

Summary of the Control of Major Accident Hazards Regulations 1999 as amended by the COMAH Regulations 2005

The COMAH Regulations implement the Seveso II Directive. The aim of the COMAH regulations is to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any which do occur.

The COMAH Regulations are enforced by the Health and Safety Executive and the Environment Agency (England and Wales) and the Scottish Environment Agency (SEPA) in Scotland.

1.1 Regulation 2(1): Interpretation

- The Regulations defines an installation as a unit in which dangerous substances present are, or are intended to be, produced, used, handled or stored. The guidance to the Regulations state that this definition encompasses all the supporting infrastructures which are connected to the parts of the establishment where dangerous substances are primarily used, handled or stored.
- The term 'major accident' is defined as an occurrence (major emission, fire or explosion) resulting from uncontrolled developments in the course of the operation of any establishment and leading to serious danger to human health or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances.

1.2 Regulation 2(3): Anticipated presence

The Regulations state that the presence of dangerous substances includes anticipated presence of such substances and presence of those which it is reasonable to believe may be generated during loss of control of an industrial chemical process.

The guidance to the Regulations state that the maximum anticipated quantity present should account for inventory variations which may occur due to, for example, seasonal fluctuations etc.

In addition, operators need also to consider substances which may be generated during the loss of control of an industrial chemical process.

1.3 Regulation 3: Application

The Regulations apply mainly to the chemical industry, but also some storage activities, explosives and nuclear sites and other industries, where threshold quantities of dangerous substances identified in the Regulations are kept or used. The Regulations identifies 39 substances within 10 generic categories based on the Chemical (Hazard and Packaging for Supply) Regulations 1994 and detailed in Schedule 1 of the Regulations.

The Regulations distinguishes between two levels (lower tier and top tier) depending on the quantities of dangerous substances at an establishment.

1.4 Regulation 4: General Duty

The Regulations state that every operator shall take all measures necessary to prevent major accidents and limit their consequences to persons and the environment.

The guidance to the regulations stipulates that there must be some proportionality between the risk and the measures taken to control the risks. A hierarchy of measures should be used to reduce risks to as low as reasonably practicable (ALARP).

1.5 Regulation 5: Major accident prevention policy

The Regulations state that every operator must keep a setting out his policy for prevention of major accidents. The policy document shall take account of the principles outlined in Schedule 2 of the Regulations document and include sufficient particulars to demonstrate that the operator has established a safety management system.

Schedule 2 requires the major accident prevention policy to be established in writing. The safety management system should include description of the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major accident prevention policy.

In particular, the safety management system shall address the following issues:

- Organisation and personnel
- Identification and evaluation of major hazards
- Operational control
- Management of change
- Planning for emergencies
- Monitoring performance
- Audit and review

All operators must have a MAPP document but only lower-tier operators have to produce it as a separate document.

1.6 Regulation 7: Safety reports

For establishments that fall under the top tier regime, operators are required to submit a written safety report. The key requirement of report is to demonstrate that operators have taken all measures necessary to prevent major accidents and to limit the consequences to people and the environment of any that do occur. The purpose and contents of safety reports are described in detail in Schedule 4 of the Regulations.

1.7 Regulation 8: Review and revision of report

Where a safety report has been sent to the competent authority, the operator shall review it at least every 5 years or whenever a review is necessary to account for new technical knowledge or when operator makes a change to the safety management system.

1.8 Regulation 9: On-site emergency plan

Operators of top-tier sites shall prepare a written emergency response plan. The plan should deal with the on-site consequences of possible major accidents and provide assistance with off-site mitigatory action.

1.9 Regulation 10: Off-site emergency plan

The local authority where top-tier sites are located shall prepare a written emergency response plan. The plan should deal with the off-site consequences of possible major accidents and should detail the roles to be carried out by emergency services, local authorities and other external organisations in the event of a major accident.

The operator must provide the local authority with the information necessary for the purpose of enabling the authority to prepare the off-site emergency plan.

1.10 Regulation 11: Off-site emergency plan

The on-site and off-site emergency plans must both be reviewed and tested at least once every 3 years. The review must account for all material changes in activity, any changes in emergency services, advances in technical knowledge and lessons learned.