



Environment Agency Consultation: COMAH Competent Authority Policy on Containment of Bulk Hazardous Liquids at COMAH Establishments

This response is submitted by Unite Amicus Section. Unite is the UK's largest trade union with 2 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport and local government, education, health and not for profit sectors. Unite also has significant membership in the oil refinery, oil storage and chemical sector and has been actively involved in post-Buncefield work.

Executive Summary

Unite Amicus Section is strongly supportive of the policy proposals on the containment of bulk hazardous liquids at COMAH establishments.

Unite Amicus Section supports increased controls at primary, secondary and tertiary level, but prefers an emphasis on primary controls since these are the most likely to protect workers on these sites.

Unite Amicus Section is concerned about the long timescales suggested to bring existing sites up to the required standard. In general these should be less than 10 years, and the EA/HSE/SEPA should be making suggestions about upgrades that can be made well within this timescale.

Responses to specific questions

1. *Are the proposed policy measures appropriate for new installations?*

All fuel storage and distribution sites should be operated to a high standard, and one that is generally better than the one that applied when they were first established. Those higher standards are properly based on the outcomes of the Buncefield enquiries. New installations must meet these higher standards immediately, **as an absolute minimum**. However there must be room to improve standards for new and future plants in line with developing best practice, so that an increasingly higher standard is achieved at new installations and new parts of existing installations.

2. *Do you have any suggestions for alternative measures that will achieve an equivalent level of protection to people or the environment?*

No, Unite Amicus Section accepts the proposed measures being put forward in this consultation.

3. *To what extent should existing establishments be upgraded to meet the proposed policy measures?*

All new installations at existing establishments must meet the proposed policy measures. Existing establishments must be upgraded in line with the policy proposals and subject to assessment of risk, such that the most non-compliant areas are upgraded as soon as possible.

Unite Amicus is concerned about references to upgrades taking 10-20 years. There needs to be a clear timetable for upgrades that falls well within this timescale for elements in most need of attention. The quoted timetables must not be used as an excuse by some operators to delay improvements. EA/HSE/SEPA must set out a clearer timetable for actions to be taken over a much shorter period than 10 years.

4. *Do you agree with the costs and benefits of compliance with the policy on existing establishments, as described in the Regulatory Impact Assessment?*

Unite Amicus has no alternative set of costs and benefits to offer. However, experience in other areas suggests that it is easier to quantify costs rather than benefits, and that costs are often over-estimated.

5. *Is the proposed implementation timetable achievable?*

Unite Amicus believes that the timetable is highly achievable, and that many elements could be achieved on a much shorter timescale.

6. *What disproportionate effects will the policy have on small firms in the sector (defined by OECD as having fewer than 50 employees)?*

Amicus Unite would not want to see a situation where smaller operators were disproportionately affected. However, the OECD definition based on numbers of employees may not be the best means to define the size of operators in the oil storage sector. Relatively large facilities can operate with very few (and perhaps too few) employees. At Buncefield, for example, it was reported that only 2 workers were operating the site at the time of the explosion, with an additional 5-8 tanker drivers on site.

Bud Hudspith, Health and Safety Officer

bud.hudspith@unitetheunion.com

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Response to COMAH.containment@environment-agency.gov.uk