HEALTH AND SAFETY AUTHORITY

Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

Memorandum of Understanding

Health and Safety Authority

Environmental Protection Agency

The objective of this Memorandum of Understanding is to set out areas of shared responsibility and common interest between the Environmental Protection Agency and the Health and Safety Authority and to provide a cooperative framework for achieving their respective objectives. For the purposes of Section 9 of the Chemicals Act 2008, this memorandum is deemed to be a cooperation agreement.

Signed:

Sharon McGuinness
Chief Executive Officer
Health & Safety Authority

Date: 10.7.18

Signed:

Laura Burke
Director General
Environmental Protection Agency

Date: 3/7/2018

1. INTRODUCTION

In recognition of their mutual commitment to protect human health and the environment this Memorandum of Understanding (MoU) establishes a co-operative framework between the Health & Safety Authority (HSA) and the Environmental Protection Agency (EPA). In recognising each organisation's respective statutory responsibilities and obligations, the HSA and the EPA shall endeavour to co-operate closely in areas of shared interest including:

- Establishing a co-operative framework for the implementation and enforcement of the Registration, Evaluation and Authorisation of Chemicals (REACH) and Detergent Regulations as outlined in the Chemicals Acts 2008 and 2010.
- Establishing a co-operative framework for the implementation of the Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) 2015.
- Establishing a co-operative framework for the implementation of Regulation (EC) No. 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants, here after referred to as the EU POPs Regulation.
- Protecting people from threats to their health and wellbeing.
- Implementation and enforcement of the different legislative areas identified in this MoU.
- Establishing a co-operative framework for the implementation of the National Radon Control Strategy.
- Establishing a co-operative framework for the implementation of the Safety, Health and Welfare at Work Act 2005, the Radiological Protection Act 1991 and the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2017[1] (ADR).
- Implementing operating protocols between both organisations outside of the legislation specifically mentioned above, for example, waste, recycling, asbestos, biological agents, petroleum.
- Co-ordination and consultation on national and EU technical positions, working groups and meetings.
- Establishing a co-operative framework for the inspection and standards of laboratories or processes involving genetically modified micro-organisms

1.1 Environmental Protection Agency (EPA)

The EPA is an independent public body established under the Environmental Protection Agency Act, 1992. The EPA has responsibilities for a wide range of licensing, enforcement, monitoring and assessment activities associated with environmental and radiological protection.

[1] Note this reference to ADR also covers any future amendment or update of the legislation.

The EPA mission is "*To protect and improve the environment as a valuable asset for the people of Ireland. To protect our people and the environment from the harmful effects of radiation and pollution*".

Under its environmental and radiological protection mandate, EPA delivers direct and indirect benefits to human health through a number of its responsibilities. These include controlling emissions from licensed facilities; maintaining a supervisory function over local authorities with regard to the provision of environmental protection; monitoring environmental radioactivity levels; approving dosimetry services for monitoring workers' exposure to radiation and regulating the use of ionising radiation. Other activities with relevance include licensing release of GMOs; reporting bathing water quality; action on radon; maintaining the national database on occupational exposure to radiation and funding a significant programme of research in the Environment & Health area.

Under the Chemicals Acts 2008 and 2010, the EPA is the Competent Authority for the application of the REACH Regulation relating to the prevention of environmental pollution for chemical substances within the scope of the REACH Regulation and under the Detergent Regulations relating to the biodegradability of surfactants.

Under the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2017, the EPA is the Competent Authority for all matters relating to the carriage by road of radioactive materials of the ADR class 7.

SI No. 125 of 2000[2] contains specific provisions to limit the exposure of workers to radon and is implemented by the EPA.

1.2 Health and Safety Authority (HSA)

The HSA was established under the Safety, Health and Welfare at Work Act 1989 reporting to the Department of Business, Enterprise and Innovation and specifically to the Minister of State for Trade, Employment, Business, EU digital Single Market and Data Protection. The HSA continues its functions under the more recent Safety, Health and Welfare at Work Act 2005. The HSA has a very broad mandate as set out in excess of 200 Acts, Regulations and international agreements with the core elements summarised as follows:

- To regulate and promote the safety, health and welfare of people at work and those affected by work activity
- To regulate and promote the safe manufacture, use, placing on the market, trade and road transport of chemicals and products
- To act as surveillance authority in relation to relevant single European market legislation.
- To act as the national accreditation body (via the Irish National Accreditation Body, INAB).

[2] Note this legislation will be updated in 2018.

The mission of the HSA is to regulate and promote work-related safety, health and welfare and the safe use of chemicals and products. The Authority also provides the national accreditation service.

Under the Chemicals Act 2008 and 2010, the HSA is the Competent Authority for the application of the REACH Regulation relating to all chemicals except pesticides (biocidal/plant protection products) and the Detergent Regulations relating to all aspects except biodegradability and biocidal properties. The Chemicals Acts 2008 and 2010 also gives the HSA a lead role in relation to national administrative and operational requirements for the specific regulations (REACH, Detergents, Classification, Packaging and Labelling (CLP) and Prior Informed Consent or Export-Import). In 2015, the Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) was introduced to transpose the Seveso III Directive 2012/18/EU into Ireland and the HSA is the Central Competent Authority (CCA) for the application of these Regulations.

Under the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2017, the HSA (or its designate) is the Competent Authority for a number of functions, including the certification of ADR driver training, and approval of ADR driver training courses. The EPA has special responsibility in relation to Class 7 (radioactive) substances. Where drivers have attended and qualified from EPA approved specialisation training in the transport of Class 7 substances, the HSA may grant a driver an appropriately updated ADR vocational training certificate to that effect, as provided for by the current regulation on the carriage of dangerous goods by road.

The Safety, Health and Welfare at Work Act (2005) requires employers to identify hazards in the workplace and put in place measures to eliminate or reduce associated risks. Such hazards include sources of ionising radiation and radon is the principal amongst these.

The Health and Safety Authority enforces the Safety, Health and Welfare at Work (Biological Agents) Regulations 2013 (S.I. No. 572 of 2013) which relate to the protection of workers from risks related to exposure to biological agents at work, whether through deliberate use or incidental exposure. Biological agents mean micro-organisms including those which have been genetically modified. The contained use of Genetically Modified Micro-Organisms are enforced by the EPA under the GMO (Contained Use) Regulations 2001 to 2010 (S.I. No. 73 of 2001 as amended by S.I. No. 442 of 2010).

2. PURPOSE OF MEMORANDUM OF UNDERSTANDING

The HSA and EPA jointly affirm their commitment, in the interest of the protection of human health and the environment, to continue to develop effective working relations so as to ensure that the best possible service is delivered. This MoU provides the framework to facilitate cooperation between the two agencies in the area of Environment, Radiological Protection and Human Health.

The memorandum does not override the statutory duties and powers of either organisation. The memorandum expresses a convergence of will between the parties, indicating an intended common line of action, rather than a legal commitment.

2.1 Operational Liaison

The HSA and EPA will appoint designated senior contacts for implementation of the MoU and they shall meet jointly to agree co-operation on common functional work programmes under the relevant statutory provisions, review progress of any working groups established by them and generally monitor and review the implementation and effectiveness of this MoU. This forum shall be known as the *HSA/EPA Co-ordination Group* (hereinafter the Group) and it shall be held in either the HSA or EPA offices or teleconference, as appropriate. The members of the group shall as a minimum be the designated senior contacts, with additional members included as required. A list of contacts for areas of mutual interest will be drawn up and shared between the two organisations.

The Group will meet annually (at a minimum) to review the effectiveness of the implementation of the MoU and set out recommendations for further opportunities for co-operation as appropriate.

Where appropriate, representatives from each organisation will refer matters discussed at the annual or other meetings to higher management within each organisation, for consultation and direction in line with the respective organisational policy for each body.

2.2 Principles of Cooperation

The two organisations recognise that their regulatory roles and responsibilities as well as their strategies can be most effectively implemented on a collaborative basis and will coorperate in areas of shared interest including:

- areas of common purpose and joint agreed work programmes.
- regulatory areas of overlap and mutual benefit including REACH, Detergents, Persistent Organic Pollutants (POPs), Seveso III, Radon, Genetically Modified Micro-organisms (GMOs), Asbestos, ADR Road Transport and the Dangerous Substances Act (DSA).
- provision of training and advice to staff and stakeholders as appropriate.
- working groups / committees to assist both parties to deliver on their objectives.
- advice and guidance in relation to national, European and international groups and committees as appropriate.

The main areas of mutual interest between the HSA and the EPA are listed below and some are described in more detail in the attached Appendices. These areas shall be the focus of the cooperative approaches outlined above, as and when appropriate.

Main areas of mutual interest between the HSA and the EPA:

- The Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH Regulation).

- The free movement of detergents and surfactants for detergents within the EU whilst at the same time ensuring a high degree of protection of the environment and human health (Detergents Regulation).
- The protection for people and the environment in the context of major hazards involving dangerous substances (Seveso III Directive).
- The enforcement of certain EU Regulations concerning chemicals, including *inter alia*, the REACH and Detergent Regulations and the Seveso III Directive.
- Promotion of Environment, Health and Wellbeing
- Water and Drinking Water Quality
- Persistent Organic Pollutants (POPs)
- Radon as an Environmental Health Hazard
- Non-ionising radiation
- Worker and environmental safety in relation to the use of Genetically Modified Micro-organisms (GMOs)
- Regulation of the classification, packaging, labelling and transport of hazardous waste by road (ADR)
- The protection for people and the environment in the context of storage of dangerous substances at bulk, retail and private petroleum stores.
- Regulation of Industrial Waste, Ionising Radiation, Asbestos and Other Activities
- Major Emergency and Incident Response
- Environment and Health Research to support areas of mutual policy and interest

Working Groups may be established in these areas in accordance with terms of reference to be agreed by the HSA/EPA Coordination Group. Where appropriate these working groups may, by agreement, include other relevant organisations. The output, duration and terms of reference of each group will be periodically reviewed by the HSA/EPA Coordination Group. The HSA and EPA may from time to time agree to establish further working groups or make other arrangements to examine additional matters of common interest.

2.3 Memorandum of Understanding Review

This MoU will be valid for four years after which time the Group shall initiate a review of its operation. An earlier review of the MoU may be requested by the Chief Executive Officer, HSA or the Director General of the EPA on foot of the review of the MoU operation at the annual meeting of the HSA/EPA Coordination Group, emerging issues or in order to allow for additional opportunities to build on existing cooperative efforts.

2.4 Confidentiality/Intellectual property

The rights of the two organisations to restrict information regarded as confidential under each organisation's relevant legislation will be respected at all times.

Both parties shall maintain full right title and interest in any intellectual property right in any work product developed solely by them under this memorandum.

2.5 Membership of Committees

The HSA is a nominating body for the purpose of the EPA Advisory Committee, and is a member of the EPA Health Advisory Committee. The HSA is a consulting body for the GMO Advisory Committee where worker protection is an issue and a member of the Radiological Protection Advisory Committee.

The EPA is a member of the Authority's Chemicals Act Enforcement Group.

2.6 Principles of Cooperation

Staff of the EPA and HSA shall operate under the general principles of co-operation enshrined in this memorandum. Specific complaints or issues may be flagged directly to either organisation through their respective customer contact points. In the case of the Authority, this is the Workplace Contact Unit (email: or 1890 289 389) and for the EPA this is the Information Unit (email: info@epa.ie or 053-916 0600). The Authority Workplace Contact Unit operates Monday to Friday 9.30AM to 12.30PM.

Contacts outside of these hours or for more urgent matters shall be addressed either through the Coordination group contacts or directly to the relevant staff member identified in the agreed contacts list.

2.7 Data Sharing

Both organisations shall be bound by the Data Protection and confidentiality requirements of relevant legislation.

In certain areas of common interest the HSA and EPA possesses valuable information, technical knowledge, experience and data of a confidential nature that each regard as assets of considerable value. A separate data sharing agreement, outside of this MoU, shall be entered into to cover requirements to share data between the two Parties if and when required.

2.8 Appendices

The attached appendices set out in more detail specific working and inspection arrangements under the areas of mutual interest outlined in the table above.

APPENDIX I – CHEMICALS ACT 2008 AND 2010 (HEREIN REFERRED TO AS CHEMICALS ACTS)

NATIONAL ANNUAL REPORT

Under Section 8 of the Chemicals Acts, the HSA is required to compile an annual report with respect to operation of the Chemicals Act in Ireland. Within two months after the end of each year, the EPA shall submit a report to the HSA in the agreed format on its activities relating to REACH and Detergents.

Under Section 8(4) of the Chemicals Acts, the HSA may from time to time require the EPA to furnish other reports and information related to the performance of EPA's function. In so doing, the HSA shall provide EPA with the necessary request and templates in sufficient time.

ENFORCEMENT

REACH REGULATION

The EPA is responsible for the enforcement under the Chemicals Acts of the REACH Regulation Titles II, IV, V, VII and VIII with respect to environmental protection. The HSA is responsible for enforcement under the Chemicals Acts of REACH Titles II, IV, V, VII and VIII with respect to substances other than those within the remit of Department of Agriculture, Food and the Marine (DAFM) and the EPA. The specific requirements on enforcement can be found in Part 4 of the Chemical Acts. Where the EPA has concerns that a particular substance may not be registered under REACH it has been agreed that the EPA will alert the HSA for follow up as appropriate.

The HSA shall provide updates and outcomes from the Forum on Enforcement to the EPA (see under Appendix II on REACH below). The HSA and EPA may choose to become involved in specific EU Forum led enforcement initiatives either separately or jointly. For joint initiatives, the respective organisations shall co-ordinate their activities in advance to arrive at an agreed national involvement.

The HSA is also the national co-ordinator of the portal dashboard National Enforcement Authority (PD-NEA) tool provided by ECHA to assist enforcement authorities. A separate agreement on access and support for the PD-NEA will be put in place if and when a need for access to the PD-NEA is determined by the EPA.

DETERGENTS REGULATION

The EPA is responsible for the enforcement under the Chemicals Acts of the Detergent Regulation with respect to the biodegradability of detergents. The HSA is responsible for enforcement under the Chemicals Acts of the Detergents Regulations with respect to detergent products other than those

within the remit of Department of Agriculture, Food and the Marine (DAFM). The specific requirements on enforcement can be found in Part 4 of the Chemical Acts.

As lead Competent Authority under the Chemicals Acts, the HSA may from time to time request EPA advice and input to enforcement activity not specifically outlined above. As agreed under this memorandum, officers of the EPA may accompany an inspector of the HSA when he or she performs functions in furtherance of an area of mutual responsibility.

Co-ordination For EU Meetings

European Commission and European Chemicals Agency

Meetings of the Member State (MS) Competent Authorities for the REACH and CLP Regulation, known as the CARACAL, and the EU Detergent working group are organised by the EU Commission. Meetings of the ECHA Member State Committee (MSC), Forum and Helpnet are organised by ECHA. As the lead CA, the HSA normally send the IE representative to attend the CARACAL, MSC, Forum, Helpnet and Detergent working group meetings and represents all Irish CAs. The HSA also sends representatives to the Security Officers Network (SON) and the Risk Management Experts group (RIME) as well as the Risk Assessment Committee (RAC). The Department of Agriculture, Food and the Marine (DAFM) sends representatives also to the RAC, the Forum on Enforcement and Helpnet (the latter two with respect to the Biocidal Products Regulation only).

The meeting attendee(s) will represent Ireland and all non-attending competent authorities. If relevant, the HSA will raise items and positions of the other organisation at the meeting. In the event that the non-attending organisation wishes to raise an item, it shall alert the attending CA and provide details, where possible, in writing in advance. The HSA and EPA shall have responsibility for drafting position papers concerning their respective areas and will circulate these to each other and other Member State CAs for information and/or comment as deemed appropriate.

The HSA and EPA shall both ensure that contact details for their respective CA have been provided to the Commission and the European Chemicals Agency (ECHA) to allow for access to CIRCA and other circulation lists. Each organisation shall also ensure their respective parent departments are briefed as appropriate.

Chemical Legislation European Enforcement Network (CLEEN)

The HSA and EPA are both engaged with the Chemical Legislation European Enforcement Network (CLEEN). The HSA participates only in relation to issues concerning Reg. (EC) No. 648/2004 on detergents. The Regulations relevant to the EPA are Reg. (EC) 1005/2009 on substances that deplete the ozone layer, Reg. (EC) 850/2004 on persistent organic pollutants, Directive 94/62/EC on packaging and packaging waste, Directive 2004/42/CE on the limitation of emissions of volatile

organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and Reg. (EU) No. 517/2014 on fluorinated greenhouse gases.

Each organisation is responsible for deciding on their participation. Where either organisation attends CLEEN annual meetings, they shall provide briefings and outcomes to the other agency as relevant. Where the non-attending agency wishes to raise an item, the attending party should be contacted and details provided, where possible, in writing in advance.

The HSA and EPA may choose to become involved in specific CLEEN projects either separately or jointly. For joint initiatives, the respective organisations shall co-ordinate their activities in advance to arrive at an agreed national involvement.

MEMBER STATE TASKS UNDER REACH

Apart from enforcement of the REACH requirements (Appendix I) REACH specifies a number of Member State Competent Authority tasks, including review of, and preparation of proposals for amendment for ECHA draft dossier and substance evaluation decisions, substance evaluation, the preparation of Annex XV dossiers to identify a Substance of Very High Concern (SVHC) and the preparation of Annex XV dossiers for a restriction proposal.

The HSA, as lead CA, will take a lead role in these Member State tasks. The HSA will provide regular updates and briefings on this work through the Interdepartmental meeting on chemicals organised by the Department of Business, Enterprise and Innovation. The HSA may from time to time seek input and advice from the EPA on such matters as they arise.

As the lead Competent Authority for REACH, the Authority also provides the National REACH Helpdesk (chemicals@hsa.ie). From time to time, specific helpdesk queries may be forwarded to the EPA as they may be the appropriate Competent Authority to respond to the request.

EUROPEAN CHEMICALS AGENCY (ECHA) COMMITTEES

The HSA shall be responsible for providing the nomination for the national representative to the Member State Committee (MSC) and the Forum on Enforcement. The HSA shall also be responsible for nominating at least one expert to the Risk Assessment (RAC) and Socio-Economic Analysis (SEAC) Committees as well as the SON, RiME and Helpnet.

In line with Article 85(6) of the REACH Regulation, each competent authority shall on request facilitate and provide scientific and technical resources and support, where possible, to the IE participants on these committees. The HSA may therefore seek input and support from the EPA in relation to work within these various committees.

FORUM ON ENFORCEMENT

The Forum for Exchange of Information on Enforcement (Forum) is a network of authorities responsible for the enforcement of the REACH, CLP and Prior Informed Consent (PIC) Regulations in the EU, Norway, Iceland and Liechtenstein. The Forum's goal is to ensure coordinated and harmonised enforcement of the Regulations. The Forum is composed of one representative from each Member State. The Forum sets its own work programme based on the list of tasks specified in the REACH, CLP and PIC Regulations. The Forum holds three plenary meetings each year. Where appropriate, the Forum may establish time bound or permanent working groups.

The meeting is organised by ECHA. The agendas and minutes of Forum meetings are available on the ECHA website. The IE Forum member shall circulate the agenda and relevant papers for the ECHA Forum meeting to the EPA prior to the meeting for their review and input. Each organisation is responsible for deciding on their participation in Forum working groups, Forum REF & Pilot Projects and enforcing their respective areas under the Chemicals Acts and briefing the interdepartmental Group on their ECHA Forum activities.

In order to support the IE Forum representative, the Irish Forum on National Enforcement of Chemicals (under REACH, CLP and Rotterdam Regulations) shall meet on an annual basis to cooperate and contribute to the ECHA Forum activities. The Chair of the IE Forum will be the IE ECHA Forum member and will be responsible for agenda setting and minute circulation.

EU MEMBER STATE REPORTING

In accordance with Article 117 of REACH, every 5 years, Member States shall submit to the Commission a report on the operation of the respective Regulation in their territories including sections on evaluation and enforcement. The section on enforcement shall include results of the official inspections, the monitoring carried out, the penalties provided for and the other measures taken pursuant to Articles 125 and 126 of REACH during the previous reporting period.

The HSA and the EPA shall prepare their respective sections of each of the reports and shall submit their inputs to the Department of Business, Enterprise and Innovation who shall be responsible for final compilation and submission of the national report.

OPERATIONAL COOPERATION

It is the responsibility of the HSA and the EPA as CAs, to communicate and exchange information relating to the management of this Regulation. There is also a need for coordination between the CAs to ensure a harmonised approach in the development of joint Irish CA policy positions, as deemed appropriate.

CO-ORDINATION FOR DETERGENT WORKING GROUP (WG) MEETINGS

Detergent WG meetings are organised by the EU Commission. The Detergent WG is an expert group which advises the European Commission on policy matters related to detergent products. The HSA normally attends these meetings and represents all IE CAs. The meeting attendee shall represent Ireland and shall be responsible for raising items and positions of the other organisation at the meeting. In the event that the non-attending organisation wishes to raise an item, it shall alert the attending CA and provide details, where possible, in writing in advance.

The HSA and EPA shall have responsibility for drafting position papers concerning their respective areas and will provide these to each other and to DJEI for circulation to the other Member State CAs for information and/or comment, as deemed appropriate.

The HSA and EPA shall both ensure that contact details for their respective CA have been provided to the Commission to allow for access to CIRCA and other circulation lists and that parent departments are briefed as appropriate.

OPERATIONAL LIAISON

Individual Inspectors from each organisation shall, through the coordination Group, make arrangements for maintaining effective liaison in their geographical areas, including periodic meetings/contacts for effective information exchange.

SAFETY REPORT EVALUATION

The HSA is obliged to consult with the EPA as it deems appropriate, under Regulation 21(10) of the COMAH Regulations 2015, on the information contained in a safety report concerning the possible risks of a major accident to the environment. Following on from such a request, the EPA will advise as appropiate the HSA, within 2 months and in writing, on the major accidents to the environment which may be relevant and on the best practicable means to prevent and mitigate such accidents. In such cases, the lead inspector from the HSA will forward a copy of the safety report to the EPA (info@epa.ie) following the HSA's initial examination of the report, and accompany it with the HSA's draft assessment document and a covering letter highlighting the following –

a) Name of the establishment;
b) Location of the establishment;
c) Nature of the activity(s) of the Establishment;
d) A request to the EPA seeking their advice on the identified relevant issues in the safety report within 2 months of the date of the request – focussing principally on the identification of credible worst case major accidents to the environment as presented in the safety report, the adequacy of the presented control/mitigation measures associated with these scenarios, and the adequacy of the associated emergency response;
e) The electronic location to which the response should be sent.

EVALUATION AND INSPECTION OF SEVESO III ESTABLISHMENTS (UPPER AND LOWER TIER)

The HSA will take into account any requirements set under EPA licensing arrangements (Best Available Techniques (BAT), BAT Reference (BREF) Notes etc.) as illustrating the required standard to satisfy the "best practicable means" criteria concerning the prevention and mitigation of major accidents to the environment, and will seek advice on such guidance from the EPA as appropriate.

Both organisations, will exchange details on specific issues as they relate to major accident risk, consequence, control and mitigation. The rights of the two organisations to restrict information regarded as confidential under each organisation's relevant legislation will be respected at all times.

ACCIDENT INVESTIGATION

If either organisation becomes involved in the investigation of a serious accident/incident at a Seveso III establishment involving the release of dangerous substances, it shall inform the other, using the ***Coordination*** Group's designated contact points as soon as is practicable. The ***Coordination*** Group will in turn establish communication between the lead investigators from both organisations dealing with the accident/incident.

Upon either organisation being notified of a "major accident" they will inform the other. The HSA may seek the technical expertise and advice of the EPA in the immediate event of a major accident or its aftermath.

Following a major accident the HSA may need to prepare a special report on the accident. The HSA may consult with the EPA regarding the contents of this special report or any aspect of it. In addition, the HSA may appoint any of its advisors or other persons it deems appropriate to be inspectors of the HSA for the purposes of the COMAH Regulations. Subject to the agreement of the EPA, the HSA may seek to appoint an Inspector of the EPA to be an inspector of the HSA for the purposes of providing technical assistance in undertaking major accident investigation and report preparation. This may be of relevance where inspectors of the EPA may not have specific powers of entry to non-EPA licensed sites.

EUROPEAN COORDINATION

The HSA as Central Competent Authority participates in the CCA and Seveso Expert Group meetings. Meeting reports of the Committee of Competent Authorities (CCA) for the Seveso III Directive shall be forwarded by the HSA to the EPA.

Reports from meetings on environmental issues related to Seveso III that are attended by the EPA will in turn be forwarded to the HSA.

APPENDIX V - IONISING AND NON RADIATION

OPERATIONAL LIAISON

The EPA and the Authority shall consult and where appropriate co-ordinate policy on ionising radiation issues in the workplace and on transport of Class 7 goods by road. Policy decisions and implementation will remain the responsibility of each organisation.

The EPA and Authority will maintain a working group on Ionising Radiation in Workplaces and will meet at least annually. In particular, the Group will consider practical arrangements for inspectors, reporting guidelines between the organisations as well as enforcement activities.

CO-ORDINATION ON RADON IN THE WORKPLACE

The EPA has the principal enforcing role with respect to protection of the Irish population from the effects of ionizing radiation. The HSA have responsibility, with other relevant government departments and agencies, for ensuring that people, including workers, in Ireland are protected from the harmful effects of exposure to radon through the successful implementation of the National Radon Control Strategy (NRCS). The NRCS sets out specific measures to reduce the exposure of the Irish population to radon gas. The EPA and the HSA have joint responsibility with for the delivery of a number of these measures that address worker and environmental health.

CO-ORDINATION ON ACCIDENTS IN THE WORKPLACE INVOLVING SOURCES OF IONISING RADIATION

Recognising that both organisations have procedures for investigating accidents and incidents in their respective domains, the HSA shall inform the EPA of all accidents or incidents reported to or detected by the HSA which involve sources of ionising radiation.

The EPA shall inform the HSA of all accidents or incidents report to or detected by the EPA which involve sources of ionising radiation where determinable harm has been caused or is suspected to have been caused to an individual or individuals or where a transport accident has occurred involving radioactive sources.

Each organisation will liaise closely to ensure the maximum level of co-operation that is reasonably practicable between their respective investigation teams. Each commits to providing the fullest access possible to the other to evidence in its possession that may be relevant to the other organisation's investigation, with due regard for their respective statutory and data protection obligations.

Neither organisation will dispose of any evidence in its possession without notifying the other, where it appears that evidence might be of use to the other. Each organisation shall ensure that the evidence is collected and held in such a manner as will allow for its admissibility in court.

Both organisations confirm that any such exchange of information/intelligence and access to their files is on a purely confidential basis and solely for their respective criminal investigations of the incident in question.

Non Ionising Radiation

It is expected that EPA will be assigned responsibilities for regulations governing public exposure to Electro Magnetic Fields (EMF). The EMF spectrum to be covered by the EPA (frequencies up to 300 GHz) will be the same as that set out in S.I. No 337 of 2016 which govern EMF exposure to workers. There will be a need to develop a working interface between EPA and HSA to ensure efficiencies and to avoid unnecessary duplication of effort and to demonstrate a joint approach.

APPENDIX VI - DANGEROUS GOODS TRANSPORT (ADR) AND PETROLEUM STORAGE

DANGEROUS GOODS TRANSPORT

It is the responsibility of the HSA and the EPA as CAs under the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2017 to communicate and exchange information in relation to their functions under the relevant road transport regulations.

The HSA will attend relevant UNECE and EU Commission meetings concerning ADR matters. The HSA will communicate with the EPA on matters concerning Class 7 radioactive substances via the interdepartmental meeting for ADR CAs organised by the Department of Business, Enterprise and Innovation or bilaterally as necessary.

Both organisations have specific roles concerning ADR driver training and examination. The HSA shall inform the EPA as necessary on matters concerning driver training certification.

ENFORCEMENT

Where either organisation becomes involved in the investigation of an incident under dangerous goods transport regulations and the incident extends into the area of responsibility of the other organisation, the investigating body shall inform the other body via the Coordination Group. The Coordination Group shall in turn communicate with the relevant lead investigators.

PETROLEUM STORAGE

The HSA has an enforcement role under the Dangerous Substances Act 1972 concerning bulk, retail and private storage of petroleum products (primarily petroleum class 1) under the following regulations:

- Dangerous Substances (Bulk Stores) Regulations S.I. 313 of 1979 and
- Dangerous Substances (Retail and Private Petroleum Stores) Regulations 1979 to 2016.

Where either organisation becomes involved in the investigation of a significant incident involving the loss of containment of petroleum, the investigating body shall inform the other body via the Coordination Group. The Coordination Group shall in turn communicate with the relevant lead investigators.

In relation to Volatile Organic Pollutants (VOCs), petroleum road tankers may be subject to VOC site testing when delivering product to a site. From time to time, there may be a requirement for the EPA and the HSA to liaise on VOC regulations and ADR requirements. This matter has been addressed in national (ADR) legislation and may be dealt with at either the interdepartmental CA forum on ADR or through the Coordination Group.