

Health and Safety Executive		Operational Minute	
		OM 2006/10	
Cancellation Date	18/08/2011	Open Government Status	Fully Open
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Target Audience:

All HSE staff who deal with NIHHS (Amdt) Regs 2002

NOTIFICATION OF INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES (AMENDMENT) REGULATIONS 2002

This OM provides information on amendments to the Notification of Installations Handling Hazardous Substances (NIHHS) Regulations 1982 which came into force on 30 December 2002. The principal effect of the amendments is to reduce the threshold for the reporting of inventories of ammonium nitrate to HSE. The main FOD-enforced sectors affected are agriculture (farms) and ports.

BACKGROUND

1 On 21 September 2001, an explosion occurred in an ammonium nitrate stack at the Grande Paroisse/AZF factory in Toulouse. The explosion caused the deaths of 22 people in the factory and eight outside. There were many injuries and much property was damaged. The building concerned held between 300-400 tonnes of different compositions of ammonium nitrate.

2 Amendment regulations have been introduced to amend NIHHS 1982 specifically in respect of ammonium nitrate and mixtures containing ammonium nitrate where the nitrogen content exceeds 15.75% of the mixture by weight.

MAIN CHANGES

3 The NIHHS Regulations 1982 prohibit the handling of certain hazardous substances in quantities equal to or exceeding those specified in Part I of Schedule 1 unless HSE has been notified. The NIHHS (Amendment) Regulations 2002 (Statutory Instrument 2002 No. 2979) came into force on 30 December 2002. The key changes are:

- a. The specified quantity, i.e. the threshold quantity of ammonium nitrate and mixtures containing ammonium nitrate for which notification is required, has been reduced from 500 to 150 tonnes;
- b. The minimum period of notice before the activity can commence is reduced from three months to four weeks; and

- c. Regulation 7 (NIHHS 1982) is amended such that no new categories of premises will fall to HSE, thereby ensuring that FOD does not take on enforcement at LA-enforced premises such as agricultural merchants.

NOTIFICATIONS

4 The amendment regulations came into effect on 30 December 2002 and required that any person who was already undertaking an activity, including any agricultural activity (defined in the Health and Safety (Enforcing Authority) Regulations 1998 reg 2) in which there was or was liable to be at any one time 150 tonnes or more of ammonium nitrate or mixtures of ammonium nitrate to notify HSE by 30 January 2003. Similarly, any person who commenced such an activity after 30 December 2002 should have notified HSE at least four week before the commencement of the activity. The same applies to any person who now intends to start such an activity.

5 The notification should contain the information set out in NIHHS 1982 Schedule 2.

6 The Agriculture and Food Sector has agreed to manage the FOD NIHHS register. It has also been agreed that all notifications should be made to the Sector who will collate the information, manage the notification database and distribute the necessary information to FOD Divisions and other government departments.

7 Potential duty holders under the Regulations are advised to submit notifications either:

- a. Electronically to ANNIHHS.Notifications@hse.gsi.gov.uk;
- b. In writing to HSE, Agriculture and Food Sector, National Agricultural Centre, Stoneleigh, Kenilworth, Warwickshire, CV8 2LG; or
- c. By telephone on 02476 698350
- d. By fax on 02476 696542.

FOD Divisions should forward any notifications received in divisional offices to the Agriculture and Food Sector at Stoneleigh as quickly as possible.

PUBLICITY AND GUIDANCE

8 There has been extensive discussion with the agricultural industry representatives about the changes in the regulations and the impact on the farming community. There has been extensive information campaign in the relevant trade press to alert duty holders to the changes in the notification requirements.

9 HSE has produced a self-help checklist to assist duty holders to identify any further measures that they need to take to ensure the safe handling and storage of the material. HSE's free leaflet IND(G) 230 **Storing and Handling Ammonium Nitrate** gives more detailed guidance.

PLANNED WORK

10 HSE has given a commitment to government that all newly notified sites will be inspected. The notifications received under the Amendment Regulations will inform FOD's programmes of inspection of ammonium nitrate sites

11 Details of the current inspection programme can be found in the FOD plan of work.

FURTHER INFORMATION

12 Any queries in respect of farms should be directed initially to Bob Hadway in the Agriculture and Food Sector and in respect of docks to Tim Galloway in the Services Sector.