



## Energy Department Prime Minister's Office Note to Industry

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| TOPIC<br>COMAH regulations implementation date |                                |                      | Reference Number<br>2014 /NTI/ 2 |
| Approved by:<br>Minister of Energy             | Issue date:<br>22 January 2014 | Expiry date:<br>Open | Revision No:<br>1                |

### **The Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations 2013**

The Energy Department Prime Minister's Office (EDPMO) is pleased to announce that the Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations, 2013: (COMAH regulations) have been approved and signed, and are effective as of 1 January 2014.

The primary aim of the regulations is to reduce the risks from major accident hazards to the safety and health of the workforce employed on premises (facility) where large quantities of hazardous substances are present or where drilling operations (for hazardous substances) are taking place. The regulations also cover offshore accommodation units.

The regulations apply to the oil and gas industry in Brunei, both offshore and onshore: including the downstream petrochemical industry. The regulations also cover various types of hazardous substances and thus will apply to other processing industries in the future. Any premises handling quantities of hazardous substances should review the COMAH regulations to see if the regulations apply to them.

COMAH requires the person that manages and has direct control of a facility (the duty holder) to provide written documentary evidence on how they identify major hazards and controls the risks to persons affected by those hazards; including effective emergency response plans. This document is called a safety case and this has to be submitted to EDPMO for review. If satisfied with the evidence in the safety case, EDPMO will issue a safety case certificate for the facility. A facility cannot operate without a safety case certificate. To do so is a breach of the law and the government will take legal action in such circumstances. Penalties include fine and/or imprisonment.

COMAH also requires duty holders to provide information on drilling activities to EDPMO. This information is not subject to a certificate, but allows EDPMO to further engage duty holders through site inspections if deemed appropriate.

Of course the safety case document itself is only part of the story. Implementation of the identified controls is of prime importance. COMAH places a legal requirement on the duty holder; whereby the duty holder shall ensure that the procedures and arrangements described in the current Safety Case are followed.

EDPMO has set up a program of inspections on a rolling three year basis to engage with industry and ensure the requirements of the COMAH regulations are being met.

Over the last 18 months EDPMO has fully engaged the industry on the COMAH regulations through the Brunei Industry Group (B.I.G.) and EDPMO would like to take this opportunity to thank everyone who has been involved in the discussion and development of the regulations.

For further information please view the EDPMO HSSE website  
<http://energy.gov.bn/HSE/Pages/hse.aspx>

Copies of the COMAH regulations will be available on the Attorney Generals Chambers web site  
[http://www.agc.gov.bn/agc1/index.php?option=com\\_content&view=article&id=103%3Aindex-to-the-laws-of-brunei-&catid=52%3Ainfo&Itemid=77](http://www.agc.gov.bn/agc1/index.php?option=com_content&view=article&id=103%3Aindex-to-the-laws-of-brunei-&catid=52%3Ainfo&Itemid=77)