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**HEALTH AND SAFETY COMMISSION**

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

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**Cleared by Sandra Caldwell on 7 July 2003**

**Issue**

1. Agreement of Approved Code of Practice (ACOP) to support the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).

**Timing**

2. Routine.

**Recommendation**

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

**Background**

4. As part of the development of DSEAR, ACOP and guidance material to support the Regulations has been prepared. This material takes the form of a series of ACOP/guidance publications providing general interpretive information on the Regulations and more detailed "technical" information on specific activities and issues involving dangerous substances in the workplace. The series will consist of:
  - a general ACOP/guidance publication (the subject of this paper);
  - five "technical" ACOP/guidance documents covering specific aspects of work with dangerous substances covering:
    - design of plant and equipment;
    - control and mitigation measures;

- storage of dangerous substances;
- safe maintenance, repair and cleaning procedures;
- unloading of petrol at filling stations;
- a free leaflet offering a simple guide to DSEAR, aimed at SMEs.

5. The Commission, at its meetings on 8 April and 13 May 2003, agreed the first four technical publications. The fifth technical publication (on the unloading of petrol) and the free guidance leaflet have already been published.
6. The general ACOP/guidance publication contains material on: the scope of the Regulations; assessment and control of risks from dangerous substances; emergency procedures; and training and information. It also includes material on classifying explosive atmospheres and selection of appropriate equipment for areas where such atmospheres may occur. The material has been prepared with the assistance of the ACDS Flammable Substances Subcommittee. A copy of the draft ACOP/guidance document is attached at Annex A.

### **Consultation**

7. Consultation on the draft has taken place with relevant parts of HSE (policy and operational) and HSE Solicitors. Both ACDS and the Flammable Substances Subcommittee have given full support for the proposed publication.

### **Presentation**

8. It is planned to publish the general ACOP/guidance and the remaining 4 “technical” publications at the same time. Publication will be supported by the issue of a press release and announcements on the HSE website.

### **Costs and Benefits /Financial/Resource Implications for HSE**

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

### **Environmental Implications**

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

### **Devolution**

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

### **SMEs**

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

### **Action**

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