



## Energy Department Prime Minister's Office Note to Industry (NTI)

TOPIC		Reference Number	
Control of Major Accident Hazards Regulations 2013 (COMAH). FAQ.		2013 /NTI/ 2	
Approved by:	Issue date:	Expiry date:	Revision No:
Head of HSE	17th October 2013	OPEN	1

This NTI is issued to answer common questions received from industry with respect to The Control of Major Accident Hazards Regulations 2013 (COMAH). The intention is to update this NTI as required to answer future questions. Please forward any further questions to the address at the end of this NTI.

The Control of Major Accident Hazards Regulations 2013 (COMAH) applies to very specific industrial premises in Brunei and requires:-

- 1) a systematic evaluation of the potential Major Accident Hazards that could occur at the premises, and
- 2) implementation of suitable control measures to ensure the risks to persons are as low as is reasonably practicable.

The COMAH regulations are issued under the Workplace Safety and Health Order 2009 (WSHO), and support the overarching requirement for employers to ensure that they provide a safe place and system of work.

### **Where does COMAH apply?**

COMAH applies to all Facilities operating or intended to be operated anywhere on Brunei state land. That is onshore within the territorial boundaries or offshore including the Brunei Continental Shelf.

### **What is a Facility?**

The WSHO provides a very broad definition of premises. "includes any place whether enclosed or built or not, whether situated underground or under water—"

The COMAH regulations take this definition and further defines a Facility as any

- 1) onshore premises
  - where hazardous substances, in the quantities specified in the WSHO are present or
  - those premises conducting drilling or servicing of a well for any hazardous substance
- 2) any offshore premises involved in
  - recovery, processing or storage of hazardous substances
  - the provision of offshore accommodation
  - drilling or servicing a well for any hazardous substance

Facility is then the term used in COMAH to apply the regulations

### **What is a Major Accident?**

Major Accident is defined in the COMAH regulations as

- 1) an occurrence such as loss of containment, fire or explosion resulting from uncontrolled developments in the course of the operation of any facility, and leading to serious danger to human health, property or the environment, immediate or delayed, inside or outside the facility, and involving one or more hazardous substances;
- 2) any events involving major damage to the structure of the facility or plant affixed thereto or any loss in the stability of a facility located on state land; or
- 3) any other event arising from a work activity on the facility involving death or serious personal injury to five or more persons on the facility or in neighboring areas,

There are three separate criteria:-

1. is related to incidents involving hazardous substances (loss of containment or fire or explosion) from an uncontrolled development (eg leak in a pipe or failure of equipment) leading to serious danger,( ie the potential to seriously harm.) Note actual harm does not have to occur
2. is related to actual physical damage to a Facility
3. relates to actual death or serious injury

### **What is a Hazardous Substance?**

For the purposes of COMAH, a list of hazardous substances is provided in the WSHO amendment order 5<sup>th</sup> schedule. The intent of this list is to identify hazardous substances that may cause fire and/or explosion or a serious danger. A threshold quantity is also provided that indicates that COMAH is covering major escalating event potential (rather than minor events). The list covers the oil and gas industry and also downstream petrochemical industry.

### **Who regulates the COMAH regulations?**

All Safety and Health regulation comes under the Ministry of Home Affairs, Labour Commissioner. However, due to the specialist technical nature of the COMAH regulations, the Energy Department Prime Minister's Office (EDPMO) has been given delegated authority to regulate the COMAH regulations. The EDPMO Health Safety Security and Environment department (HSSE) reporting directly to the Minister of Energy are the focal point for COMAH regulations.

### **What is a Safety Case?**

The COMAH regulations require a structured document to be produced that clearly identifies how the Safety and Health of persons is managed on the Facility. This document is called the Safety Case. The Safety Case is a legal document that has to be submitted to the Competent Authority (EDPMO). Topics to be covered in the Safety Case are detailed in the COMAH schedules. Operation of the Facility can only continue if a Safety Case Certificate has been issued by the Competent Authority (EDPMO).

**What is a Safety Case Certificate?**

A certificate issued by the competent authority (EDPMO) to the duty holder when the competent authority is satisfied that the Safety Case has complied with the requirement under the COMAH regulations.

**What is a Notification?**

A written Notification has to be submitted to the competent authority (EDPMO) if any well activities are to be undertaken. Details to be provided are found in schedule 6 of COMAH. No formal response is given by the competent authority (EDPMO). The purpose of the notification is to alert the authority to the activity.

**Is there a particular format that has to be used for a Safety Case and Notifications?**

No. It is up to each Duty Holder to write their Safety Case and Notifications in a format that is aligned with the way they manage their business. However EDPMO have provided a Safety Case and Notification assessment Matrix spreadsheet to map the Safety Case/ Notification structure to the requirements of the COMAH regulations.

**What is the Safety Case and notification assessment matrix?**

The matrix is a simple spreadsheet that identifies all the requirements of the COMAH regulations that have to be included in a Safety Case or Notification. The spreadsheet asks for the location in the document where the Duty Holder has covered the particular COMAH requirement. This will help EDPMO to quickly review the Safety Case/Notification and also helps the Duty Holder to ensure he has covered all the necessary requirements.

**Who is responsible for the Safety Case and Notifications?**

The responsibility for preparing and submitting a Safety Case and Notifications lies with the Duty Holder of the Facility. The Duty Holder must ensure that the risk controls identified in the Safety Case and Notification are implemented. The Duty Holder is defined in the COMAH regulations, and is the company who has day to day control and management of the Facility.

### What are the types of Safety Case and Notification and when to submit?

Activity	Notification/Submission periods
Design and Relocation notification for fixed facility	At least 3 months before the start of the detailed design
Safety Case for fixed facility	At least 6 months before commencing operation
Safety Case for mobile facility	At least 3 months before the facility is present on state land
Safety Case for combined operations	At least 21 days before it is due to start
Safety Case for dismantling a fixed facility	At least 3 months before the start of dismantling
Notification of well operations	At least 21 days before commencing operation

### How often should we review the safety case?

Duty holder shall review the current Safety Case within 5 years.

### What is a material change?

Material Change is broadly defined in the COMAH regulations.

any change in operations that is significant to require a re-submission of the Safety Case, and includes –

- (a) physical changes to the plant;
- (b) changes to operational parameters of the facility;
- (c) organisational or staff changes; or
- (d) change in risk profile;

The Duty holder must further define their material change criteria in the safety case and clearly state how it applies to their 'Facility'. A material change has to be submitted to the competent authority and must receive a safety certificate to allow implementation.

### What is the submission time frame with regards to any material change?

As soon as practicable. No specific time is mentioned in the COMAH regulations as this depends on the nature of the change.

### How do we report a Major Accident?

Where any major accidents occur at a facility, the commissioner of Labour should be informed as per Workplace Safety and Health Order. EDPMO as a delegated authority to regulate the COMAH regulations should be informed within 6 hours of the occurrence.

### What to submit?

Please provide 2 electronic copies and 1 hard copy of any:

- ❖ Safety Case
- ❖ Notification
- ❖ Safety Case Matrix

**Whom to submit to?**

Submit directly to Energy Department Prime Minister's Office (EDPMO) and mark as SAFETY CASE. Email and address to:

SAFETY CASE  
Hjh Suhana binti Haji Md. Daud  
Health, Safety, Security and Environment  
Energy Department Prime Minister's Office,  
Jalan Perdana Menteri, BB3910,  
Negara Brunei Darussalam

**Email:** [suhana.daud@energy.gov.bn](mailto:suhana.daud@energy.gov.bn) or [jasrin.serudin@energy.gov.bn](mailto:jasrin.serudin@energy.gov.bn)