

## COMAH/Seveso III Legislation

### The relevant legislation is:

- EU Council Directive 2012/18/EU of 4<sup>th</sup> July 2012 on the Control of Major-Accident Hazards Involving Dangerous Substances (COMAH Directive/ Seveso III Directive). <https://eur-lex.europa.eu/eli/dir/2012/18/oj>
- European Communities Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 ([S.I. No. 209 of 2015](#)) (the “COMAH Regulations”)

The Directive aims at the prevention of major accidents which involve dangerous substances, the limitation of their consequences for man and the environment and defines upper and lower tier sites. Seveso III takes into account changes in EU legislation on the classification of chemicals and increased rights for citizens to access information and justice.

The **Directive provides for three levels of control** with larger quantities requiring more controls.

- **Below lower threshold** - A company that holds a quantity of dangerous substance less than the lower threshold levels given in the Directive is not covered by this legislation. These are controlled by general provisions on health, safety and environmental legislation which is not specific to major-accident hazards. For such sites an uncontrolled release of substance present on the site is unlikely to result in the release of sufficient quantity of dangerous substance to impact beyond the boundaries of the plant or site involved.
- **Lower tier establishments** - Companies that hold a larger quantity of dangerous substance, above the lower threshold contained in the Directive (but below the upper threshold). These must comply with the lower tier requirements including to: notify the competent authority, establish a safety management system (detailed in a Major Accident Prevention Policy).
- **Upper tier establishments** - Companies that hold even larger quantities of dangerous substance, above the upper threshold in the Directive. These must comply with lower tier requirements and in addition operators must provide a written Safety Report to the HSA, formulate an Internal Emergency Plan in consultation with local competent agencies. The local competent authorities must prepare an External Emergency plan.

All other articles of the Directive, including the article on land use planning, apply to both upper tier and lower tier COMAH/Seveso III sites.

The Operator's **Safety Report** identifies the chemicals of concern and must include an assessment of the extent and severity of the consequences of each identified major accident possibility.

The designation of a COMAH/Seveso III site may change under the new CLP chemical classification system or if the quantity of dangerous substance present changes.

The **Internal Emergency Plan** is drawn up by the upper tier site and subject to HSA approval. **External Emergency Planning** for COMAH/Seveso II upper tier sites is done on a cooperative interagency basis between the Local Authority/ies, HSE and the Garda Siochana.

**Consultation Distance** (replaces the "Specified Area") - the area liable to be affected by a major accident at the site. This limits consideration to acute effects only. This area is normally determined by the Operator with the agreement of the HSA based on a probability calculation. This is for the purpose of land planning rather than emergency responders.

**External emergency planning zone** – a zone wider than the Consultation Distance may be defined in the External Emergency Plan if appropriate, for example:

- Where a wider 'public safety zone' needs to be defined for emergency planning purposes e.g. where serious nuisance and potentially disturbing, but non-hazardous effects, may extend over a greater distance. Some toxic release scenarios, for example, result in pungent odour well downwind of the health-hazard radius and pre-planned public information and reassurance may be necessary
- Where other routine emergency planning activities inform the Local Competent Authorities of knock-on or additional threats to public safety beyond the Consultation Distance

### **Threshold Value - Protective Action Criteria**

**Acute Exposure Guidance Levels (AEGs)** are the appropriate threshold value to use as the level of concern to protect public health (see APPENDIX 3)

Additional approaches may be adopted to determine the distance for emergency planning in response to a toxic cloud release. For example, threshold values have been developed for the protection of public health in the event of exposure to a non-infectious environmental hazard. O'Mahony *et al* (2008) describe the 10-minute Acute Exposure Guideline Levels (AEGs) outlined in Appendix 3. Currently this

approach has not been used for emergency response in this country but is used in Cork for emergency planning and exercises. A standard methodology facilitates discussions with plant operators and the general public in the vicinity of the plant. The methodology can be adapted to suit explosive risk and response to fire.

## References

- Major Emergency Management Guidance Document 10, Guidance for those Principal Response Agencies that are designated as Local Competent Authorities under S.I No. 209 of 2015; European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015. Available at: <http://mem.ie/guidance-documents/>
- O'Mahony MT, Doolan D, O'Sullivan A, Hession M. Emergency planning and the Control of Major Accident Hazards (COMAH/Seveso II) Directive: An approach to determine the public safety zone for toxic cloud releases. *Journal of Hazardous Materials* 2008; 154: 355–365. Available at: <http://www.ncbi.nlm.nih.gov/pubmed/18078713>