

Annex 2: Summary response for publication on HSE web site

The consultation on the proposed COMAH Regulations 2015 to implement the Seveso III Directive ran from 2 May to 27 June 2014. The consultation document was downloaded 4532 times and the response form 562 times. The consultation received 145 individual responses from trade associations, operators, representatives of local authorities and emergency services and members of the public.

The Chemical Industries Policy team would like to thank all the stakeholders who took the time to respond to the consultation, and contribute their views and opinions to the final policy development.

Proposals you supported

The Competent Authority intends to retain the following proposals made in the Consultation Document:

- Notifications will be submitted electronically via an online form,
- New Upper Tier sites will be required to provide pre-construction and pre-operation Safety Reports if the information is different,
- Category 1 responders can be required to take part in the testing of external emergency plans if their presence is considered necessary,
- The information required to be made permanently and electronically available will be hosted on an IT Platform on the Competent Authority's website, and
- Local authorities will have six months from the date they receive the necessary information from an Upper Tier site to produce an external emergency plan.

Concerns you raised

- Resource impacts of scope change – sites, particularly those with significant inventories, may face a challenge to reclassify their inventories to CLP within the timescales. To address this, the Competent Authority will make guidance available on its web pages as soon as possible. Further guidance and support will also be available from the Health and Safety Laboratory.
- Security implications of releasing information to the public on request – as a key tenet of the Seveso III Directive, the requirements to make certain information available permanently and electronically must be implemented. The Home Office have been consulted extensively on security implications and all regulations and associated guidance will meet their requirements.
- The level of detail of public information to be hosted on the IT Platform - the Home Office have been consulted extensively on security implications and all regulations and associated guidance will meet their requirements. It is the intention that the platform will consist of a system of fields containing lists of pre-determined information that operators will select from. This will balance the requirement to provide good quality useful information to the public and the security considerations raised by industry and the Home Office.

Summary of amended proposals

Overall there was sufficient support in the consultation responses to proceed with the proposals as raised in the Consultation Document. The team are of the opinion that all the issues raised can be addressed through minor amendments to the draft Regulations or by providing appropriate guidance.

What we will do next

The Regulations and the Impact Assessment will now be updated and refined based on the responses received to the Consultation and further policy development work. These will go through clearance processes within HSE and with Parliament before being laid in March 2015. The Regulations will come into force, as required by the Directive, on 1 June 2015.

Legal guidance to support the Regulations (a replacement to L111) is being drafted and will be published on HSE's website in draft form approximately twelve weeks before the Regulations come into force in mid March 2015. Other guidance, including to support use of the IT Platform, will also be produced.

The Seveso III web pages on HSE's website will continue to be updated with new information as it becomes available and updates will be issued via the Seveso III e-bulletin. The team will continue to provide updates to the COMAH Strategic Forum and other stakeholder bodies as necessary.