

## CHARGING INTO COMAH - A REGULATOR'S EARLY EXPERIENCE OF SAFETY REPORTS

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The COMAH Regulations 1999 and the requirement for operators of qualifying installations to produce safety reports in a new form, substantially different than under the preceding CIMAH Regulations, is as much a new challenge for the regulator as it is for industry. The reports have to be assessed against new criteria, by a joint Competent Authority comprising HSE and the Environment Agencies in partnership, with a greater degree of public accessibility to the results of the assessment, and with some challenging aspects of co-ordinated working and meeting deadlines.

This paper presents some of the early experiences and results of dealing with companies which have prepared safety reports, the management of the assessment process, the working of the Competent Authority, and the outlook for the future (post-February 2000) when the majority of top-tier sites will have to produce and submit COMAH safety reports.

Keywords: COMAH; safety reports; competent authority

### INTRODUCTION

The Control of Major Accident Hazard Regulations 1999 (COMAH) were much anticipated long before they came into force on 1st April 1999 to replace the CIMAH Regulations. Indeed they took an inordinate length of time, from the fundamental review of the Seveso Directive commenced in 1990, before this new generation of control of major hazard installations began to take effect. The full effect, however, will be even more long-lived than the gestation period. We are at the start of a quiet revolution in major hazard regulation - and, like most revolutions, the changes are not without difficulty. The Regulations have introduced some fundamental changes over the previous CIMAH regime, including joint working by the Health and Safety Executive (HSE) and the Environment Agencies (EA); charging for COMAH work; public access to safety reports; and the concept of demonstration by operators of major hazard establishments. All of these are considered in more detail later.

It is not the purpose of this paper to present an explanation of the provisions of the COMAH Regulations - that is being done by a continuing series of lectures, seminars, articles and published guidance. It is an iterative process, as some of the implications and interpretations of the regulations become clearer, and the extent of the duties on industry, emergency planners and regulators alike become more apparent.

Instead, the paper will deal with some of the very early, personal experiences of applying the COMAH regulations and dealing with safety reports from a regulator's perspective. By its nature this experience is bound to be somewhat limited at the moment, as

the requirement to produce COMAH safety reports for the majority of sites does not begin until February 2000 and for some as late as February 2002 - and understandably most companies have not exactly been keen to submit reports any earlier than they have to. But there have been a few reports submitted and assessed on which it is possible to base some early thoughts on the reports, the assessment process, and the joint working of the Health and Safety Executive and the Environment Agencies as the Competent Authority.

## **MAJOR CHANGES INTRODUCED BY COMAH**

To appreciate the impact on the assessment of safety reports, it is necessary to understand the practical implications of some of the fundamental changes introduced by the COMAH Regulations, compared to the period under CIMAH. Some of these affect the regulator, some affect industry, and some affect both. In the following paragraphs, the following aspects are considered:

- Competent Authority and joint working
- Charging
- Public access
- Demonstration in safety reports

## **COMPETENT AUTHORITY AND JOINT WORKING**

The regulations introduce a 'competent authority' with a duty to implement the provisions. In England and Wales this consists of HSE and EA, and in Scotland the Scottish Environmental Protection Agency (SEPA) and HSE. There is a Memorandum of Understanding agreed by each organisation which sets out the high-level principles of joint working; detailed arrangements on practicalities are left to local liaison.

The logistics and culture changes involved in bringing together the EA and HSE to jointly enforce COMAH and assess reports cannot be underestimated. At best it is a substantial challenge, and at worst a logistical nightmare. There is of course a superficial compatibility between safety and environmental hazards presented by major hazard sites, and a clear attraction in bringing together two regulatory bodies which are both in the same government department. In practice however the two organisations are fundamentally different - different structures, different priorities, different expertise, and different resources. As an example, the HSE team responsible for the chemical industry including COMAH across South Wales and the South West of England is based at Cardiff with an outstation office at Bristol. It overlaps with two different EA Regions, which are organised on a water catchment basis - Wales Region, and South West Region. HSE has offices in Cardiff and Bristol, EA has offices in Haverfordwest, Swansea, Cardiff, Bridgwater and Exeter. HSE uses LOTUS WordPro computer software, EA uses Microsoft Word. And so on.

The resourcing for COMAH is also different. HSE's Chemical and Hazardous Installations Division (CHID) was specifically set up with COMAH in mind, and retains a good deal of experience of managing safety reports from the CIMAH regime; it is by far the main focus of CHID's work. EA on the other hand has integrated pollution, prevention and control (IPPC) as a bigger priority for 2000.

Nevertheless, a great deal of liaison work has been done at local team level, and informed by National framework discussions between both halves of the competent authority to ensure consistency and to begin to mesh together the two organisations. The initial results are very promising, across a whole range of issues including communications, administrative procedures, site visits, and future inspection plans. As regards the safety reports received so far, HSE has taken the main role. HSE inspectors have been Assessment Managers for the safety reports, and have arranged the initial administration from receipt of the reports. Workable systems have been set up for each half of the competent authority to appoint assessment team members, copy correspondence, agree meeting dates, and (in the few examples so far completed) agree conclusions on the reports. A bigger test of these arrangements will come post-February 2000 when the volume of safety report work will dramatically increase.

## CHARGING

It is probably fair to say that nothing associated with COMAH has caused more consternation so far, both with industry and the regulator, than the thorny issue of charging. Speaking from the HSE side of the competent authority charging for COMAH work has not generally been welcomed by inspectors, who have felt that the usually positive relationship with operators in the chemical industry could be damaged by the move. It is a matter of record that the Health and Safety Commission, in the lead-up to COMAH, were against the introduction of charging and left the decision to Ministers rather than endorsing a recommendation in favour of it. Nevertheless, we now have a requirement to recover the full economic cost of implementing the COMAH regulations, and we have to get on with it.

Operators can expect to be charged, on an 'actuals' basis, for the majority of work under COMAH (there are some minor exceptions, such as discussions on interpretation of aspects of COMAH, and some of the initial visits to explain the regulations and the charging regime were 'free'). Inspectors will separate out any non-COMAH work, such as health issues, COSHH, and conventional safety such as guarding; but inspections or investigations under COMAH and the whole of the safety report assessment process will be charged for at the charge-out rate of £102 per hour for HSE and EA (£86 per hour for SEPA).

HSE's policy, certainly followed by inspectors, is to concentrate on the proper control of health and safety risks by carrying out programmes of assessment, inspection and investigation based on hazard and risk. Charging is something that follows from this, but does not drive those programmes. Inspectors do not get involved in the invoicing process, nor in debt recovery procedures, and will generally aim to proceed with their duties as if charging did not exist. Having said that, inspectors understand the concerns industry expresses about charging and the need to have systems which are accountable. In September 1999, the first meeting of the COMAH Charging Review Group was held, bringing together representatives from industry, HSE and the Environment Agencies. It is to be hoped that, through this forum, a mutually acceptable understanding can be reached so that we can all remain focused on the safety of COMAH establishments rather than financial aspects.

## PUBLIC ACCESS

A major departure from CIMAH is the requirement that COMAH safety reports (and other information) be made available to the public - a specific duty on the competent authority, provided by Schedule 8 to the regulations. This is indicative of a general trend towards greater freedom of information, and it remains to be seen to what extent 'the public' make use of this information. Industry has been very wary of the prospect of public availability of information about its operations which may potentially be sensitive from a commercial or security perspective.

As with most aspects of COMAH, 'the devil is in the detail'; the regulations require a public register to be maintained - but what does this mean in practice? HSE has little experience of maintaining public registers of large volumes of documentation, but EA does because of a parallel requirement with applications for authorisation under the Environmental Protection Act. EA therefore fulfills this role under COMAH on behalf of the competent authority. A full copy of each safety report submitted is placed at the local EA office, and a room set aside where anyone can go and consult it. All relevant correspondence between the company and the competent authority, including the letter setting out the conclusions after assessment, are also lodged there so there is a full public record. Based on EA experience, in practice members of the public have rarely taken up the opportunity of access - though representatives of local pressure groups, consultants, and some competitor companies have.

Companies can apply for information to be excluded from the Public Register on the grounds of commercial confidentiality. Any such application must be made at the time the report is submitted, and should include full justification for the request. The competent authority then has 28 days within which to decide on the request and communicate this to the operator - the test being whether the information, if made public, would prejudice to an unreasonable degree the commercial interests of the individual. There is an appeal procedure to the Secretary of State for cases where the request is denied. Information may also be excluded if, in the opinion of the Secretary of State, it is contrary to the interests of national security. The Secretary of State (in practice, officials in the security services) determines such matters when they are notified to him by any person, usually the operator. There is no time limit for such determination, and no information goes onto the public register until the matter is decided. There is no appeal against the decision.

## DEMONSTRATION IN SAFETY REPORTS

COMAH undoubtedly requires a far higher standard of safety report than previously. One of the main reasons for this is the requirement for 'demonstration' in the report. Evidence to date, from safety reports assessed so far, suggests that this is an aspect which operators are finding most difficulty in satisfying - not because plants are any less safe than before, but because a different approach is needed to providing information for the competent authority to assess.

The purposes of a safety report are set out in Schedule 4 to the regulations. Five specific purposes are indicated, and four of these include the requirement to demonstrate. Thus, a safety report must demonstrate:

1. That a major accident prevention policy and a safety management system have been put into effect;
2. That major accident hazards have been identified and the necessary measures taken to prevent such accidents and to limit consequences;
3. That adequate safety and reliability have been incorporated into the design, construction, operation and maintenance; and
4. That on-site emergency plans have been drawn up and information supplied to enable off-site emergency plans to be produced.

The essence of demonstration is in the provision of a clear link between the major hazards identified and the measures taken to prevent them. In previous safety reports it was sufficient for plant, processes and systems and measures merely to be described; COMAH requires additionally that the operator justifies why particular measures were taken and how they will be effective. For each of the purposes above, the assessors will examine the measures taken as they are presented in the report (as opposed to using any assumptions about how things might operate in practice); against the published assessment criteria; will consider whether a sufficiently systematic and rigorous approach has been shown by the operator and that the measures are proportionate to the hazards; and that there is prima facie evidence that the measures claimed are in place and maintained through an effective safety management system.

The requirement is not 'demonstration of safe operation', but it is demonstration that all necessary measures have been taken to prevent or mitigate major accident hazards. That is all that is required for the assessment of the safety report document. Assessing a safety report is not the same as doing inspection, and if the tests above are satisfied the assessment of the report is likely to be successfully concluded - though there is still likely to be further enquiry on key points subsequently during site inspection visits after the assessment of the document has been completed. If however the demonstrations are not made and the assessment team concludes there may be serious deficiencies in the measures at the site, the competent authority is required to take action. In this case site inspection will be arranged pretty quickly, and if the measures are indeed deficient then appropriate enforcement action will follow which may involve prohibition of operation.

## **MANAGEMENT OF THE ASSESSMENT PROCESS**

COMAH has brought with it a new range of duties for operators and regulator alike and, as far as safety reports are concerned, the management of the assessment process is the most fundamental change for the regulator. All of the aspects considered above - joint working of the competent authority, charging, public access, and assessing whether a suitable demonstration has been made - are bound up in the assessment process which will have an ultimate effect on the operator submitting the report in direct proportion to the quality of the report. A good quality report, including where appropriate any representations about exclusions from the public register, will have a smooth passage and complete assessment in a reasonable time commensurate with the complexity of the operation, and result in the minimisation of chargeable time. A poor quality report, on the other hand, is likely to result in longer assessment times and requests for further information from the operator which will be reflected in larger amounts of chargeable time. If ever there was an incentive to plan and resource properly the production of safety reports, this is surely it.

## ASSESSMENT ROLES AND RESPONSIBILITIES

Assessment is a structured process by which the competent authority examines the adequacy of safety reports against the purposes set out in Schedule 4 to the regulations and which contributes to the decision about whether the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient. The Safety Report Assessment Manual (SRAM) is a detailed document which provides a fairly rigid system within which the competent authority has to operate. It includes all of the principles, procedures and criteria which will be used in the assessment of reports. It is a publicly available document on the Internet. Indeed, operators preparing safety reports would be well advised to consult it - the basis on which the reports will be assessed is surely invaluable information in the preparation of those reports.

Each safety report to be assessed will have an Assessment Manager (AM) nominated, and the name made known to the operator. The AM will also be declared on the public register. This transparency of responsibilities is indicative of the openness of the whole COMAH process that affects both operators and regulators alike.

In the majority of cases the AM will be the HSE inspector for the site. In some cases, particularly where the hazards are predominantly environmental, the EA inspector for the site may act as AM. In either case, the role of AM is a highly responsible and time-consuming one. It is pivotal, as it drives the whole assessment process. The duties include arranging the initial draft of the assessment plan dealing with the priorities for assessment, inputting feedback from the rest of the assessment team to finalise a final assessment plan, agreeing and meeting milestone targets in the assessment process, providing a communication point with the operator, and presenting the final conclusions to the operator on the safety report.

The other members of the assessment team will be made up of a variable number of people depending on the complexity and requirements of each particular report. There will always be an EA inspector (where the AM is the HSE inspector for the site) who will assess the hazards to the environment. In addition, a number of specialist inspectors drawn from disciplines that are relevant to the particular report - usually process safety, mechanical engineering and control systems. And one or more specialists in the assessment of the 'predictive' elements of safety reports, to consider the consequence analysis presented.

Experience so far has indicated that, as with most new and detailed systems, there is much for the competent authority to learn. The logistics involved in overcoming the geographic separation of assessment team members - not just EA, but most of the discipline specialists too - is just one of the challenges in meeting the requirements imposed on assessors by the SRAM, as well as ensuring a common interpretation of the regulations and criteria. However, provided assessment is approached on a project management basis it is already clear that the system is robust and can deliver comprehensive and detailed assessments which provide a far more substantial insight into the true picture of control of major hazards than previously.

## ASSESSMENT TIMESCALES

For the majority of safety reports, the basic processes and timescales are outlined below (for Modification and Pre-Construction safety reports the whole process is compressed into 3 months, and for Pre-Operational safety reports into 6 months):

<b>SIMPLIFIED STAGES OF ASSESSMENT FROM RECEIPT OF SAFETY REPORT<sub>1</sub></b>	
<b>Receipt of Report by HSE</b>	
Copy to Assessment Manager and Assessment Team; 2 copies to Environment Agency (one for Public Register if no confidentiality / security issues)	Within 5 days
Deal with any requests for exclusion of information from Public Register	Within 28 days
<b>Draft Assessment Plan</b>	Within 5 weeks
Consider whether report contains grossly insufficient information	
Consider inputs to assessment plan from assessment team members	
<b>Final Assessment Plan</b>	Within 16 weeks
Followed by working to the assessment plan	
<b>Assessment Outcome Meeting</b>	Date agreed by Assessment Manager
Discussion on conclusions	
Resolution of any disputes on conclusions	
<b>Communicate (by letter) conclusions to operator</b>	Within 12 months of receipt
<b>Agreement of a forward inspection plan for site inspection to verify key issues.</b>	

This is the basic standard which operators can expect in terms of the timescales within which they will hear the competent authority's views on a safety report, and when those views will be available on the Public Register. In practice the timescales will often be shorter. There is also likely to be a considerable dialogue between the AM and the operator, as clarification of issues is sought and as requests for further information on behalf of the assessment team are made.

## **SAFETY REPORT ASSESSMENT EXPERIENCE IN PRACTICE**

Experience of COMAH has been growing at a substantially accelerating rate since the date of the regulations, and this is about to be raised to a higher gear again as the first trigger date for safety reports is approached in February 2000. As far as safety reports are concerned, the point was made in the introduction to this paper that few had yet been received for assessment. There are many plausible reasons for this - the delayed publication of final guidance and the natural reticence to work to shorter timescales than industry has to are paramount - but it has meant that there has been something of a 'honeymoon period' for the competent authority during which systems have been able to be put in place in advance of the anticipated rush. Nevertheless even during this time the reports recently assessed have confirmed some of the speculation about the good and the bad of COMAH reports, and there have been some important lessons for the regulator and industry alike.

In the year before the COMAH regulations were passed there was still a good deal of information available about what COMAH would look like and how safety reports would need to be structured and assessed. The opportunity was taken for 4 sites to be nominated on a voluntary basis for 'pilot' safety reports to be produced, so that the competent authority's assessment procedures could be tested and also to provide valuable feedback to industry on the depth and scope of the new requirements. The four operators represented the chemical industry, a British Gas site, and an on-shore gas terminal. The assessment process was carried out in the same manner as indicated above, with the nomination of an assessment manager to manage an assessment team, and using the assessment criteria. In all cases the assessment concluded that the reports were weak in the area of demonstration - perhaps not surprising given the pioneering stage at which they were produced, but nevertheless indicative of where problems might lie ahead.

The two contrasting practical examples used below are taken from the writer's personal experience of 'real' COMAH safety reports received so far, and the issues they have raised in implementing the assessment provisions of the COMAH regulations. They are not necessarily representative of the experience of others, though it is already clear that they are unlikely to be far wide of the mark in terms of the main issues which are likely to recur.

### **COMPANY A**

This company operates a chemical storage site, and was in the process of completing construction of a new plant at the time of the Regulations. Due to the timing of the construction of the site in relation to the regulations and the desired commissioning date, the company had no option but to submit a COMAH pre-operational safety report. They had not had to prepare a pre-construction report because construction was underway before the regulations had been passed. HSE inspectors were well familiar with the project and had had formal dialogue with the company about it.

During the preparation of the report, which was being done 'in house' by the company's own safety department, neither the guidance on the regulations nor the publications on preparing safety reports were available in their final published form. They were, however, available in draft form (unusually, these were made widely available at the



time of the launch of COMAH in March 1999) and the company had been provided with a copy locally during a joint visit by HSE and the EA inspector for the site.

The safety report was received by HSE from the company in July 1999. A pre-operational safety report would normally have a maximum period of 6 months for conclusion of assessment, but in view of the company's wish to commission earlier an agreement was reached that the competent authority would aim to conclude the assessment in around 3 months on the assumption that the report was not seriously flawed. This was possible only because of the light safety report workload at the time as other companies worked to the longer target of February 2000.

The assessment manager and assessment team were appointed, an assessment plan drawn up and agreed, and the assessment started.

It very soon became apparent that the report was substantially deficient in many areas. Not only had inadequate and insufficient demonstration been made in many areas, but much of the necessary fundamental information on which to base the assessment was also missing. Each of the members of the assessment team submitted requests for additional information, which the AM duly passed on to the company. In order to maximise the time the company had to field these requests, it was agreed that they would be passed on electronically via e-mail to save time. A pattern followed of requests for more information being followed by receipt of large quantities of documentation from the company; by this stage consultants had also been engaged in an attempt to salvage the situation. Over the next couple of weeks the volume of documentation provided by the company far exceeded the volume of the original report. Needless to say, the amounts of time that the assessment team were having to spend on assessing this new information was reflected in increasing amounts of chargeable time.

One of the significant features of this pattern is that the concept of demonstration was being lost. Despite the difficulties of interpretation indicated in the paragraphs above on demonstration, it should be relatively straightforward to link hazards identified and the measures taken to prevent them happening. But this is not possible in the circumstances of a tit-for-tat resulting in large amounts of hastily-prepared additional information. Interestingly, the firm belief of the assessment manager was that actual standards on site were reasonable, but that they were not properly portrayed in the report. It is of course the report as presented (and added to) that has to be assessed. Eventually, a meeting was convened to draw together the conclusions of assessment, at a somewhat later date than initially anticipated though still well within the 'normal' period and also within the company's revised commissioning schedule.

Not surprisingly in view of the developing evidence from the assessment process, the conclusion was that a suitable and sufficient demonstration had not been made. This put the company and the competent authority in an even more difficult position, and required the implementation of a site inspection programme to check whether there were serious deficiencies in the actual measures on site, which would require prohibition of the start of operation of the plant. At this point, the full implications of a provision in Regulation 7(6) became apparent to the assessment team. This subsection effectively prevents an operator in the position of Company A from starting operations (including commissioning) until it has received the conclusions from the competent authority on the safety report. It does not say,

however, that the report has to be 'acceptable'. In this case, there was therefore the prospect of telling the operator that the report was deficient but by presenting this conclusion allowing the operation to commence. To avoid this, the inspections deemed necessary by the assessment team were arranged to coincide with the presentation of conclusions to the operator, so that there could be no possibility of a potentially unsafe plant starting up without the necessary assurances that it was in fact safe to begin operating. If necessary, a COMAH prohibition under Regulation 18 could have been used.

Fortunately for the company, the inspections confirmed that the most serious deficiencies were in the presentation in the report rather than actually being manifested in the plant, and the operator was able to commission. However, it was clear that the full requirements of a COMAH safety report had been seriously underestimated by the company. The formal letter presenting the conclusions to the operator ran to 14 pages, and included a requirement for the company to remedy the defects identified in their report.

## COMPANY B

This company operates a very large COMAH site, which under CIMAH had been used to preparing and submitting large numbers of modular-style safety reports. With the advent of COMAH, it was planned to rationalise the 15 or so modules which covered the plant down to 4, comprising a Core volume detailing the safety management systems and site-wide information and 3 plant reports to a schedule agreed with the competent authority. To satisfy the delivery requirements of the regulations, it was necessary for the company to arrange to meet each of the dates the reports would have been due under the old system, and this in turn meant that the Core volume would have to be the first prepared.

There had been a substantial and continuing dialogue with the company about COMAH as it developed in the two to three years prior to the passing of the Regulations, during which intelligence was shared about the likely detailed requirements the COMAH reports would need to satisfy. There had also been proactive joint visits by the HSE site inspector and his EA counterpart so that each was reasonably familiar with the main interests of the other at the site. In a nutshell, the long lead-in period to COMAH was used both by the company and the competent authority to make the best of the preparation time for COMAH safety reports.

Another aspect of attempting to prepare for COMAH suggested by the company and accepted by HSE on behalf of the competent authority was that one of the last CIMAH reports prepared and submitted by the company in November 1998 contained some elements written with the needs of COMAH in mind, in particular some of the 'predictive' elements and links to demonstrations. Although this was a CIMAH report and had to be assessed by HSE as such, it gave the company valuable experience at preparing COMAH style information for parts of the report, and provided some of the people who would form part of the COMAH assessment team with experience of using the company's information and comparing it with the assessment criteria.

The Core report was received from the company in August 1999, and the basic administrative tasks to get the report into the assessment system completed. This included

dealing with a possible exclusion of information from the public register on the grounds of national security, which requires determination by the Secretary of State.

The resource implications for large and complex installations such as that operated by Company B are very significant for the competent authority and agreement had been reached well in advance about who would be involved in assessment. The AM is the HSE site inspector and the rest of the team comprising the EA site inspector; specialist inspectors from process safety, electrical / control systems, mechanical engineering, and civil engineering; and specialists in predictive analysis from toxics and flammables disciplines. The final assessment plan agreed indicates some 40 days of assessment time, with the bulk of that allocation being taken by the assessment manager for this type of report in assessing the safety management systems and Major Accident Prevention Policy.

At the time of writing the assessment process is continuing, with a projected completion date at the end of February 2000. In contrast to the experience with Company A above, the report is taking a relatively serene passage through assessment. The report has proved relatively easy to use against the assessment criteria, and the information seen previously by some of the assessment team in the pre-COMAH submission is already proving its worth. Nevertheless there is still likely to be a fairly substantial list of issues that the company will need to address, though at present these look like falling short of 'serious deficiencies'. It is encouraging to be able to report that, despite the unfamiliarity of COMAH assessment at this early stage, it is clearly feasible for a complex report to be produced by an operator that is fairly straightforward for the competent authority to assess, albeit with substantial resource implications.

## **LESSONS FROM COMAH EXPERIENCE SO FAR**

1. COMAH is not 'CIMAH with knobs on!'. This rather unfortunate phrase seemed to have gained some currency early in the lead up to COMAH, and may have been responsible for giving the impression to some parts of industry that anyone used to doing CIMAH could achieve the standards required by COMAH with similar effort and resources. This has not been HSE's position, and it is now clear that COMAH requires a far higher standard than its predecessor. For its part, industry needs to plan its resources accordingly.

2. Based on the experience of Company A above, it is clearly possible for companies to seriously underestimate the level of requirements under COMAH. Providing adequate demonstration that all necessary measures have been taken is most likely to be the area of any deficiency. If this happens it can cause enormous difficulties for the competent authority, potential enforcement action for the operator, and larger amounts of chargeable time during assessment.

3. Charging is an issue which, in some instances, is having an effect on the relationship between HSE and industry. Industry is quite rightly concerned to ensure it has sufficient detail of COMAH work that is charged for by inspectors to be able to verify what they are being charged for, and sufficient forward information of the likely amount of any charges so that they can plan it into financial forecasts. For its part, competent authority inspectors will be following a policy of embarking on work that would have been necessary with or without charging and will aim to focus purely on health and safety issues, with charging being

incidental to their work. It is to be hoped that the industry / competent authority Charging Review Group will facilitate a common understanding.

4. Environment Agency and HSE are two very different organisations to bring together, and a substantial amount of work is necessary at local level to overcome the organisational, geographical and communications differences to ensure smooth joint working of the competent authority. However, COMAH is non-negotiable for the two parts of the competent authority and the effort put in early will pay dividends in the future. Early experience of work to achieve a common understanding is very encouraging and there are examples of successful partnerships.

5. As to safety report assessment, the Safety Report Assessment Manual is available on the Internet as a publicly available document, and is likely to be extremely useful to operators producing safety reports as it contains all the criteria the competent authority will use.

6. The role of the Assessment Manager is pivotal to the successful operation of the assessment process. He or she will have responsibility for producing the assessment plan, controlling the input of the assessment team, providing a single point of communication with the operator, and arranging to confirm the conclusions on assessment on behalf of all parts of the competent authority to the operator.

7. Reasonably close liaison and communication with companies in advance of safety report submissions is more likely to produce reports that are to a standard capable of meeting the COMAH requirements in the most efficient way. Furthermore, the competent authority will benefit from knowing what to expect and when to expect it, so that resources for the assessment process can be planned accordingly.

### **THE FUTURE...?**

The transitional phase from CIMAH to COMAH is proving to be the most difficult phase, which is perhaps not surprising. For industry, the delayed publication of guidance has been a significant factor, as has the imposition of charging. However the overriding lesson for industry is the size of the leap from CIMAH to COMAH. For the competent authority the hurdles to be negotiated are no less challenging. Joint working with the opposite partner, resourcing the input into the assessment process, becoming familiar with the SRAM and the interpretation of some aspects of the regulations, and coping with the dramatic increase in safety report workload as the first delivery dates are reached are just some of the features of the initial phase.

For the future, things can only get better. A major factor here will be the assessment of the first round of reports due February 2000: this is not going to be easy, but it will result in complete familiarity with COMAH and the assessment process will generate forward inspection plans for sites that are developed by HSE and EA working together for the first time, as opposed to each half having pre-existing separate plans for work at the sites. This will be to industry's advantage as well as the competent authority.