

## Arrangements for supporting businesses moving into COMAH

### About this guidance

1. When planning to begin handling or storing large quantities of dangerous substances, businesses may become subject to the Control of Major Accident Hazards (COMAH) Regulations. The Regulations may also apply if a business decides to increase the quantities of dangerous substances that they already store or handle.
2. This guidance has been developed to ensure that businesses moving into the scope of COMAH are able to get the right advice on what they need to do should the Regulations apply to their activities.
3. The guidance also aims to promote early communication between regulators and potential 'new entrants to COMAH'. In addition, it highlights the key role that trade associations play in supporting businesses considering taking this important step.

### Targeting advice and support

4. These arrangements comprise three stages – *pre-notification*, *notification* and *post-notification*.

#### Pre-notification stage

5. Pre-notification begins with a business, considering moving into scope of COMAH, making contact with the Competent Authority (CA). This first stage ends when the business had made a decision on whether to proceed with entry into COMAH. The key steps are:
  - **Expression of interest** – The business sends an expression of interest in becoming a COMAH establishment to the CA (via the existing Notifications email address on the HSE website [comah.notifications@hse.gsi.gov.uk](mailto:comah.notifications@hse.gsi.gov.uk)).
  - **Assign to an operational team** – expressions of interest are then assigned to the local HSE team. The regulatory team leader or HSE regulatory inspector will contact the business to discuss the expression of interest.
  - If the business is simply seeking **basic information** about the COMAH Regulations, they should be referred to the CA guidance for 'New entrants to COMAH' at: [www.hse.gov.uk/comah/guidance/understanding-comah-new-entrants.pdf](http://www.hse.gov.uk/comah/guidance/understanding-comah-new-entrants.pdf).

- Alternatively, the business may benefit from **detailed information** in order to develop a more informed view on the general application of COMAH and how it might apply to their activities. Arranging a 'pre-notification meeting' may be a suitable option.
- **Pre-notification meeting** – the meeting will be generally led by the HSE regulatory inspector (and including the relevant EA/NRW/SEPA COMAH officer). Each meeting will be tailored to reflect each business's individual circumstances, but the following areas could be considered:
  - **General advice on basic COMAH duties** – this may include how COMAH works (inspections and investigations); the notification process; key requirements of a safety management system and major accident prevention policies; an overview of key guidance, i.e. L111 and all measures necessary; and if relevant, outline the stages of safety report submission for 'new establishments'.
  - **Environmental considerations** – This may include key requirements of an environment management system (EMS) and whether it is accredited, eg ISO 14001; awareness of areas of the local environment which could cause or aggravate the consequences of any accident; housing or buildings with large numbers of people; areas of environmental protection, i.e. SSSI, SAC or SPAs – this might include agriculture or food production; rivers, watercourses, water abstraction points, and awareness of any 'environmental receptors' around their site, eg terrestrial or marine habitats.
  - **Hazardous substances consents** – the business should be made aware of the guidance on the HSE website. Where an application has already been submitted to the relevant authority then the HSE Regulatory Inspector should liaise with relevant HSE staff to keep them informed of progress regarding HSE's advice on the application.
  - **Typical problem areas for new entrants** – This could include findings from non-COMAH and lower-tier COMAH establishment inspections in relation to major hazard risk control and non-COMAH health and safety issues which attract notifications of contravention under FFI.
  - **The role of trade associations (TAs)** – where the business is already a member of a trade association they may be able to obtain support in areas such as key safety management/arrangements and advice on how to meet COMAH responsibilities.
 

Some TAs offer screening visits to identify existing safety management issues that are likely to be highlighted by inspectors. Businesses should be encouraged to find more information on how TAs might assist their transition into COMAH, including how TA services such as training and technical advice might provide on-going support.
- **Making the decision** – Following the meeting, it would be helpful if the business kept the HSE Regulatory Inspector informed of any decision it makes in the context of moving into COMAH.

- **Keeping a record** – using the ‘Site’ notes field on COIN, the Regulatory Inspector should make a brief note of the pre-notification phase, including a brief contact report. There is no requirement to issue a letter in relation to the pre-notification meeting.

## Notification stage

6. Businesses deciding to enter COMAH should make the CA aware of their decision at the earliest opportunity. This is particularly critical if the business will become an upper-tier establishment where CA support activities around safety report handling require early planning.
7. Once the business has confirmed its activities will become subject to COMAH, ie they will become an operator of a ‘new establishment, inspectors should agree the timing of the receipt of a COMAH notification (see Table 1); and set out any future work that will be cost recoverable under the COMAH Regulations.

**Table 1** The timing of new establishment notifications

New establishment	Notification timing
<b>1. Pre-modification</b> Change in inventory leading to entry into COMAH or a change in tier	In advance of start of operation at new tier – date of inventory change ( <i>at least 3–4 months</i> )
<b>2a. Pre-construction</b>	In advance of start of construction ( <i>at least 3–4 months</i> )
<b>2b. Pre-operation</b>	In advance of start of operation – date of dangerous substances on site ( <i>at least 3–4 months</i> )

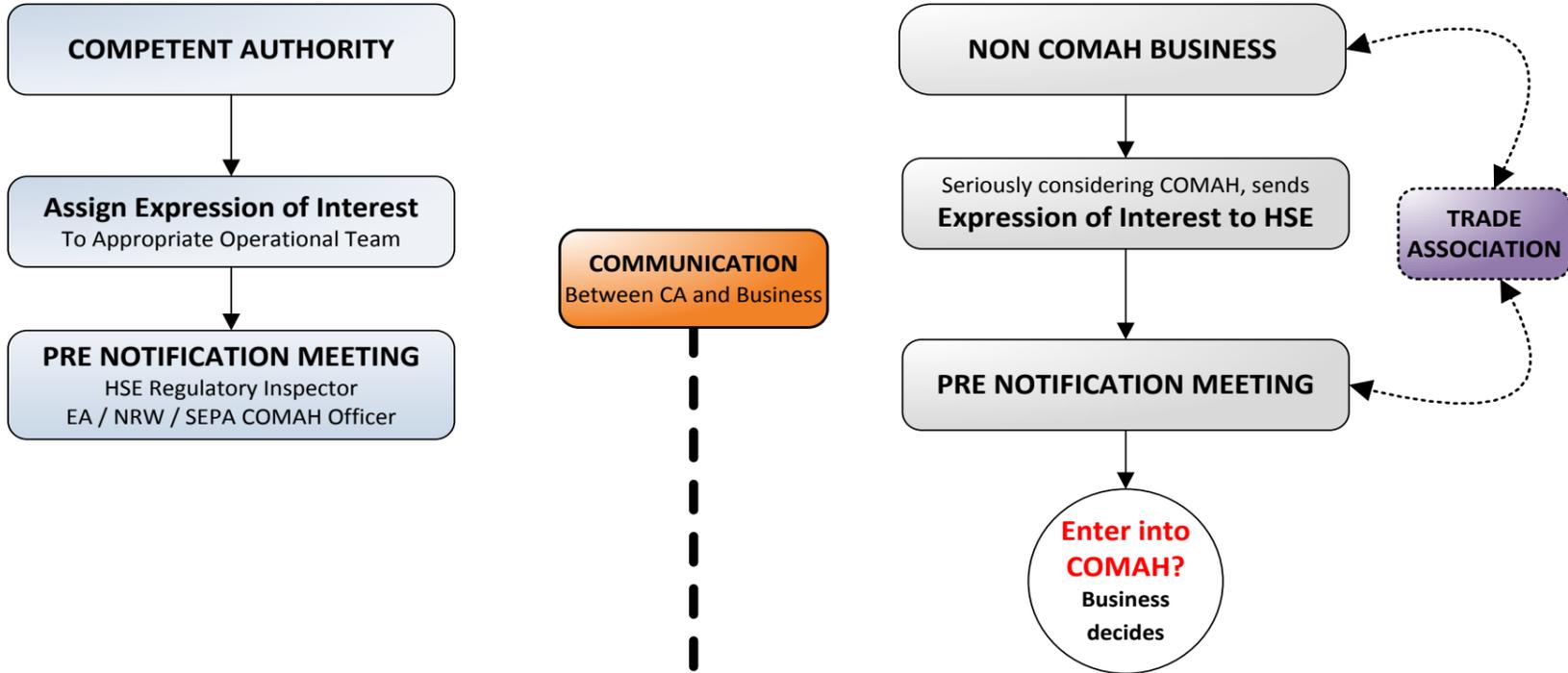
## Post-notification stage

8. Following the submission of a new establishment’s COMAH notification to CA, communication should continue between the CA and the new COMAH operator:
  - The CA will contact the new COMAH operator to inform them that a COMAH intervention manager has been appointed – confirming the name and contact details.
  - **Forward planning** – the COMAH intervention manager will contact the operator to confirm the timetable for meeting/exceeding the relevant COMAH thresholds.
  - The new COMAH operator should begin preparing a major accident prevention policy (MAPP) or, where necessary, a COMAH safety report using the relevant guidance.

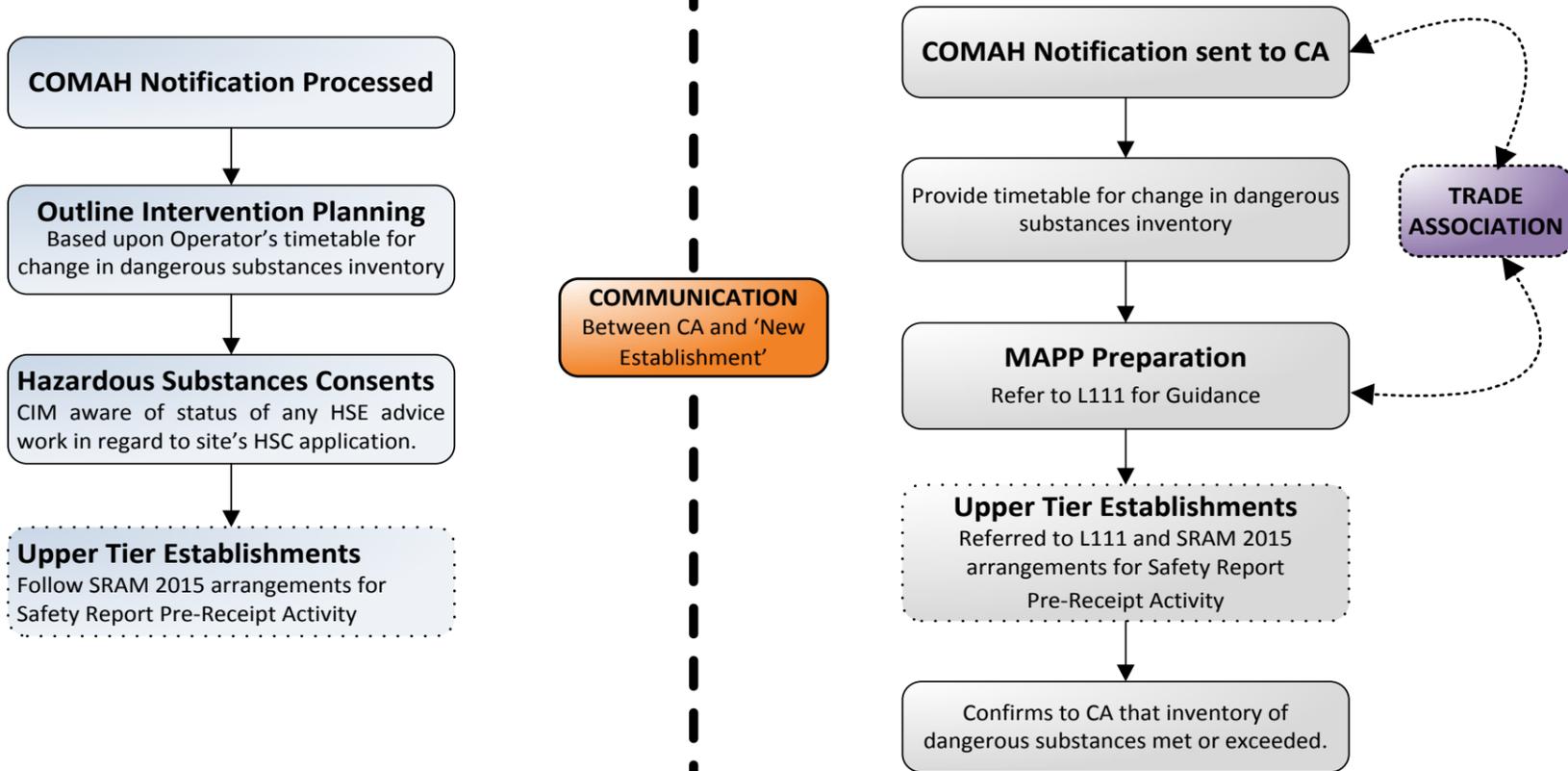
- Where a new COMAH operator will become an upper-tier establishment, the intervention manager should agree key dates to hold a pre-receipt meeting to discuss safety report submission and provide advice and support on what is expected.
  - **Hazardous substances consents (HSC)** – the intervention manager should liaise with the relevant part of HSE check the status of any HSE advice regarding an operator’s HSC application.
  - Once the COMAH threshold has been met or exceeded, the COMAH operator should contact the intervention manager to confirm that their inventory of dangerous substances has met or exceeded a COMAH threshold value.
  - **Preparing for on-site COMAH inspections** – the intervention agenda for each COMAH establishment is tailored to reflect their individual major accident risks profile. In general, the CA will carry out a COMAH inspection within 12 months of COMAH applying. For new, lower-tier establishments inspectors will request a copy of their MAPP in advance of the first inspection.
9. The main outcome from this stage will involve the COMAH intervention manager developing an intervention plan which will be shared and discussed with the operator.

# POTENTIAL NEW ENTRANTS TO COMAH

## PRE-NOTIFICATION STAGE



## NOTIFICATION STAGE



## COMAH INTERVENTIONS

