

Ms. Anne-Marie Finlay
Chemicals Section
Department of Trade Enterprise & Employment
Davitt House
Adelaide Road
Dublin 2.

16th March. 2009

RE : Submission from the Chief Fire Officers' Association (CFOA) Dangerous Substances Acts (DSA) review subcommittee, regarding the Departments, public consultation document on the review of the DSA & associated regulations

Dear Madam,

The CFOA Dangerous Substances Acts (DSA) Review Subcommittee, having held a meeting to discuss the public consultation document on the review of the DSA, submit the following:-

We have studied the document and due to the fast approaching deadline for submissions have concentrated on a high level submission. In order to progress the DSA review, we would make ourselves available for a meeting with your department.

We find the ARUP report is a very comprehensive document and refers to several codes of practice and reports, which in our opinion would require more time to carry out a full appraisal and response.

- We formally request an extension to the submission date of 31st March 2009.
- In relation to a licensing and enforcement system a Local Fire Authority in our view should be deemed a Competent Authority.

Retail and Private Petroleum Stores:

- We are in favour of a Licensing/certification system for all fuels at all locations, delivered by a Petroleum Enforcement Officer from a Local Fire Authority.
- The system should be self-financing. We agree with the enforcement system being transferred to a Local Fire Authority.
- With regard to enforcement, any penalties should be meaningful and remain with a Local Fire Authority, similar other recent primary legislation e.g. Building Control Act 2007
- We agree with the APEA, Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations guideline being used for new developments and a new risk assessment system and codes of practice been developed and used for existing sites- e.g. kerbsides .

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- Any proposed Licensing system should be linked to DEHLG VOC emission regulations. It should be necessary to have a licence to store petroleum in order to apply for a Vapour Emissions Certificate.
- Separate codes of practice are required for alternative fuels.
- The thresholds for small private storage should be raised, in order that any amount above 1000lts would require a licence and any amount up to 1000lt would require notification/registration to a Local Fire Authority. Codes of practice for storage up to 1000lts, which could be adopted, are UK HSG176 and HSG51. (An example of this would be for a golf club.)

Petroleum Bulk Storage

- Enforcement for bulk storage of dangerous substances should also be by way of a licensing system. Such a licensing system should be operated by the local fire authority and should be self financing
- We agree with recommendation No.20, however we request clarification as to whether harbour authorities are inclusive of port authorities and port companies.
- We disagree with recommendation No.22, and our position is that all bulk storage of dangerous substances should be included a licensing system, including alternative fuels, petroleum products and LPG.

Oil Jetties

- Where a jetty is located outside the functional area of a harbour/port authority/company, a Local Fire Authority, should act as the licensing body.
- The functional area of a Local Fire Authority with regard to jetties should be clearly established.

Marinas

- With regard to recommendation 29, our position is that the competent authority should be the Local Fire Authority and supported by codes of practice, to be developed.

L.P.G.

- With regard to recommendation 30, our position is that all L.P.G. storage facilities should be subject to a licensing system administered by a Local Fire Authority.

With regard to appendix 1 of the consultation document the Dangerous substances (Licensing Fees) regulations, 1979 (S.I. 301 of 1979) should be included for review, in order for any new licensing system to be self-financing.

In summary, the current regulatory system is outdated and fragmented and needs major overhaul. This submission is concentrated on high level recommendations in Arup Report as set out in your consultation document

The local fire authority is in our view the key local competent authority to deliver a new licencing/ enforcement system for dangerous substances with a national overarching body to ensure national standards and to support and oversee the local fire authority .

The CFOA would welcome further engagement with Department Of Enterprise, Trade And Employment and other Stakeholders to establish a new and robust regulatory regime for Dangerous Substances in Ireland.

We thank you for the opportunity to comment and we hope that you find our observations/comments useful in your deliberations.

Yours respectfully,

Michael Raftery
Chairman CFOA
On behalf of CFOA DSA Review Group