

5.3 Control of Major Accidents and Hazards (COMAH)

The Health and Safety Executive (HSE) and Environment Agency are the Competent Authorities to enforce the COMAH Regulations in England. We have a statutory responsibility to provide regulatory oversight of high-hazard industries using or storing quantities of dangerous substances that fall into the scope of the COMAH Regulations. Businesses must take all necessary measures to prevent major accidents involving dangerous substances and limit the consequences to people and the environment should any major accidents occur.

The Environment Agency's role is to: assess safety reports and accident prevention policy; undertake inspections of COMAH establishments; and investigate, report on and enforce against major accidents. We have and continue to implement improvements to charge recovery through the COMAH Regime Assurance Group.

The system of cost recovery used by Competent Authorities in performing its COMAH statutory functions is based on the amount of time expended carrying out its functions with regard to that establishment on any given occasion or occasions and includes all relevant costs. This is charged by both the Environment Agency and the HSE on an hourly rate basis.

Charge Proposals

We have reviewed our hourly rates to recover our costs for work related to COMAH sites. The hourly rate has not changed for a number of years and no longer covers our full costs. Whilst we will be able to improve the efficiency of our activity, we still require an increase to the hourly rate used to move us closer to full cost recovery.

We propose to set a charge of £161 per hour. This represents a step change in our COMAH income but is some way from full cost recovery.

We plan to further review this whilst we look to review/implement further efficiencies both internally and potentially across our partner Competent Authorities. We propose to look to do this after a mid-point review of the current work from April 2020/21. With the annual review for COMAH charging, however, we may make an increase in 19/20 if we were in a position and have agreement to do so.

External Emergency Plans

We also propose to introduce a new hourly rate charge to recover costs from our role to assess external emergency plans. Our ability to charge for this activity was introduced through Regulation 29 of the COMAH Regulations 2015.

External emergency plans are developed by and are the responsibility of local authorities. They rely on designated authorities such as the Environment Agency to test them. They are required to test the plans every three years. Where a local authority requests the support of a designated authority to test an external emergency plan, we must co-operate and assist them.

As a designated authority, we provide staff with appropriate expertise to ensure that the testing of the plan is robust and suitable to protect people and the environment should a real incident occur. We may also provide staff with appropriate expertise to support the development of the test.

We propose to introduce an hourly rate charge of £84 to recover our costs for this work. We will charge the local authority for the agreed costs for our involvement in testing an emergency plan.

As with other COMAH work, we use an hourly rate to recover costs for time expended carrying out our role for individual local authorities. The staff we use to assess external emergency plans are incident management staff, who have a lower cost compared to COMAH technical officers and hence why the hourly rate proposed for external emergency plans is lower than for that of work on COMAH sites.