

## **Draft letter from Chair to Minister**

Rt Hon Jane Kennedy MP  
Minister of State for Work  
Department for Work and Pensions  
Parliamentary Relations Unit  
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### **Proposals for the Control of Major Accident Hazards (Amendment) Regulations**

I am writing to you with the Health and Safety Commission's proposals to implement Directive 2003/105/EC that amends Council Directive 96/82/EC (the 'Seveso II' Directive) on the control of major-accidents involving dangerous substances. The package includes draft regulations, an explanatory memorandum, and a regulatory impact assessment.

The Seveso II Directive aims to prevent major accidents and limit their consequences to human health and the environment. The new Directive broadens the scope of Seveso II to better achieve its aims. In particular, it takes account of lessons learned from several recent major accidents in Europe and also the results of two studies by the European Commission on carcinogens and substances dangerous for the environment.

Seveso II was implemented in Great Britain through the Control of Major Accident Hazards Regulations 1999 (COMAH). Given the straightforward nature of the amending directive the Commission proposes that it should be implemented through a set of regulations that will amend COMAH. The Commission also proposes to introduce a small number of other changes to COMAH to clarify or make explicit certain existing provisions and reflect the outcome of recent work by the Health and Safety Executive on the review and revision of safety reports; these are minor and do not impinge on implementation of either Directive.

Overall, the proposed regulations do not represent a major change to the nature of the requirements in COMAH, but changes to the categorisation or threshold limits of certain dangerous substances will have an affect on the number of sites within scope. In particular, 158 sites will be brought into scope, increasing the overall number of sites subject to COMAH by around 14%. Additionally, between 83 and 91 sites currently subject to the lower tier requirements of COMAH will move to the top tier.

HSE has worked closely with its COMAH competent authority partners, the Environment Agency and the Scottish Environment Protection Agency, to develop the proposals. They have been subject to extensive consultation with industry,

trade unions, local authorities, the emergency services and others with an interest in chemical safety, and were revised to reflect comments made during the formal consultation period. HSE is also revising the guide to the COMAH regulations to include advice on the amending regulations. A draft was placed on the internet for consultation earlier this year and the final version will be available when the Regulations come into force.

Some aspects of Directive 2003/105/EC require changes to land-use planning legislation. Land-use planning is a devolved matter and implementation in this area is being taken forward by the Office of the Deputy Prime Minister, the Scottish Executive, and the National Assembly for Wales. All aspects of the Directive will be implemented separately in Northern Ireland and Gibraltar whom HSE has kept informed of developments.

I would be grateful if you would approve the proposals so that we may arrange for them to be laid before Parliament in time for them to come into force on 1 July 2005.

Yours sincerely

Bill Callaghan  
Chair, Health and Safety Commission