

The Seveso 2 Directive

The Directive should by now have been implemented in Member States. It forms the subject of the recent CONCAWE report No. 7/98

The subject of this report is the Council Directive on the Control of Major Accident Hazards involving dangerous substances, popularly known as the COMAH Directive or, alternatively, Seveso 2. This Directive applies to establishments which hold more than specified quantities of substances which are classified as hazardous because of their toxicity, flammability or potential to cause harm to the environment. Many petroleum products are classified as hazardous and thus many oil industry sites will be 'Seveso sites'. However, pipelines, transport and intermediate temporary storage are specifically excluded.

For sites which already fall within the existing Seveso 1 Directive, the major changes are:

- Seveso 2 relates to establishments (i.e. whole sites), not installations;
- the concept has been introduced of adding inventories of substances with similar hazards;
- the category 'Dangerous to the Environment' has been introduced;
- at the lower-tier threshold an operator must notify the competent authority and prepare a Major Accident Prevention Policy;
- at the top tier, the operator must prepare a safety report, have on-site emergency plans and provide information for the preparation of an off-site emergency plan, and provide information to the public on actions to be taken in the event of a major accident;
- there are greater requirements for operators to provide information to, and consult with, the workforce and the public, and the safety report must be made available to the public; and
- Member States must set up a system for land-use planning around major hazard sites.

The Directive applies to establishments where dangerous substances are present in quantities equal to, or in excess of, threshold quantities (lower-/top-tier) which are given in Annex I of the Directive. The flowchart (see following page) will help operators decide if the regulations apply to their activities.

CONCAWE has always supported the aims of the Seveso Directive and played an active part in discussions with the Commission during the development of Seveso 2. However, it has always considered that the main purpose of such a Directive is to focus attention on those sites which pose the greatest hazard, and not to attempt to cover all sites which pose any hazard. Such sites are covered by other local legislation. It therefore has some concern over the situation which has arisen over the storage of middle distillates such as diesel, heating oil and kerosine. The situation with these is still unclear.

Since the Directive was adopted, the environmental classification for these materials proposed by CONCAWE has been changed. CONCAWE Report No. 98/54 now recommends to its member companies that the most appropriate environmental classification for kerosine and gas oil/diesel streams should be 'dangerous for the environment (R51 and R53)' This has the effect that these materials would now be covered by Category 9 (ii) of Annex I, Part 2 of the Seveso 2 Directive and implies that threshold quantities for middle distillates should be 500 tonnes and 2000 tonnes for lower and upper tier sites respectively. These should be compared to the

threshold quantities for gasoline of 10 000 tonnes and 50 000 tonnes even though gasoline has a similar aquatic toxicity classification *and* a much higher flammability hazard rating. It is hoped that this discrepancy can be resolved before the date when establishments have to submit safety reports. The dates for implementation are as follows:

- notification by establishments to Competent Authorities: 3 February 2000;
- submission of Safety Report for upper-tier establishments:
 - by establishments previously covered by Seveso 1: 3 February 2001;
 - by establishments NOT previously covered by Seveso 1: 3 February 2002.

One of the main new requirements is for lower-tier establishments to produce a Major Accident Prevention Policy (MAPP) which sets out overall aims and principles with respect to the prevention and control of major accidents. Evidence has to be given that the operator has properly implemented the policy. This can be proved by demonstrating that a Safety Management System (SMS) is in place. A MAPP may be created from an existing HSE policy and a SMS may be integrated within an overall management system. In that respect it is important to understand that the Health, Safety and Environment (HSE) management system, which the MAPP relates to, is an essential part of the overall management system within the establishment. It may be appropriate to have only one MAPP available on a corporate level rather than several site-specific MAPPs.

Safety reports are only required for top-tier establishments. Compared to the old Directive, the Seveso 2 Directive has more detailed and prescriptive requirements, and also requires that it be made available to the public. The various elements which will now need to be included are discussed in the report. Similarly, top-tier sites have to prepare an on-site emergency plan and they must now consult their workers in its preparation. They must also make information available to the Competent Authorities responsible for preparing the off-site plan. Both plans should be based on major accident scenarios which are possible at the establishment. These two plans must now be tested. Preparation of off-site plans is the responsibility of the Competent Authorities and the only action required of the operator is to make available information on the nature of possible major accidents along with their consequences and likelihood.

The revised Directive also requires certain information to be actively communicated to individual members of the public (e.g. actions to be taken in case of a major accident) whilst other information need only be made generally available for public access (e.g. contents of a safety report). It also requires sites to have an audit and review programme.

