

WORKING AREA 1 IDENTIFICATION OF HAZARDOUS ACTIVITIES

UNECE 3 May 2011, Bratislava

Background for the Area of Work

Background for Identification

- What is identification
- Indicators
- Stage 5
- Background for Notification
- What is notification
- Indicators
- Stage 5
- Summary

From the Preamble of the Convention:

*Recognizing the importance and urgency of preventing serious adverse effects of industrial accidents on human beings and the environment, and of promoting all measures that stimulate the **rational, economic and efficient use of preventive, preparedness and response measures** to enable environmentally sound and sustainable economic development*

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From Article 4 of the Convention „Identification, Consultation and Advice“

1. For the **purpose of undertaking preventive measures** and setting up **preparedness measures**, the Party of origin shall take measures, as appropriate, to **identify hazardous activities** within its jurisdiction and to **ensure that affected Parties are notified** of any such proposed or existing activity.
2. **Parties concerned shall, at the initiative of any such Party, enter into discussions** on the identification of those hazardous activities that are, reasonably, capable of causing transboundary effects.

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Hazardous installations

*Any installation in which one or more **hazardous substances**¹ are present or may be present in quantities at or in excess of the **threshold quantities**² listed in Annex I of the Convention, and which is **capable of causing transboundary effects**³.*

¹ *Something must be known about the substances and their characteristics*

² *Something must be known about the quantities of substances*

³ *Something must be known about the location of the installation*

What does identification mean ?

- Background for Identification
- **What is identification**
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- Background for Notification
- What is notification
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You have identified your hazardous installations when you know, **for all of them:**

- Where they are located
- Which substances are present on site, in which quantities
- What the classification of these substances is
- What transboundary effects they can have
- When you have agreement with your neighbouring Party (identification and notification go hand in hand, do not leave consultation for the end of the procedure !)

What does identification mean ?

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- To have identified **all** of your hazardous installations implies that you have looked at a greater set of installations
- To know which substances (incl. classification) are present on site, in which quantities implies that you have a **common understanding** of the substances, classification and the quantities with the operator
- To know what transboundary effects they can have implies you know
 - What can happen in these installations in a worst case
 - What are the consequences outside of the installations

What does identification mean ?

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- ▣ To have agreement with your neighbouring Party implies that
 - that you have held consultations
 - that you have formalized this agreement in some official way (the best way is of course the notification), ...
 - ... which implies that you have agreement within the country !
- ▣ Finally, don't forget that identification of hazardous installations is **not a once-for-all affair**

Optimal level of implementation

- Background for Identification
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This level of implementation is reached when such identification **works**, on the basis of a

- Coherent and comprehensive system, which can use sufficient resources, now and in the future
- Clear definition of responsibilities at different levels of authorities
- Clear definition of responsibilities at the operators
- On a clear and agreed methodology for the process of identifying hazardous activities

This applies to the following three indicators:

- First: A mechanism for the **collection of data**;
- Second: A mechanism for the **analysis and validation of data**;
- Third: A mechanism for the **review/revision of data**.

Indicator 1

- Background for Identification
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Mechanism for the collection of data

The role of the authorities at different levels and how they cooperate is defined, the authorities are accountable (valid for all three indicators).

The data required from the operators are sufficient for the identification of hazardous activities (HA)

The operators know what data they have to provide and are able to provide them in a well defined format

The procedures and deadlines are realistic and known to all

Indicator 2

- Background for Identification
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Mechanism for the analysis and validation of data

The authorities have competent personnel and technical resources to check that the data are

- **complete** (e. g. all hypothetical HA are included in the survey),
- **correct** (e. g. regarding classification),
- **plausible** (e. g. regarding substances, quantities, distance to water courses)

and to **assess** whether **Convention's thresholds** are reached and **transboundary effects** are possible (e. g. through UNECE Guidelines, safety reports)

Indicator 2

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Mechanism for the analysis and validation of data

The authorities have defined the procedure to **establish a binding list of HA and make it widely available** to all concerned, pending its official review/revision

Indicator 3

- Background for Identification
- What is identification
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Mechanism for the review/revision of data

The authorities have defined the procedure and intervals to **carry out review/revision**

This means, embedding analysis and validation according to Indicator 2 in a ongoing process, materially nothing new

Stage 5 for indicator 1

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Mechanism for the collection of data adopted

The role of the authorities at different levels and how they cooperate is defined, the authorities are accountable

- The form of the agreement is not important
- Important is that one authority has the lead
- The mechanism can be ad hoc for the Convention or better ...
- ... the mechanism can be embedded in the normal activity of Major Accident Prevention
- **Must be defined with the analysis/validation in mind !**

Stage 5 for indicator 1

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Collection of data – role of authorities

Example Swiss Major Accident Ordinance MAO

Art. 23³⁹ Enforcement

!The cantons shall enforce this Ordinance unless responsibility for enforcement is assigned to the Confederation.

Art. 16 Provision of information to the Federal Office

!The cantons shall periodically provide the Federal Office with information in the form of an overview of the hazard potentials and risks within their territory (risk register), together with the measures adopted.

Art. 17 Data collection by the Federal Office

!The competent federal and cantonal authorities shall forward to the Federal Office on request any information collected in accordance with this Ordinance.

Stage 5 for indicator 1

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Collection of data – type/format of data

Example MAO

Stage 5 for indicator 1

Collection of data – type/format of data
Example MAO

Feldname	Beschreibung	Erforderlich	Format
	Chemical Abstracts Service (CAS) – Nummer bekannt / unbekannt (CU)	Nein	Text(1)
CBVU	Chemical Abstracts Service (CAS) – Nummer bekannt / unbekannt (CU)	Nein	Text(1)
CAS	CAS-Nummer	Ja	Text(11)
LVA	Listen zum Verkehr mit Abfällen (LVA) - Code	Ja	Text(10)
STOFF	Stoffbezeichnung	Ja	Text(100)
MENGE	Höchstmenge in Kilogramm	Ja	Zahl(10)
SCHWELLE	Mengenschwelle in Kilogramm	Ja	Zahl(5)

Feldname	Beschreibung	Erforderlich	Format
NAME_1_BETRIEB	Name_1 des Betriebs wie im BUR für örtliche Einheiten	Ja	Text(32)
NAME_2_BETRIEB	Name_2 des Betriebs wie im BUR für örtliche Einheiten	Nein	Text(32)
NAME_ZUSATZ	Zusatz zum Betriebsnamen zur Verfügung der Stofftafelmuster	Ja	Text(50)
KANTON	Kantonskürzel	Ja	Text(2)
BUR_NR	Betriebs- und Unternehmensregisternummer des BFS	Ja	Zahl(8)
UID	Unternehmens-Identifikationsnummer BFS	Nein	Zahl(9)
GRUNDDATEN-DOKUMENTATION	Liegt für mehrere Betriebsstellen eine gemeinsame Grunddatendokumentation vor? (Ja/Nein)	Nein	Text(4)
GDD_DATUM	Wann wurde die Grunddatendokumentation erstellt?	Nein	Datum

Stage 5 for indicator 1

Collection of data – sufficient for identification

This implies

- Data on substances (hazards, quantities) as above
- Data on type of activity
- Data on location, distance to borders and to water courses and groundwater
- Possibly data on safety reports, risk assessments
- Etc.

▫ ... and as always, roles and responsibilities are well defined

Stage 5 for indicator 1

Collection of data – frequency

If mechanism embedded in the normal activity of Major Accident Prevention, the frequency is more a question for the analysis

If ad hoc mechanism for the Convention, the frequency must be communicated to all concerned and a reminder must be issued early before carrying out anew the data collection

Stage 5 for indicator 1

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Collection of data – training

If mechanism embedded in the normal activity of Major Accident Prevention, this should be included in the normal training

If ad hoc mechanism for the Convention, the training must be done sufficiently ahead of the data collection, and there are problems of sustainability (trainer leaving his/her position, etc.)

Stage 5 for indicator 2

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Mechanism for the analysis and validation of data adopted

Much of it is similar to, or a consequence of, the previous one (**collection of data having in mind the analysis**). Additionally it should ensure :

- Completeness; most easily done through co-operation with authorities at local level,
- Plausibility: e. g. through comparisons between installations of the same type
- That the validation goes through a formal process of approval
- That your country needs to decide on the availability of the validated list

... and as always, that roles and responsibilities are well defined

Stage 5 for indicator 3

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Mechanism for the review/revision of data adopted

Much of the mechanism is conditioned by the previous ones. Additionally

- Causes for revision within normal cycle should be defined (e. g. amendments to Annex I),
- Procedures well aligned with procedures for data collection, analysis and validation
- The mechanism should ensure that the validation goes through a formal process of approval

WORKING AREA 2 NOTIFICATION OF HAZARDOUS ACTIVITIES

UNECE 3 May 2011, Bratislava

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From Article 4 of the Convention „Identification, Consultation and Advice“

1. For the purpose of undertaking preventive measures and setting up preparedness measures, the Party of origin shall take measures, as appropriate, to identify hazardous activities within its jurisdiction and to **ensure that affected Parties are notified** of any such proposed or existing activity.
2. **Parties** concerned shall, at the initiative of any such Party, **enter into discussions** on the identification of those hazardous activities that are, reasonably, capable of causing transboundary effects.

What does notification mean ?

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You have notified your hazardous installations (HA) when you have, for all neighbouring Parties, officially notified, at the adequate levels:

- Where the HA are located
- Which substances (relevant for transboundary effects) are present on site, in which quantities
- What the classification of these substances is
- What are the consequences in a worst case outside of the installations, especially in the neighbouring Parties
- When you have agreement with your neighbouring Parties

What does notification mean ?

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- ▣ To have notified your hazardous installations implies that you have identified them ...
- ▣ ... and that you have consulted your neighbouring Parties during that task ...
- ▣ ... and that you have come to a **common understanding on what and how to notify**

Finally, don't forget that notification is not an end in itself, but should be the beginning of a bilateral co-operation, especially on preparedness and response, but also on prevention

Optimal level of implementation

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This level of implementation is reached when such notification works on the basis of a

- Coherent and comprehensive system, which has the support of all hierarchical levels, now and in the future
- Clear definition of responsibilities at different levels of authorities
- Optimal implementation of the mechanisms for the identification of hazardous activities

This applies to the following two indicators:

- First: A mechanism for the **transboundary consultation**;
- Second: A mechanism for the **notification of HA**.

Indicator 1

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Mechanism for the transboundary consultation

The role of the authorities at different levels and how they cooperate to initiate, or respond to a request for, a transboundary consultation.

The mechanism is supported at all hierarchical levels

All concerned are able to perform their task as required

Indicator 2

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Mechanism for the notification

The role of the authorities at different levels and how they cooperate to initiate, or respond to a request for, a notification.

The mechanism is supported at all hierarchical levels

The mechanism covers both existing and planned activities

Stage 5 for indicator 1

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Mechanism for the transboundary consultation adopted

- Defines a "consultation body" (authorities or department, etc.) that can initiate a transboundary consultation
 - authorities or departments that must give their OK
 - the (establishment of a) mandate for the consultation body
- Defines the requirements to be fulfilled by the consultation body of the other Party
- Defines minimum requirements for the working modus

Stage 5 for indicator 2

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Mechanism for the notification adopted

- Defines how the notification takes place for existing and planned installations
 - By whom / to whom
 - When (time, conditions)
 - At national / regional / local levels
 - Contents and format of the notification (e. g. letter and list at national level / details at local level)
 - After revision / changes

Aim is Stage 6
for all work areas and indicators

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**Make it work now,
tomorrow, and
after tomorrow**

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**Thank you for your
attention**
