However if construction does not take place within 12 months of the application being granted the authorisation is invalid. The pipeline operator can apply for an extension but this will only be decided following a further consultation period.

Proposal

50. To introduce a three year expiry date on notifications made under regulation 21 which would have benefits for both HSE and local authorities:

- Information on proposed pipelines held by HSE and accessible by the LA would be updated leading to improved administration around land use planning controls; and
- Planning applications submitted to the local authorities would not be impeded by restrictions arising out of a proposal for a pipeline that is not being actively pursued.

Proposed regulatory change

Regulation 21

21. The operator shall ensure that the construction of a major accident hazard pipeline is not commenced unless his intentions in respect of the particulars specified in Schedule 4 have been notified to the Executive —

(a) no more than 3 years, and

(b) no less than 6 months, or such shorter time as the Executive may approve,

before such commencement.

Guidance

Where the construction of a pipeline does not start within 3 years of the operator’s initial notification of his proposals to the HSE, that notification will become invalid. If the operator still proposes to go ahead and construct this pipeline a new notification will be required with the information listed in Schedule 4.

51. The short impact assessment for introducing an expiry date to a notification made under regulation 21 is attached at Annex 3c.

Consultation point – regulation 21

¹³ Pipelines Act 1962 -

http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1962/cukpga_19620058_en_8#sch1

1. Do you agree with the introduction of a 3-year expiry date on notifications to construct a pipeline?

Part 4
Regulation 23
Notification in other cases

Issue

52. Currently regulation 23 does not deal with the situation where an existing industrial complex is split up and the operation moves from being under the control of one operator, to that of a number of independent operators managing different chemical plants and processes.

53. When this situation occurs, the “site pipe work” connecting discrete operational units may no longer be excluded from the scope of the Regulations on the ground that it comprises “a pipeline contained wholly within the premises occupied by a single undertaking”. If this is the case and the pipe work falls within the MAHP definition, it will attract both the general and additional duties of PSR.

Background

54. The duties under regulation 23 of PSR require notification to HSE of any significant changes to the pipeline which affects the level of risk. These changes can include: changes to the operating regime; major modifications to the pipeline; changes in fluid; or the pipeline no longer in use. The changes to be notified are set out in more detail in Schedule 5 of PSR.

Decision

55. In light of the above, HSE have decided to take the opportunity whilst proposing other amendments to PSR to amend regulation 23 in order to extend the circumstances when an operator must notify information to HSE.

Proposal

56. To amend regulation 23, to help ensure that HSE is provided with up to date information so that it can put in place the appropriate inspection arrangements.

Proposed regulatory change

Regulation 23

23— (1) Where there is a change of operator of a major accident hazard pipeline, or of his address, the operator shall notify such change to the Executive of the change within 14 days thereafter the date on which it occurs.

(a) Where, by reason of a change to the occupancy of premises, a major accident hazard pipeline (or part of such a pipeline) ceases to be excluded from the scope of these Regulations by regulation 4(2) and paragraph 3 of Schedule 1, the operator shall notify the Executive of the

DRAFT DOCUMENT – Version 2

particulars specified in Schedule 4 within 3 months after the date on which the change occurs.

- (b) Subject to paragraph (4), in the case of a major accident hazard pipeline the construction of which has commenced or has been completed, the operator shall ensure that no event of a kind described in Schedule 5 takes place until the expiration of 3 months, or such shorter time as the Executive may in that case approve, after the receipt by the Executive of the particulars specified in that Schedule in relation to such event.*
- (c) Where an event of a kind described in Schedule 5 takes place in an emergency, the operator shall notify to the Executive of the particulars specified in that Schedule as soon as is reasonably practicable.*

Guidance

57. If there is a change to the status of a pipe or system of pipes previously classed as being “contained wholly within the premises occupied by a single undertaking” and therefore exempted from PSR by virtue of regulation 4(2) the HSE should be notified.

Consultation point – regulation 23

1. Do you agree with the proposed changes to regulation 23?

Part 5

Proposed new regulation 29 Implementing emergency plans

Issue

58. There is currently no requirement under PSR for a local authority which has prepared an emergency plan, to implement the plan. And, subsequently in regulation 26 there is no duty on the operator to notify the local authority and emergency services immediately if a major accident occurs or an event occurs which could reasonably be expected to lead to a major accident.

Background

59. Regulation 26 requires that the operator prepares adequate emergency procedures. This plan should cover the procedures needed to respond to all foreseeable major accidents involving a pipeline, so it should set out who does what, when and how and to what effect, in the event of an emergency.

Decision

60. In light of the above, HSE have decided to take the opportunity whilst proposing other amendments to PSR to introduce regulation 29, which imposes an explicit duty on the local authority which has prepared an emergency plan to implement the plan without delay. In order to align regulation 26 a new duty on the operator has been introduced to ensure the local authority and emergency services are notified in the circumstances specified in regulation 29.

Proposal

61. To introduce new regulation 29 and amend regulation 26.

Proposed regulatory changes

Implementing emergency plans

29. A local authority which has prepared an emergency plan pursuant to regulation 26 shall take reasonable steps to put into effect without delay when

–

- i) a major accident occurs, or*
- ii) an event occurs which could reasonably be expected to lead to a major accident.*

Guidance

The duty to implement the emergency plan lies with the local authority, not with the actual individuals who draw up the plans. The local authority will have

DRAFT DOCUMENT – Version 2

discharged this duty when there are systems in place to ensure there are no unreasonable delays between the discovery of a major accident, or an incident that may lead to a major accident, and the activation of the emergency plans.

There should be a clear and logical decision-making system in place to ensure that, as soon as a relevant event has occurred, the plan will be initiated immediately. The plans must specify the name(s) or position(s) of the people who are authorised to initiate the plan and include the arrangements in place for the local authority to warn the emergency services of an incident which may escalate into a major accident.

To amend the regulation to include;

Proposed regulatory changes

Regulation 26(2);

The procedures shall include the provision for the local authority and the emergency services to be notified immediately in the circumstances specified in regulation 28

Consultation point – proposed regulation 29

1. Do you agree with the introduction of new regulation 29?
2. Do you agree with the proposed changes to align regulation 26 with new regulation 29?

Part 6

Other changes to Regulations and L82 guidance

62. Whilst progressing work on the proposed amendments to PSR, HSE has also taken the opportunity to review both the Regulations generally and underlying guidance, in order to seek to improve the clarity of the text and consequently provide duty holders with a better understanding of obligations imposed. Details of the amendments proposed follow, but it is important to note that these amendments are clarifying the existing requirements on duty holders, not introducing additional requirements.

Regulation 2 Definition of Operator

63. HSE produced web-based further guidance on the definition of operator¹⁴ to provide clarity. This will now be incorporated into 'A guide to the Pipelines Safety Regulations 1996' L82. Some minor amendments have been made to the text that follows to add further clarity:

“operator”, in relation to a pipeline means -

- (a) the person who is to have or (once fluid is conveyed) has control over the conveyance of fluid in the pipeline;*
- (b) until that person is known (should there be a case where at a material time he is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline;*
- (c) when the pipeline is no longer used, or is not for the time being used, the person last having control over the conveyance of fluid in it.*

Guidance

The arrangements for operating pipeline systems are often complex. There may be different operators of different parts of a pipeline system and complex commercial arrangements between them. This can result in confusion over the identity of the pipeline operator.

Until the person who is to have control of the conveyance of fluid is known, the operator is the person who commissions the design of the pipeline or (where such work has started) the person who commissioned the design.

The operator of a pipeline is the person who has control over conveyance of fluid in that pipeline. To have control over conveyance of the fluid requires management arrangements, clear responsibilities, authority, competence and access to information to be able to make proper decisions about the safety and integrity of the pipeline. Examples of where operatorship is not conferred are -

¹⁴ <http://www.hse.gov.uk/pipelines/resources/pipelineoperator.htm>

DRAFT DOCUMENT – Version 2

- (a) ownership of a pipeline or the fluids conveyed in it does not, by itself, confer control over the conveyance of fluid in a pipeline. A person may be the pipeline operator and own neither the pipelines or the fluids;
- (b) although a pipeline operator may place contracts with another person for the day-to-day operation, inspection and maintenance of a pipeline, this does not transfer operatorship. In such cases pipeline operators must ensure the safety and integrity of the pipeline, for example, through an effective audit and verification system;
- (c) a company with no employees which merely holds the pipeline assets cannot be the operator.

Where the pipeline operated is a major accident hazard pipeline the following criteria will normally need to be demonstrated by the pipeline operator:

- (a) all foreseeable hazards relating to the pipeline with the potential to cause a major accident have been identified and the risks arising from those hazards evaluated;
- (b) the safety management system is adequate to minimise the risks of a major accident;
- (c) the design and construction of a pipeline has been carried out properly to ensure that fluid will be conveyed safely;
- (d) the pipeline can be operated and controlled safely, including procedures under emergency conditions;
- (e) they can ensure that the pipeline integrity remains secure over time to allow continued safety conveyance of fluid; and
- (f) they have sufficient control to decide what fluid to convey, and under what physical conditions.

Where there is a parent company with several subsidiaries or a joint venture with several partners, then the various parties should decide between them who will be the pipeline operator.

Where a pipeline system is operated by different operators, each operator is responsible for the safe operation of their part of the pipeline system. However, one operator may act as the 'co-ordinating operator' in monitoring the conveyance of fluid and may require the other operators to ensure that necessary adjustments in fluid flow, composition, condition, quality, etc. are made in order to safeguard the whole system or part of it.

For the purpose of identifying the extent of control over conveyance of fluid in a pipeline system clear boundaries should be established between the separately operated pipelines. Where practicable these should be at physical boundaries. Geographical boundaries, such as the edge of an offshore installation safety zone or a chemical plant fence line should be avoided where practicable. Examples of situations where clear physical boundaries between operators might not be practicable are:

- (a) an offshore import pipeline entering Great Britain territorial waters; and
 - (b) offshore pipelines, within Great Britain territorial waters, feeding a beach terminal with operatorship changing along the length of the overall pipeline.
-

Regulation 3(3) Meaning of “pipeline”

68. This regulation defines what is meant by the term “pipeline”. However, when reviewing the PSR regulations HSE identified that regulation 3(3) is not clear in its intent. HSE have taken the opportunity to review this regulation and this work is ongoing and will be in place when the proposed amendments come into force in October 2010. Steps will be taken to consult industry on this proposal when it is ready.

Regulation 14 Iron pipelines

Background

64. Natural gas is distributed through a network of pipes made up of mainly cast iron, ductile iron, steel and polyethylene. Iron pipes (which include cast iron, spun iron and ductile iron) fail through fracture and corrosion and failures have resulted in serious gas explosions. Iron mains within 30m of buildings present the greatest hazard and are referred to as “at-risk pipelines”.
65. In 2002, in view of the extent and condition of the gas distribution network, the HSE published an enforcement policy aimed at the major network operators, requiring all “at-risk” iron mains in Great Britain to be replaced with pipes made of safer materials within 30 years. Given the length of mains involved at that time, the timeframe was as short as reasonably practicable. The policy therefore consists of an agreed rate of replacement each year so that the remaining pipes can be replaced within 30 years.
66. Regulation 14 allows each operator to prepare a programme, usually annually, setting out the length of pipe that will be decommissioned in that year. In certain circumstances, the programme may cover longer periods. The programme will not identify specific locations of lengths of pipeline, but will agree the arrangements for prioritising which mains will be decommissioned in the particular programme.
67. If HSE is satisfied that a programme is suitable and sufficient for the period it relates to, it must approve it. The operator then has a duty to comply with the approved programme so far as is reasonably practicable.

68. If HSE prepares a programme itself or modifies one prepared by an operator, it must consult the operator before approving the programme. In practice, it is expected that operators will prepare programmes themselves and that HSE, if not satisfied with a programme will discuss the necessary changes with the operator and agree them. The operator would then amend the programme and resubmit for approval. Only in exceptional circumstances would HSE prepare or amend a programme itself.
69. The operator has a duty to comply with the approved programme so far as is reasonably practicable. Operators with approved programmes are given a defence from prosecution under regulation 13 provided the requirements of regulation 14(10) are met.

Issue

70. This regulation was enacted by an amendment on 3rd November 2003 to the Regulations and sits separately from the main body of PSR.

Decision

71. The opportunity has been taken to improve the quality of the text of the regulation and the supporting guidance in order to aid understanding, although the policy intent remains the same. The new text is shown in italics below, along with the guidance to support it.

Proposed regulatory change

Iron pipelines

14 — (1) The operator may prepare a programme for the decommissioning, during a period specified in the programme, of any description of iron pipe used in a pipeline.

Guidance

Iron pipes used to convey natural gas are manufactured from a range of materials including cast iron, spun iron and ductile iron. Iron pipes fail through fracture and corrosion and the resulting gas escapes have caused serious gas explosions. Iron pipes within 30 metres of buildings present the greatest hazard and are referred to as 'at-risk'. HSE's enforcement policy for the replacement of iron gas mains is aimed at the major gas distribution networks and requires all 'at-risk' iron pipes in Great Britain to be decommissioned within 30 years from 2002. Where iron mains are replaced following decommissioning, safer materials, usually polyethylene, are now used.

Regulation 14 allows each operator to prepare a programme which sets out the length of pipe that will be decommissioned over a specified period. Programmes usually cover a single year, although they may cover longer periods.

DRAFT DOCUMENT – Version 2

A programme should describe the period to which it relates, the population and length of pipe to be decommissioned and the policy and procedures used to prioritise which pipes are to be decommissioned.

HSE's enforcement policy for the replacement of iron gas mains does not include steel service pipes, which connect gas mains to a consumer's premises. However, under regulation 13, operators have a duty to maintain service pipes in good repair. Service pipes are often replaced by the operator at the same time as the gas mains to which they connect.

There are some pipeline operators with relatively small amounts of 'at-risk' iron pipes. In these cases, it will be practicable to decommission these networks in less than 30 years.

(2) In paragraph (1), "iron" does not include steel.

Steel pipelines are not covered by regulation 14. However, steel and pipelines made from other materials still have to be maintained in good repair under regulation 13.

*(3) A programme prepared under paragraph (1)—
(a) shall be submitted to the Executive for approval, and
(b) shall be approved by the Executive, with or without modification, if the Executive is satisfied that the programme or modified programme is suitable and sufficient for the period to which it relates.*

If HSE is satisfied that a programme is suitable and sufficient for the period it relates to, it must approve it. Operators with approved programmes are provided with a defence from prosecution under regulation 13 provided the requirements of regulation 14(10) are met.

*(4) An approval under paragraph (3)—
(a) shall be in writing;
(b) shall be notified to the operator and published in such manner as the Executive may approve, and
(c) may be withdrawn by the Executive by reasonable notice in writing at any time.*

(NB approvals made under old regulation 13A of PSR 1996 will be treated as approvals under new regulation 14 of PSR 2010, therefore no transitional provision will be included in the Regulations for this)

(5) The operator may modify a programme after it has been approved under paragraph (3); in such a case, paragraphs (3) and (4) shall apply to the modified programme as they applied to the original programme.

An operator may modify a previously approved programme before the end of the approval period and re-submit it to HSE for approval. However, HSE would only expect to approve such a modification in circumstances where the operator can demonstrate that it is no longer practicable to comply with the existing approved programme.

(6) The Executive may prepare a programme for a period for which no suitable and sufficient programme has been prepared by the operator. If the operator fails to prepare a programme HSE may do so instead. If HSE prepares a programme it must consult the operator before approving it. Only in exceptional circumstances would HSE prepare a programme itself.

(7) A programme prepared under paragraph (1) or (6) need not specify the location of any pipe to which it relates.

The programme will not identify specific locations or lengths of pipe, but will set out the arrangements for prioritising which mains will be decommissioned in that particular programme. Where a pipeline network covers an extensive area of the country, the programme may be broken down into geographical areas.

(8) The Executive shall consult the operator before it modifies a programme submitted under paragraph (3) or prepares a programme under paragraph (6).

If HSE modifies a programme prepared by an operator, it must consult the operator before approving the programme. In practice, it is expected that operators will prepare programmes themselves and that HSE, if not satisfied with a programme, will discuss the necessary changes with the operator and agree them. The operator would then amend the programme and resubmit it for approval. Only in exceptional circumstances would HSE amend a programme itself.

(9) The operator shall so far as is practicable comply with a programme approved or prepared by the Executive under this regulation.

The operator has a duty to comply with the approved programme. However, if the operator were to be prosecuted for non-compliance, it would be a defence for him to show that he complied with the programme 'so far as is practicable' and that his inability to comply was due to matters outside the operator's control. Such matters could include:

- (a) an extended spell of severe weather;
- (b) external events such as terrorist activity, human or animal epidemics, fuel crisis;
- (c) overriding legislative requirements;
- (d) industrial action;
- (e) sites with archaeological or environment significance.

The approved programmes will usually allow a degree of flexibility regarding the selection of mains for decommissioning. Operators would be expected to use this flexibility to select alternative pipes where possible in order to be able to comply with the programme. However, the operator would not be able to claim that matters within his control made compliance not practicable. For example:

- (a) availability of resources;

DRAFT DOCUMENT – Version 2

- (b) network complexity;
- (c) maintaining continuity of supply;
- (d) liaison with third parties, for example, landowners, pressure groups.

Where operators fail to comply with their approved programme HSE will take action in line with its current enforcement policy.

(10) In any proceedings for the offence of contravening regulation 13, and without prejudice to the defence provided for in regulation 31, it shall be a defence for the person charged to prove that, at the relevant time—

- (a) any pipe to which the contravention related was of a description to which a programme—
 - (i) approved or prepared by the Executive, and*
 - (ii) not then due for completion,*applied, and*
- (b) where the proceedings arise from an event involving a failure of a pipe, the operator did not know and could not reasonably be expected to have known that the condition of the pipe was such as to require immediate attention*

The Executive will specify in the approval of a programme the description of pipes to which it applies, the length of pipe which is to be decommissioned, and the period to which the programme applies. The approval will also be on condition that operators select pipes for decommissioning in accordance with the policy and procedures referred to in their programme submission. The approval will exclude any pipes which are due for decommissioning under earlier programmes. HSE will consider agreeing separate arrangements with the operator to ensure that overdue decommissioning takes place. Each approved programme will recognise that the major iron distribution networks will be decommissioned over several years and lower risk pipes will, quite properly, be left for future years.

If an operator is prosecuted for a breach of regulation 13 in connection with the failure of a pipeline then they will have a defence under regulation 14(10) providing they can prove the following:

- (a) The pipe was 'of a description' to which an approved programme applied. There is no defence under this regulation for pipes made of other materials such as polyethylene and steel. There is no defence if the failure has been on an iron pipe which, for whatever reason, has not been recognised as needing replacement in this or any previous programme. For example, a pipe recorded as polyethylene on an asset register which is in reality iron, would not have formed part of an approved programme and therefore no defence applies; and
- (b) The operator did not know and could reasonably have been expected to know that there was a contravention of regulation 13 concerning the pipe that required immediate attention.

DRAFT DOCUMENT – Version 2

Although regulation 14(10) provides a defence to a breach of regulation 13 it does not provide operators with immunity from prosecution under other legislation. Under the Health and Safety at Work Act 1974 (HSWA) operators must still do everything reasonably practicable to ensure the health and safety of both their employees and non-employees, including the public.

Relationships with other Regulations

72. Under the Gas Safety (Management) Regulations 1996, gas network operators should describe their operational and maintenance arrangements in their safety cases. This should include the findings of their risk assessment, a description of the methodology used to identify and prioritise mains decommissioning.

Consultation point – regulation 14

1. HSE welcomes any feedback on the restructured regulation 14.

Part 7

Amendments to the Health and Safety (Fees) Regulations

Issue

73. HSE intends to amend the Health and Safety (Fees) Regulations to allow it to charge for its functions in relation to its notification work under the PSR and its enforcement functions in connection with onshore and offshore major accident hazard pipelines (MAHPs) not currently covered by existing major accident hazard charging schemes (e.g. related to gas safety and offshore installations). This step is being taken to ensure a consistent charging approach by HSE when dealing with major accident hazard activities.

Background

74. Charging regulations have been made under section 43(2) of the Health and Safety at Work etc. Act 1974 (HSWA). That provision enables regulations to be made which provide for fees to be payable for or in connection with the performance by or on behalf of certain authorities, which includes HSE, of functions conferred on the authority by or under any of the “relevant statutory provisions” (as defined in section 53 of HSWA).

75. In line with HM Treasury’s Managing Public Money guidance, HSE is required to recover the full cost of any statutory functions that are charged for i.e. to break-even. Although HSE is not allowed to set any fees to deliberately achieve surpluses or deficits, there are timing issues and assumptions around costs, chargeable hours and events that happen in-year that will, inevitably, mean that the fee charged will differ from the outturn rate. HSE makes every effort possible to minimise the risk of this happening.

76. The Health and Safety (Fees) Regulations are made under section 43(2) of the HSWA. The Pipelines Safety Regulations are “relevant statutory provisions”, which give HSE the power to recover costs in respect to named functions, in specified areas, conferred under any of the relevant statutory provisions. In line with HM Treasury guidance, full cost recovery is sought by HSE in such charging schemes, however, HSE will not duplicate charges where a fee is already charged under other legislation.

77. HSE estimates that there are in the region of 21,000 km of natural gas pipelines across the UK. HSE already charges for its assessment of safety cases and exemptions. It also charges for some enforcement functions for these pipelines, including any which are MAHPs. Also, HSE’s current charges for its assessment and enforcement functions related to offshore installations under the Offshore Installations (Safety Case) Regulations 2005, already cover MAHPs within 500m of an installation (since such pipelines are treated as part of the installation).

78. HSE recognises that there are many more onshore and offshore pipelines, or sections of MAHP that are not within the scope of existing charging schemes. HSE feels that it would not be consistent in how it deals with its major accident

hazard activities if it did not take steps to charge for its work on notifications and its enforcement functions related to these MAHPs under PSR.

Decision

79. HSE intends to introduce an amendment to the Health and Safety (Fees) Regulations, which will come into force in October 2010, to allow it to charge for its work on notifications and its enforcement functions, in connection with MAHPs not currently covered by existing charging schemes. This new charging scheme for MAHPs will not only ensure that a consistent approach is adopted by HSE when charging duty holders, but it will complement the charging schemes already in place under the Control of Major Accident Hazards Regulations (COMAH) 1999, the Gas Safety (Management) Regulations 1996 and the Offshore Installations (Safety Case) Regulations 2005.
80. The charges that will be introduced by HSE will be made on an 'actuals' basis. That is, the recovery of the full costs of the time spent by HSE carrying out a relevant activity in relation to a particular MAHP on any particular occasion or occasions. The way in which HSE has approached the identification of the relevant costs for inclusion in the charge out rate follows the guidance in HM Treasury's Fees and Charges Guide ([link to reference](#)). Charges will normally fall to the operator, the person who is in control of the pipeline. The current hourly charge out rates are £138 for onshore and £235 for offshore. These hourly rates are subject to annual reviews.
81. As HSE was already planning to initiate a consultation on the proposed changes to the PSR, this was seen as the most appropriate vehicle to alert stakeholders to MAHP cost recovery, and to ask them for their views on issues they would like HSE to consider when introducing this charging scheme.

Proposed Regulatory change to PSR

In order to introduce a new regulation under the Health and Safety (Fees) Regulations, PSR has been amended to include the functions under which HSE can cost recover in respect of MAHP notifications.

Assessment of notifications

24. Any notification received by the Executive under regulation 21, 22 or 23(2)–(4) shall be assessed for the purpose of deciding whether to raise matters relating to health and safety.

Proposed regulatory change to the Health and Safety (Fees) Regulations

82. To introduce a new regulation into the Health and Safety (Fees) Regulations which will set out the MAHP functions (assessment of notifications and enforcement of any of the relevant statutory provisions) in respect of which HSE can recover costs. HSE will take steps to remove any duplication of MAHP requirements from regulation 15 of the Health and Safety (Fees) Regulations.
83. Regulation 17 of the existing Health and Safety (Fees) Regulations, which allows for HSE to recover costs reasonably incurred in the performance of the functions named, will apply in relation to the new MAHP Regulation.

84. To support these amendments to the Health and Safety (Fees) Regulations, HSE will produce a new charging guide (or update the existing charging guide for gas transportation activities) to cover MAHP charging issues. This guide will cover:

- What work will be chargeable;
- What work will not be chargeable;
- When existing charging schemes gas and offshore installation charging schemes apply;
- Basis and amount of charges;
- Who will be subject to the charge;
- Methodology used for calculating the charge;
- Administrative and financial arrangements; and
- Dispute procedures.

Regulatory change

After regulation 15, insert—

Fees payable in respect of major accident hazard pipelines

15A.—*(1) A fee shall be payable to the Executive by the operator of a major accident hazard pipeline for the performance by the Executive of any of the following functions—*

(a) assessing either—

- i) particulars regarding the pipeline, notified to the Executive pursuant to regulation 21 or 23 of the 2010 Regulations, or*
- ii) the operator’s stated intention to commence or resume using the pipeline, notified to the Executive pursuant to regulation 22 of those Regulations, for the purpose of deciding whether to raise matters relating to health and safety and raising such matters; and*

(b) assessing whether to grant an exemption under regulation 32 of the 2010 Regulations and granting any such exemption.

(2) Subject to paragraph (3), a fee shall be payable to the Executive by the operator of a major accident hazard pipeline for the performance by or on behalf of the Executive, or an inspector appointed by it, of any function conferred on the Executive or the inspector by the 1974 Act which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following—

(a) that operator in relation to that pipeline; or

(b) a contractor in relation to work carried out by him in relation to that pipeline.

(3) No fee is payable by an operator under paragraph (2) in a case where a fee is payable by him under paragraph (2) or (3) of regulation 15.

(4) For the purposes of this regulation, “the 2010 Regulations” means the Pipelines Safety Regulations 2010 and “major accident hazard pipeline” and “operator” have the same meaning as in those Regulations.

89. A short impact assessment for cost recovery is attached at Annex 3d.

Consultation point – cost recovery

1. Are there any issues you would want HSE to consider when implementing these amendments to the Health and Safety (Fees) Regulations to allow it to charge for its work on notifications and its enforcement functions, in connection with PSR MAHPs?

Draft Pipelines Safety Regulations are a separate document

Amendments to the Pipelines Safety Regulations	
<i>Amendment</i>	<i>Comment</i>
<i>Amendment to Regulation 2: Interpretation</i>	
To introduce definition for “emergency services” – <i>“emergency services” in relation to a major hazard pipeline, means those police, fire and ambulance services who are liable to be required to respond to an emergency relating to that pipeline</i>	No comment
To introduce definition for “gasoline” – <i>“gasoline” means any petroleum derivative, other than liquefied petroleum gas, with a flashpoint between -51° and 40° centigrade and which is suitable for use in motor vehicles;</i>	This definition has been introduced to reflect the introduction of gasoline as a dangerous fluid under PSR
For the definition of “local authority”, substitute – (a) <i>in relation to an area in England or Wales, the fire and rescue authority for that area under Part 1 of the Fire and Rescue Services Act 2004, and</i> (b) <i>in relation to an area in Scotland, the fire and rescue authority or joint fire and rescue board for that area under Part 1 of the Fire (Scotland) Act 2005</i>	This amendment is to update the definitions to take account of revised legislation since PSR was introduced.
For the definition of “major accident”, substitute - <i>“major accident” means an accident attributable to the release of a dangerous fluid from a pipeline and resulting in death or serious injury</i>	No comment
<i>Amendment to Regulation 4: Application</i>	
<i>For sub-paragraph 4(1)(b) substitute – (b) to and in relation to pipelines and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of article 6 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001.</i>	Amended to reflect current legislation
<i>For sub-paragraph 4(3) substitute – (3) In the case of a pipeline to which the Pressure Systems Safety Regulations 2000 apply, nothing in these Regulations shall require the</i>	Amended to reflect current legislation

DRAFT DOCUMENT – Version 2

<p><i>taking of any measures to the extent that they are for the preventing of danger within the meaning of those Regulations.</i></p>	
<p>Regulation: 14 iron pipelines</p>	
<p><i>This was previously regulation 13A</i></p>	<p>HSE has taken the opportunity to incorporate this regulation into the main body of the Regulations</p>
<p>Regulation 20: Emergency shut-down valves</p>	
<p>Insert at 20(3) – <i>“offshore installation” has the meaning given by regulation 3 of the 1995 Regulations, and “the 1995 Regulations” means the Offshore Installations and Pipeline Works Management and Administration) Regulations 1995.</i></p>	<p>No comment</p>
<p>Regulation 21: Notification before construction</p>	
<p>Substitute – <i>The operator shall ensure that the construction of a major accident hazard pipeline is not commenced unless his intentions in respect of the particulars specified in Schedule 4 have been notified to the Executive –</i> <i>(a) no more than 3 years, and</i> <i>(b) no less than 6 months, or such shorter time as the Executive may approve,</i> <i>before such commencement.</i></p>	<p>HSE has introduced an expiry date on notifications made under regulation 21</p>
<p>Regulation 23: Notification in other cases</p>	
<p>Substitute - <i>(1) Where there is a change of operator of a major accident hazard pipeline, or of his address, the operator shall notify such the Executive of the change within 14 days after the date on which it occurs.</i> <i>(2) Where, by reason of a change to the occupancy of premises, a major accident hazard pipeline (or part of such a pipeline) ceases to be excluded from the scope of these Regulations by regulation 4(2) and paragraph 3 of Schedule 1; the operator shall notify the</i></p>	<p>HSE has amended this regulation to address a change in circumstances in the industry</p>

DRAFT DOCUMENT – Version 2

<p><i>Executive of the particulars specified in Schedule 4 within 3 months after the due date on which the change occurs.</i></p>	
<p>Regulation 24: Assessment of notifications</p>	
<p><i>Introduce – Any notification received by the Executive under regulation 21, 22 or 23(2)-(4) shall be assessed for the purpose of deciding whether to raise matters relating to health and safety.</i></p>	<p>This regulation is necessary for the introduction of PSR cost recovery</p>
<p>Regulation 26: Emergency procedures</p>	
<p><i>Substitute –</i></p> <p><i>(1) The operator shall ensure that no fluid is conveyed in a major accident hazard pipeline unless the procedures to be followed in the different circumstances in which an emergency relating to the pipeline may occur have been established and recorded –</i></p> <p><i>(2) The emergency procedures that shall include provision for the local authority and the emergency services to be notified immediately in the circumstances specified in regulation 28.</i></p>	<p>This regulation has been aligned with new regulation 29 Implementing emergency plans</p>
<p>Regulation 29:Implementing the emergency plan</p>	
<p><i>Introduce - A local authority which has prepared an emergency plan pursuant to regulation 26 shall take reasonable steps to put into effect without delay when –</i></p> <p><i>(a) a major accident occurs, or</i></p> <p><i>(b) an event occurs which could reasonably be expected to lead to a major accident.</i></p>	<p>No comment</p>
<p>Regulation 30: Transitional provisions</p>	
<p><i>Substitute – The transitional provisions in Schedule 6 shall apply in the case of a pipeline in which gasoline or carbon dioxide is or is to be conveyed.</i></p>	<p>This regulation has been amended to reflect the introduction of carbon dioxide and gasoline as dangerous fluids under PSR</p>
<p>Regulation 31: Defence</p>	

DRAFT DOCUMENT – Version 2

<p><i>Substitute –</i></p> <p><i>(3) The person charged shall not, without leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven clear days –</i></p> <p><i>(a) before the hearing to determine mode of trial, where the proceedings are in England or Wales; or</i></p> <p><i>(b) before the intermediate diet, where the proceedings are summary proceedings in Scotland, or</i></p> <p><i>(c) before the first diet, where the proceedings are solemn proceedings in Scotland,</i></p> <p><i>he has served on the prosecutor a notice in writing giving such information indentifying or assisting in the identification of the other person as was then in his possession.</i></p>	<p>No comment</p>
<p>Regulation 32: Revocation of instruments</p>	
<p><i>Substitute –</i></p> <p><i>The Pipelines Safety Regulations 1996 and the Pipelines Safety (Amendment) Regulations 2003 are revoked.</i></p>	<p>No comment</p>
<p>Schedule 2: Dangerous fluids</p>	
<p><i>Introduce –</i></p> <p><i>10. Carbon dioxide</i></p> <p><i>11. Gasoline</i></p>	<p>This is necessary due to the inclusion of carbon dioxide and gasoline as dangerous fluids under PSR</p>

Impact assessments are separate documents

3a Gasoline

3b Carbon dioxide

3c Short impact assessment for Regulation 21

3d Short impact assessment for the Health and Safety (Fees) Regulations

Revised numbering of Regulations

Current Regulation	New Regulation
<i>Regulation 13A has been incorporated into the main body of PSR and subsequently affects the numbering from here within</i>	
Regulation 13A Iron pipelines	Regulation 14 Iron pipelines
Regulation 14 Decommissioning	Regulation 15 Decommissioning
Regulation 15 Damage to pipeline	Regulation 16 Damage to pipeline
Regulation 16 Prevention of damage to pipeline	Regulation 17 Prevention of damage to pipeline
Regulation 17 Co-operation	Regulation 18 Co-operation
Regulation 18 Dangerous fluids	Regulation 19 Dangerous fluids
Regulation 19 Emergency shut-down valves	Regulation 20 Emergency shut-down valves
Regulation 20 Notification before construction	Regulation 21 Notification before construction
Regulation 21 Notification before use	Regulation 22 Notification before use
Regulation 22 Notification in other cases	Regulation 23 Notification in other cases
	Regulation 24 Assessment of notifications (new)
Regulation 23 Major accident prevention document	Regulation 25 Major accident prevention document
Regulation 24 Emergency procedures	Regulation 26 Emergency procedures
Regulation 25 Emergency plans in case of major accidents	Regulation 27 Emergency plans in case of major accidents
Regulation 26 Charge by a local authority for a plan	Regulation 28 Charge by a local authority for a plan
	Regulation 29 Implementing emergency plans (new)
Regulation 27 Transitional provision	Regulation 30 Transitional provisions
Regulation 28 Defence	Regulation 31 Defence
Regulation 29 Certificates of exemption	Regulation 32 Certificates of exemption
Regulation 30 Repeal of provisions of the Pipelines Act 1962	Spent
Regulation 31 Revocation and modification of instruments	Regulation 33 Revocation of instruments

Glossary of terms

ACDS	–	Advisory Committee on Dangerous Substances
CD	–	Consultation distances
CO2	–	Carbon dioxide
CCS	–	Carbon Capture and Storage
CCR	–	Carbon Capture Ready
COMAH	–	Control of Major Accident Hazards Regulations 1999
DECC	–	Department of Energy and Climate Change
GSMR	–	Gas Safety Management Regulations 1996
HSL	–	Health and Safety Laboratory
HSWA	–	Health and Safety at Work Etc. Act 1974
LA	–	Local Authority
LPG	-	Liquid Petroleum Gas
LUP	–	Land Use Planning
MAHP	–	Major accident hazard pipelines
MIIB	–	Major Incident Investigation Board
PEPF	–	Pipeline Emergency Planning Forum
PWA	–	Pipeline Works Authorisation
PSR	–	Pipelines Safety Regulations
UKOPA	–	United Kingdom Onshore Pipeline Association

References

- 1** Page 8 Consultation Document 211 on Land Use Planning
<http://www.hse.gov.uk/consult/condocs/cd211.htm>
- 2** Page 8 Buncefield Major Incident Investigation Board (MIIB) report
<http://www.buncefieldinvestigation.gov.uk/reports/cd211.pdf>
- 3** Page 10 Arthur D Little “Risks from Gasoline pipelines in the United Kingdom” report to the UK HSE June 1996. http://www.hse.gov.uk/research/crr_pdf/1999/crr99206.pdf
- 4** Page 10 WS Atkins Safety and Reliability “Assessing the risk from gasoline pipelines in the UK based on a review of historical experience” HSE research report 210/1999 http://www.hse.gov.uk/research/crr_pdf/1999/crr99210.pdf
- 5** Page 12 Expert Report for the Energy Minister
<http://www.hse.gov.uk/consult/condocs/energyreview/energyreport.pdf>
- 6** Page 13 CCS Project Information Memorandum
[http://www.decc.gov.uk/media/viewfile.ashx?filepath=what we do/uk energy supply/energy mix/carbon capture and storage/demo_comp/file42478.pdf&filetype=4](http://www.decc.gov.uk/media/viewfile.ashx?filepath=what%20we%20do/uk%20energy%20supply/energy%20mix/carbon%20capture%20and%20storage/demo_comp/file42478.pdf&filetype=4)
- 7** Page 13 (as 5)
- 8** Page 15 Article 31 of the CCS Directive amends the IPPC Directive to include ‘pipelines with a diameter of more than 800 mm and a length of more than 40 km for the transport of carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations’, thereby applying the same standards to CO₂ pipelines as those which already apply to gas, oil and chemical pipelines.
- 9** Page 16 Petroleum Act 1998
https://www.og.decc.gov.uk/regulation/guidance/in_pipeauthor/interim4.htm
- 10** Page 17 Pipelines Act 1962
http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1962/cukpga_19620058_en_8#sch1
- 11** Page 22 Definition of a pipeline operator (current web-based guidance)
<http://www.hse.gov.uk/pipelines/resources/pipelineoperator.htm>

List of all organisations and individuals to whom this Consultation Document has been sent (needs to be updated!!)

DRAFT DOCUMENT – Version 2

National Government

All relevant government departments and agencies

Local Government

All local government associations and representatives from the emergency services

Representatives of Workers

Trades Union Congress contacts plus a wide range of trade unions representing all sectors

Employer's organisations (including small firms)

British Chemical Engineering Contractors Association
Chemical Industries Association
Confederation of British Industry
Consumers association
Federation of Small Businesses
Institute of Directors
Institute of Gas Engineers and Managers
International Association of Oil and Gas Producers
Offshore Contractors Association
Small Business Service
Union of Independent Companies

Other organisations

Association of Chief Police Officers in Scotland
Association of London Government (ALG)
Association of Police Authorities
BP
British Energy
British Safety Council
British Safety Industry Federation
British Standards Institute
Carbon Capture and Storage Association
Country Landowners Association
Countryside Commission
Countryside Commission for Wales
Emergency Planning Association
Energywatch

Institute of Directors
Institute of Gas Engineers
Occupational Health Advisory Committee
Institute of Occupational Safety and Health
Offshore Oil and Gas Industry All Parliamentary Group
OFGEM
Royal Society for the Prevention of Accidents (RoSPA)

DRAFT DOCUMENT – Version 2

The Crown Estate Commissioners

Industry (see HID notifications database)

Air Products Ltd
Amerada Hess
ATP Oil and Gas (UK) Ltd
Aquila Energy
BHP Petroleum
BOC Gases
BP Amoco
BP Exploration
British Gas Connections Ltd
Burlington Resources
Caledonia Caister Ltd
Conoco
Conoco Phillips
Dow Corning Ltd
East Midlands Pipelines Ltd
Energi Link Ltd
Energy Services & Solutions
Enfield
Enron
Enron Teeside
ES Pipelines Ltd
Glendee Engineering
GTC Pipelines Ltd
Hydrocarbon Resources
Kvaerner
Independent Pipelines Ltd
Mobil North Sea Ltd
Mowlem Energy Ltd
Powergen
Pipeline Industry Guild (PIG)
Scottish Power Gas Ltd
SGE Pipelines Ltd
Shell UK Exploration
Society of British Gas Industries
Southern Gas Networks
SSE Pipelines Ltd
Star Energy UK Onshore
The Gas Transportation Co Ltd
Transco
Tullow Oil UK Ltd
UK Offshore Operators Association
UK Onshore Pipeline Association
Utility Grid Installations Ltd
Venture Production (NSD)

DRAFT DOCUMENT – Version 2

We have tried to make this list comprehensive and relevant, whilst focussing on the organisations that we believe will have an active interest in the issues explored in this Consultative Document. If there is an organisation that you think we have overlooked and would like us to consult directly please let us know by contacting us at workerinvolvement@hse.gov.uk or using the address on the front of this Consultative Document