

COMAH Competent Authority Workstream 7b

Off-site emergency planning -

(Operational Delivery Guide)

the Competent Authority



1. Purpose

- 1.1 To ensure that the local authority¹ (LA) adequately discharges its duty to prepare, test on an ongoing basis and review and revise the off-site emergency plan (OfSEP) for each COMAH top-tier site within its area so as to minimise the consequences of major accidents to people and the environment.
- 1.2 To ensure that operators of top tier COMAH sites supply to local authorities the information necessary for the purpose of enabling the authority to prepare the off-site emergency plan as required by COMAH Regulation 10, and provide information to the public as required by Regulation 14.
- 1.3 Emergency response is a Competent Authority Strategic Management Group (CASMG) priority topic for 2010-2011. The results from the intervention will be recorded on COIN and reported to CASMG at the end of the work year. The results will be used to inform future interventions.

2. Scope

- 2.1 COMAH off-site emergency planning requirements for all top-tier COMAH sites, falling to both LAs and top-tier COMAH operators.
- 2.2 The linkage between COMAH OfSEP requirements at top-tier sites and COMAH notification requirements under Regulation 6. The CA administrative procedures for handling Notifications, including the need to keep the LA up-to-date about the status of COMAH sites in their area, as set out in chapter 5 of the COMAH manual.
- 2.3 Competent Authority (CA) arrangements for meeting their duty as a statutory consultee to the LA and enforcing COMAH Regulations 10, 11, 12 and 14.
- 2.4 Communication channels/working relationships within the CA and between the CA and LAs for the ongoing exchange and sharing of relevant information.

¹ The "Local Authority" as defined by COMAH Regulation 2, for COMAH emergency planning purposes, is a broadly defined term (see L111 pages 11-12 and paragraphs 51-53). It covers the local government body (be that a council or authority, including the fire and rescue service) which houses the local/regional emergency planning function, and which may be referred to as the Emergency Planning Unit (EPU).

Interventions

- 2.5 An annual CA visit should be paid to each LA to ensure that the objectives listed under the heading 'Purpose', above are secured.
- 2.6 Further guidance on how this might be done is given under the heading 'Main actions' below. The estimated resource need for this type of visit is one day per LA.
- 2.7 In addition, arrangements should be made to attend a minimum of one test of an off-site emergency plan carried out by each LA.
- 2.8 Information from tests attended should be used to inform the annual visits to the LA. Other tests should be attended where there are operational reasons, e.g. where the on-site emergency plan relies heavily on input from off-site agencies. The estimated resource for attendance at a test is two days including preparation, attending the test and reporting.

3. Justification

- 3.1 Emergency response is a Competent Authority Strategic Management Group (CASMG) priority topic for 2010-2011.
- 3.2 The EC monitors member states' ongoing compliance with the requirements of the Seveso II Directive on a three yearly basis:
 - in its report for the 2003-2005 period the EC expressed particular concern over poor compliance with the requirements to prepare and test off-site emergency plans and provide information to the public across the majority of EU member states, including the UK;
 - the report submitted to the EC by the UK for the period 2006-2008 indicated that some plans had not been tested during the period as they should have been. The UK has yet to receive a response from the EC.
- 3.3 It is expected that the EC will continue to monitor these aspects with close interest and is likely to hold to account member states that fail to secure satisfactory compliance.

Note: It is incumbent upon the COMAH CA, as the regulator for the COMAH Regulations, to ensure that LAs fulfil their COMAH off-site emergency planning and response duties.

4. Main CA actions

- 4.1 As a statutory consultee for the LA (COMAH R10(6)), check the LA has prepared an OfSEP for each top-tier COMAH site which meets the minimum requirements of COMAH schedule 5 (Parts 1 and 3). The OfSEP should be informed by appropriate major accident hazard information, which should be supplied by the operator.
- 4.2 The CA should consider appointing an LA lead inspector for each LA. This function was previously performed via HSE field teams, with the recommendation that one lead inspector per field team be appointed, usually at B2, possibly at B3 level. HSE and the relevant Agency should agree which part of the CA is best placed to provide the lead inspector. The lead inspector should act as a focal point for:
- central discussions with each of the LAs within the team's area for cross-cutting issues;
 - ensuring each LA has a suitable and robust off-site plan testing strategy and schedule in place to cover all off-site plans within their area; and
 - co-ordination of CA work to ensure compliance with the COMAH regulations for aspects relevant to both persons and the environment.
- 4.3 Ensure sufficient consideration has been given to dovetailing between (i) the on-site emergency plan (OnSEP) and the OfSEP, and (ii) the latter with broader civil contingencies planning arrangements.
- 4.4 At visits to COMAH top-tier sites, check that the operator:
- has supplied the LA with information needed to enable preparation of the off-site plan, in accordance with COMAH R10(3)-(5);
 - has prepared information for the public that meets the requirements of **COMAH schedule 6** and has arrangements for the periodic dissemination of that information within the Public Information Zone (PIZ). (Operators should endeavour to reach an agreement with the LA for distribution but retain the ultimate responsibility);
 - has arrangements in place to review and where necessary revise information for the public in accordance with COMAH R14(6) and to resupply that information in accordance with COMAH R14(7).
- 4.5 Selectively attend OfSEP tests to ensure that each LA is implementing its testing strategy systematically as planned. LAs need to confirm their emergency response arrangements work in practice. Performance indicators can be set to monitor this, either during training exercises, testing, or in a real scenario. **Annex 1** provides some example indicators.
- 4.6 Ensure that LAs are sent up-to-date information (via the notification details required under COMAH R6) on the COMAH status of sites in their area for emergency planning purposes, including:
- any new COMAH notifications, especially for top-tier status, as these will require an OfSEP (unless there is a derogation under COMAH R10(7));
 - sites moving either up or down between COMAH lower-tier and top-tier status, as the latter require a COMAH OfSEP, whereas the former do not;
 - COMAH top-tier denotifications, where an OfSEP is no longer required.

- 4.7 Further guidance is available in chapter 5 of the COMAH manual (paragraph 9), and associated appendices 6 and 7 contain framework letters, which need to be sent to the Chief Emergency Planning Officer (CEPO) of LAs, among others.

5. Supporting information

- a) COMAH Off-site Emergency Planning, Chapter 8 – COMAH Manual (working draft available, to be published by April 2010)
- b) **HID CI/SI Inspection manual emergency response (RCS8)** Useful for checking interface between off-site and on-site emergency planning.
- c) Emergency planning for major accidents – Control of major accident hazards Regulations 1999 . HSG 191 (Pages 19 – 22)
- d) A guide to the COMAH Regulations 1999 (as amended), L111, (pages 50-63, 111-115)
- e) **Schedule 5 of the COMAH Regulations 1999 emergency plans**
- f) **Schedule 6 of the COMAH Regulations 1999 Information to be supplied to the public.**
- g) Procedures for handling notifications under COMAH Regulation 6 – Chapter 5, COMAH manual
- h) Buncefield MIIB Emergency Preparedness, Response and Recovery (EPRR) report (July 2007)
<http://www.buncefieldinvestigation.gov.uk/reports/preparedness.pdf>
- i) Emergency Preparedness – Cabinet Office guidance booklet (for emergency arrangements under the Civil Contingencies Act)
www.cabinetoffice.gov.uk/ukresilience/preparedness/ccact/eppdfs.aspx (due revision during 2010 as part of Buncefield Response)
- j) Emergency Response and Recovery – Cabinet Office guidance booklet (for emergency arrangements under the Civil Contingencies Act) 2nd Edition July 2009
www.cabinetoffice.gov.uk/ukresilience/preparedness/ccact/errpdfs.aspx
- k) UK Resilience website **www.cabinetoffice.gov.uk/ukresilience.aspx**

6. Success criteria

- 6.1 Set out below are criteria which can be used to help judge the level of compliance achieved by LAs and operators to help determine when an intervention can be closed out.

LA has:

- consulted relevant statutory consultees (COMAH R10) during the preparation of each OfSEP;
- prepared and maintained an up-to-date OfSEP for each top-tier COMAH site in their area:
 - meeting the requirements of COMAH Schedule 5;
 - informed by and based upon the representative MAH set for each site, including extent, severity and likelihood information;
 - which dovetails with the OnSEP to ensure co-operation and continuity across an emergency response.
- a systematic strategy and schedule in place to periodically test their OfSEPs within 3 yearly intervals to confirm that all key elements of their OfSEPs are fit for purpose;

- ensured its plan testing strategy is implemented as intended;
- effective arrangements in place to ensure lessons learned from test and review are actioned and any necessary improvements embedded into off-site emergency plan revisions;
- liaised (on a voluntary basis, as good practice) with planners for broader civil contingencies arrangements to provide continuity across the response arrangements for an escalating emergency. This is relevant to top-tier COMAH sites where there are any reasonably foreseeable emergency scenarios (arising out of a representative set of credible major hazard incidents) where the consequences of a major accident could escalate beyond the detailed emergency planning zone (which usually equates with the area within the PIZ).

Operator has:

- provided sufficient information to the LA to enable preparation of the off-site plan;
- provided information to the public, which is periodically reviewed (at least once every three years) and resupplied (at least once every five years, or following revision);
- endeavoured to reach an agreement with the EPA for the distribution of information to the public. In the event an agreement cannot be reached, the operator has made alternative arrangements for distribution.

CA has:

- established and maintains reliable, effective communication channels/working relationships with the LA;
- ensured that any information received on new TT COMAH sites and any significant changes at existing TT sites (e.g. notifications, denotifications or TT sites becoming LT or sub-COMAH) is shared with LAs in a timely way;
- fulfils their duty as a statutory consultee to the LA for the OfSEP by checking it against COMAH Schedule 5, Parts 1 and 3;
- selectively attends tests of the OfSEP, to verify that the LA's arrangements for testing the plan and embedding any lessons learned into revisions of the OfSEP are acceptable.

7. Judging success & moving on

7.1 The purpose of the tables below are to assist in deciding when an intervention can be closed out. However the **Enforcement Management Model**^[17] (EMM) and local factors will ultimately determine the close-out of an inspection and whether there should be any enforcement action. Table 1 gives guidance on the initial enforcement expectation (subject to the comment above concerning the primacy of the EMM) and is the starting point for CA agreement on the action to be taken. Table 2 gives guidance on the performance rating.

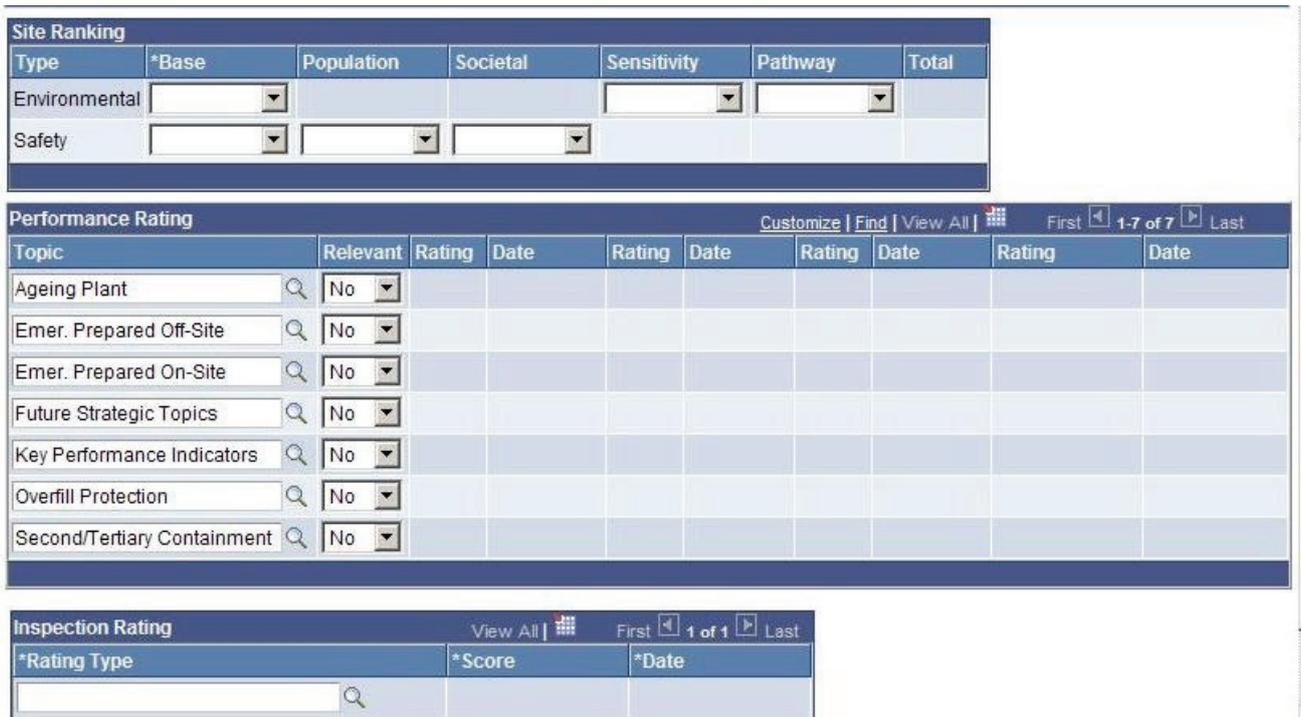
Table 1 Initial enforcement expectations for off-site emergency planning

Reg.	Requirement	Potential breaches	Initial Enforcement Expectation
10(1)	LA to prepare an adequate off-site emergency plan for each top tier site within its area within the timescales specified in reg. 10(2)	Plan not prepared Plan not adequate (see COMAH Schedule 5)	IN Letter / IN
10(6)	LA to consult during the preparation of the OfSEP	Statutory consultees not consulted as required	Advice / Letter
11(1)(a)	LA to review and where necessary revise the OfSEP (min. 3-yearly)	Plan not reviewed / revised in the last 3 years	IN
11(1)(b)	LA to test the OfSEP at suitable intervals not exceeding 3 years	Plan not tested in the last 3 years	IN
12	LA to put the OfSEP into effect without delay in the event of a major accident or an uncontrolled development that could lead to a major accident	Plan not put into effect as required	Letter (+ consider PR)
14(1)	Operator to prepare information for the public that meets the requirements of COMAH Schedule 6 and to arrange for the dissemination of that information within the PIZ	Public information not prepared Public information not adequate Public information not disseminated	IN Letter / IN IN
14(6)	Operator to review and where necessary revise public information (min. 3-yearly)	Public information not reviewed / revised in the last 3 years	Letter / IN
14(7)	Operator to resupply public information at intervals not exceeding 5 years, or if revised	Public information not resupplied in the last 5 years / following revision	Letter / IN

8. COIN IRF Scoring

8.1 The COIN Inspection Rating Form (IRF) tab on the COMAH Intervention Plan Service Order should be used to record the Operator's performance against their specific success criteria only in the "Emer. Prepared Off-Site" line.

Note: this line should not be used for recording the LA performance



The screenshot displays three main sections of the COIN IRF Scoring interface:

- Site Ranking:** A table with columns for Type, *Base, Population, Societal, Sensitivity, Pathway, and Total. It includes dropdown menus for Environmental and Safety types.
- Performance Rating:** A table with columns for Topic, Relevant, Rating, and Date. It lists various topics such as Ageing Plant, Emer. Prepared Off-Site, Emer. Prepared On-Site, Future Strategic Topics, Key Performance Indicators, Overfill Protection, and Second/Tertiary Containment, each with a search icon and a 'No' dropdown.
- Inspection Rating:** A table with columns for *Rating Type, *Score, and *Date, featuring a search icon.

8.2 Progress should be recorded following each intervention as follows:

Table 2 Guidance on Performance Rating

Performance Rating	Description	Score
Exemplary	Good practice or above in all respects. All success criteria fully met.	10
Good	Good practice in most respects. Most success criteria met.	20
Broadly Compliant	Some success criteria not fully met. May not preclude close out depending on scope of improvements required and operator attitude.	30
Poor	Many success criteria not met or not fully met.	40
Very Poor	Majority of success criteria not met or not fully met	50
Unacceptable	None of success criteria met	60

8.3 In order to be able to report the CA's activities with respect to on-site emergency planning to CASMG it is important that relevant work is correctly recorded on COIN so that accurate information on how the work is progressing can be extracted. In order to achieve this the keyword OfSEP (containing no spaces), should be included in the Notes "Summary" field relating to the intervention. A paragraph of supporting information should also be included in the Notes "Details" field.

9. COIN time report

9.1 In order that the Competent Authority can demonstrate the deployment of resources to Strategic Topics the information is recorded on COIN as follows:

- for Strategic Topics there should be an entry made in the "Category" box of the Time Line via the drop-down menu;
- the category selection will be restricted to the Strategic topics and the relevant topic should be selected;
- all other time recording instructions are as before.

9.2 The costs associated with interventions related to operators' duties under Regulation 10(3)-(5) of COMAH are recoverable from the operator. The costs associated with the examination of off-site emergency plans prepared by the LA are not recoverable.

Business unit (BU)	Work Desc	Activity	Category	Work context	Type
COMAH	Company	INSP_COMAH	StratTop emer onsite StratTop emer off-site StratTop PSPI KPI StratTop Ageing Plant StratTop Buncefield PSLG StratTop Containment	ELSE/ OFFCO/ OFFNC/ OSITE	Case/Service Order

Business unit (BU)	Work Desc	Activity	Category	Work context	Type
HIDAC	ASSAPP_NC	Assess, Approv & Perms (NC)	Off site emergency Planning	OFFCO/ OFFNC/ OSITE/ ELSE	Service Order/ CASE

10. Dependencies/associations/future developments

- 10.1 New guidance on off-site emergency planning will be published as Chapter 8 of the COMAH Manual (a working draft is available from CI4).
- 10.2 Further guidance will be developed as a result of the Buncefield MIIB Emergency Preparedness, Response and Recovery Report (EPRR) and Policy and Procedures Review (PPR) report. The response to 10 of the remaining EPRR recommendations - mostly relating to COMAH off-site emergency arrangements and their interface with broader plans and arrangements under the Civil Contingencies Act (CCA) - are currently being taken forward via the UK's national forum for developing good and best practice for emergency planning and response – the CAP-EPLG (Chemicals and Pipelines Emergency Planning and Liaison Group).
- 10.3 This guidance was prepared and revised by HID CI4A on behalf of COMAH CA (VPN 510-6226 or 523 4885 or external number - 0151 951 4885) for 2010-2011.

Annex 1: Examples of Performance Indicators to monitor the effectiveness of the Off-Site Emergency Response

Desired Safety Outcome

That the impact of a major incident is minimised.

Monitoring the planned Off-Site Emergency Response

The following indicators can be used both in a 'testing' scenario or for real. This is not an exhaustive list.

Possible Lagging Indicators

Number of elements of the emergency procedure that fail to function to the desired performance standard.

Possible Leading Indicators

Percentage of:

- staff/contractors/emergency response personnel who take the correct action in the event of an emergency or an exercise;
- emergency plans not exercised at least once every 3 years as required by COMAH.