

CSF Terms of Reference

Control of Major Accident Hazards Regulations

Strategic Forum

Terms of Reference

BACKGROUND

1. The UK's onshore major hazards sector comprises a diverse range of businesses subject to the Control of Major Accident Hazards (COMAH) Regulations. The COMAH Regulations cover businesses that handle, process and store inherently hazardous materials with the potential, in the event of an accident, to inflict multiple fatalities and injuries to those working on site or working and living in local communities or cause widespread damage to the surrounding environment. The Regulations place duties on operators and other duty holders to control and mitigate these potential major accident hazards and are enforced by a Competent Authority (CA).
2. The sector includes; chemicals manufacture, refining, storage & distribution, use and disposal; explosives manufacture and storage and natural gas transmission enterprises (including gas storage and import facilities). It provides strategically important goods and services, crucial not only to the successful commercial operation of the above industries but also the enhancement of society through, for example, the provision of clean water, vital medicines, energy and defence.
3. The products and services delivered by the major hazards sector are vital for our way of life, provide high quality and sustainable jobs and contribute to economic growth.
4. The COMAH Regulations place duties on operators, emergency planners and regulatory authorities to control and mitigate major accident hazards.
5. There are considerable benefits for both industry and the Competent Authority (CA) to agree strategic priorities and programmes that deliver proportionate and sustainable risk management for the major hazards sector. Such benefits include:
 - providing the public with assurance that the combined efforts of industry and regulator provide for adequate levels of protection.
 - ensuring that intended regulatory outcomes have regard for sustainability and economic growth thereby supporting successful industries in the UK.

- ensuring consistency and transparency in the regulation of major hazards, and delivery of the CA programmes of work.

6. In 2013 the COMAH Strategic Forum was established to serve as a steering group to support the CA's response to the Better Regulation Executive (BRE) Review of Enforcement in the Chemicals Industry. The Forum's initial role was to ensure that planned improvements in the application of COMAH regulations were targeted at delivering business-focused outcomes. These aims have been achieved, although progress reviews are anticipated, and the Strategic Forum has now moved on to consider its future role.

ROLE OF THE FORUM

7. This joint Forum provides industry and the CA with a means for strategic discussion on how they can work together to provide leadership and encourage continuous improvement in the inspection, management and control (including emergency preparedness and response) of major accident hazards across the onshore industries.
8. There is a mutual benefit for industry and the CA in ensuring they proactively identify and act collectively upon evidence of emerging issues in major hazard risk management. The Strategic Forum will oversee these initiatives and develop strategies to address these emerging issues.
9. In particular, as a joint industry/regulator body the Forum will assume the primary lead function for deciding future strategic topics for the sector, for agreeing their priority, and the means by which they should be addressed. There will be a natural process of communication with other relevant groups on the detail of how proposed strategic aims will be delivered.
10. The aims of the Forum also include:
 - Identifying and agreeing:
 - a coherent picture of the current and the longer-term challenges affecting the control of major hazard risk within the sector;
 - joint expectations of industry's future performance;
 - agreed principles and reasonably practicable and sustainable solutions required to achieve it; and

- joint strategic programmes and other areas for cross-industry and CA co-operation for delivering the required major hazard outcomes, and for measuring and demonstrating progress and success to the public and other stakeholders.

Providing a forum for open discussions to inform the development of the CA's policies and approach to maintaining a robust regulatory framework and the protection afforded to people and the environment and, where necessary, resolving unnecessary and disproportionate regulatory burdens.

11. The Forum will work closely with other relevant industry/CA groups to achieve its aims. These include the Process Safety Forum (PSF), the Chemical and Downstream Oil Industries Forum (CDOIF), the COMAH and Pipeline Emergencies Liaison Group (CAPEPLG), the Process Safety Management Competence Programme Board (PSMCPB) and other sector-specific groups. In its work with the CA and relevant stakeholder groups, the Forum will promote better regulation principles.

12. The Forum will seek to identify areas for improvement in the COMAH regulatory landscape and, where agreed, form start and finish working groups to address these. In the short term, this work is focused on four key areas:

- Performance and reporting
- Process Safety leadership
- Engagement/outreach
- Governance and transparency

Dedicated working groups are established for each of the above, with each group chaired by Strategic Forum members to ensure connectivity and consistency.

13. The Forum will engage with the implementation of relevant EU legislation related to the CA.

14. CSF members will share knowledge of directives, standards and legislation that comes to their attention and which might impact upon COMAH sites in Great Britain.

MEMBERSHIP

15. The Competent Authority will be represented by each of the five constituent bodies: HSE, Office for Nuclear Regulation (ONR), EA, SEPA and NRW. It is expected that industry representation will be drawn from trade associations with members operating

major hazard (COMAH) businesses. Government departmental engagement with the Strategic Forum is also anticipated, with BEIS advising on and representing wider government interests.

CHAIR

16. The Strategic Forum Chair will be nominated by all members and will serve as an independent chair.

DURATION AND FREQUENCY

17. The Forum will meet at least bi-annually. In the short term, meetings may be more frequent to track progress on key working group activities.
18. The Forum will be permanent with a review of its purpose and performance taking place every 12 months to ensure that both industry and the CA consider it remains effective.