



## EPSC Position Paper for the Revision of Seveso II

### General introduction

The European Process Safety Centre (EPSC) is dedicated to the development and promotion of best practice in process safety and the prevention and mitigation of major accidents. One of the prime objectives which EPSC serves is to provide technical and scientific background information and advice in connection with European safety legislation and regulation and especially the Seveso II directive.

At the meeting of the Technical Steering Committee on April 27 & 28, 2009 EPSC members discussed their experiences with Seveso II as well as existing suggestions for changes (especially from F-Seveso, but also from other sources). The aim of this paper is to share the results of this workshop with the Commission and all other parties interested in the revision of Seveso II.

### Scope of the directive (art. 2)

It was strongly suggested to keep the risk based approach of the directive by having clearly different obligations for lower and upper tier installations. *Extending the obligation for lower tier establishments to prepare a Safety Report and to provide a formal Safety Management System (SMS)*, as suggested in F-Seveso, would considerably add paperwork especially for SMEs (which represent most of the lower tier sites) and is definitely not justified by the frequency of major accidents in SMEs. The Major Accident Prevention Policy (MAPP) is adequate for these establishments for the identification of major accident scenarios, for Land Use Planning and to give an outline of their SMS, which they should have any way for their own sake and to comply with other regulations. Treating them the same way as upper tier establishments will consume resources which they and the authorities need elsewhere.

The suggestion of F-Seveso to *“clarify the links between the Seveso II Directive and the other safety related Directives and make the implementation of the Seveso II Directive more synergetic with other occupational health and safety, and environmental, regulations”* is supported by EPSC.

EPSC advises against the suggestion of F-Seveso to *“extend the scope of the directive to other installations such as pipelines, railway stations and harbours”* or to *“include security issues”*. These issues are taken care of in other existing regulations. If any gaps exist it seems better to amend those regulations (and to link them properly with Seveso II) than to dilute the focus of the Seveso II Directive.

It was not purpose of the workshop to discuss annex I, as industry position has been presented in the GHS TWG. However, it was noted that the recommendation in F-Seveso *to better address*

*preparations and mixtures vs. single substances* seems not to be supported by any deficiencies in either the present directive or potentially after implementation of the GHS system.

### **Domino effect (art. 8), industrial parks**

In the experience of EPSC members, co-operation between neighbouring sites generally works well with or without application of art. 8. However, this may in some cases be due to existing personal relations, e.g. after the formation of industrial parks. To assure that this also in future EPSC does not recommend deleting art. 8.

The co-operation necessary in industrial parks could also be fostered by an option to have only one aggregated safety report for the park.

### **Safety report (art. 9), SMS**

EPSC members observe *significant differences* not only in quality of the safety reports, but also in the requirements by the competent authorities – sometimes within the same member state. Some authorities require excessive paperwork which considerably distracts resources better used for e.g. assuring implementation and compliance. It is therefore suggested to better define in a guideline consistent requirements across Europe. However, a “one size fits all” uniform format is ill advised as this may eventually result in non value- adding bureaucracy to business instead of bringing genuine “on the ground” safety benefits. It is preferred instead to develop esp. for risk analysis a toolbox of approved methods from which the operator could choose.

Regarding the content of the safety report EPSC members agreed that major *environmental effects* of accidental releases should be covered, but not security issues (see art. 2).

### **Internal/external emergency plans (art. 11)**

EPSC members do not see a necessity to change the requirements for internal emergency plans. However, art. 11 should remain restricted to upper tier establishments. Due to other regulations not only lower tier but even non Seveso sites generally have internal emergency plans. However, the implementation of external emergency plans by the competent authorities obviously needs more attention

### **Land Use Planning (art. 12)**

It was not the purpose of the workshop to discuss art. 12, as the industry position has been comprehensively presented in the respective TWG.

### **Communication to/participation of Public (art. 13)**

Chemical industry has committed itself by Responsible Care® to “*improve the quality of the dialogue between stakeholders and reinforce the participation of the public*”, as recommended by F-Seveso. However, EPSC members do not see a necessity to change the requirements for the information on safety measures (art. 13(1)).

With respect to the requirement of art. 13(4) to make the safety report available to the public it was noted that there is very limited interest from the public. As major parts of the safety report have generally to be kept confidential for security reasons it is suggested to make the report available only on demand, which enables the necessary control of sensible information. Access to safety reports

via internet should not be encouraged because users of information in this format remain unidentifiable

**Information following a major accident (art. 14, 15)**

EPSC members do not see a necessity to change these requirements. However, it was noted that for delays in the transfer of these information generally authorities and not industry is responsible.

**Prohibition of use (art. 17)**

EPSC members do not see a necessity to change these requirements.

**Inspections (art. 18)**

EPSC members support the result of F-Seveso to better harmonise quality and frequency of inspections. It is advised that for both lower and upper tier sites that a minimum frequency of inspection be established and that in fact a frequency of inspection greater than the minimum should be justified by the inspecting authority. It is recommended to define a "lead authority" for inspections to improve co-ordination between multi-agencies and therefore avoid both duplication and excessive load on the operator.

**Confidentiality (art. 20)**

EPSC members do not see a necessity to change these requirements.