



**Analysis and summary of responses to CD290 -
Consultation on proposed minor administrative changes to
the Control of Major Accident Hazards Regulations 2015**

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1. Executive Summary

- 1.1. This consultation relates to the administrative changes to the Control of Major Accident Hazards Regulations 2015 (COMAH) which are required due to the dissolution of Public Health England (PHE).
- 1.2. HSE conducted a 4-week public consultation which ran from the 30 July 2021 until 27 August 2021. The consultation sought to obtain views on the minor amendments to COMAH to ensure that the impacts to business were fully understood.
- 1.3. In total, the consultation attracted 40 responses, 39 received via the online questionnaire. The COMAH generic email account received 1 response and no written responses were received.
- 1.4. Of the 40 responses received for question 1, '***Other than updating contact details will you/your business need to alter anything else due to the change from PHE to UKSHA in COMAH 2015?***' 33 (82.5%) respondents confirmed that they would not need to do anything other than updating contact details.
- 1.5. Comments received such as "*the changes are minimal and reasonable under the circumstances*" and "*I imagine very little [will need to be altered/changed]*" are indicative of the overall response. In general, the respondents recognised that the proposed changes were minor and may result in small-scale administrative changes for either them or their business.
- 1.6. There was one non response and the remaining responses (15%) were split equally between "don't know/unsure" and "yes". Comments received from those answering "don't know/unsure" requested more clarity as to whether the change from PHE to UKSHA in COMAH 2015 was simply administrative or whether it represented a change in the overall function/scope of the respective organisations.
- 1.7. For those answering "yes" to the question, the following details were received regarding what changes would be needed: "*References within our own internal policies and procedures*" and "*will need a website link or contact number for this new function for the UKHSA*".

2. Introduction

2.1. This report presents a summary of the outcome of HSE's public consultation on minor administrative changes to the COMAH Regulations.

2.2. The COMAH Regulations currently require operators of upper tier establishments to consult PHE in preparing an internal emergency plan (reg 12(5)(e)), if the establishment is situated in England.

2.3. COMAH also requires a local authority to prepare an external emergency plan for upper tier establishments in their area, and to review it at intervals not exceeding three years. In preparing and reviewing the external emergency plan, the Local Authorities (LAs) must consult with PHE (regs. 13(7)(d) and 14(3)(a)), if the establishment is situated in England.

2.4. In August 2020, the Government announced its plans to reform the public health system in England, including the dissolution of Public Health England. The UK Health Security Agency (UKHSA), an Executive Agency of the Department of Health and Social Care, will take over the emergency planning functions previously carried out by PHE from 1 October 2021.

2.5. The proposed changes to COMAH consist of deleting references to Public Health England in regs 12(5)(e), 13(7)(d) and 14(3)(a) of COMAH 15 and replacing them with references to the UK Health Security Agency.

2.6. This means that under the COMAH Regulations 2015, operators will be required to consult with UKHSA when preparing internal emergency plans and LA's will be required to consult with UKHSA when preparing and reviewing external emergency plans.

2.7. The consultation asked the following questions:

Q1. Other than updating contact details will you/your business need to alter anything else due to the change from PHE to UKSHA in COMAH 2015?

- ☐ Yes
- ☐ No
- ☐ Don't know / unsure

Q2. What will you need to alter/change?

Q3. Do you have any further comments on this change?

2.8. Respondents were asked to provide comments by completing an online questionnaire or downloading a 'Word' version and returning to HSE either electronically or by post.

2.9. This report should read in conjunction with consultation CD290.

3. Public Consultation - Response Demographics

3.1. The proposed amendments to COMAH potentially affect upper tier COMAH Operators and Local Authorities. In addition to the publishing of the consultation on the HSE website the HELEX system was used to notify Local Authorities of the consultation, and almost 400 direct emails were sent to Upper Tier operators. A COMAH e-bulletin was also issued to over 64,000 subscribers inviting them to share their views.

3.2. Following the conclusion of the consultation the below questionnaire response rates were noted:

- In total there were 40 responses to the consultation
- 1 completed questionnaire was received as a Word document sent to a dedicated e-mail account
- 39 respondents completed the online survey

Respondents were encouraged to reply using the online questionnaire or by e-mail with the facility to submit a printable hard copy response also available.

3.3. Responses were received from COMAH Operators, Local Authorities, Health and Safety Consultants and members of the public.

4. Questionnaire - Responses and Analysis

The analysis of the questionnaire responses is outlined below. All respondents' comments/ views were considered.

4.1. Question 1 – Summary of Responses

Other than updating contact details will you/your business need to alter anything else due to the change from PHE to UKSHA in COMAH 2015?

Option	Total (40)	Percent
Yes	3	7.5%
No	33	82.5%
Don't know/unsure	3	7.5%
Not answered	1	2.5%

4.2. Question 2 – Summary of responses

What will you need to alter/change?

Most respondents were confident that the changes would be minimal for their organisation, making comments such as '*I imagine very little will change, may need to change our local instructions etc*'. One respondent was concerned about whether

the change would mean a change in PHE staffing, which they stated could result in a lot of extra work, however this is outside of the scope of this consultation.

4.3. Question 3 – Summary of responses

Do you have any further comments on this change?

Most respondents did not answer this question. However, one comment received stated; *'the changes are minimal and reasonable.'*

5. Conclusion

- 5.1. Following analysis of the responses received, no changes are required as a result of the consultation exercise to the proposed amendments and impact assessment. Analysis of the responses confirms the administrative changes to the Control of Major Accident Hazards Regulations 2015 (COMAH) will have minimal impact on business and do not create any unforeseen issues or challenges for dutyholders.