

# Understanding COMAH: What to expect from the Competent Authority

## Guidance for COMAH operators

the Competent Authority



## About this document

This document is for COMAH establishment operators. It describes how the Competent Authority (CA) regulates the UK onshore major hazards industry in Great Britain and what businesses can expect from CA inspectors at their establishments. It also describes how COMAH operators can discuss their performance at the time the CA is planning its interventions. The document provides advice and information on how you can prepare for an inspection so it can be conducted efficiently and effectively.

It also provides an overview of how the CA recovers its costs under the COMAH regime and how the environmental regulator recovers its costs at COMAH establishments for work under the Environmental Permitting Regulations (EPR) or the Pollution Prevention and Control Regulations (PPCR).

## Our regulatory approach

Under COMAH (the Control of Major Accident Hazards Regulations), the CA has statutory responsibility to provide regulatory oversight of high-hazard industries using or storing quantities of dangerous substances that fall into the scope of the Regulations. Businesses that handle dangerous substances in quantities described by the Regulations must notify HSE.

In the event of an accident, having large quantities of flammable, environmentally hazardous or toxic substances on site increases the potential to inflict multiple injuries or fatalities to those working on site or living in the local community and/or cause damage to the environment. Our approach therefore aims to assure the public that onshore major hazard businesses are meeting their responsibilities to control major accidents to people and the environment and to mitigate the consequences in the event of an industrial accident.

Our statutory functions under COMAH include assessing safety reports and accident prevention policy, organising a system of inspections of COMAH establishments, investigating, and reporting on major accidents.

We aim to ensure our regulatory activity:

- is proportionate to the major accident risks that could harm people or the environment;
- is targeted, sampling the critical control measures relevant to the major hazard risks present;
- is delivered in the most efficient and effective way;
- takes into account operators' past performance and positive steps taken in controlling major hazard risks; and
- is consistent and joined up across the CA regulatory partners.

## Taking a proportionate, risk-based approach

### In brief

- We prioritise our inspections based on risk and your performance, which determines relative priority for interventions at your establishment against a range of factors. We visit higher-hazard establishments and poor performers more frequently than lower-risk and/or well-managed establishments.
- We use a site prioritisation methodology to categorise and target our inspections.
- Inspections will include focused national strategic inspection topics to check common features of risk control, as well as looking at site-specific issues.
- We will score your performance against strategic topics and share this with you.

### *Site prioritisation: Inherent hazard and performance ranking*

We start by considering information about inherent hazards relating to your establishment, which includes the quantity and type of dangerous substances you hold, the activity undertaken and your location. We then review this information against the risks that the materials present to people and the environment and the activities you undertake, to rank all COMAH establishments in priority order. Based on this analysis, we use this prioritised list to decide which establishments to inspect in any one year, the frequency/duration of inspections and the range of issues we will examine.

Our site prioritisation methodology is available at [www.hse.gov.uk/comah/guidance/site-prioritisation-methodology.pdf](http://www.hse.gov.uk/comah/guidance/site-prioritisation-methodology.pdf).

### *Strategic inspection programmes and performance rating*

Alongside inherent hazard information, we monitor how you perform in controlling the major accident risks created by your activities. We also collect evidence during routine inspections and investigations into major accidents and other incidents, along with other operational intelligence data to develop strategic inspection programmes.

These inspection programmes aim to tackle ongoing or emerging issues across one or many of the major hazard sectors, and enable us to look in greater depth at particular aspects of your control of the risks relating to that topic. Current topics include: ageing plant, secondary/tertiary containment, on-site/off-site emergency planning and key performance measures.

We publish a **delivery guide** for each strategic topic to set out:

- the reason for the inspection topic;
- how we will assess it during an inspection;
- the standard of compliance required by law; and
- how we will rate your performance in controlling that risk.

Using the broad framework described in this section, we determine what is proportionate to check for at each establishment and inspectors will then come to a judgement on where to focus their efforts during a particular year. Overall, our aim is to deploy our finite resource to best effect, targeting the higher-risk activities and poor performers.

### What this means for you

If:

- your establishment is non-complex;
- your activities involve low hazards with limited or no off-site major accident potential;
- you can demonstrate that you are managing your risks,

you should have proportionately less planned intervention effort compared to a top-tier establishment that stores large quantities of dangerous substances and is situated in a densely populated or environmentally sensitive location.

You can apply the site prioritisation methodology yourself to calculate your hazard scores for both safety and environmental risks. You can also take the opportunity to compare your own assessment with ours as part of discussions with your inspector.

### Safety report assessment

#### In brief

- Operators of top-tier sites need to produce a safety report, which should be reviewed at least every five years.
- If you need to send a revised safety report, we will offer a pre-receipt meeting to help you prepare your report.

Businesses that store or use the largest quantities of hazardous substances (COMAH top-tier establishments) are required to **produce a safety report** that describes the establishment, the associated hazards and risks and the control measures in place to control major accident hazards. We must assess all new safety reports (including pre-construction reports) before you begin to operate. Inspectors will provide advice to new operators on their proposed safety and environmental control arrangements and the type of information that should be included in a safety report.

You will need to review your safety report every five years. If you submit a revised report we will communicate the outcomes of our examination of the report within four months, or where there have been more significant changes, within six months. However, we aim to keep to a minimum the time we spend on office-based assessment in preference to spending more time on site to determine whether the arrangements described in the safety report are an accurate reflection of your operating arrangements.

Before you submit a five-year revised safety report, your local inspector will arrange a '**pre-receipt meeting**' to discuss any changes that may be included in the report. Where necessary, the inspector will also summarise any outstanding revisions or corrections identified during the last assessment and from previous inspections. We aim to hold all pre-receipt meetings at least six months before the submission date. However, where appropriate, this meeting can take place at an earlier date.

Following the review of your safety report, we will undertake our first post-assessment inspection within six to nine months. In discussion with you, we may plan this to involve one or more specialist inspectors. The number of inspectors and topics for inspection will depend on the issues or concerns that arise from the safety report.

### **What this means for you**

The pre-receipt meeting is an important event. It is an opportunity for you to ensure that you are clear on how to provide a good-quality safety report. This will help us to assess your report efficiently, identify the issues that may need to be clarified and arrange to inspect your site. It is helpful to include an accompanying 'narrative text' to a revised safety report, to give an overview of the changes, as this can add context to your general business position, summarise key developments and put forward your judgement of the impact or significance of any changes.

In some instances, the extent of changes may be significant enough to require a full assessment of your safety report, rather than a shorter assessment process. Communication with your local inspector is important at this early stage. If you are uncertain about any aspect of submitting your safety report, you should raise your concerns at the pre-receipt meeting. You can find guidance on this at [www.hse.gov.uk/comah/report-review.pdf](http://www.hse.gov.uk/comah/report-review.pdf).

## **Inspection**

### **In brief**

- CA regulators will tell you in advance what they plan to inspect and when.
- Annually we will prepare and send draft COMAH intervention plans, also where they apply, the Compliance Action Plan (England and Wales) and Site Regulatory Strategy (Scotland) to those operators where this is required under EPR or PPCR, by the end of January. We will be happy to discuss the content of the draft plans, before sending final plans at the end of March.
- Lower-tier establishment inspections will target the safety management systems and how well the major accident prevention policy (MAPP) is being implemented.

Each year we draw up a programme of inspections that target the critical major accident risk controls at COMAH establishments. Inspectors aim to ensure that you have put in place and maintain robust arrangements to manage those activities that could lead to a major accident. We aim to focus our inspections on the most critical control measures, especially those which are most vulnerable to failure. Inspectors also assess the emergency arrangements in place to protect people and the environment by limiting the consequences if there is a major accident. This is planned to avoid unnecessary duplication and overlap between health, safety and environment regulatory regimes. We view inspection as the most effective way to determine your control of major accident risks.

## **HSE Intervention plans/Environment Agency (EA) and Natural Resources Wales (NRW) Compliance Assessment Plans/Scottish Environment Protection Agency (SEPA) Site Regulatory Strategy**

If we plan to inspect your establishment, you will receive a draft COMAH intervention plan and where relevant other environmental inspection plans by the end of January. The plans will outline when the inspections will take place, the topics or issues to be checked, and an estimate of the total resource time this will take (this time includes work to plan visits, time spent on site and follow-up work to write reports and identify actions). The plans will be co-ordinated by your COMAH Intervention Manager to ensure there is no unnecessary duplication and overlap between health, safety and environmental regimes. Inspectors will contact you in advance to agree the exact date(s) of the inspection. We will include the work to check progress with outstanding actions identified during previous inspections.

The draft intervention plan covering letter will include an option to contact your COMAH Intervention Manager to discuss draft plans; this can either be by telephone, email or a meeting depending on the complexity of the plans. The CA and industry have developed a framework to describe how business performance can influence intervention plans during the development phase. You should use the framework to prepare for discussions on the draft plan.

For top-tier COMAH establishments, the plan will also include work to **assess safety reports**. This is to give an indication of the period of time we intend to spend assessing your report, even if we do not visit your establishment during this period.

The final intervention plans will be sent to you by the end of March and should reflect any decisions made if a review meeting was held.

### ***What this means for you***

A **site intervention plan** will include details of the critical controls to be inspected, inspection priorities that relate to strategic topics (where they apply to your activities) and prioritised ongoing work to follow up outstanding compliance actions that inspectors must ensure you have completed.

### ***Prepare for your inspection***

The main purpose of the plan is to enable you to prepare for an inspection. The plan should not contain anything unfamiliar, so if you are unsure about the content – or would like to discuss the timing of a particular inspection – contact your COMAH Intervention Manager to clarify any issues or points of concern. Having a clear understanding of your intervention plan and what it is aiming to achieve is important. We do not aim to look at everything, so it is important that you familiarise yourself with the plan to be in a position to show how risks are being effectively controlled when we come to the inspection.

Every element of the plan will focus on your approach to major hazard and environmental risk management or your arrangements to mitigate the off-site impact in the event of an accident – so your plan should not contain any surprises.

We include a ‘forward look’ section in your plan, covering year two, to provide a clear indication of what will be addressed and broadly when; this should help your forward planning and budgeting arrangements. When you receive your plan, ask questions and seek clarification from the CA if you are unsure about any aspect of it, before we start any inspection.

For most establishments, the most usual format of the inspection will be a visit from the local inspector. The inspector may also be accompanied by one or more specialist inspectors, depending on the range of specific technical topics within the intervention plan. If you are due to submit a revised safety report, you should take the opportunity to confirm arrangements for the post-assessment inspection during your pre-receipt meeting.

Lower-tier COMAH establishments are not required to prepare a safety report but must have a MAPP in place. We will check how well you are implementing your MAPP and the relevant parts of your safety management system (SMS) as a key part of a lower-tier site inspection.

### ***Get feedback***

The feedback session at the end of an inspection is your opportunity to ensure you are clear about what we intend to include in our outcome report. If you are unhappy with the inspection discussions, our conclusions, or if you regard the actions required as excessive, you should indicate this to your site inspector. If your COMAH Intervention Manager is a different person to the site inspector you should

also raise any outstanding issues with them. If you are unhappy with the outcomes following the inspection, you have the opportunity to challenge the regulatory actions put upon you via the COMAH Challenge Mechanism, see [www.hse.gov.uk/comah/guidance/challenge-mechanism.pdf](http://www.hse.gov.uk/comah/guidance/challenge-mechanism.pdf).

### **Rate your own performance**

The delivery guides give inspectors an indication of the level of expected compliance by clearly indicating when a risk is being managed satisfactorily. From our inspections, we should be able to confirm, against the requirements of the guide, that measures seen are suitable. This confirmation will be given to you in the inspection feedback meeting, especially if relevant specialist inspectors are present, but we may need additional time after the inspection to give this response if a detailed assessment of the information is needed.

You may find it helpful to check your control of risk against the information in the delivery guide before we undertake the inspection, so you can come to your own view on how well these risks are being managed. This will help make the inspection more efficient and contribute to your demonstration of the effectiveness of your safety management system. If there are any differences, you can discuss them with your site inspector. The CA strategic topic delivery guides (including the compliance scoring criteria) are available online at [www.hse.gov.uk/comah/ca-guides.htm](http://www.hse.gov.uk/comah/ca-guides.htm).

### **Understand the outcome of the inspection**

You need to be clear about the **items of non-compliance** identified by the inspector because these will reflect the actions the inspector will set out in the inspection report. We will always check that you have completed these and inform you when they have been closed out satisfactorily. Dealing with non-compliance promptly and reporting back to us on the action you have taken will improve the efficiency of our inspection follow-up and reduce your interactions with inspectors.

Remember – inspections aim to sample aspects of your control measures to gauge your performance in controlling major accident risks. You have an ongoing responsibility to maintain performance across the full range of your risk control arrangements regardless of whether other aspects of your operations have been checked within an inspection.

### **Enforcement**

Where there is a serious breach of the law, where necessary we will take formal enforcement action – this may be against you, another dutyholder or an individual at your establishment.

In England and Wales we are bound by the Regulators' Compliance Code [www.hse.gov.uk/regulation/compliancecode](http://www.hse.gov.uk/regulation/compliancecode) and Code for Crown Prosecutors [www.cps.gov.uk/publications/docs/code2013english\\_V2.pdf](http://www.cps.gov.uk/publications/docs/code2013english_V2.pdf). In Scotland the Procurator Fiscal takes all prosecutions.

Enforcement decisions will be made in line with the HSE, EA, SEPA and NRW enforcement policies to ensure that they are proportionate to the risks and seriousness of any breach, and are applied consistently. We have revised our Enforcement Management Model at [www.hse.gov.uk/enforce/emm.pdf](http://www.hse.gov.uk/enforce/emm.pdf) to speed up decision making about recommended enforcement action.

### **Following an inspection**

Within **four weeks** you will receive our report on the inspection, or if this is not possible, we will provide an update of when you should expect it. All our inspection reports follow the same standard format and may include both actions and recommendations. Where we identify weaknesses in your control of major accident risks, our inspection report will clearly describe the action you need to

take to comply with COMAH. To help you comply, we will include references to the relevant legislation, approved code or other standards. We will ask you to confirm in writing how you intend to deal with any items of non-compliance within four weeks. Following the post-inspection discussion, or receipt of the report letter, if you are unsure whether your proposals to address the actions are sufficient, you should seek written approval from your COMAH Intervention Manager as a matter of urgency. Inspectors will **always check to see that appropriate remedial action has been taken** and will let you know when you have closed out an action satisfactorily. Should you fail to comply we will most probably take enforcement action to ensure the matter is resolved.

Where appropriate, our inspection reports may include recommendations that go beyond the minimum legal requirement to help you control specific risks. You are not required to take action on these items to meet the minimum standards of COMAH, but we will include them as important points for you to consider in your safety management arrangements. However, we will not follow up to check that you have acted on our recommendations.

### **Change of inspector**

At some point, the COMAH Intervention Manager or site inspector for your establishment will change. We will minimise the disruption this may cause and the CA succession and transition arrangements aim to maintain familiarity with the issues and its history, and a consistent regulatory approach.

## **Investigation**

### **In brief**

- We investigate all major accidents, other serious incidents relating to the control of major hazard risks and complaints relating to the operation of COMAH establishments.
- Our aim is to:
  - determine the immediate and underlying causes;
  - ensure that appropriate remedial measures are put in place;
  - where necessary, report to the European Commission; and
  - determine whether the law has been broken and if so to hold those responsible to account.

We manage and co-ordinate our investigations to ensure that the appropriate expertise is used to determine the immediate and underlying causes, and that a single agency leads an investigation on behalf of the CA. For major accidents and for more serious incidents, the CA Strategic Management Group provides oversight to the investigation. HSE, EA, SEPA or the COMAH Cost Recovery Review Group (CCRG) may also invoke their respective major incident response plans to deal with an incident.

Where an incident involves a death at work, the police will lead the investigation and we will provide expert support. Where the police, Crown Prosecution Service or the Procurator Fiscal rule out unlawful killing, the investigation lead will be handed back to the CA.

Our investigation into the underlying causes of an incident will focus on linking any technical failings of plant, equipment or operations back to your safety and environmental management system, then seek to draw conclusions about the effectiveness of those systems and the leadership within your organisation.

We will keep you informed of the progress with our investigation and indicate where we have reached critical decision points, sharing early findings to help prevent a recurrence. Should the incident reveal a more widespread concern about the control of major hazard risks that may be a common feature within the sector, we will issue a safety alert to other COMAH operators to draw their attention to our findings.

### Regulatory activity: Performance standards

Table 1 summarises the main performance standards linked to the regulatory activities highlighted in this document.

**Table 1** Performance standards

<b>Safety report assessment (upper-tier only)</b>	
<b>CA</b>	Will organise the pre-receipt meeting for at least 6 months before the submission due date.
<b>Operators</b>	Will keep to the commitments made as part of the pre-receipt meeting.
<b>CA</b>	Following a safety report review, will send the conclusions letter within 4–6 months.
<b>CA</b>	For a new safety report, will send the conclusions letter within 12 months of receipt of the report.
<b>Inspection</b>	
<b>CA</b>	Following a safety report review, will carry out a post-assessment inspection within 6–9 months.
<b>CA</b>	Draft CA intervention plans will be sent to operators by the end of January.
<b>Operators</b>	Will consider draft plans and take a proactive approach to understanding the detail.
<b>CA</b>	Final intervention plans will be sent to operators by the end of March annually, outlining what inspections will take place for the following 2 years.
<b>CA/Operator</b>	Following an inspection, a feedback discussion to clarify any actions or other issues should take place.
<b>CA</b>	Within 4 weeks of an inspection, will send a report of the visit or an update of when it can be expected for more complex visits.
<b>Operators</b>	Respond to the CA within 4 weeks outlining how they intend to deal with any items of non-compliance raised in the inspection report. Also, to agree any deadlines for actions raised by the CA.
<b>CA</b>	Respond within 4 weeks to give feedback on duty holder's proposals to deal with actions placed on them.
<b>Operators</b>	Must rectify actions outlined in the inspection report.

## How we recover our costs

We recover the costs of our work to regulate COMAH directly from COMAH operators. This reflects the government policy that the costs for ensuring that major accident risks are controlled should be borne by those creating the risks, rather than the taxpayer.

Many COMAH establishments also fall within the scope of PPCR and EPR. These regimes have a charging framework based on the nature and scale of the activity being permitted. COMAH has a cost recovery regime, based on the time CA inspectors spend on specific regulator functions. Therefore the more attention given to an establishment, the greater the costs recovered.

### **Cost recoverable activities**

The CA's arrangements for recovering its costs under COMAH are set out in its cost recovery guide at [www.hse.gov.uk/charging/comahcharg/comahch1.htm](http://www.hse.gov.uk/charging/comahcharg/comahch1.htm). The CA does not recover the costs of all its activities and the Appendix aims to clarify where this is the case.

### **HSE cost recovery arrangements for COMAH**

HSE recovers costs for almost all of its work relating to its statutory functions under COMAH and in relation to other health and safety relevant statutory provisions at top-tier sites. The Appendix provides a detailed description. The system was developed in consultation with industry to meet the requirement to closely relate our charges to the actual regulatory activity we undertake with your business within a specific period. This was to ensure that the costs to you did not amount to a tax or industry levy, as this would be contrary to EU rules on taxation. The system also complies with UK Treasury rules on cost recovery.

Our costs are calculated on an hourly rate, which is set at the beginning of each year. The rate is derived from a number of factors, including the amount of time planned to deliver COMAH regulatory activities and other activities such as policy work needed to support the COMAH regime. Each year we meet with industry to discuss these arrangements at CCRG.

For lower-tier COMAH establishments, the costs of inspection/investigation in compliance with other health and safety regulations (relevant statutory provisions) are not recoverable under COMAH. However, if a material breach is found in these areas, costs will be recovered under HSE's Fee for Intervention cost recovery scheme, details of which can be found at [www.hse.gov.uk/pubns/hse47.htm](http://www.hse.gov.uk/pubns/hse47.htm).

### **Environmental regulation at COMAH establishments**

A significant proportion of establishments engaged in chemical manufacturing are subject to both EPR and COMAH, in England and Wales, and in Scotland, COMAH and PPCR. Like COMAH, EPR/PPCR also aims to prevent, among other things, accidents causing pollution and the standards and processes for EPR/PPCR and COMAH environmental risk assessment are therefore closely related.

Complying with the requirements of environmental permits and associated accident management arrangements is often the same as meeting the requirements of COMAH; however, COMAH relates to preventing major accidents. There is a transition from the 'day-to-day' less-serious leaks and spills, which would be covered under environmental permitting, to those events which are less frequent but with potentially more serious consequences and are dealt with under COMAH.

EPR/PPCR can also cover significant incidents involving substances outside the scope of COMAH, which can cause a significant and extensive impact or effect on the environment, people and/or property. There should be no duplication of costs

across EPR/PPCR and COMAH. COMAH charging only starts where regulation is considering COMAH dangerous substances and major accident potential. Further detail can be found at:

[www.environment-agency.gov.uk/business/regulation/38811.aspx](http://www.environment-agency.gov.uk/business/regulation/38811.aspx) and  
[www.sepa.org.uk/air/process\\_industry\\_regulation/ippc\\_directive.aspx](http://www.sepa.org.uk/air/process_industry_regulation/ippc_directive.aspx).

### **CA use of contractors and others**

On occasions, we may engage external technical experts to support our work. This may be in cases where very specialist skills are required for an inspection or during a complex investigation following an incident. We pay for the work of contractors and recover these costs from individual businesses. Where they apply, contractor costs will appear on the CA invoice.

### **Challenging CA regulatory decisions and costs**

Maintaining a dialogue with your local inspector is important and you should discuss any aspects of the inspection that you do not fully understand. In most cases this will resolve any concerns you may have and reduce the necessity to enter the formal processes highlighted below.

#### **Challenging our costs**

There is a three-tier process for operators wishing to challenge our costs. Where you feel our response to your initial query is not satisfactory, you can refer the matter to a disputes panel, which will consider disputes concerning the charge appearing on the invoice. It will determine, where applicable, whether work for which the operator has been invoiced is:

- a cost recoverable function;
- carried out in accordance with the relevant policies and procedures;
- a true reflection of the costs that could have been reasonably incurred.

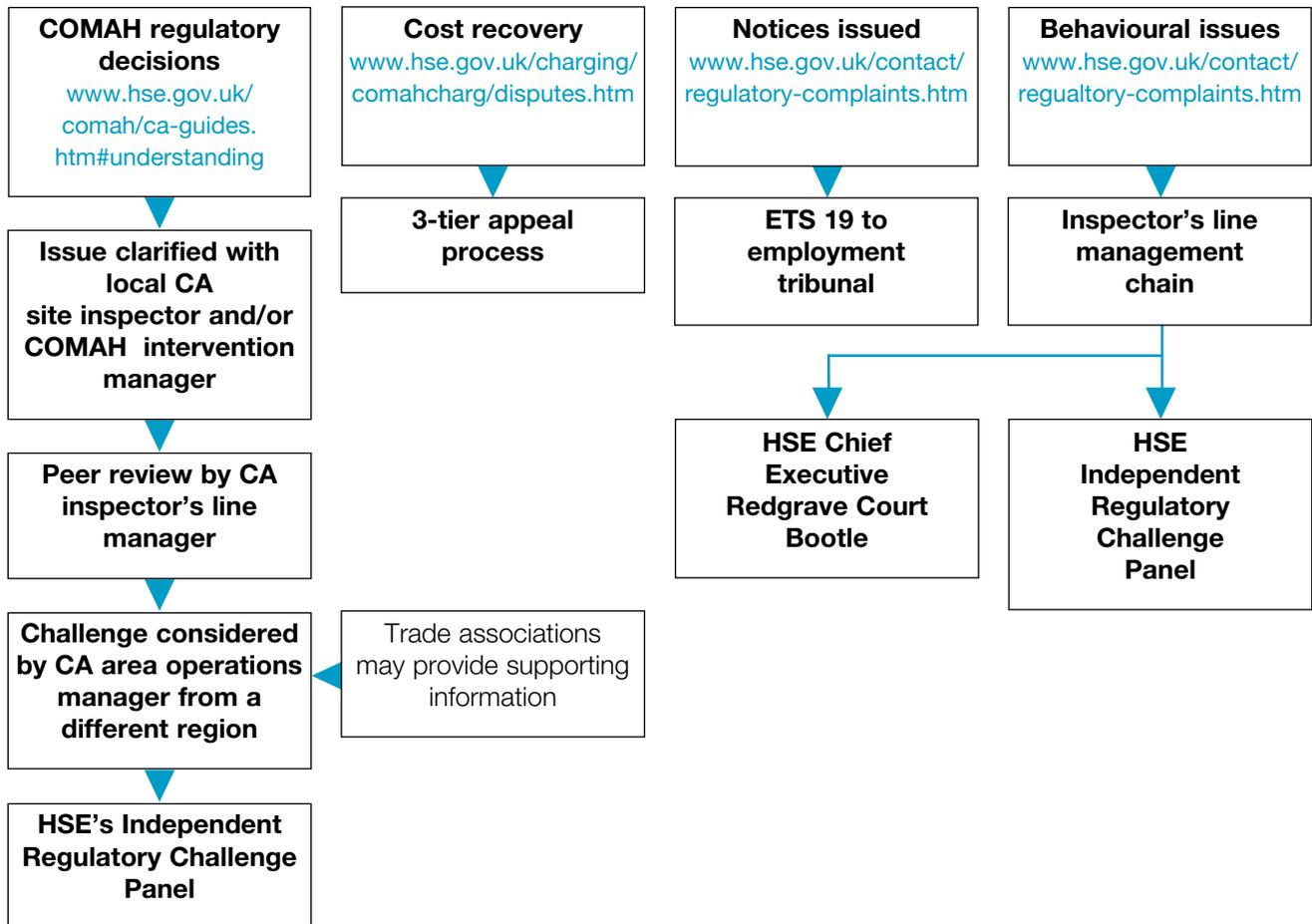
You can find more information about how to challenge our costs on the HSE website at [www.hse.gov.uk/charging/comahcharg/disputes.htm](http://www.hse.gov.uk/charging/comahcharg/disputes.htm). Information on the numbers of charging queries received is also published on the HSE website at [www.hse.gov.uk/charging/cost-recovery.htm](http://www.hse.gov.uk/charging/cost-recovery.htm).

#### **Challenging regulatory decisions**

In a major hazards environment it is important that you understand and support any regulatory activity or decisions made about your establishment. You are encouraged to seek clarification on any regulatory actions which are unclear to you or with which you disagree with your site inspector/COMAH Intervention manager.

If you remain unsatisfied with any actions put upon you, or the close out of an action, you can challenge the CA decisions via a formal challenge mechanism: [www.hse.gov.uk/comah/guidance/challenge-mechanism.pdf](http://www.hse.gov.uk/comah/guidance/challenge-mechanism.pdf)

Figure 1 Challenging CA regulatory decisions and costs



## About the CA

This document has been produced by the CA for COMAH for Great Britain. The CA for non-nuclear sites comprises: for Scotland, HSE and SEPA; for Wales, HSE and NRW; and for England, HSE and the EA; and for nuclear sites: for Scotland, the Office for Nuclear Regulation (ONR) and SEPA; for Wales, ONR and NRW; and for England, ONR and the EA.

## Useful references

About the COMAH CA	<a href="http://www.hse.gov.uk/comah/index.htm">www.hse.gov.uk/comah/index.htm</a>
How new COMAH sites can notify the CA	<a href="http://www.hse.gov.uk/comah/notification/notif2.htm">www.hse.gov.uk/comah/notification/notif2.htm</a>
The CA's site prioritisation methodology	<a href="http://www.hse.gov.uk/comah/guidance/site-prioritisation-methodology.pdf">www.hse.gov.uk/comah/guidance/site-prioritisation-methodology.pdf</a>
The CA strategic topic delivery guides	<a href="http://www.hse.gov.uk/comah/ca-guides.htm">www.hse.gov.uk/comah/ca-guides.htm</a>
Reviewing and revising a safety report	<a href="http://www.hse.gov.uk/comah/report-review.pdf">www.hse.gov.uk/comah/report-review.pdf</a>
The Regulators' Compliance Code	<a href="http://www.hse.gov.uk/regulation/compliancecode/">www.hse.gov.uk/regulation/compliancecode/</a>
The Code for Crown Prosecutors	<a href="http://www.cps.gov.uk/publications/docs/code2013english_v2.pdf">www.cps.gov.uk/publications/docs/code2013english_v2.pdf</a>
Enforcement Policy	<a href="http://www.hse.gov.uk/pubns/hse41.pdf">www.hse.gov.uk/pubns/hse41.pdf</a>
Enforcement Management Model	<a href="http://www.hse.gov.uk/enforce/emm.pdf">www.hse.gov.uk/enforce/emm.pdf</a>
The CA cost recovery guide	<a href="http://www.hse.gov.uk/charging/comahcharg/comahch1.htm">www.hse.gov.uk/charging/comahcharg/comahch1.htm</a>
Environmental permitting charges	<a href="http://www.environment-agency.gov.uk/business/regulation/38811.aspx">www.environment-agency.gov.uk/business/regulation/38811.aspx</a>
Challenging our costs	<a href="http://www.hse.gov.uk/charging/comahcharg/disputes.htm">www.hse.gov.uk/charging/comahcharg/disputes.htm</a>
HSE's Fee for Intervention cost recovery scheme	<a href="http://www.hse.gov.uk/pubns/hse47.htm">www.hse.gov.uk/pubns/hse47.htm</a>

## Appendix 1: CA cost-recoverable activities

Area	The CA recovers costs for...	The CA doesn't recover costs for...
Safety report assessment and communicating results	<ul style="list-style-type: none"> <li>■ Site visits, if appropriate</li> <li>■ Assessment of additional information requested by the CA</li> <li>■ Dealing with applications to limit the information provided within a safety report</li> <li>■ Designation of domino sites</li> </ul>	Initial advice to sites not yet subject to COMAH on the need for a safety report, and advice on the best way to approach the preparation of a safety report
Inspection to assess compliance	<ul style="list-style-type: none"> <li>■ Site inspections, including follow up/ close out of issues raised at previous visits</li> <li>■ Drawing up inspection programmes/ intervention plans</li> <li>■ Reviewing intervention plans</li> <li>■ Preparatory reading of relevant documents</li> <li>■ Researching relevant standards/ technical guidance</li> <li>■ Preparing reports/letters</li> <li>■ Updating records</li> <li>■ Checking MAPPs at low-tier COMAH sites</li> </ul>	Work in support of another regulatory regime subject to cost recovery, eg explosives storage licensing
Investigating complaints/ incidents	<ul style="list-style-type: none"> <li>■ All activities linked to the investigation where they have arisen from a failure to provide or maintain effective control measures under COMAH. Or complaints made over compliance with COMAH</li> </ul>	Additional inquiries conducted after the commencement of legal proceedings – see below
Carrying out enforcement activity	<ul style="list-style-type: none"> <li>■ Activity linked to the decision-making process, eg consideration of the facts, gathering evidence, taking statements</li> <li>■ Preparation and serving of improvement or prohibition notices, including preparing summons or the report for the Procurator Fiscal</li> </ul>	<p>England/Wales – legal proceedings from the time the summons is obtained from the court and any subsequent investigation in connection with that prosecution</p> <p>Scotland – cost of prosecution or subsequent investigation from the time the case is referred to the Procurator Fiscal</p>
Contractors	<ul style="list-style-type: none"> <li>■ HSE activity at an establishment relating to work carried out by contractors</li> <li>■ Off-site activity linked to the investigation into an incident or complaint, eg interviews, information collation</li> </ul>	

Area	The CA recovers costs for...	The CA doesn't recover costs for...
Advice	<ul style="list-style-type: none"> <li>■ The provision of specific advice relating to guidance and compliance</li> <li>■ At top-tier sites, advice seeking compliance with other health and safety regulations (regulatory statutory provisions (RSPs))</li> <li>■ Pre-receipt activities for revisions to safety reports for those sites already subject to COMAH</li> </ul>	<p>For advice given to operators on the general application of COMAH</p> <p>General advice in relation to RSPs</p> <p>Pre-submission advice relating to safety reports</p>
Appeals	<ul style="list-style-type: none"> <li>■ The costs incurred by the CA in connection with the service of improvement or prohibition notices where the appeal was unsuccessful</li> </ul>	<p>The costs incurred by the CA from the date on which the employment tribunal or Independent Regulatory Challenge Panel has received a notice of appeal</p>
Training/inspector handover		<p>Training for CA inspectors, whether or not this includes a site visit</p> <p>Costs will not be recovered for an inspector who only visits a site as part of a handover arrangement</p>
Public registers	<ul style="list-style-type: none"> <li>■ Work undertaken following an application to have information excluded from the public register</li> </ul>	
Third-party involvement	<ul style="list-style-type: none"> <li>■ Functions contracted out to a third party (including the Health and Safety Laboratory). The actual cost of the service will be recovered – the hourly rate will differ from the CA rate</li> </ul>	
Travel costs	<ul style="list-style-type: none"> <li>■ The overall costs of third parties who carry out activities on behalf of the CA may be included in travel costs</li> </ul>	<p>CA costs of travelling (these are included in the administrative overhead element of the COMAH hourly rate and are not recovered directly from operators)</p>
Domino effect	<ul style="list-style-type: none"> <li>■ Work in the designation of domino groups</li> </ul>	
Emergency planning	<ul style="list-style-type: none"> <li>■ Examination of off-site emergency plans, including testing arrangements</li> </ul>	

## Further information

[www.hse.gov.uk/comah](http://www.hse.gov.uk/comah)

[www.hse.gov.uk/comah/authorityindex.htm](http://www.hse.gov.uk/comah/authorityindex.htm)

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit [www.hse.gov.uk/](http://www.hse.gov.uk/). You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This document is available at [www.hse.gov.uk/comah/ca-guides.htm](http://www.hse.gov.uk/comah/ca-guides.htm).

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