

194_17 Guidance note on COMAH and the BASIS Store Inspection Scheme

21 June 2017 v1.0

This document provides guidance on the interaction between the Control of Major Accident Hazards Regulations 2015 (COMAH), pesticide sale and supply stores registered and certified with BASIS Registration Ltd, and the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry (published 1998).

Principles of COMAH

Regulation 5 of COMAH requires that “every operator must take all measures necessary to prevent major accidents and to limit their consequences for human health and the environment.” The COMAH regulatory regime is based on the principle of reducing all levels of risk to as low as is reasonably practicable (ALARP). Operators should consider: ‘What more can I do to reduce the risks?’ and explain: ‘Why have I not done it?’ As a minimum, operators are expected to implement good practice.

COMAH and good practice

Sources of good practice relevant to activities that fall under COMAH include approved Codes of Practice and standards produced by organisations such as the British Standards Institution. The COMAH Regulations are enforced by the COMAH Competent Authority (CA), either the Environment Agency or Health and Safety Executive as appropriate, who take on board evidence of compliance with relevant Codes of Practice when determining whether COMAH has been complied with.

In cases where good practice has not been established, the first step should be to examine the good practice that applies in comparable circumstances, for example that used in a similar process, to determine if it is transferable or can be modified to achieve at least the same level of protection.

COMAH and BASIS registration of professional pesticide stores

The [COMAH performance and recognition framework](#) identifies registration and certification of professional pesticide stores with BASIS as evidence of adoption of good practice for risk reduction. The CA will take into account certified BASIS scheme membership as evidence of the operator complying with the [Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry](#).

It is not compulsory to be a certified member of the BASIS Store Inspection Scheme to show compliance with the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry, or to show compliance with COMAH. However, certified BASIS scheme membership shows that the standards of the Code of Practice have been independently assessed by competent bodies.

Codes of Practice and inspections

Where a Code of Practice says an operator must have an inspection, then a COMAH inspection will not always suffice. The CA does inspect against Codes of Practice, but because the CA focuses its resource against measures relevant to Major Accidents, it may not inspect against the full requirements of all codes or standards relevant or applicable to the operation or undertaking.

So, where an establishment has been inspected by the CA for its COMAH activities, the activity of sale and supply pesticide stores will still require an independent inspection to satisfy the requirements of the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry.

Relationship between BASIS scheme and COMAH

The requirements of the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry (compliance with which is checked through the BASIS Store Inspection Scheme or another independent

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inspection) and COMAH are related but not mutually exclusive - they complement each other, in a similar way to other regimes such as Environmental Permitting.

As such, there is no opt out of compliance with the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry for pesticide stores that are required to notify under the COMAH regime, as explained below:

- Compliance with the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry helps to ensure that various pieces of legislation relating to sale and supply pesticide stores are complied with.
- Participation in the BASIS Store Inspection Scheme satisfies the requirements of the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry which the COMAH regime does not. Operators of sale and supply pesticide stores not participating with the BASIS scheme must still ensure an independent inspection of their store is carried out in order to comply with the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry.
- For COMAH, we may conclude that a measure in a Code of Practice is not applicable when considering Major Accident control. This does not mean it is not required at all, or that it confers no benefit, it may simply relate to more minor accident hazards.
- Individual COMAH officers audit within their area of expertise and any single inspection where no non-compliances are found cannot be interpreted to be a full demonstration of compliance with all requirements, including compliance with the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry.
- COMAH recognises involvement in the BASIS Store Inspection Scheme as evidence of adoption of good practice. Other relevant good practice includes the CIRIA guidance 'C736 Containment Systems for the Prevention of Pollution', which is also required by the BASIS Store Inspection Scheme.
- COMAH concentrates on major accident hazards, so lesser hazards and their mitigation may not be recognised. These 'lesser' hazards associated with sale and storage of pesticides are picked up in the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry and addressed in the BASIS Store Inspection Scheme, alongside other related regulatory aspects such as waste duty of care.

It is highly likely that requirements of the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry may not be covered during COMAH CA interventions because of the major accident focus.¹

This guidance note will be reviewed annually, and also in response to the publication of any updates or revisions to the Code of Practice.

For more information consult the publications here <http://www.hse.gov.uk/comah/ca-guides.htm> and <http://www.hse.gov.uk/pubns/books/1111.htm>

Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture & Forestry (published 1998)
http://www.hse.gov.uk/pesticides/resources/Y/yellow_code.pdf

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