

21<sup>st</sup> December 2009

Observations from Marine Survey Office/ Maritime Safety Policy Division/ Irish Coast Guard

On the draft Chemicals (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2009 – consultation by D/ETE

(1) Marine Survey Office obs:

Nil obs.

(2) Maritime Safety Policy Division obs:

Nil obs.

(3) Irish Coast Guard obs:

On 30<sup>th</sup> March 2009 the Irish Coast Guard (IRCG) commented in response to a public consultation by the Department of Enterprise, Trade and Employment (D/ETE) entitled “Review of Dangerous Substance Acts – updating the regulatory regime applying to petroleum spirit (petrol) and other fuels”. Although the comments specified oil spill emergency plans this was in the context of the Draft headings.

The present draft Regulations do not appear to take cognisance of the role of the Irish Coast Guard, and the powers granted to them by the Minister for Transport, in pollution response. Sections 2 and 3 of the **Sea Pollution (Amendment) Act 1999** specify requirements of harbour authorities to prepare and submit emergency plans, to the Minister for Transport, for the control of both oil and hazardous and noxious substances. Section 6 of the same Act, together with amendment under the **Sea Pollution (Miscellaneous Provisions) Act 2006**, relates to the powers of the Minister in giving directions to a harbour authority in the event of an incident in that harbour. The amendment concerns the inclusion of hazardous and noxious substances where oil pollution is mentioned. Section 7 of the **Sea Pollution (Amendment) Act 1999**, concerns the duty to report a pollution incident to the Minister for Transport.

Section 6 of the **Sea Pollution (Amendment) Act 1999** as amended by Section 24 of the **Sea Pollution (Miscellaneous Provisions) Act 2006** concerns the powers of the Minister to give a direction to, for example, an operator of a hazardous and noxious substances handling facility to do or to refrain from doing actions necessary for the proper response to an pollution incident.

Regulation 4 of the present draft Regulations, dealing with Competent Authorities, makes no mention of the Irish Coast Guard. By reason of the authority vested in them under the Sea Pollution Acts the responsibility of the Irish Coast Guard in relation to pollution incidents, and the prevention of same, should be recognised. In particular, the role of harbour masters vis-à-vis the Irish Coast Guard should be identified.

Schedule 8 of the draft Regulations – Criteria for the Notification of an Accident or Incident.

(3) (b) This refers to open sea or coastline. The Irish Coast Guard has an 'at-sea' role in the prevention of pollution where they are required to be notified of any incident. This requires to be addressed.

For further details, please contact Mr. Hugh Barry, Assistant manager of Pollution and Salvage Operations, Irish Coast Guard, Department of Transport, Leeson Lane, Dublin 2. Tel: 01-6783438.