

## **Ammonium Nitrate Materials (High Nitrogen Content) Regulations 2003**

**◆OC 279/3**

**Target Audience:**

**FOD Inspectors**

|                                |                                    |
|--------------------------------|------------------------------------|
| <b>Date issued:</b> 2004-04-16 | <b>OG Status:</b> Partially Open   |
| <b>Review date:</b> 2013-12-18 | <b>Author Unit/Section:</b> CACTUS |

## SUMMARY

---

This OC provides an overview of these regulations, which are primarily enforced by Trading Standards Officers, with assistance from HM Customs and Excise and HSE's Hazardous Installations Directorate (HIDL2EXP Explosives Inspectorate).

---

## INTRODUCTION

1 The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003, the AN(HNC) Regulations, came into force on 1 May 2003. Although made under the Health and Safety at Work etc Act 1974 (HSW Act) they were sponsored by the Department for the Environment, Farming and Rural Affairs (DEFRA). DEFRA developed the regulations in response to concerns that poor quality Ammonium Nitrate fertiliser was being imported, increasing the risk of an explosion on the scale of the Toulouse incident of 2001.

## REQUIREMENTS

2 The regulations prohibit the importation, manufacture, supply or keeping of ammonium nitrate materials where the nitrogen content derived from ammonium nitrate is greater than 28% by weight unless the material has a certificate attesting that it has passed a Detonation Resistance Test (DRT). This confirms that it has an appropriate degree of resistance to detonation.

3 The test must be carried out in line with the requirements of the regulations, by a laboratory accredited in line with various international standards. Currently, the Health and Safety Laboratory (HSL) is the only laboratory in the UK that meets all the requirements of the regulations.

4 For material manufactured in Great Britain, or imported from within the EU, a detonation resistance certificate (DR certificate) covers a batch, which may be up to 92 days production. The DR certificate remains valid for so long as there is no material change to the ammonium nitrate.

5 For material imported from outside the EU, each consignment must be accompanied by a DR certificate that has been issued following a detonation resistance test, carried out no more than 60 days before the arrival of the material in Great Britain. This may however be extended if there were delays outside the importers control, such as bad weather affecting shipping. Once in GB the DR certificate remains valid for so long as there is no material change to the ammonium nitrate.

6 Records relating to the importation, manufacturing, supply or keeping of material must be kept for at least two years.

7 The regulations apply only to solid materials. Therefore, ammonium nitrate solutions (used as an explosive in some quarries) and ammonium nitrate used in medical anaesthetic gases are exempt.

8 Most materials covered by the regulations are used as fertilisers. HSE may exempt substances that are used for other purposes which would otherwise fall under the regulations, although the requirements to keep records still apply. Examples of such substances include solid ammonium nitrate materials used as an explosive in quarries. A limited number of exemptions have been issued. Policy Group HIPD1 (Quarries, Mines and Explosives) operate the exemption regime.

9 The regulations do not apply to 'end users', such as farms. Also, amounts that are less than 500Kg in total are also exempt (therefore, a shipment of several 500Kg bags would be covered by the regulations, but the importation or supply of a single 500Kg bag would not).

## ENFORCEMENT OF THE REGULATIONS

10 The regulations are enforced by local authority Trading Standards Officers (TSOs) in England, Wales and Scotland (Northern Ireland has its own arrangements). HM Customs and Excise assist TSOs by providing information on imports of material.

11 HSE (Explosives Inspectorate, HID ExI) may be called upon from time-to-time to assist and advise any TSO who discovers material that is suspect or has failed a DRT, with a view to ensuring adequate remedial action, including disposal, where appropriate. TSOs contacting field offices to seek this assistance should be advised to contact HID ExI on 0151 951 4025, or using the dedicated email address, [fertilisers@hse.gsi.gov.uk](mailto:fertilisers@hse.gsi.gov.uk).

12 HSE enforce the exemptions arrangements discussed in paragraph 8 at premises allocated to HSE under the enforcing authority regulations<sup>1</sup>, such as manufacturers. At premises allocated to other authorities HSE will follow up reports from TSOs of concerns regarding exemptions. Normally, HID ExI will carry out enforcement work. FOD Inspectors dealing with ports may encounter companies claiming exemption from the regulations. If there are concerns regarding these claims, inspectors should contact HIPD1 or HID ExI for advice.

13 A Memorandum of Understanding (MoU) has been developed between DEFRA, the Local Government Association representing TSOs, HSE and HM Customs and Excise setting out the roles and responsibilities of these bodies in enforcing the regulations. The MoU also lists relevant contacts in each department.

14 The MoU is reproduced in the attached Appendix. Inspectors should note that HSE has been asked to keep this Appendix *Fully Closed* under the Code of Practice for Access to Government Information.

15 The regulations do not affect the existing legal position or current guidance (leaflet and checklist) on storing or handling ammonium nitrate. HSW Act, the Dangerous Substances and Explosive Atmospheres Regulations 2002, and legislation concerning the packaging and labelling of dangerous goods continue to apply. Where ammonium nitrate is involved in a fire, oxides of nitrogen can be produced. Therefore, hazards and risks to health in such circumstances will need to be considered under the Control of Substances Hazardous to Health Regulations 2002.

## ACTION

16 Inspectors are asked to:

- Note the contents of this OC when dealing with matters related to ammonium nitrate.
- Direct any TSOs contacting HSE for advice to the dedicated contact points in paragraph 11.
- Contact HIPD1 with queries regarding exemption certificates issued by HSE under the regulations (relevant contacts can be found in the intranet staff directory using the search string 'HIPD1' in the <Unit label> search field).
- Contact the Transportation Section of the Commercial and Consumer Services, Transportation and Utilities Sector with any queries regarding other information in this OC (relevant contacts can be found in the intranet staff directory using the search string 'CACTUS' in the <Unit label> search field).

17 OC 279/3(v1) – **Cancel** and **Destroy**.

Date first issued: 16 April 2004

j:\editors\intranet\ocfiles\200-299\279\_3.lwp

---

<sup>1</sup> Health and Safety (Enforcing Authority) Regulations 1998 SI 1998/494

## APPENDIX

→

←<sup>2</sup>

---

<sup>2</sup> Information which would prejudice law enforcement and legal proceedings or would harm public order or public security [Exemption 4]

**(Signatures)**

**Eileen Pullinger ..... Head of Fertilisers Unit, DEFRA**

**Timothy Walker ..... Director General, HSE**

**Guy Westhead ..... Head of Customs and International  
Trade HMCE**

**Derek Allen ..... Executive Director (LACORS)**

**Dated.....**

**LACORS contact point**

Les Bailey  
LACORS  
10 Albert Embankment  
London  
SE1 7SP  
Tel: 0207 840 7209

**Commercial and Consumer Services, Transport and Utilities Sector, CACTUS – in respect of ports**

Tim Galloway  
Health and Safety Executive  
4SW Rose Court  
Southwark Bridge Road  
London SE1 9HS  
Tel: 020 7556 2131  
Fax: 020 7556 2153

**Health and Safety Laboratory**

David Chapman  
Health and Safety Laboratory  
SC11 Explosives  
Harpur Hill  
Buxton  
SK17 9JN  
Tel: 0114 289 2947  
Fax: 0114 289 2950

**General contact number for Customs and Excise**

National Advice Service 0845 010 9000. This service is available Monday to Friday from 8.00am to 8.00pm.

**General contact number for Defra**

Gary Beckwith  
Defra  
Room 412  
Ergon House  
Horseferry Road  
London  
SW1P 2AL