

The Dangerous Substances (Notification and Marking of Sites) Regulations 1990

A brief guide on an amendment to the Regulations 2013

What is the purpose of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (NAMOS)?

The principal aim of the NAMOS Regulations is to ensure that firefighters arriving at an incident are warned of the presence of dangerous substances.

What are the current requirements in the NAMOS Regulations?

The NAMOS Regulations are based on the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (CDG). It is a legal requirement under the NAMOS Regulations to notify the fire and rescue service (FRS) and the enforcing authority for the Health and Safety at Work etc Act (eg the Health and Safety Executive/local authority) about any site with a total quantity of 25 tonnes or more of dangerous substances.

The CDG Regulations are based on a European Agreement concerning the International Carriage of Dangerous Goods by Road (known as ADR) which contains a list of dangerous substances.

2013 change

Why are the Regulations being amended?

On the 6 April 2013, the Notification of Installations Handling Hazardous Substances Regulations 1982 (NIHHS) and the Amendment Regulations 2002 will be revoked. This will reduce the duplication of different notification regimes for dangerous substances. The requirement in the NIHHS Regulations for a person in control of a site to notify when the site holds 150 tonnes or more of **'relevant ammonium nitrate mixtures'** will be transferred to the NAMOS Regulations.

Within the Regulations and this guidance **'relevant ammonium nitrate mixtures'** is defined as ammonium nitrate and mixtures containing ammonium nitrate, where the nitrogen content exceeds 15.75% of the mixture by weight.

Notification – brief summary of changes from 6 April 2013

If you previously notified under the NAMOS Regulations you will need to:

- continue to notify the enforcing authority and the FRS for the area in which your site is located if you store 25 tonnes or more of dangerous substances (the Scottish FRS will come into effect on 1 April 2013 and will be a new national service for Scotland); and
- notify the FRS for the area in which your site is located if the site holds 150 tonnes or more of 'relevant ammonium nitrate mixtures' – **NEW REQUIREMENT**.

If you previously notified under the NIHHS Regulations you will need to:

- notify the enforcing authority and the FRS for the area in which your site is located if you store 25 tonnes or more of dangerous substances – **NEW REQUIREMENT**; and
- notify the FRS for the area in which your site is located if the site holds 150 tonnes or more of 'relevant ammonium nitrate mixtures' – **AMENDED REQUIREMENT**.

Marking of sites

The amendment to the Regulations **will not require the marking of sites for 'relevant ammonium nitrate mixtures'**. This is because this type of mixture does not require signage under the CDG Regulations 2009 on which the NAMOS Regulations are based.

The current requirement to mark sites at the access points to warn of the presence or possible presence of dangerous substances at a total quantity of 25 tonnes or more remains unchanged.

What are the requirements for notifying storage of dangerous substances?

These have not changed, but will be new to those sites which previously notified under the NIHHS Regulations. Certain ammonium nitrate products are included on the list of dangerous substances in ADR and will therefore fall within the 25 tonne threshold. Such products will carry the hazard classification symbol for a 5.1 oxidising substance.

What are the requirements for notifying storage of 'relevant ammonium nitrate mixtures'?

Subject to certain exceptions (see below), regulation 4(4) will require the person in control of a site to notify the **FRS for the area in which the site is located (not the enforcing authority)** if the site holds a total quantity of 150 tonnes or more of 'relevant ammonium nitrate mixtures'.

The person in control of the site will need to anticipate the quantities of 'relevant ammonium nitrate mixtures' which may be present at any one time.

The new requirement in the amendment for 'relevant ammonium nitrate mixtures' will bring in materials which are not classed as 5.1 oxidising substances. **If these materials are on site in addition to the 'relevant ammonium nitrate mixtures' they will need to be included in any calculations necessary to decide if notification is required.**

However, the requirement for the marking of sites will only be necessary for the dangerous substances and not 'relevant ammonium nitrate mixtures'.

Appendix 1 provides further information about how the notification requirements apply.

Exceptions

There are certain circumstances where the Regulations do not apply, eg dangerous substances which have been buried or deposited in the ground at the site as waste (whether in bulk, in drums or other containers), or radioactive substances. Schedule 1 of the Regulations contains the full list of circumstances where the Regulations do not apply.

Marking of sites requirements

Sites which store 25 tonnes or more of dangerous substances will continue to require marking with an appropriate hazard warning sign.

There will not be a requirement to mark sites for 'relevant ammonium nitrate mixtures'. If a notification includes dangerous substances (as defined in ADR) **and** relevant ammonium nitrate mixtures, **sites will only require marking for the dangerous substances.**

How to make a notification for relevant ammonium nitrate mixtures

Notifications for sites holding 25 tonnes or more of dangerous substances should be sent to both the enforcing authority and the FRS for the area in which the site is located.

Notifications for 150 tonnes or more of 'relevant ammonium nitrate mixtures' should ONLY be sent to the FRS for the area in which the site is located.

Ammonium nitrate could fall within both the above categories. Appendix 1 provides a flowchart to assist in identifying who should be notified.

Additional notifications will be required for changes at the site which affect the previous notification or where there is resumption in the presence of 'relevant ammonium nitrate mixtures' following previous changes. **Any changes relating to these types of mixtures should also be notified to the FRS for the area in which the site is located.**

Details of what should be notified are listed in Appendix 2.

What are the transitional arrangements?

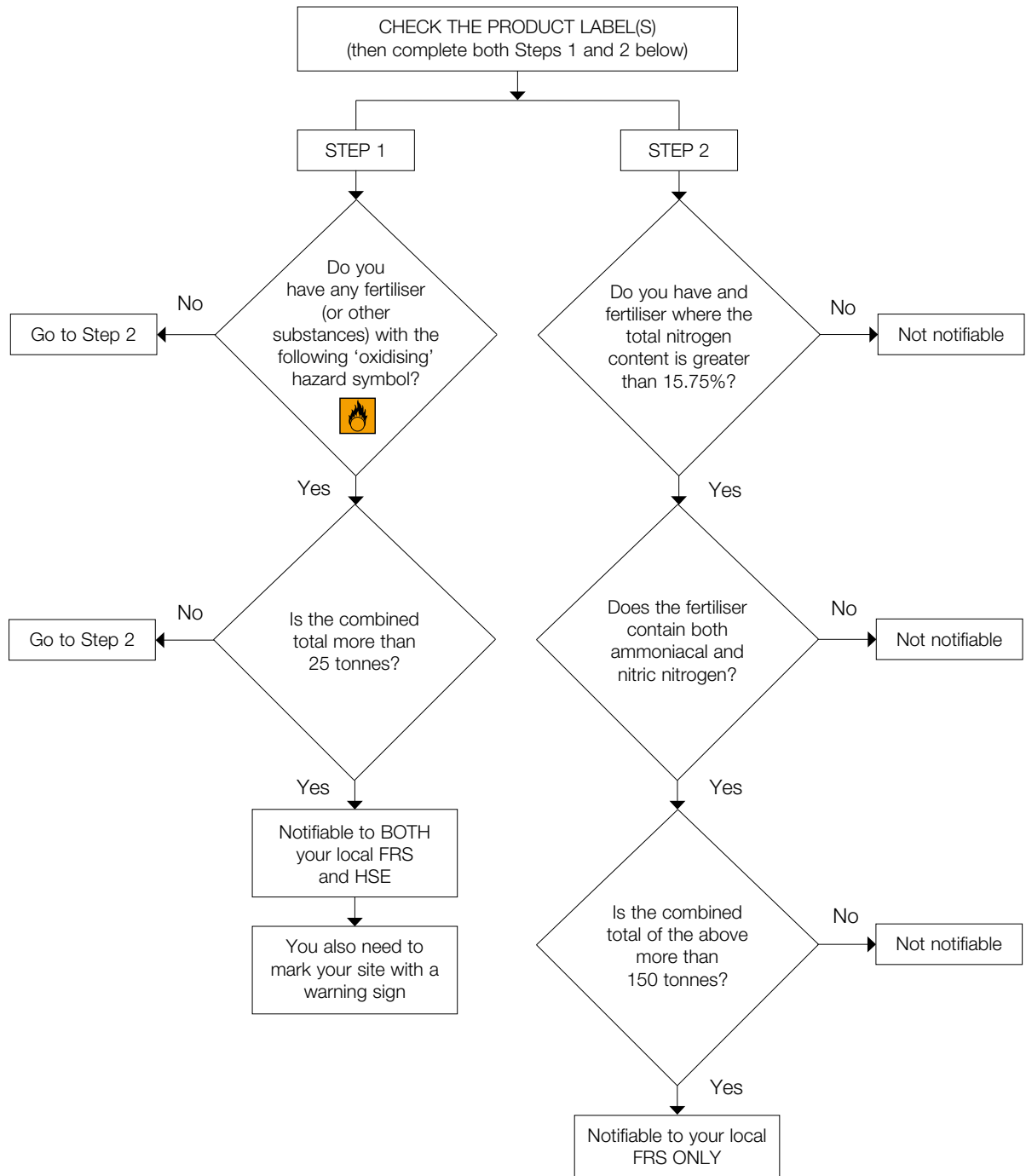
There will be a one month transitional period after the coming into force of the amending Regulations on 6 April 2013. From 7 May 2013, under the NAMOS Regulations all notifications for 'relevant ammonium nitrate mixtures' will need to be sent to the appropriate FRS.

Useful resources

The Dangerous Substances (Notification and Marking of Sites) Regulations 1990 and the amendment Regulations can be viewed at www.legislation.gov.uk.

Appendix 1: Who do I notify?

Notification of ammonium nitrate storage – who do I notify?



Example of typical fertiliser labelling

NPK FERTILISER 34.5.5	
Total Nitrogen (N)	34%
Nitric Nitrogen (N)	17%
Ammoniacal Nitrogen (N)	17%

Appendix 2: What should I notify?

For the presence of over 25 tonnes of dangerous substances

Notify the enforcing authority AND local FRS for the area in which the site is located:

- Name and address of the person making the notification.
- Full address of the site.
- Simple details of the business at, or planned for, the site.
- The planned or estimated date such quantities will be present.
- Classification of dangerous substances which are or are liable to be present at the site (please tick relevant box):

Non flammable compressed gas	<input type="checkbox"/>	Oxidizing substance	<input type="checkbox"/>
Toxic gas	<input type="checkbox"/>	Organic peroxide	<input type="checkbox"/>
Flammable gas	<input type="checkbox"/>	Toxic substance	<input type="checkbox"/>
Flammable liquid	<input type="checkbox"/>	Corrosive substance	<input type="checkbox"/>
Flammable solid	<input type="checkbox"/>	Harmful substance	<input type="checkbox"/>
Spontaneously combustible substance	<input type="checkbox"/>	Other dangerous substance	<input type="checkbox"/>
Substance which in contact with water emits flammable gas	<input type="checkbox"/>		

For the presence of over 150 tonnes of 'relevant ammonium nitrate mixtures'

Only notify the FRS for the area in which the site is located:

- Name and address of the person making the notification.
- Full address of the site.
- Simple details of the business at, or planned for, the site.
- The planned or estimated date such quantities will be present.
- The total quantity of 'relevant ammonium nitrate mixtures' at or above 150 tonnes, which is present, or is likely to be present at the site.

Changes to be notified affecting the presence of 'relevant ammonium nitrate mixtures'

The person in control of a site should notify the following changes:

- a permanent ending of the presence of 'relevant ammonium nitrate mixtures'.
Examples would include:
 - where a business is closing down and the site is to be vacated; or
 - where a change in the business means the site will no longer hold these substances. This would not apply if the cessation was on a temporary basis, such as seasonal or other business fluctuations and the return of such substances to the site was foreseeable;
- a permanent reduction to below 150 tonnes of 'relevant ammonium nitrate mixtures'. This would not apply if the reduction was on a temporary basis.

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and other priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available at: www.hse.gov.uk/pubns/indg467.htm.

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