



Irish Offshore  
Operators'  
Association

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Ms Alice Hanly,  
Commission for Energy Regulation  
The Exchange  
Belgard Square North  
Tallaght  
Dublin 24

7<sup>th</sup> January 2015

Dear Alice,

### **IOOA Comments on the Petroleum Safety Framework Documents**

The IOOA Safety sub-committee has reviewed the documents under the Petroleum Safety Framework (Round 2) issued for consultation on 27<sup>th</sup> November 2015 (ref. CER/15/276, CER/15/277, CER/15/278, November 2015). Our comments are as follows:

#### **General Comments:**

In general the documentation is clear and well structured. However, while in the 'Guidance for Notification of Incidents' document (CER/15/277) under the 'Guidance for notification of each class of petroleum incident' (section 3.2), classes A-J are consistent with the EU Directive, those listed under K through S are CER-specific. What is the rationale and justification for their inclusion? In doing so, IOOA believes the CER are exceeding the requirements of the EU Directive in a number of categories, which may lead to unnecessary reporting of incidents which have little or no impact on safety performance. In addition, reporting against non-standard definitions may lead to inconsistent comparisons of safety performance with other EU member states contrary to its stated principle objective.

#### **Specific Comments:**

##### **Guidance for Notification of Incidents (CER/15/277)**

- **Glossary of Terms and Abbreviations** (pg. iv): The definition of S(E)CE is repeated.
- **2.2 (pg. 2) Fatalities or missing persons:**  
There is a requirement to report to CER by quickest possible means, for instance phone or email, the name of the deceased or missing person. Formal notification of an individual's name would be subject to Garda procedures; also why do the CER need to know the name? This information should only be given to the CER following notification of NOK (by Gardaí).
- **3.2 (pg 4) Guidance for notification of each class of petroleum incident:**  
There are subtle changes (omissions?) in wording between the CER Guidance and the EU Guidance Doc on 'Commission Implementing Regulation EU No.1112/2014'. The CER should use the exact wording used in the EU Guidance, to ensure uniformity of reporting statistics across the EU (one of the objectives of the EU Directive). Examples of changes include:

**A3. The unintentional release or escape of any non-petroleum hazardous substance**(pg.4): This is qualified in the EU Document by including '*--- hazardous substance, for which the major accident risk has been assessed in the report on major hazards--- which would lead to significant potential to cause fatalities or serious injury*'. The CER Consultation Paper (CER/15/276, Table 1) states "*all instances to be reported now as higher test.....*" but CER give no lower reporting thresholds which means that all

releases/spillages, even minor ones with no significant harm potential, would have to be reported. IOOA suggests reverting to EU Guideline.

**C. Failure of a safety and environmentally critical element:** Under CER Guidance 1(pg.6) the requirement to report under this section includes “(1) The S(E)CE condition is identified by anyone”. The “anyone” wording is also used under (3), and in D(1) and (3) on pg.7. This is not in the EU Guidance which qualifies reporting to those identified by an Independent Verifier.

**H. Any serious injury.** In the EU Guidance it is “H: Any serious injury to 5 or more persons in the same accident...”. It would also be desirable if these criteria could be harmonised with current reporting requirements under the COMAH regulations, i.e. “ six persons injured within the establishment and hospitalised for at least 24 hours....”

**Also under H, the CER Guidance** includes requirement to report “*any injury to a person that requires admittance to a hospital for more than 24 hours*”. This is not in EU Guidance, and is not consistent with HSA requirements or with UK HSE Guidance.

**I. Any evacuation of personnel:** This includes reporting medevacs. This should be limited to reporting of work-related medevacs associated with an accident reportable under another category (as per EU Guidance). There may be medevacs that are not work-related, or precautionary. IOOA considers that there should not be a requirement to report such non work-related medevacs.

**L. Instance of a standby vessel not being within its defined geographical area:** IOOA recommends inclusion of following exception: ‘*Except when prevailing weather and climate conditions may endanger the crew, passengers of vessel*’. This wording is in accordance with SI14 1991(Offshore Installations)(Emergency Response) Regulations. This would limit reporting to those occasions when the Stand-by boat was not available in circumstances where it could have been deployed in an emergency.

**N. Mustering on onshore or offshore petroleum infrastructure other than for planned drills:** This should only require reporting of those musters if there was an immediate danger to human health or significantly increases the risk of a petroleum incident (this is the qualification used in Section 13(S) 2 of the Act).

Reporting of I, L and N without the recommended qualifications results in reporting information that is of little value and just results in increased bureaucracy.

4.1 (pg. 13). Reporting no later than 24 hours is specified in 1<sup>st</sup> paragraph. Suggest making this “preliminary notification” within 24 hours, followed by report within 3 days to cover where an incident occurs over a weekend/holiday?

We look forward to discussing these issues with you at a post-consultation meeting.

Yours sincerely,



Patrick Shannon  
Chairman, IOOA