

**EXPLANATORY MEMORANDUM TO THE
CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE
PRESSURE EQUIPMENT (AMENDMENT) REGULATIONS 2005**

2005 No. 1732

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

1.1 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This Statutory Instrument amends The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 to add references to Commission Directives 2004/110/EC and 2004/111/EC. It also makes some other minor adjustments to the regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These Regulations amend existing regulations to add references to certain Commission Directives to update legislation for domestic and international dangerous goods journeys by road and rail.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The Department for Transport is required to implement EC Directives relating to the Carriage of Dangerous Goods by Road and Rail. The Directives require member states to implement in national legislation the full range of provisions in the European Agreement Concerning the International Carriage of Dangerous Goods by Road (known as ADR) and the Regulations concerning the International Carriage of Dangerous Goods by Rail (known as RID). As the agreements are subject to biennial review, the Framework Directive itself is amended on the same basis to apply the latest revisions to the agreements.

7.2 This Statutory Instrument will implement the latest EC Directives relating to the carriage of dangerous goods. It also adds cross-references to the Transportable Pressure Equipment

Directive (TPED) and removes Schedules 4 to 8 of The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, which repeated the annexes to TPED. It implements new provisions contained within the EC Directives for security relating to identification requirements for carriers and their personnel and site security plans for high consequence dangerous goods; and amends various other provisions. The Statutory Instrument transfers "Competent Authority" functions from the Health and Safety Executive to the Department for Transport.

7.3 In response to the events of 11 September 2001, the United Nations Sub-committee on the Transport of Dangerous Goods agreed proposals to enhance the security of transporting dangerous goods. These were published in the 13th revised edition of the UN Model Regulations. The international bodies responsible for the carriage of dangerous goods by road and rail, ADR and RID respectively, jointly agreed to adopt these Model Regulations, with some small changes that were relevant to their particular modes of transport. Commission Directives 2004/110/EC and 2004/111/EC make these security measures an EU-wide requirement with a transition period requiring implementation by 1 July 2005.

7.4 These proposals have been the subject of a consultation exercise that was approved by the Domestic Affairs Committee and the Panel for Regulatory Accountability. The consultation period ran from 30 November 2004 to 26 January 2005. An analysis of the consultation has been included in the final Regulatory Impact Assessment. The majority of respondents were concerned about the extension of the scope for mandatory driver training to vehicles below 3.5 tonnes from 1 January 2007. They questioned the estimated costs and felt the extra burden on business, particularly small businesses, was not justified. However these responses all came from just one sector of industry, LP Gas. We have re-checked the estimated costs and found them to be reasonably accurate. This requirement is a safety issue and as it is mandatory through the ADR Framework Directive there is no basis to grant an exemption.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

9. Contact

9.1 Judith Critchley at the Department for Transport, (Tel: 020 7944 2755 or e-mail: dangerousgoods.roadrailuk@dft.gsi.gov.uk) can answer any queries regarding the instrument.

THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT (AMENDMENT) REGULATIONS 2005

TRANSPOSITION NOTE

Purpose

1. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005 amend the Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2004 to implement:
 - (i) Commission Directive 2004/89/EC of 13 September 2004 adapting for the fifth time to technical progress Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (RID Framework Directive); and
 - (ii) Commission Directive 2004/110/EC of 9 December 2004 adapting for the sixth time to technical progress Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (RID Framework Directive); and
 - (iii) Commission Directive 2004/111/EC of 9 December 2004 adapting for the fifth time to technical progress Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (ADR Framework Directive) (excluding parts relating to the carriage of radioactive material by road which is separate legislative responsibility of the Department for Transport);

This note explains how the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (The Carriage Regulations), as amended for 2005, implement the main elements of these Directives.

Background

2. The ADR and RID Framework Directives require Member States to align their legal requirements governing the safe transport of dangerous goods by road and rail within their boundaries with requirements covering the transport of such goods internationally. These latter requirements are contained in the *European Agreement concerning the International Carriage of Dangerous Goods by Road* and *Regulations concerning the International Carriage of Dangerous Goods by Rail* respectively.
3. The Framework Directives required Member States to align their domestic laws with the provisions set out in the 1995 versions of ADR and RID. Subsequent amending Commission Directives have required Member States to align their domestic laws with the 1997, 1999, 2001, 2003 and now with the 2005 versions of ADR and RID, each time re-implementing the Framework Directives, as amended, to reflect the most current versions of ADR and RID, revised every two years to take account of technological and safety-related developments.

Transposition

5. The attached **Annex 1** provides details about how the main elements of the ADR Framework Directive, as amended, have been implemented through the Carriage Regulations; **Annex 2** provides similar details in respect of the RID Framework Directive.

Regulatory Impact Assessment
The Carriage of Dangerous Goods and the Use of Transportable Pressure
Equipment (Amendment) Regulations 2005.

Executive summary

1. The RIA was originally written as an annex for a Consultation Document (CD) that sets out the regulatory proposals to implement European Directives relating to the carriage of dangerous goods, namely:
 - Commission Directives 2004/89/EC and 2005/110/EC adapting for the fifth and sixth time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail; and
 - Commission Directive 2005/111/EC adapting for the fifth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road.
2. In implementing these Directives, we are directly referencing for technical detail the 2005 texts of two documents: Regulations concerning the International Carriage of Dangerous Goods by Rail (RID); and the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).
3. The RIA attached at this annex is in two parts.
4. The first part considers the impact the new security requirements, which will apply to anyone involved in the carriage of dangerous goods and require:
 - Carriers to be “properly identified”
 - Transit sites that contain dangerous goods to be made secure
 - Security training to be provided and general security awareness to be raised
 - For **high consequence** dangerous goods - a security plan to be put in place
5. This is the first time that this level of security will have been prescribed for the carriage of dangerous goods by road and rail.
6. The second part considers the other changes being introduced in the 2005 amending Regulations and we have concentrated primarily on the costs associated with driver training, asking consultees to provide us with more information where they believe we have not adequately addressed other potential costs.
7. The Department's Transport Security and Contingency Directorate (TRANSEC) have developed the security requirements in conjunction with the Department's Dangerous Goods Branch. The RIA was split to help the industry focus on the new security measures - a first for their industry - and to help TRANSEC monitor the comments that are made. TRANSEC leads on transport security issues.
8. The total costs to industry are estimated to be between £105-£133m over ten years in present value terms. In the first year after the proposals come into force it is estimated that £25-£53m of this amount will be incurred as a result of the security measures. Less than £0.05m will be incurred for the safety measures.
9. Part 1 of this RIA has been amended as a consequence of the feedback received from the consultation. For Part 2, in light of responses received we reviewed the estimated costs per driver and found that they were accurate. No changes have been made to the second part of the RIA.

Regulatory Impact Assessment

The Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment (Amendment) Regulations 2005.

Part 1: Security requirements

1. This appendix considers new regulatory measures on the security of carrying dangerous goods by road and rail.

Purpose and intended effect of measure

Objective

2. To: minimise the risk of dangerous goods, which are carried by road or rail, being misused to cause harm or damage to the UK population, economy or environment and; to ensure that any measures introduced to reduce the risk is harmonised for pan-European freight movement.
3. This will be achieved by transposing into national legislation, a set of security measures required by EU legislation.

Background

4. In response to the events of 11 September 2001, the United Nations Sub-committee on the Transport of Dangerous Goods agreed proposals to enhance the security of transporting dangerous goods. These were published in the 13th revised edition of the UN Model Regulations. The international bodies responsible for the carriage of dangerous goods by road and rail – ADR and RID respectively¹ – jointly agreed to adopt these Model Regulations, with some small changes that were relevant to their particular modes of transport.
5. In December 2004 the European Commission adopted the new road and rail security measures through existing Framework Directives². The security measures therefore became an EU-wide requirement from 1 January 2005 with a transition period of 6 months requiring implementation by 1 July 2005.
6. The new security measures will apply to all dangerous goods and are split into two levels: a general level applicable to the carriage of all dangerous goods and a higher level for the carriage of high consequence dangerous goods. High consequence dangerous goods, a list of which is at the end of **Annex A**, are defined as those that, if misused, can cause a large loss of life or serious damage to the economy or environment.
7. The new security measures do not cover the movement of all civil nuclear material, as defined by the Nuclear Industries Security Regulations 2003 (NISR). The transport of such material is regulated by the Office for Civil Nuclear Security (OCNS) in accordance with the NISR.

¹ ADR is the European agreement concerning the international carriage of dangerous goods by road. RID is the set of regulations concerning the international carriage of dangerous goods by rail.

² The European Commission took the decision some time ago that it should adopt the agreements made by ADR and RID. As the UN Model Regulations are amended every two years, the Commission chose to make these regulations through two Framework Directives:

Road: Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, as amended; and,

Rail: Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, as amended.

8. The new security measures will require:
 - Carriers to be “properly identified”
 - Transit sites that contain dangerous goods to be made secure
 - Security training to be provided and general security awareness to be raised
 - For **high consequence** dangerous goods - a security plan put in place
9. This is the first time that this level of security will have been prescribed for the carriage of dangerous goods by road and rail. Although the road industry does have some security measures in place, these new measures will be a step change in what is currently required. The rail industry has a more mature security regime in place – through the National Rail Security Programme – but will still have to make changes to adapt to the new security requirements.

Risk assessment

10. Risk management is key to developing carriage security policy. It allows the Government to balance the need to have good security against the cost to industry and disruption to the transport network by focussing on those targets most at risk. Evaluation of risk is based on consideration of threat of an attack and the vulnerability of the target. The Government cannot directly control the threat so it introduces security regimes that focus on reducing vulnerability to bring the risk to an acceptable level. The Government therefore aims to introduce measures that are practical and proportionate and not unduly burdensome to industry while remaining mindful of the need to protect the public interest.
11. The new road and rail security measures seek to address the three most likely methods by which dangerous goods could be obtained and used as a terrorist weapon:
 - someone from inside a company taking a vehicle into their own hands
 - a rogue transport company being set up
 - theft of the load and /or vehicle
12. Whilst there is currently no specific threat against the carriage of dangerous goods it still remains a concern as:
 - 9/11 focused attention on transport as means of attack
 - Vulnerabilities exist in the transport infrastructure
 - The UK as a whole is under a high threat from terrorism

Sectors Affected

13. The new security measures will affect anyone who is engaged in the carriage of dangerous goods - consignors, loaders, carriers and unloaders. They will apply whether the consignor uses an independent carrier or whether, as may happen for certain small consignments of high consequence dangerous goods, the consignor uses his own staff as carriers.
14. Safety requirements for carrying dangerous goods have been in place for a number of years and therefore a number of controls and measures that aid security are already in place. In general, the measures are expected to place a relatively light and manageable additional burden on those elements of the road and rail industries that already have robust safety and security measures in place. What is likely to impact to a greater degree will be

the requirement to create security plans and site security, applicable to those that handle high consequence dangerous goods.

15. A 2004 Departmental survey³ estimated that 6.5% of heavy goods vehicle operators carried dangerous goods, of which 80% carried high consequence dangerous goods. The results also demonstrated that the road industry has already introduced robust security arrangements well in advance of the formal regulation of the new security measures from July 2005. More specifically, the survey reported that of the HGV operators that carry dangerous goods⁴:

- 86% have security measures in place
- 75% have secure parking areas.
- 75% have premises alarms
- 73% have security lighting
- 68% have security measures in place for storage
- 64% have between 1 and 5 employees involved in carrying dangerous goods
- 59% have restricted site access
- 50% conduct security training.
- 54% use only one site for these operations.

16. This survey also complements a 2004 Freight Transport Association survey on theft, where it was found that the majority of respondents believed that the main reason they had not suffered a vehicle or load theft in the past twelve months was good depot security. The survey also found that operators viewed depot security, drivers' attitude/training and secure parking away from the depot as the most effective measure to prevent theft. In addition, 40% of operators employed an individual who is at least partly responsible for matters of security.

17. These findings do not necessarily reflect the security situation of consignors, loaders or unloaders as the surveys were only sent to carriers of dangerous goods.

18. All the major trade organisations have produced guidance to help prevent theft of vehicles and their loads, and to enhance security. This guidance was used in the development of the voluntary Codes of Practice⁵ published by the Department last year. The Codes have been widely distributed and have again helped the industry to raise its awareness of security issues and enhance its own existing security measures.

Vehicles less than 3.5 tonnes

19. Goods vehicle operators on the whole tend not to carry dangerous goods in vehicles less than 3.5 tonnes. The carriage of small consignments of dangerous goods is left to specialist companies or national courier companies. From initial discussions with industry it was found that goods used by the medical industry were the most commonly carried goods, and that the overall amount of goods carried was small.

³ A survey to investigate the proportion of HGV operators who are currently carrying dangerous goods and what security measures they have in place. Between May and July 2004 1270 questionnaires were sent to a random sample of all goods vehicle licence operators. 440 responses were received. A full copy of this survey is available from the DfT website www.dft.gov.uk/security/dangerousgoods

⁴ The methodology and statistical tools used to obtain these results are explained in the survey.

⁵ In advance of the Regulations coming into effect, Government together with industry and the Police developed two voluntary Codes of Practice for the transport of dangerous goods. One for road and another for rail. Further details can be found at www.dft.gov.uk/security/dangerousgoods

20. The precise nature and level of security measures that operators of smaller vehicles have in place is unclear. This can be attributed to the fact that there is no centrally operated mechanism for recording the movement of dangerous goods in this sector. The consultation did not unfortunately assist the Department compile more robust information. But it has been noted that it could be costly and difficult for couriers carrying pathogens and toxins to meet the requirements.

Impact on Public Sector Delivery

21. There are two public services that would be affected by the security measures contained in these Regulations: The National Health Service (NHS) and Network Rail.

22. Parts of the NHS would fall within the scope of the new regulations as, for example, hospitals would need to ensure the security of sites that carry or store on a temporary basis pathogens, toxins and radioactive materials. Much work, however, has already gone into making these sites secure though there may be some areas where more robust security measures are required. For example, costs for the security of infectious substances could be higher.

23. Network Rail has already put in place a number of security measures and so should not be too adversely affected by the introduction of the new regulatory measures. However if there was a security incident or a more stringent application of the measures was required then the costs of implementing the new requirements could be higher than those that have been stated.

24. Also, it is possible that the armed forces might be affected as any increases in the carriage costs of transporting dangerous goods could affect the price the contractors, which the armed forces use to transport some of their equipment, charge.

25. In addition, when companies or organisations are compiling their security plans they may involve consultation with the emergency services and thereby may have an effect of putting further pressure on those services.

Options

26. There are three possible options in respect of the security of dangerous goods in carriage in Great Britain.

27. The first is to introduce a voluntary Code of Practice based on the ADR and RID provisions (security measures) designed to reduce the risks associated with the vulnerability of the carriage of dangerous goods. This has already been done.

28. The second option is to implement the ADR and RID provisions (security measures), again designed to reduce the risks associated with the vulnerability of the carriage of dangerous goods.

29. The third option is to do nothing.

30. Whilst option 1 is ideal as an interim measure it doesn't allow for action to be taken against companies that do not follow the required security measures. We propose to adopt a light touch approach to enforcement but need the regulatory framework to operate flexibly and meaningfully. Option 1 would also leave the UK open to EU Infraction proceedings for failing to implement European regulations.

31. Choosing option 3 would again leave the UK open to EU Infraction proceedings for failing to implement European regulations. It would also create problems for industries

that need harmonised carriage provisions to facilitate multi-modal and pan-European freight movement.

32. We therefore intend to pursue option 2.

33. You will note from the text of the actual security measures, found in **Annex A**⁶, that there is a degree of flexibility in how the measures could be implemented. Guidance will be issued on how these measures are to be implemented, which will be based on the guidance that was issued for the Codes of Practice.

Benefits

34. The main benefit of the regulations is that it can help reduce the risk of an attack taking place (i.e. by making theft of dangerous goods that much harder). This has the potential of saving lives and serious injuries. Estimates of scenarios suggest that that many hundreds of people, perhaps thousands, could suffer as a result of a successful attack⁷. Some scenarios where less hazardous dangerous goods are involved or the conditions for a successful attack are not ideal, may result in fewer people suffering. Implementation of the regulations would also prevent damage to our transport infrastructure, buildings and environment, all of which would have a detrimental effect on our economy.

35. Quantifying all of the security benefits is difficult. However we can attempt to draw upon the data that is used when dealing with the prevention of accidents involving dangerous goods⁸. Although these figures relate to the safety of transporting dangerous goods they are still indicative of the costs of a security incident as they relate in effect to the potential clean up costs of a chemical spillage/dispersion.

36. We can assume £1.35m for the prevention of a fatality and £108,000 for serious injury prevention, with the latter figure being a combination of the likelihood of workplace or carriage injuries of varying severity and their associated loss of welfare cost.⁹

37. Using these figures we can estimate that the prevention of a successful attack using dangerous goods would potentially save billions of pounds. However, such savings may be less if, as mentioned in paragraph 29, fewer people suffered as a result of an attack. The reduced risk of an attack by implementing the security measures will also bring benefits in terms of preventing economic disruption.

38. Although it is difficult to quantify, the security measures could potentially reduce crime, particularly theft of vehicles and loads, due to the improved site security and driver security awareness training. This in turn could lead to a reduction in insurance premiums. There may also be an increase in pan-European freight travel facilitated by the harmonised security arrangements.

39. A majority of the responses to the public consultation agreed with the underlying assumptions made above in regards to the benefits of the new regulations.

⁶ Annex A only contains the ADR text. The RID text is almost identical to the ADR text except that it does not have chapter 1.10.1.6 and makes references to trains and wagons, and not vehicles.

⁷ It is assumed, for the moment, that the preferred tool for a terrorist attack involving dangerous goods would involve substances that cause maximum damage i.e. high consequence dangerous goods. Using specialists in the HSE, we have carried out worst case scenario modelling of a few high consequence dangerous goods incidents.

⁸ To calculate the cost of injuries, we can use the Department's current valuations, based on the willingness to pay to avoid a marginal increase in risk to the public, adjusted by HSE to allow for additional workplace or carriage related detriments.

⁹ Based on standard unit costs to society from "The costs to Britain of workplace accidents and work related ill health in 1995/96" – Davies- Teasdale and updated with DfT Highways Economic note No 1 2001

Costs

Economic

40. The underlying principles in our approach to reducing the risk of an attack are the need to be pragmatic, proportionate and not to put the UK industry at a commercial disadvantage.
41. The 2004 Departmental survey confirmed that there is already a good level of security in place within the road industry for those that carry dangerous goods. The impact of this is that the security measures the Government is seeking to introduce, which would enhance existing measures, will not pose an undue burden on the industry. The impact for consignors may be higher as their levels of security have not been fully identified.
42. Costs that are incurred will obviously depend on the size of the company, its operation and what measures might need to be implemented - depending on what is already in place and what extra measures are needed appropriate to the risk. Costs would also be higher when trying to secure remote locations.
43. Any impact is likely to be borne primarily by small or medium sized businesses¹⁰ as by comparison only a limited number of large businesses¹¹ are engaged in the carriage of dangerous goods.
44. In order to understand what the overall costs might be, a cost matrix was developed that compares the different cost levels of implementing the measures to the size of the company. The figures used for this matrix were obtained from the respondents to the Department's 2004 survey and our advisory groups.
45. A summary table that has aggregated the initial and ongoing costs for road can be found in **Annex B**. A similar table for rail can be found in **Annex C**.
46. Costs for option 1 have not been detailed, as they would in essence be the same as the costs for Option 2.
47. Most of the costs will be met in the initial implementation, primarily in respect of improving site security. Ongoing costs will be incurred for example in respect of those sites that have manned patrols and in respect of the maintenance, repair and replacement of site security equipment. One response to the recent public consultation suggested that there may also be ongoing training costs as staffs are replaced over time. However, no indication of the likely staff turnover or frequency of refreshers training was provided. The 2004 Departmental study concludes that around two thirds of dangerous goods operators have between 1 - 5 employees. We have thus assumed that the likely staff turnover may be 1 in 5 per annum. This may be an overestimation as frequent replacement of staff can impose additional costs to the operator.
48. The total initial implementation cost of the new security measures is likely to be around £25.1 - 52.8m but this allows for the additional costs from enforcement and compliance activities (see paragraph 63). The upper estimate reflects the potential higher costs to produce, implement and comply with a security plan as specified in 1.10.3.2.2 Annex A. The cost associated with the security plan will invariably differ depending on the operation of the reporting entity. It is assumed the initial costs will occur within the first year.

¹⁰ A small business has between 0 and 49 employees: A medium sized business has between 50 and 249 employees.

¹¹ Those businesses with more than 250 employees

49. Subsequent annual ongoing costs are likely to be between £10.4 - 11.1m (which includes costs from enforcement and compliance activities). Overall, the total cost per annum is approximately £12.2m - £15.5m.
50. These figures reflect the costs borne by the companies and organisations we have already approached. However it may be that the costs could be lower or higher, depending on the circumstances of the business. Because of this the figures we have presented a range of the potential cost rather than a single point estimate. The cost range is based on the information we have gathered in writing, the partial regulatory impact assessment and the information we have received as a result of the consultation process.

Environmental and Social

51. The security measures may have adverse environmental impact if the fencing or lighting used to secure the sites is perceived to be obtrusive and if the number of carriers is reduced, which could lead to longer journeys and potentially more accidents, pollution and congestion.
52. The security measures will not incur any social costs.
53. A majority of the responses to the recent public consultation agreed that the new security measures will not have any environmental or social impacts.
54. Choosing the 'do nothing' option could result in environmental and social costs if an incident occurred. The costs of an incident are explained in paragraph 31. In addition from a sub-sample of 5% of 'RIDDOR incidents'¹² (i.e. a total of five each year) involving escape or combustion of dangerous goods the cost in mitigation, vehicle damage, lost product, disruption and environmental damage was £107,986.

Government

55. Government will have to bear some costs, which will mainly consist of compliance activity. To allow for all operators to be visited and for follow up visits to be made it is estimated that it will cost £1.5m over the next three years. Changes to administrative processes and administrative support would increase this figure to £2.0m (figures included in implementation costs in paragraph 48).

Equity and Fairness

56. The new measures will not conflict with the principles of equity and fairness.
57. There is no rural impact.

Consultation with small business: the Small Firms' Impact Test

58. For the road industry, discussions with trade organisations and the recent DfT survey confirmed that a significant number of small businesses would fall within the scope of the new security measures. However, the burden would vary and for most carriers should be reasonably low, as there already exists a good security culture and a high degree of security compliance for companies engaged in the carriage of dangerous goods.
59. Some small companies may need to employ consultants or contract out the work because they do not have the right skills or experience. However, we would hope that the guidance that is being produced would minimise the external advice. It is accepted though that for some items such as fencing and CCTV advice will need to be sought and as such could be a financial burden.

¹² RIDDOR stands for Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

60. For the rail industry there is less certainty. For the train operating companies and the infrastructure controller, it is expected that the measures would have limited and minimal impact as there already exists a good security culture and a high degree of security compliance.
61. However, the precise nature and level of security measures at sites that have access to the rail network is unclear. This can be attributed to the fact that there is no centrally operated mechanism for recording the movement of dangerous goods in this sector. It is intended that this consultation will assist the Department in confirming more robust information, building up a better knowledge base in this subject.

Competition Assessment

62. A Competition Assessment has been carried out in accordance with the Office of Fair Trading guidelines. Following discussions with departmental economists and representatives of the trade associations, our conclusion is that the proposals are likely to have little effect on competition. The findings of the assessment test are at **Annex D**.

Enforcement and Sanctions

63. It has been agreed with the Vehicle and Operator Services Agency (VOSA) that it would monitor and enforce compliance with the carriage of dangerous goods by road. As this will be the first time that such security measures will have been introduced for road carriage, £1.5 million has been earmarked for enforcement purposes over three years commencing in 2004/05.
64. Although the role of security inspector is new to VOSA, existing staff have many of the competencies required to fulfil this role. VOSA examiners regularly carry out vehicle checks, site checks and document and process audits. They are also sensitive to suspicious changes in behaviour and are experienced with drivers and companies that are involved with criminal activity.
65. To ensure that the VOSA examiners have an equivalent skill and knowledge set they will undergo a bespoke training course designed by the Security Service and NACTSO, which will include detailed training in the threat/risk approach to security and in identifying security vulnerabilities.
66. The compliance checks will be carried out both at company or organisations premises and the roadside. Most of the work though will focus on checks at premises where the new security requirements are greatest.
67. For rail, enforcement will be undertaken by the Department's own rail security inspectors. The Department is currently examining whether the cost of monitoring compliance could be met from existing resources. Compliance checks will be carried out at storage terminals, vehicle depots, berthing areas and any temporary storage areas used for the carriage of dangerous goods.
68. Enforcement will commence from 1 July 2005 (when the security measures become law). The enforcement model to be used will be consistent with the one TRANSEC applies to the other industries that it regulates.
69. The primary emphasis of compliance action will be on co-operation, advice, dialogue and self-rectification and, in the worst or persistent cases, we would consider prosecution.

70. Security measures may vary depending on the type and size of dangerous goods the company or organisation handles, and how often. Because one size does not fit all VOSA and TRANSEC will be adopting a risk based approach to site security. We are proposing to have, for guidance, four broad levels of site security. **Level 1** where non-high consequence dangerous goods are handled, the quantities are small or are handled infrequently. **Level 2** where non-high consequence dangerous goods are handled but in larger quantities and/or more frequently. **Level 3** where small quantities of high consequence dangerous goods are handled and **level 4** where large quantities of high consequence dangerous goods are handled.

71. Some classes of high consequence dangerous goods may need to be included in Level 4 even though they are only being transported in small quantities. E.g. Pathogens.

72. Level 1 security may be just involve a small safe whereas some Level 4 security may involve weld mesh fence (topped with razor wire) with access must be controlled with photographic identification.

Monitoring and Review

73. Ongoing monitoring of the impact of the security requirements in the regulations will be performed by VOSA and TRANSEC and on a more informal basis by industry liaison groups. Quarterly monitoring reports will be prepared by VOSA and TRANSEC, submitted to senior managers in the Department and assessed to establish whether or not any relevant objectives had been met. The process will be kept under continuous review to examine the effectiveness and efficiency of the enforcement regime.

Consultation

74. Out of the 30 responses we received, there was a broad agreement with the findings and assumptions that were made in the consultation document. A full list of the responses that were made together with TRANSEC's comments and actions is found in Annex E and on the Department's website www.dft.gov.uk/security/dangerousgoods.

75. The respondents helpfully identified areas of impact we had not previously considered. These areas have now been included in this impact assessment. We have also adjusted our cost estimates as it was felt that in some areas we had understated the cost of implementing the measures.

76. A number of questions were also asked that related to the policy and compliance of the measures. These questions have been answered in the document in Annex E and will be reflected in the guidance that will be issued to support the regulations.

Summary and Recommendation

Option	Initial costs (approx)	Total cost per annum (approx)	Total benefit per annum
Implement ADR and RID security requirements	£25.1m - £52.83m	£12.2m - £15.6m	See paragraph 29

APPENDIX 3a: ANNEX A ADR CHAPTER 1.10

NOTE : *For the purposes of this chapter, security means measures or precautions to be taken to minimise theft or misuse of dangerous goods that may endanger persons, property or the environment.*

1.10.1 General provisions

- 1.10.1.1 All persons engaged in the carriage of dangerous goods shall consider the security set out in this chapter commensurate with their responsibilities.
- 1.10.1.2 Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.
- 1.10.1.3 Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.
- 1.10.1.4 Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.
- 1.10.1.5 Safety inspections in accordance with 1.8.1 and 7.5.1.1 shall cover appropriate security measures.
- 1.10.1.6 The competent authority shall maintain up-to-date registers of all valid training certificates for drivers stipulated in 8.2.1 issued by it or by any recognised organisation.

1.10.2 Security training

- 1.10.2.1 The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.
- 1.10.2.2 Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.

1.10.3 Provisions for high consequence dangerous goods

- 1.10.3.1 "High consequence dangerous goods" are those which have the potential for misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction. The list of high consequence dangerous goods is provided in Table 1.10.5.

1.10.3.2 Security plans

- 1.10.3.2.1 Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.

- 1.10.3.2.2 The security plan shall comprise at least the following elements:
- (a) specific allocation of responsibilities for security to competent and qualified persons with appropriate authority to carry out their responsibilities;
 - (b) records of dangerous goods or types of dangerous goods concerned;
 - (c) review of current operations and assessment of security risks, including any stops necessary to the transport operation, the keeping of dangerous goods in the vehicle, tank or container before, during and after the journey and the intermediate temporary storage of dangerous goods during the course of intermodal transfer or transshipment between units;
 - (d) clear statement of measures that are to be taken to reduce security risks, commensurate with the responsibilities and duties of the participant, including:
 - training;
 - security policies (e.g. response to higher threat conditions, new employee/employment verification, etc);
 - operating practices (e.g. choice/use of routes where known, access to dangerous goods in intermediate temporary storage (as defined in (c)), proximity to vulnerable infrastructure etc);
 - equipment and resources that are to be used to reduce security risks;
 - (e) effective and up to date procedures for reporting and dealing with security threats, breaches of security or security incidents;
 - (f) procedures for the evaluation and testing of security plans and procedures for periodic review and update of the plans;
 - (g) measures to ensure the physical security of transport information contained in the security plan; and
 - (h) measures to ensure that the distribution of information relating to the transport operation contained in the security plan is limited to those who need to have it. Such measures shall not preclude the provision of information required elsewhere in ADR.

NOTE: *Carriers, consignors and consignees should co-operate with each other and with competent authorities to exchange threat information, apply appropriate security measures and respond to security incidents.*

- 1.10.3.3 Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.

NOTE: *When appropriate and already fitted, the use of transport telemetry or other tracking methods or devices should be used to monitor the movement of high consequence dangerous goods (see Table 1.10.5).*

- 1.10.4 In accordance with the provisions of 1.1.3.6, the requirements of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) do not apply when the quantities carried in packages on a transport unit do not exceed those referred to in 1.1.3.6.3. In addition, the requirements of 1.10.1, 1.10.2, 1.10.3 and 8.1.2.1 (d) do not apply when the quantities carried in tanks or in bulk on a transport unit do not exceed those referred to in 1.1.3.6.3.
- 1.10.5 High consequence dangerous goods are those listed in the table below and carried in quantities greater than those indicated therein.

ADR TABLE 1.10.5 HIGH CONSEQUENCE DANGEROUS GOODS

Class	Division	Substance or article	Quantity		
			Tank (l)	Bulk (kg)	Packages (kg)
1	1.1	Explosives	a	a	0
	1.2	Explosives	a	a	0
	1.3	Compatibility group C explosives	a	a	0
	1.5	Explosives	0	a	0
2		Flammable gases (classification codes including only the letter F)	3000	a	b
		Toxic gases (classification codes including letters T, TF, TC, TO, TFC or TOC) excluding aerosols	0	a	0
3		Flammable liquids of packing groups I and II	3000	a	b
		Desensitized explosives	a	a	0
4.1		Desensitized explosives	a	a	0
4.2		Packing group I substances	3000	a	b
4.3		Packing group I substances	3000	a	b
5.1		Oxidizing liquids of packing group I	3000	a	b

Class	Division	Substance or article	Quantity		
			Tank (l)	Bulk (kg)	Packages (kg)
		Perchlorates, ammonium nitrate and ammonium nitrate fertilizers	3000	3000	^b
6.1		Toxic substances of packing group I	0	^a	0
6.2		Infectious substances of Category A	^a	^a	0
7		Radioactive material	3000 A ₁ (special form) or 3000 A ₂ , as applicable, in Type B or Type C packages		
8		Corrosive substances of packing group I	3000	^a	^b

^a Not relevant.

^b The provisions of 1.10.3 do not apply, whatever the quantity is.

NOTE: For purposes of non-proliferation of nuclear material the Convention on Physical Protection of Nuclear Material applies to international transport supported by IAEA INFCIRC/225(Rev.4).

APPENDIX 3a: ANNEX B

Summary Costs for Road Carriage

1. Unit costs of implementation are based on figures received from individual companies that transport dangerous goods. It is recognised that for some large companies the unit costs implementation will be higher. However the number of large companies is small by comparison it was decided to not use large company figures.
2. The unit cost for site security allows for items such as, alarms, improvements to fencing and lighting.
3. The letters referred to in the 'explanation of calculation' column relates to the assumptions that were made in the table below and the current compliance rate & the unit cost data.
4. The current compliance data is derived the 2004 DfT survey of heavy goods vehicle operators.
5. Assumption **A** was obtained from VOSA (rounded down from 103k), **B** from Dft statistics (rounded down from 426k), **C** obtained DfT Dangerous Goods Branch, **D** and **E** obtained from the 2004 DfT survey of heavy goods vehicle operators (rounded up).

ASSUMPTIONS		
A	Number of Goods Vehicle Operators	100,000
B	Number of Heavy Goods vehicles	426,000
C	Number of ADR licence holders	140,000
D	% of operators that carry HCDG	80
E	% of Goods vehicle operators that carry dangerous goods	6.5

INITIAL COSTS - LOW ESTIMATE

ADR REQUIREMENT		CURRENT COMPLIANCE RATE (%) (F)	UNIT COST OF IMPLEMENTATION (£) (G)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions				
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	85	100	97,500	= A x E x F x G
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	30	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	75	10,000	16,250,000	= A x E x F x G
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	90	25	350,000	= C x F x G
1.10.1.5	Safety inspections in accordance with 1.8.1 and 7.5.1.1 shall cover appropriate security measures.	50	0	0	minimum costs incurred so entered as zero
SUB TOTAL				16,697,500	
1.10.2	Security training				
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	45	400	1,430,000	= A x E x F x G
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.				
SUB TOTAL				1,430,000	
1.10.3.2	Measures for High Consequence Dangerous Goods				
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	45	500	1,430,000	= A x E x D x F x G
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	30	300	4,651,920	= B x D x E x F x G
SUB TOTAL				6,081,920	
TOTAL				24,209,420	

INITIAL COSTS - HIGH ESTIMATE

ADR REQUIREMENT		CURRENT COMPLIANCE RATE (%) (F)	UNIT COST OF IMPLEMENTATION (£) (G)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions				
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	85	100	97,500	= A x E x F x G
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	30	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	75	10,000	16,250,000	= A x E x F x G
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	90	25	350,000	= C x F x G
1.10.1.5	Safety inspections in accordance with 1.8.1 and 7.5.1.1 shall cover appropriate security measures.	50	0	0	minimum costs incurred so entered as zero
SUB TOTAL				16,697,500	
1.10.2	Security training				
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	45	400	1,430,000	= A x E x F x G
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.				
SUB TOTAL				1,430,000	
1.10.3.2	Measures for High Consequence Dangerous Goods				
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	45	10100	28,886,000	= A x E x D x F x G
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	30	300	4,651,920	= B x D x E x F x G
SUB TOTAL				33,537,920	
TOTAL				51,665,420	

ONGOING COSTS - LOW ESTIMATE

ADR REQUIREMENT		UNIT COST OF IMPLEMENTATION (£) (F)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions			
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	0	0	minimum costs incurred so entered as zero
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	1,500	9,750,000	= A x E x F
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	0	0	minimum costs incurred so entered as zero
1.10.1.5	Safety inspections in accordance with 1.8.1 and 7.5.1.1 shall cover appropriate security measures.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			9,750,000	
1.10.2	Security training			
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	400	520,000	Response from consultation suggest that there will be replacement of staff overtime. However, no indication of the level of staff turnover has been provided. We assume for illustrative purpose that 1 in 5 employees will be replaced annually.(N.B. over 2/3 of DG operators have between 1-5 employees)
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.			= A x E x F x 0.2
SUB TOTAL			520,000	
1.10.3.2	Measures for High Consequence Dangerous Goods			
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	0	0	minimum costs incurred so entered as zero
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			0	
TOTAL			10,270,000	

ONGOING COSTS - HIGH ESTIMATE

ADR REQUIREMENT		UNIT COST OF IMPLEMENTATION (£) (F)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions			
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	0	0	minimum costs incurred so entered as zero
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	1,500	9,750,000	= A x E x F
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	0	0	minimum costs incurred so entered as zero
1.10.1.5	Safety inspections in accordance with 1.8.1 and 7.5.1.1 shall cover appropriate security measures.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			9,750,000	
1.10.2	Security training			
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	400	520,000	Response from consultation suggest that there will be replacement of staff overtime. However, no indication of the level of staff turnover has been provided. We assume for illustrative purpose that 1 in 5 employees will be replaced annually.(N.B. over 2/3 of DG operators have between 1-5 employees)
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.			= A x E x F x 0.2
SUB TOTAL			520,000	
1.10.3.2	Measures for High Consequence Dangerous Goods			
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	0	0	minimum costs incurred so entered as zero
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			0	
TOTAL			10,270,000	

APPENDIX 3a: ANNEX C

Summary Costs for Rail Carriage

1. In the absence of sufficient data, unit costs of implementation and compliance rates are based on the road figures received from individual companies that transport dangerous goods. The unit cost for site security allows for items such as, alarms, improvements to fencing and lighting.
2. The letters referred to in the 'explanation of calculation' column relates to the assumptions that were made the table below and the current compliance rate & the unit cost data.
3. Assumption **A** was obtained from Network Rail, **B** estimation from the Freight Operating Company's web-sites, **C** obtained from the recent DfT survey of goods vehicle operators, **D** an estimation from Network Rail.

ASSUMPTIONS		
A	Number of sites with access to the rail network (active)	350
B	Number of locomotives	750
C	% of sites that handle HCDG	80
D	% of Goods vehicle operators that carry dangerous goods	20

INITIAL COSTS - LOW ESTIMATE

RID REQUIREMENT		CURRENT COMPLIANCE RATE (%) (E)	UNIT COST OF IMPLEMENTATION (£) (F)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions				
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	85	100	1,050	= A x D x E x F
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	30	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	75	10,000	175,000	= A x D x E x F
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	90	0	0	minimum costs incurred so entered as zero
1.10.1.5	Safety inspections in accordance with 1.8.1 shall cover appropriate security measures.	50	0	0	minimum costs incurred so entered as zero
	SUB TOTAL			176,050	
1.10.2	Security training				
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	45	400	15,400	= A x D x E x F
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.				
	SUB TOTAL			15,400	
1.10.3.2	Measures for High Consequence Dangerous Goods				
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	45	500	15,400	= A x D x C x E x F
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	30	0	0	not likley to be required so zero cost entered
	SUB TOTAL			15,400	
	TOTAL			206,850	

INITIAL COSTS - HIGH ESTIMATE

RID REQUIREMENT		CURRENT COMPLIANCE RATE (%) (E)	UNIT COST OF IMPLEMENTATION (£) (F)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions				
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	85	100	1,050	= A x D x E x F
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	30	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	75	10,000	175,000	= A x D x E x F
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	90	0	0	minimum costs incurred so entered as zero
1.10.1.5	Safety inspections in accordance with 1.8.1 shall cover appropriate security measures.	50	0	0	minimum costs incurred so entered as zero
SUB TOTAL				176,050	
1.10.2	Security training				
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	45	400	15,400	= A x D x E x F
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.				
SUB TOTAL				15,400	
1.10.3.2	Measures for High Consequence Dangerous Goods				
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	45	10100	311,080	= A x D x C x E x F
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	30	0	0	not likley to be required so zero cost entered
SUB TOTAL				311,080	
TOTAL				502,530	

ONGOING COSTS - LOW ESTIMATE

RID REQUIREMENT		UNIT COST OF IMPLEMENTATION (£) (E)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions			
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	0	0	minimum costs incurred so entered as zero
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	1,500	105,000	= A x D x E
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	0	0	minimum costs incurred so entered as zero
1.10.1.5	Safety inspections in accordance with 1.8.1 shall cover appropriate security measures.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			105,000	
1.10.2	Security training			
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	400	5,600	Response from consultation suggest that there will be replacement of staff overtime. However, no indication of the level of staff turnover has been provided. We assume for illustrative purpose that 1 in 5 employees will be replaced annually.(N.B. over 2/3 of DG operators have between 1-5 employees)
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.			= A x D x E x 0.2
SUB TOTAL			5,600	
1.10.3.2	Measures for High Consequence Dangerous Goods			
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	0	0	minimum costs incurred so entered as zero
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			0	
TOTAL			110,600	

ONGOING COSTS - HIGH ESTIMATE

RID REQUIREMENT		UNIT COST OF IMPLEMENTATION (£) (E)	COSTS OF IMPLEMENTATION (£)	EXPLANATION OF CALCULATION
1.10.1	General provisions			
1.10.1.1	All persons engaged in the carriage of dangerous goods shall consider the security set out in this Chapter commensurate with their responsibilities.	0	0	minimum costs incurred so entered as zero
1.10.1.2	Dangerous goods shall only be offered for carriage to carriers that have been appropriately identified.	0	0	minimum costs incurred so entered as zero
1.10.1.3	Areas within temporary storage terminals, temporary storage sites, vehicle depots, berthing areas and marshalling yards used for the temporary storage during carriage of dangerous goods shall be properly secured, well lit and, where possible and appropriate, not accessible to the general public.	1,500	105,000	= A x D x E
1.10.1.4	Each crew member of a vehicle carrying dangerous goods shall carry with them means of identification, which includes their photograph, during carriage.	0	0	minimum costs incurred so entered as zero
1.10.1.5	Safety inspections in accordance with 1.8.1 shall cover appropriate security measures.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			105,000	
1.10.2	Security training			
1.10.2.1	The training and the refresher training specified in Chapter 1.3 shall also include elements of security awareness. The security refresher training need not be linked to regulatory changes only.	400	5,600	Response from consultation suggest that there will be replacement of staff overtime. However, no indication of the level of staff turnover has been provided. We assume for illustrative purpose that 1 in 5 employees will be replaced annually.(N.B. over 2/3 of DG operators have between 1-5 employees)
1.10.2.2	Security awareness training shall address the nature of security risks, recognising security risks, methods to address and reduce such risks and actions to be taken in the event of a security breach. It shall include awareness of security plans (if appropriate) commensurate with the responsibilities and duties of individuals and their part in implementing security plans.			= A x D x E x 0.2
SUB TOTAL			5,600	
1.10.3.2	Measures for High Consequence Dangerous Goods			
1.10.3.2.1	Carriers, consignors and other participants specified in 1.4.2 and 1.4.3 engaged in the carriage of high consequence dangerous goods (see Table 1.10.5) shall adopt, implement and comply with a security plan that addresses at least the elements specified in 1.10.3.2.2.	0	0	minimum costs incurred so entered as zero
1.10.3.3	Devices, equipment or arrangements to prevent the theft of the vehicle carrying high consequence dangerous goods (see Table 1.10.5) or its cargo, shall be applied and measures taken to ensure that these are operational and effective at all times. The application of these protective measures shall not jeopardise emergency response.	0	0	minimum costs incurred so entered as zero
SUB TOTAL			0	
TOTAL			110,600	

APPENDIX 3a: ANNEX D

Competition Assessment

1. Our available data and information from industry shows that **overall** no one company (or three companies combined) has a large market share of the transport of dangerous goods by road.
2. The view from industry was that the regulations would not lead to higher set-up costs for new firms. Existing firms would have to meet the same costs as new or potential firms in complying with the new. Similarly the regulation would not lead to higher ongoing costs for new firms.
3. There is some technological change in the industry brought about by legislative initiatives many of which require technological solutions (not necessarily ground breaking ones) for compliance. Overall the technological change is not considered to be rapid.
4. The regulations would restrict the ability of firms to choose the quality of their products. If the security measures required are too expensive for particular products it will affect some firms' ability to store them. The price and range of product would not be affected.
5. Our conclusion is that whilst the regulations would have some adverse effects on competition, particularly on small businesses, there does not seem to be a need for a detailed analysis.

APPENDIX 3a: ANNEX E - SUMMARY OF SECURITY RESPONSES TO THE CONSULTATION

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE		
ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
1. Do you agree with the conclusions of the 2004 Departmental Survey? If no, please say why.		
1.1. 11 out of 19 agreed, although 4 of these felt they were in no position to comment and/or had no reason to dispute the figures.		
1.2. The impact assessment did not present any conclusions and survey sample size was limited.	4	The question could have been worded differently as it was in effect the findings we wanted comments on. The Department’s research unit managed the survey and was keen to ensure that the right statistical tools were used. Even though the sample might appear relatively small it was statistically robust.
1.3. It relates to carrier issues only.	2	Accepted. This will be reflected in the impact assessment.
1.4. Where can a copy of the report be obtained		A copy of the report will be posted on our web site.
2. Impact on the public sector - Is our assumption correct that extra costs incurred would be minimal? If no, please say why.		
2.1. 10 out of 19 agreed with the assumption, although 2 of these felt they were in no position to comment.		
2.2. Costs for security of infectious substances could be higher.	1	Accepted. This will be reflected in the impact assessment.
2.3. Would expect effect on goods moved by or for the armed forces.	1	Accepted. This will be reflected in the impact assessment.
2.4. Impact on rail industry unclear as specific measures for HCDG not decided. Security measures may need to increase in light of developments (e.g. major security incidents) and dependent upon TRANSEC's interpretation of the measures for a particular operation. For example physical security such as fencing is not cheap and the costs identified in Appendix 3(a) Annex C could well be understated.	1	In meeting the requirements, it will be up to industry to decide what measures are best for them. Information papers on how TRANSEC sees the measures being implemented are now available and will be posted on our web site. The guidance that supports the new regulations will also reflect this point. Costs in the impact assessment may need to be adjusted.
3. How should crew members and carriers be identified?		
3.1. Incorporate a driver's photograph in the ADR certificate.	4	This does have merits but could impose a financial burden

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
		<p>on industry. It is our intention to implement a "light touch" regime. This position will be reviewed over time and changed if appropriate.</p> <p>The new ADR and RID security measures are not designed to replicate the protective regimes in other modes</p> <p>Also, a new ADR licence will take time to produce and roll out and may overlap with any wider identity card scheme which may be developed.</p>
3.2. Photo driving licences seem the most appropriate and should be compulsory.	3	Photo driving licences are a good way to identify drivers. However, not every driver has one. Making it a requirement for every driver to hold one could impose an undue financial burden on industry.
3.3. Tanker drivers already carry identity cards for accessing terminals although not all have photos. The majority of drivers will have a photographic driver's licence.	1	Accepted. This will be reflected in the impact assessment.
3.4. Not so significant for rail as crew already carry identification	2	No comment as this was already reflected in the impact assessment
3.5. By a system that is recognisable as 'official' and robust e.g. a passport or photographic drivers licence. A 'company pass with photo' would be difficult to authenticate.	4	It is accepted that some company passes might be initially difficult to authenticate. However, over time and once business relationships have built up, these problems should be overcome.
3.6. As per TRANSEC consolidated guidance.	1	Accepted. No comment to make.
3.7. Leaving it to industry to set the standards has security implications for members of armed forces.	1	<p>Noted.</p> <p>Whilst there may be initial problems these will be outweighed by savings made by industry in not having to pay for official identification.</p>

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
3.8. ADR certificate together with driving licence should be sufficient.	1	Noted.
3.9. Guidance is required on how we should identify carriers.	1	Accepted. This will be reflected in the guidance for the new regulations.
3.10. Operators licence holders should be required to declare their involvement in the carriage of dangerous goods.	1	This does have merits but could impose a burden on industry. It is our intention to implement a "light touch" regime. This position will be reviewed over time and changed if appropriate.
3.11. Do not understand what the regulator requires with regards identifying the carrier	1	It concerns the relationship between consignor and transport operator. There are two stages in the process. First, the arrangement made between the consignor and the carrier in advance of any physical movement of goods and secondly, at the point of physical 'handover' of the goods to the carrier. Identification of the driver on the day of the 'handover' is covered separately.
3.12. Delivery and collections should be scheduled.	1	This is the advice given in the existing guidance for the Code of Practice for the transport of dangerous goods by road and will also be in the guidance for the new regulations.
4. How would you properly secure your site?		
4.1. Using the existing voluntary Code of Practice and its supporting guidance	4	Noted.
4.2. Secure part of site only with high consequence dangerous goods.	1	<p>Sites will broadly fall into four levels. Level 1 where non-high consequence dangerous goods are handled, the quantities are small or are handled infrequently. Level 2 where non-high consequence dangerous goods are handled but in larger quantities and/or more frequently. Level 3 where small quantities of high consequence dangerous goods are handled and level 4 where large quantities of high consequence dangerous goods are handled.</p> <p>Level 1 security may just involve a small safe whereas some Level 4 security may involve security fencing where access</p>

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
		<p>must be controlled with photographic identification.</p> <p>The whole site need not be made secure if that is not appropriate.</p>
4.3. Dependent upon site/operation.	7	Agree.
4.4. Site security will be addressed on an individual's role and responsibilities insofar as security is concerned. TRANSEC could promote common approach by providing training guidance.	1	Guidance on training and definition/explanation of what makes a site secure will be given.
4.5. Specific measures provided by respondents including perimeter fences, access control (e.g. photo ID), lighting, CCTV, manning, wandering patrols, fencing gate, and electronic door access.	3	Accepted. These measures are included in the existing guidance for the Code of Practice for the transport of dangerous goods by road. They will also be included in the guidance for the new regulations.
4.6. This is an impractical measure for offloading petrol.	1	<p>Security of sites should be where vehicles or goods are normally stored. The new regulations will not require petrol stations to be made secure. However companies that operate petrol tankers will need to ensure, wherever possible, they have reduced the risk of petrol tankers or their load being stolen whilst the vehicle is in the petrol station.</p> <p>This will be reflected in the guidance for the new regulations.</p>
4.7. Assumption that 1.10.1.3 is not applicable to consignors/consignees	2	<p>1.10.1.3 is applicable to consignors. It is also applicable to consignees if the goods are still in transit.</p> <p>The guidance for the new regulations will make this clearer.</p>
4.8. Concentrating on HCDG sites.	1	TRANSEC would endorse this risk-based approach. Whilst all sites need to be made secure it is better to focus resources on the highest risk first i.e. HCDG sites.
4.9. Cannot alarm sites, for fireworks, in remote locations.	1	Companies in this situation should find a solution that best fits the circumstances. If alarms can not be used then perhaps something else should be considered.

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
4.10. Compliance by virtue of overlap with existing legislation such as COMAH.	1	Accepted.
4.11. MoD has well-established measures in place.	1	Noted. This will be reflected in the guidance for the new regulations.
5. How would you train your employees on security issues and what material would you train them with?		
5.1. Training - Why not use the system for airfreight level 4.	1	The new ADR and RID security measures are not designed to replicate the protective regimes in other modes so will not use the airfreight security levels.
5.2. Use visual aids.	5	Noted.
5.3. MoD already has security training in place for operators, drivers and consignors. New security requirements have been added.	1	Noted.
5.4. Guidance needed from TRANSEC.	1	TRANSEC will set out a framework for training but will not approve the training courses or providers. This framework will include guidance on what topics should be covered both for people receiving and those delivering the training.
5.5. What information needs to be passed on, what possible security risks exist?	2	Accepted. This will be reflected in the guidance for the new regulations.
5.6. Have not considered security of goods in transport to be a big issue in the past.	2	The new security measures are designed to prevent a future terrorist incident.
5.7. Using existing Code of Practice guidance	4	Noted.
5.8. Tailor it according to the operation/business.	11	Noted.
5.9. Will draw on airport or maritime training regimes.	3	Noted. However the new ADR and RID security measures are not designed to replicate the protective regimes in other modes.
5.10. Add security elements to the ADR syllabus.	1	This is being done.
5.11. Manager should attend security training course (1 day duration) and then instigate their own training as appropriate	1	Noted. No comment to make.
5.12. Training not necessary for fireworks as fireworks not a target for terrorists.	1	It is worth noting that 1.1 substance or articles are those that have a mass explosion hazard (an explosion that affects

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
		almost the entire load virtually instantaneously) and 1.2 substances or articles are those that have a projection hazard but not a mass explosion hazard. 1.1G and 1.2G fireworks could therefore be attractive for misuse.
6. What qualifications should people have to carry out security and how should this change with differing responsibilities?		
6.1. Except drivers, no qualification necessary as industry decides whether a person is suitable.	11	Agree.
6.2. Qualifications would not be appropriate. Best build the security role into the job description.	2	Agree.
6.3. Further guidance would be helpful.	1	Accepted. This will be reflected in the guidance for the new regulations.
6.4. The flexible arrangements in the Code of Practice guidance should be maintained	4	Agree.
6.5. Register of ADR qualified drivers held by DfT should be accessible by the industry.	2	This will be considered.
6.6. Qualification as per air security level 3.	1	The new ADR and RID security measures are not designed to replicate the protective regimes in other modes so will not use the airfreight security levels.
6.7. For managers whose sole role is security, use existing TRANSEC training not specific to dangerous goods.	1	Noted. However the new ADR and RID security measures are not designed to replicate the protective regimes in other modes.
6.8. Those responsible for individual sites should be able to undertake risk assessment exercises.	1	Agree.
6.9. Impact assessment does not incorporate costs associated with formal qualification	1	A formal qualification will not be required so it will not be reflected in the costs.

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
6.10. Formal qualification would take senior staff away from the core business.	1	A formal qualification will not be required so it will not be reflected in the costs.
7. How concerned are you about the ability to complete a security plan?		
7.1. Costly / resource intensive to implement	5	Comments will be reflected in the impact assessment.
7.2. Smaller operators may have difficulty.	1	Accepted. We will aim to improve the guidance to minimise the costs and difficulties to small companies.
7.3. Guidance on completing a security plan should not be over prescriptive	2	A security plan template will be provided. This will contain everything you might need for a security plan but does not have to be used in its entirety. You will be free to use whatever parts are necessary for your operation.
7.4. Unnecessary to have a plan.	1	This is a requirement and so cannot be avoided.
7.5. Concerned if required to submit to DfT by 1 July.	1	Security plans will not need to be submitted to DfT; Rather either VOSA (for road) or TRANSEC (for rail) examiners/Inspectors will inspect them. Whilst you are required to have all of the security measures in place by 1 July 2005, it is recognised that practically this may be hard to achieve. VOSA and TRANSEC examiners/Inspectors will therefore show a degree of tolerance if a security plan is not quite how it should be when they come to visit you.
7.6. Good guidance required	3	We will aim to provide good guidance and liase with the industry wherever possible to ensure this is the case.
7.7. Not concerned as already in place low level of concern	2	Noted.
8. Would you value having a security template to follow?		
8.1. 17 out of 19 said they would like having a template to follow.		
8.2. Plans should be high level and where possible should avoid being prescriptive.	1	A security plan template will be provided. This will contain everything you might need for a security plan but does not have to used in its entirety. You will be free to use whatever

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
		parts are necessary for your operation.
8.3. Network Rail will have one security plan so a template would be of little value. However, TRANSEC may see benefit in a common approach and for that reason propose a standard plan structure to be applied across the rail industry.	1	Accepted. No comment to make.
8.4. Site security plans should incorporate liaison with police	1	If this is appropriate to do so then yes.
8.5. Template would be extremely valuable.	3	Noted. No comment to make.
9. How much support do you need from Government and what should that support be?		
9.1. Guidance, help and advice required.	8	Comprehensive guidance for the new regulations will be provided. Further information will be available on our web site. We are also aiming to re-make and distribute a new training video.
9.2. Government should ensure commercial level playing field (not just based on risk based enforcement)	2	Ensuring we do not go above what is required by ADR and RID has done this as far as is practicable.
9.3. DFT support - through DFT funded seminars	2	This is being considered and if it can be done it will be.
9.4. Meshing and/or read-across between different security plan requirements (e.g. In ISPS and ADR/RID)	1	The security plan template that was provided is based upon the security plan template that the UK produced for the ISPS Code.
9.5. Training plans and regular updates on security situation (e.g. the DfT website)	1	Wherever possible we will publish information and updates on our website, through the trade press or by other means.
9.6. Security should be multi modal and apply to the full logistic chain.	1	This is now the case as dangerous goods security has to be applied across all four transport modes – road, rail, sea and air.
9.7. Free videos	1	This will continue.
9.8. Scenario video would be helpful.	1	This will be considered.

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
9.9. Financial help setting up training courses.	1	We can provide a training framework that people can use handout samples and videos but we cannot subsidise a commercial training organisation.
9.10. Government needs to resolve issues relating to qualifications, competence, crew identity and local authority planning conflicts.	1	These have been answered above, except for planning. We are working with the ODPM to see if planning guidance can be amended so that those sites that are being developed for security are looked upon more favourably.
9.11. If existing passport and photographic driving licence regimes used, financial assistance will facilitate speedy implementation.	1	No financial assistance needed, as they will not be compulsory.
10. Do you need guidance from Government?		
10.1. 16 out of 19 said they needed guidance.		
10.2. Guidance should not be prescriptive.	3	The guidance will give people options to pick and choose from. It will be up to the company to decide what is best for their operation.
10.3. Example of applying measures would be helpful.	1	Examples are already in the Code of Practice guidance and will be carried over into the new guidance document.
10.4. Guidance should cover shortfalls in industry's knowledge of security such as how to recognise risks, how to address them, what actions to address them and security updates from government.	5	A security risk assessment template will be provided.
10.5. Make available in suitable electronic format.	4	All documents will be available on our web site and on a CD.
10.6. Guidance should avoid persons becoming paranoid.	1	Accepted. The guidance will give a balanced pragmatic approach to implementing security.
10.7. Base on existing Code of Practice guidance	1	The new guidance will be based on the existing Code of Practice guidance
10.8. Set training syllabus or training guidance	4	TRANSEC will set out a framework for training but will not approve the training courses or providers. This framework will include guidance on what topics should be covered both for people receiving and those delivering the training.
10.9. Use existing rail Code of Practice guidance.	1	The new guidance will be based on the existing Code of Practice guidance

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
10.10. Update the road Code of Practice guidance to reflect the 2005 ADR/RID	1	Agree. This will be done.
11. Are there any barriers you could encounter in trying to follow the security measures?		
11.1. 12 out of 19 considered there were barriers.		
11.2. The impact on and of sub contractors - they can all too easily make or break well developed plans.	2	Anyone involved in the transport of dangerous goods will need to abide by the new security requirements. If a sub-contractor is moving high consequence dangerous goods then they should have a security plan in place.
11.3. Belief that measures not appropriate, too stringent, for nature of some operations.	2	Companies should put measures in place that are appropriate to their business. More stringent measures will need to be applied to sites that handle high consequence dangerous goods. Sites that handle non-high consequence dangerous goods on an infrequent basis will need a relatively low level of security.
11.4. Cost	5	It is recognised that costs may be an issue. However, we have tried to ensure that a light touch approach is applied wherever possible in order to minimise any impact.
11.5. Time to implement.	2	Whilst you are required to have all of the security measures in place by 1 July 2005, it is recognised that practically this may be hard to achieve. VOSA and TRANSEC examiners will therefore show a degree of tolerance if security is not quite how it should be when they come to visit you.
11.6. We would hope that prior to being assigned for their duties, enforcement officers are subject to similar security controls that companies' staff are subject to.	1	Agree. All enforcement officers will be security cleared.
11.7. Proper identification of carriers and drivers.	2	Answered in question 1.
11.8. Qualifications / competence requirement needs clarification / SMEs may have difficulties meeting the requirement.	1	We will not be asking people to obtain formal qualifications before they can take up a security post. Rather they should be "qualified" in their suitability and competence for the role they will be expected to do. The guidance that will be

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
		<p>produced should help someone become competent.</p> <p>Separate to this there are commercial training companies that specialise in security training and may be able to fill any knowledge gaps people might have.</p>
11.9. Conflict with local authority planning requirements.	1	These have been answered above, except for planning. We are working with the ODPM to see if planning guidance can be amended so that applications for planning permission for works required for security reasons are looked upon more favourably.
12. Benefits - Are these assumptions correct? Can you provide some supporting evidence?		
12.1. 12 out of 19 agreed with this assumption, although 2 of these felt they had no grounds on which to comment.		
12.2. Good security measures and staff awareness is vital elements in safeguarding of MoD property and equipment.	1	Noted.
12.3. Improvements to housekeeping.	2	Noted.
12.4. RIDDOR accidents relate to safety incidents, not security.	1	Although the RIDDOR figures relate to the safety of transporting dangerous goods they are still indicative of the costs of a security incident as they relate in effect to the clean up costs of a chemical spillage/dispersion.
12.5. Worse case scenarios - not relevant to all HCDG such as petrol.	1	Accepted. This will be reflected in the impact assessment.
12.6. Worse case scenarios - no indications of the likelihood so are we overstating risk?	1	As with petrol, a more balanced view will be reflected in the impact assessment
12.7. Assumption that measures will prevent an attack unrealistic.	1	The measures cannot guarantee an attack will be stopped, rather they reduce the risk of if happening by making the theft of dangerous goods that much harder.
12.8. Does not acknowledge economic disruption.	2	Accepted. This will need to be reflected in the impact assessment.

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
12.9. Aids crime prevention rather than counter potential terrorism.	1	The measures when implemented will both aid crime prevention and help to reduce the risk of a terrorist attack.
12.10. Military vehicles security measures have proved effective.	1	Noted.
12.11. Reduced insurance costs possible.	1	Noted. No comment to make.
13. Costs - would you agree with the costs we have estimated?		
13.1. 7 out of 19 agreed with the costs that had been overestimated. Other thought that the costs were under stated.		
13.2. Impact assessment needs to reflect on going training costs as staff over time will be replaced	1	Accepted. This will be reflected in the impact assessment.
13.3. Cost of producing a security plan may be understated as a COMAH safety report can cost up to £100,000	2	Acknowledge COMAH costs but our plans are expected to be a fraction of that cost.
13.4. Impact assessment ignores costs to the consignor, it concentrates more on the carrier	2	Accepted. This will be reflected in the impact assessment.
13.5. Operators sites understated as many operators have more than one site.	1	Accepted. This will be reflected in the impact assessment.
13.6. Rail sites may be double counted as receive dangerous goods by road.	1	Accepted. This will be reflected in the impact assessment.
13.7. Indirect costs (human resources, back up) not accommodated.	2	Accepted. This will be reflected in the impact assessment.
13.8. Explanation of calculation erroneously shown	4	Correction will be made
13.9. Summary Costs for Rail - relevance of number of locomotives unclear.	1	Explanation will be made clearer in the impact assessment
13.10. Costs would be high to secure remote locations and to train drivers and handlers.	1	Accepted. This will be reflected in the impact assessment.
13.11. ADR licence holders without photo ID underestimated.	1	Will reconsider the data.
14. If you have implemented the voluntary codes of practice, what has been the cost of doing so?		
14.1. Members have not applied measures to consignees	1	Noted.
14.2. Have not put in place yet / experience will tell	2	Noted.
14.3. Code had already been applied / difficult to quantify.	1	Noted.

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
14.4. We have been providing security training as part of our ADR course. Students think the video is poor and talks down to them.	1	We are aiming to revise the video to address expressed concerns.
14.5. Nil as measures already in place.	1	Noted.
14.6. Marginal	1	Noted.
15. Environmental and social impact - Do you agree with our assumption that the security measures will have no adverse impact?		
15.1. 15 out of 19 agreed with this assumption.		
15.2. Reduce fly tipping.	2	Noted.
15.3. Fencing may impact adversely.	2	Accepted. This will be reflected in the impact assessment.
15.4. Reduce carriers leading to longer journeys, accidents, pollution, and congestion.	2	Accepted. This will be reflected in the impact assessment.
16. We would welcome comments from small and medium businesses if they think they will be significantly affected.		
16.1. Significant as will need to employ consultants or contract work out.	3	We would hope that the guidance would minimise the need for external advice. However it is accepted for items such as fencing and CCTV then advice will need to be sought and could be a financial burden.
16.2. Consultation does not acknowledge consignors and consignees.	2	The consultation does acknowledge consignors. We will consider ways of improving the impact assessment and guidance to ensure that this is clear.
16.3. Cost of carriage of flares could increase which could affect safety of crews at sea.	1	Noted. No comment to make.
16.4. Impact higher as may not have same financial flexibility. Grants supporting implementation may be required.	1	Accepted. This will need to be reflected in the impact assessment. It is not possible to issue grants.
16.5. 1.1G and 1.2G fireworks should be excluded from the regulations.	1	The high consequence table was agreed by ADR and RID, which in itself was agreed by the UN. We do not intend to change what ADR and RID have agreed, however if there

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
		<p>are good reasons to do so then we will consider changing this approach.</p> <p>It is worth noting that 1.1 substances or articles are those that have a mass explosion hazard (an explosion that affects almost the entire load virtually instantaneously) and 1.2 substances or articles are those that have a projection hazard but not a mass explosion hazard.</p>
16.6. Increased costs with no recognisable benefit to company or society.	2	The benefits to society are not easy to realise as the new security measures are trying to prevent a terrorist attack. If a terrorist attack was to occur then the costs to society would be considerable and it would be very easy to see the dis-benefits.
17. It would be useful to have your comment on what type of enforcement regime you would like to see.		
17.1. No one size fits all / pragmatic and proportionate approach.	11	VOSA and TRANSEC will adopt a pragmatic and proportionate approach.
17.2. Regime should concentrate on outcomes.	2	Accepted.
17.3. Light touch and/or transitional period required particularly if no transitional period beyond 1 July 2005.	5	<p>Whilst you are required to have all of the security measures in place by 1 July 2005, it is recognised that practically this may be hard to achieve. VOSA and TRANSEC examiners will therefore show a degree of tolerance if security is not quite how it should be when they come to visit you.</p> <p>A light touch is being adopted.</p>
17.4. VOSA inappropriate.	1	Although the role of security inspector is new to VOSA, existing staff have many of the competencies required to fulfil this role. VOSA examiners regularly carry out vehicle checks, site checks and document and process audits. They are also sensitive to suspicious changes in behaviour and are experienced with drivers and companies that are involved with unlawful activity.

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
		<p>To ensure that the VOSA officers have an equivalent skill and knowledge set they will undergo a bespoke training course designed by the Security Service and the National Counter Terrorism Security Office, which will include detailed training in the threat/risk approach to security and in identifying security vulnerabilities.</p> <p>VOSA security examiners will adopt the light touch approach emphasising the need for advice and self-rectification.</p>
17.5. Use Security Advisers and Counter Terrorism Security Advisers	1	VOSA will call upon CTSAs as and when it is felt appropriate.
17.6. It is unclear what measures apply to sites holding just dangerous goods compared to those holding HCDG?	1	See answer to comment 4.2
17.7. Site security - operationally impractical for petrol deliveries. Closing these sites is unnecessary and not practical.	1	Security of sites should be where vehicles or goods are normally stored. The new regulations will not require petrol stations to be made secure. However companies that operate petrol tankers will need to ensure, wherever possible, they have reduced the risk of petrol tankers or their load being stolen whilst the vehicle is in the petrol station.
17.8. Petrol should not be classified as HCDG.	1	Petrol is still a high-risk substance and should be treated as a HCDG.
17.9. Threat advice required.	1	This will be considered.
17.10. Neither consignees nor consignors accommodated.	2	Noted. Consignors and if applicable consignees, will be liable to an inspection.
17.11. Enforcement should be based aimed at achieving commercial equality.	3	We envisage the enforcement regime will apply equally across all sectors.
17.12. Incorporate in annual Railway Safety Case audit.	1	This will be considered.

SECTION 1 – RESPONSES INCLUDED ON SECURITY QUESTIONNAIRE

ISSUE	NUMBER OF RESPONSES	RESPONSE/ACTION
17.13. Draw on CDG framework that identifies enforcement trends and aids implementation of practical solutions.	1	This will be considered. However as security enforcement is different in application to safety enforcement there may not be much that can be used.
17.14. Guidance required on what constitutes an offence or breach and must detail proportionate actions to be taken when deficiencies are discovered.	1	Guidance on enforcement will be given
17.15. Security should be part of a DfT roadside check.	1	VOSA examiners that are qualified to check dangerous goods vehicles at the roadside will be checking security as well.
17.16. App 3A paragraph 52 infers that security enforcement would be just by VOSA inferring that application of 1.10 to consignors and consignees has not been recognised.	1	VOSA will be visiting consignors as well.
18. Additional comments included on security form		
18.1. Varying your route may not necessarily be appropriate.	1	Agree. In some circumstances it may not be appropriate. However our advice is wherever possible vary your route to ensure predictability is minimised.
18.2. No reference about obtaining a copy of the Departmental Survey.	2	The survey will be made available on our website
18.3. BASA is committed to promoting appropriate measures.	1	Noted.
18.4. Known incidents of terrorism relating to dangerous goods would be helpful.	2	This will be considered.
18.5. Harmonised and consistent approach across Europe required.	1	Ensuring we do not go above what is required by ADR and RID has done this.

SECTION 2 – OTHER RESPONSES

RESPONSE TO CONSULTATION	NUMBER OF RESPONSES	TRANSEC COMMENT/ACTION
1. Should driver training (safety) measures and HCDG security measures be applied to HCDG infectious, toxic or radioactive substances, in emergency situations, irrespective of whether carried by blue light services or its own transport services. If not, request that provision is made for exemption.	1	This will be considered
2. Will formal action have to be taken to determine whether contracted couriers and potential recipients are taking sufficient security precautions?	1	Anyone transporting dangerous goods that come into the scope of ADR or RID will need to comply with the new security requirements. Vehicles less than 3.5 tonnes, which would cover small courier vehicles, are not exempt from ADR so could also be required to comply.
3. Costly and difficult for couriers carrying pathogens and toxins to meet the requirements.	2	Not necessarily the case. We would expect current operators to have some form of control and security in place. Nevertheless, we will consider whether the new measures are likely to impact disproportionately on this sector.
4. DfT (VOSA), not HSE, should be responsible for all DG road enforcement including any necessary visits to consigning sites.	2	VOSA and TRANSEC inspectors will be ensuring that consignors and carriers are complying with the new security regulations. Except for explosives (where HSE already has a security role) HSE inspectors will not be checking for security compliance.
5. Suggest that costs are higher than in Appendix 3a Annex C. The costs don't include systems being amended/updated, DGSA checks and inspections, obtaining and checking photo driving licences or related training. The security plan is likely to be greater than £500, not £200; improving security at a typical storage site is much greater than £1,500.	1	Will consider as part of our impact assessment.
6. Support industry initiatives in preparing security template.	2	A security template has already been produced in co-

SECTION 2 – OTHER RESPONSES

RESPONSE TO CONSULTATION	NUMBER OF RESPONSES	TRANSEC COMMENT/ACTION
		operation with industry.
7. Is £1.5m enough to cover train VOSA staff?	1	Yes bearing in mind our commitment to a light touch, proportionate approach.
8. With many of the functions of the competent authority passing from HSE to Secretary of State (Department for Transport), members questioned if this will impact upon the reporting procedures for the vehicle prohibitions now being issued by the police and VOSA. Such prohibitions are currently being reported to the HSE.	1	<p>No.</p> <p>Non-compliance of safety and security will be treated differently so the existing procedures for safety prohibitions will remain the same.</p> <p>We have only asked VOSA to carry out the security inspections for the roadside checks.</p>
9. Inappropriate (broad brush) classification of explosives in terms of HCDG. Some 1.4 substances should be included.	1	The high consequence table was agreed by ADR and RID, which in itself was agreed by the UN. We do not intend to detract from what ADR and RID have agreed, however if there are good reasons to do so then we will consider changing this approach.
10. Will similar standards apply to foreign vehicles operating in the UK?	1	Yes.
11. The regulator should provide industry with a common set of verifiable standards against which to audit the situation and ensure common compliance.	1	We will consider this further.
12. Photo-driving licence for drivers preferred. Any guidance should not preclude any industry driven ID system if as secure.	1	<p>Photo driving licences are a good way to identify drivers however not every driver has one. Making it a requirement for every driver to hold one could impose an undue financial burden on industry.</p> <p>We will be encouraging industry to develop the standards and set best practice.</p>

SECTION 2 – OTHER RESPONSES

RESPONSE TO CONSULTATION	NUMBER OF RESPONSES	TRANSEC COMMENT/ACTION
13. Environment Agency has a Carrier Registration system.	1	We will consider how this can be used, if at all.
14. Site security - waste management industry already licensed including security measures, which should mesh with any DfT guidelines.	1	We will consider how this can be done.
15. To train managers, the dangerous goods video could be used.	1	Noted.
16. Qualification - no formal one would be necessary.	1	Agree
17. Security plans - waste management industry would require assistance as could be overly onerous for flammable liquids.	1	It is hoped that the security plan template and guidance will allow companies to complete a satisfactory security plan. VOSA will be able to advise when a site visit is made.
18. Guidance - should take account of special circumstances of waste management industry, mesh with environmental legislation and include clear advice about parking.	1	Accepted. The guidance for the new regulations will reflect this.
19. Enforcement - should be fair and proportionate recognising risk (and related measures) can vary with an organisation.	1	Agree.
20. Concur that the proposal's prevention of an attack would save many lives and potentially billions of pounds.	1	Noted.
21. Security plans - could involve consultation with emergency services thereby putting pressure on those services.	1	Accepted. This will need to be reflected in the impact assessment.
22. Security plan - security of plan requirement in conflict with Fire and Rescue Services Act 2004 which requires those services to gather information.	1	The security plan should not hinder the work of the emergency services and should highlight what needs to be done in the event of emergency – contingency planning.
23. A Code of Practice on unloading of petrol from road tankers provides sufficient measures (i.e. <i>tighter level of security as per paragraph 33 page 12 not necessary</i>)	1	Security of sites should be where vehicles or goods are normal stored. The new regulations will not require petrol stations to be made secure. However companies that operate petrol tankers will need to ensure, wherever possible, they have reduced the risk of petrol tankers or their load being

SECTION 2 – OTHER RESPONSES

RESPONSE TO CONSULTATION	NUMBER OF RESPONSES	TRANSEC COMMENT/ACTION
		stolen whilst the vehicle is in the petrol station.
24. Reg 10A, in 1 and 2 b, surely "safety" should read "security".	1	This will be changed.
25. Issue of photographic identity needs to be clarified as to what would be acceptable and easy for a driver working regularly away from base to comply with. The industry has concerns that what ever is decided should provide credible security measures and be acceptable to all ADR authorities in Europe and elsewhere.	1	See comments to the responses for question 3.
26. Light touch inappropriate for already heavily regulated industry. Robust compulsory code of practice should support the regulations. Less attention is paid to standards down the chain. At the moment for example, there is not conformity in relation to the delivery of petrol as there are differing interpretations of the Approved Code of Practice.	1	<p>A light touch is required to ensure the impact of a new regime is not too onerous for industry.</p> <p>Everyone that is involved in the transport of dangerous goods (and comes under ADR) will need to comply with the new security requirements. This is applicable to all parts of the logistics chain.</p>
27. Consultation and full engagement with workers in all aspects of security and safety essential (and requirement under Health and Safety at Work etc. Act 1974)	1	Agree.
28. All carriers of dangerous goods must be identified and registered to enable a meaningful inspection regime, based on consistent standards, to be set up. It is often difficult to identify a particular carrier out on the road because of the prevalence of "white" fleet. The register must include all contractors and sub-	1	See comments to the responses for question 3.

SECTION 2 – OTHER RESPONSES

RESPONSE TO CONSULTATION	NUMBER OF RESPONSES	TRANSEC COMMENT/ACTION
contractors, not just employers, so there is an easily identifiable trail of responsibility and there is a deterrent to the operation of "rogue" carriers.		
29. The register (comment 28) of personnel should be updated at least every quarter.	1	See comments to the responses for question 3.
30. We would support the carrying by drivers of accredited photo ID cards.	1	Noted.
31. In relation to training issues, the opportunity must not be missed to update and improve training standards. We urge the government to work closely with the Skills Council, with the involvement of trade unions and others, to ensure recognised levels of competence and qualifications are urgently implemented in relation to training on security issues. This must include driver training and the qualifications of "competent" persons.	1	<p>We will not be asking people to obtain formal qualifications before they can take up a security post. Rather they should be "qualified" in their suitability and competence for the role they will be expected to do.</p> <p>Drivers though will be tested on elements of security when they try to obtain their ADR vocational certificate.</p> <p>We will ask the Skills Council to comment on our training guidance document.</p>
32. We note that Fireworks classified as 1.1G fall within the definition of high consequence dangerous goods. Is this the intention?	1	Yes.
33. A check needs to be made that there is no conflict between the new security requirements and the security requirements for explosives in the Dangerous Substances in Harbour Areas	1	Agree.

SECTION 2 – OTHER RESPONSES

RESPONSE TO CONSULTATION	NUMBER OF RESPONSES	TRANSEC COMMENT/ACTION
Regulations 1987 (e.g. The appointment of an explosives security officer).		
34. Table 1.10.5 of ADR lists the high consequence dangerous goods. We note that AN and AN fertilisers, for carriage in bulk, the provisions of 1.10.3 apply for quantities greater than 3000kg, but for carriage in packages (including IBCs and the most common form of package "big bags") the provisions do not apply whatever the quantity.	1	Agree. We do not be going beyond what is required for ADR and RID. However the transport and storage of solid fertilisers is already covered by a security Code of Practice. This should be sufficient. We will keep the matter under review and if there are good reasons to change our approach, we will.

Regulatory Impact Assessment
The Carriage of Dangerous Goods and the Use of Transportable Pressure
Equipment (Amendment) Regulations 2005.

Part 2: Safety requirements

1. This part considers the safety aspects of the proposal.

Purpose and intended effect

Objectives

2. ADR and RID are European agreements setting out harmonised controls on the carriage of dangerous goods by road and rail respectively. The agreements are updated every two years. ADR and RID are currently implemented through The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (SI 2004 No. 568). There are three objectives:

3. To minimise the risk of dangerous goods, which are carried by road or rail, causing harm or damage to the UK population, economy or environment. This is achieved by implementing amending directives to apply the 2005 editions of RID and ADR to domestic carriage. The Directives require implementation by 1 July 2005.

4. To ensure that any measures introduced to reduce the risk are harmonised for pan-European freight movement.

5. A further objective this year is to transfer most of the "competent authority" functions from the Health and Safety Executive (HSE) to the Secretary of State for Transport. The competent authority is simply the responsible national body for a range of functions relating to ADR and RID.

Risk Assessment

6. RID/ADR harmonisation as implemented in GB regulation covers the risks associated with the carriage of dangerous goods. This section reports estimates of the overall risks associated with the carriage of dangerous goods in GB. It should be noted that these proposed regulations, in implementing amendments to RID/ADR, are expected to impact only on specific areas of the overall risk from the carriage of dangerous goods.

7. Table 1 presents estimates of the risk of fatalities arising from the carriage of the most commonly carried dangerous goods, as found by the Advisory Committee on Dangerous Substances¹³. We have supplemented this information with the estimated likelihood of an event causing serious injury, based on the world-wide accident record from the same source. This suggests a ratio of fatalities to injuries of roughly 1:3 for road traffic incidents not involving explosives, and 1:25 for rail traffic incidents, and any incident involving explosives¹⁴.

8. To uprate the figures, we assume the trend in overall risk follows that of the trend in reported dangerous occurrences and fire brigade call outs. Both these sets of statistics have seen a 40% fall between 1990/1991 to 1995 (we assume no further fall since then). We therefore reduce the expected number of fatalities and injuries with respect to road (and explosives by any mode) by 40%. We leave the injuries predicted for rail (excluding explosives) unchanged, given the nature of the industry.

Table 1: Estimated injury risk for GB carriage of dangerous goods

	Expected number of injury events per year, 1991	Estimated expected number of injury events per year, 2003/04
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¹³ Major hazard aspects of the transport of dangerous substances", HSC, HMSO, 1991

¹⁴ The large difference in these ratios reflects the nature of road traffic incidents, in which widespread injuries are generally more limited than rail, but fatalities amongst road users are relatively more common.

	Fatalities	Injuries	Fatalities	Injuries
Carriage by Road	1.90	5.70	1.14	3.42
Carriage by Rail	0.40	10.00	0.40	10.00
Carriage of Explosives by Road or Rail	0.02	0.50	0.01	0.30
TOTAL	2.32	16.20	1.55	13.72

9. There are many other costs incurred with an incident involving dangerous goods. Any non-injury event normally requires attendance by the emergency services, whether or not the goods actually escape or combust. If the goods do escape or combust, clean up costs and disruption can be considerable. We assume that costs are likely to vary between £10,000 and £108,000 depending on the nature of the incident. Existing figures suggest we might expect 500 emergency service call-outs each year of which 100 (allowing for some under-reporting) might be notifiable under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). We assume that fire brigade call-outs requiring attendance but little action cost £1,080 in manpower and resources; those incidents notifiable under RIDDOR cost £10,798 including any damage to the conveying vehicle; and a subsample of 5% of 'RIDDOR incidents' (ie a total of five each year) involving escape or combustion of a dangerous goods cost £107,986 in mitigation, vehicle damage, lost product, disruption and environmental damage.

10. An estimate of the annual cost in injuries and fatalities, and in damage and remedial action is presented in Table 2. To calculate the cost of injuries, our valuations are based on the willingness to pay to avoid a marginal increase in risk to the public, adjusted to allow for additional workplace (or carriage) related detriments. We make no explicit correction to this figure to allow for catastrophic incidents resulting in large scale loss of life, although it should be noted that this risk is a large component of the total risk set out in Table 2. The valuations we use are £1.35 million for the prevention of a fatality (in 2004 prices), and £2,300 for injury prevention, this latter figure being a combination of the likelihood of workplace (or carriage) injuries of varying severity and their associated loss of welfare cost¹⁵.

11. The figures above give a total annual cost of £4.1 million, being the maximum quantified cost of all - except the very worst - accidents involving the carriage of dangerous goods. Table 2 also displays total recurring costs over ten years, which is £37 million, rounded to two significant figures. Some areas of the cost (potential benefits if the accidents are prevented) of accidents involving the carriage of dangerous goods remain unquantified. These include loss of cargo, the cost of the potential of widespread damage to the environment, and any damage concerning road or rail infrastructure, although we believe that the most significant areas of cost have been quantified.

12. The safety benefits of ADR/RID will impact on all elements of this loss, although the package of changes out-lined below would only be expected to have a marginal effect. This is discussed in the comparison of costs and benefits section below.

Table 2: Estimated annual detriment from the carriage of dangerous substances

	Annual detriment (£)	Present value cost over ten years (£)

¹⁵ Based on standard unit costs to society from "The costs to Britain of workplace accidents and work-related ill-health in 1995/96" - Davies-Teasdale, uprated by nominal GDP per capita as recommended in DfT's Highway's Economic Note.

Fatalities	£2,092,066	£19,582,820
Injuries	£31,529	£295,124
Emergency call-outs etc	£1,997,835	£17,196,737
TOTAL	£4,121,430	£37,074,681

Business sectors affected

13. Regulations implementing RID/ADR potentially affect all industries involved in the movement of dangerous goods, including suppliers of these goods, those carrying the goods (largely haulage firms) and those receiving goods (consignees). The principal suppliers affected will be manufacturers of high consequence dangerous goods. Many distributors using small vehicles (below 3.5 tonnes) are also potentially affected by RID/ADR requirements.

Options

14. There are really only two possible options. Firstly, to do nothing. This would leave the UK open to infraction proceedings for failure to implement European Directives. It would also create problems for industry which need harmonised carriage provisions to facilitate multi-modal carriage. The second option was to make amending regulations to implement the directives. This is the option taken under these proposals. It was considered that this would aid dutyholders in determining what the Regulations require and also simplify enforcement. The changes that will be implemented are identified below under Costs.

15. Other options, such as partial implementation, would be impractical to achieve, create confusion for industry and disadvantage domestic operators making international journeys.

Benefits

16. Rationalisation of aspects such as the classification of liquids and solids and tank requirements and closer harmonisation with the UN Model Regulations will make it easier for dutyholders to understand and comply with the relevant requirements. In turn this should lead to more effective standards of health and safety.

17. Bringing more drivers into scope of the formal training regime should lead to improved safety during carriage, loading and unloading which in turn has environmental and social benefits. Improved and harmonised classification and tank requirements should contribute to reducing environmental damage following a spillage.

18. Some of the relaxations and new options available, such as those regarding classification and packaging, will bring cost savings to industry.

Costs

19. The changes can be broken down into the following four areas: significant changes in the 2005 RID/ADR texts; minor changes in the 2005 RID/ADR texts; tidying up the 2004 Carriage Regulations; and the transfer of competent authority functions from HSE to DfT. This Partial RIA costs the first of these, summarising the remainder. As for the other costs, eg extra costs avoided by firms using IBCs, additional inspection and leakproofness test on tanks; based on the lack of evidence we consider these costs as marginal. However, we would very much welcome industry's views on costs.

Significant changes in the 2005 RID/ADR texts:

Requirement for drivers to undergo training and pass an examination

20. Under the 2005 ADR text, drivers of vehicles with a permissible maximum weight up to 3.5 tonnes and carrying dangerous goods (who up until now are exempt to attend training course and pass an examination every 5 years) will be required to undergo training and an examination. Based

on the available evidence, information supplied by industry of the number of drivers or vehicles affected suggests a figure of 20,000.

20,000 x Cost of Course £500	=	£10,000,000
20,000 x Loss of revenue £200 x 4 days	=	£16,000,000
20,000 x drivers pay x 4 days [£7phr x 9hrs]	=	£5,040,000
		£31,040,000
spread over 5 years	=	£6,208,000
deducting costs of general awareness training ie reduce by 12% Per annum	=	£5,463,040

21. The TRANSEC survey¹⁶ to investigate the proportion of HGV operators who are currently carrying dangerous goods was the next best available resource to estimate the number of drivers affected. The only statistic we have on the <3.5 tonnes sub-sector of vehicles is that “*Of those operators carrying dangerous goods, the majority (95%) use between none and five vehicles from their stock of vehicles of less than 3.5 tonnes to transport dangerous goods*”.

22. A DfT survey of road goods transport¹⁷ also makes a number of observations helpful in our analysis, they include, “there were about 426,000 HGVs over 3.5 tonnes gross vehicle weight in Great Britain in 2003” and “HGVs over 3.5 tonnes account for around 95% of all freight moved by road. The remaining 5% is carried by smaller commercial vehicles”. Using the information provided by the DfT survey, we can infer that the stock of <3.5 tonnes vehicles is approx. 22,500 (if 426,000 vehicles represents 95%, then 5% is about 22,500 vehicles¹⁸). Together with the observation from the TRANSEC survey that 95% of such vehicles are used to carry dangerous goods, this points that around 21,400 drivers are affected by the 2005 RID/ADR text.

23. Using the information from these two sources we estimate that the additional costs incurred from removing the exemption on training are around £6.2 - £6.6 million per annum spread over 5 years. We believe these costs can be reduced by about 12% by offsetting the costs of general awareness training that is currently required by the drivers affected. Thus, we expect that the likely additional costs to be in the region of £5.5 - £5.9 million per annum. However, these costs can be deferred until 2007 to take account of a transitional period provided for in RID/ADR 2005.

New provisions for bulk containers

24. The most significant costs accruing from the provision for bulk containers are those from the requirement of the competent authority approval for non-CSC¹⁹ bulk containers. It has been suggested that there is likely to be set-up costs for DfT for the approvals scheme. But we have no firm evidence on numbers and again would welcome comment from industry. However, based on experience of setting up a scheme to inspect pressure vessels, we can approximate the initial set up cost to be about £25,000. It is expected that in the long term the scheme will be shaped to be self-financing.

Radioactive materials-harmonisation with IAEA²⁰

25. The 2005 RID/ADR texts requires revisions to classification, packaging and vehicle marking as well as new class 7 non-compliance duties. Radioactive material that was previously carried by road needs to comply with the Radioactive Material (Road Transport) Regulations 2002. These regulations derive, ultimately, from the IAEA regulations. The IAEA regulations are subject to

¹⁶ Vehicle Operator Survey: Transport Security of Dangerous Goods. Analysis of Survey Responses, August 2004.

¹⁷ Transport Statistics Bulletin: Transport of Goods by Road in Great Britain, 2003

¹⁸ rounded to nearest 100

¹⁹ The International Convention for Safe Containers (CSC) standard

²⁰ International Atomic Energy Agency (IAEA) Regulations

reviews, and may be revised, every two years. A European Commission directive requires the implementation of ADR that encapsulate this new IAEA standard. In assessing the implementation of the changes IAEA regulations, it was concluded that there would be a small increase in operating costs for some, decrease for others, with the overall impact considered minimal.

26. As such regulation governing the carriage of radioactive material is already in the process of being implemented, it would be fair to assume that the introduction of the 2005 RID/ADR text will not lead to any further, significant costs.

Minor changes in the 2005 RID/ADR texts

Classification criteria

27. Changes here are mostly simplifications and relaxations. There should be benefits in the long term but there may be some small initial costs updating databases. It would be impractical to estimate the costs and benefits. In particular, the revised classification criteria for infectious substances are intended to help the health service by only requiring the most stringent requirements for highly dangerous infectious substances. Low hazard infectious substances now attract less onerous requirements, but the NHS are cautious and likely to use packing instruction P650 which will be slightly more expensive. Carriage in tanks is likely to generate savings.

Packaging requirement

28. Changes here are again mostly relaxations and harmonisation with the UN Model Regulations to facilitate multi-modal transport. The changes were made at the request of industry. There will be some initial costs but overall will be of benefit. Again, we do not consider it would be practical to attempt to estimate the costs. Intermediate Bulk Containers (IBCs) may now be vented, a success for the UK ammonia carrying industry which sought this extra flexibility. The requirements for goods packaged in Limited Quantities have been more closely harmonised with the UN Model Regulations. This is mostly beneficial to industry.

Tanks and pressure receptacles

29. The texts of RID/ADR are now more closely harmonised with the UN Model Regulations and industry has been closely involved in negotiating the changes at international level. With some of the changes there is likely to be set-up costs, but in the longer-term will benefit industry. We do not consider it practical to cost the changes.

Display of Information on Packages and Transport Units

30. The following changes are being made: new requirement to add the word 'OVERPACK' to the markings on overpacks; optional alternative smaller label size for refrigerated liquid gases, and optional alternative colour labels for 'this way up' labels. Relaxations for smaller package sizes and to facilitate multimodal carriage; and some dangerous goods may now be carried in unventilated vehicles provided a new ventilation marking is displayed. Overall these minor changes will be a cost saving, particularly as unventilated vehicles will be less expensive.

Carriage requirements

31. The following changes are being made: new electrostatic protection requirement for filling/discharging of UN 1361 carbon in tanks; new pressure check for cylinders prior to carriage UN1052 anhydrous hydrogen fluoride; and new separation requirement for single bags of calcium hypochlorate of UN Numbers 1748, 2208, 2880. This will take up more space in the transport unit, which will involve a cost to those operators carrying these substances. We do not consider it practical to cost the changes.

Tidying up of the 2004 Regulations

32. There are a number of changes identified during the closing stages of making the 2004 regulations that were deferred because of the lack of time. These involve cross-referencing the Transportable Pressure Equipment Directive in Part 4 of the regulations and the consequent deletion of Schedules 4 to 8. These changes will have no significant impact.

Transfer of competent authority functions from the Executive to Secretary of State

33. Most of the competent authority functions carried out by the HSE are being transferred to the Secretary of State. The HSE will retain its functions related to the classification and carriage of explosives. The changes result in the simplification of the 2004 regulations and of the fee charging regime. While not affecting dutyholders in cost terms, the consolidation of functions with the Secretary of State should be more user-friendly.

Impact on small and medium sized businesses

34. The proposals relating to extending the scope of the formal driver training requirement will have a greater impact on SMEs as they will not be able to readily absorb the extra costs. SMEs currently carrying explosives or radioactive material, or dangerous goods in tanks will not be affected.

Competition assessment

35. This proposal is likely to have little or no effect on competition. The proposals relating to extending the scope of the formal driver-training requirement may possibly cause some carriers to give up carrying dangerous goods altogether but we are unable to assess this.

Enforcement and Sanctions

36. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 are currently enforced by HSE and they are assisted by the Police and Vehicle and Operator Services Agency (VOSA) through Agency Agreements with the Health and Safety Commission (HSC). There are a range of powers under the Health and Safety at Work Etc Act 1974 including the giving of advice, warnings, improvement notices, prohibition notices and prosecution in the criminal law courts. The arrangements are reviewed by HSC who have an Enforcement Policy Statement in line with the Cabinet Office Enforcement Concordant. The proposed Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005 would not substantively alter these arrangements.

Costs to the Competent Authority (CA)

37. The transfer of functions from HSE to DfT was made on the basis of more effective management of the regulatory process. With rationalisation of the fees charging regime, it is expected that all chargeable CA functions will be self-financing.

Arrangements for monitoring and evaluation

38. Ongoing monitoring of the impact of these regulations will be performed via a number of existing enforcement and industry liaison bodies.

Consultation

39. We have engaged in on-going meetings and discussions with the road and rail industry and other Government bodies. The changes to the international agreements are made every two years. During each biennial period we invite industry associations to comment on proposed changes. Their responses form the basis of the UK negotiating line. European and international trade associations also take advantage of the opportunity to participate in the international meetings.

40. Appendix 4 of the Consultation Document contains a list of the Government and public consultees.

Summary and recommendation - including costs and benefits table

Option	Initial costs	Total cost per annum	Total benefit per annum
Implement ADR and RID as required by European Directive.	25K*	4.22m - 4.51m	4.3m

*This figure is low because the extended driver training requirement is subject to a transitional period up to 1 January 2007 as noted in paragraph 23. Training is not likely to be undertaken until year 2.

**THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT REGULATIONS 2004
SUMMARY OF THE ANALYSIS OF THE COMMENTS ON SAFETY IN RESPONSE TO CONSULTATION ON THE 2005 CHANGES**

ISSUE	RESPONSE/ACTION
EXTENSION OF SCOPE OF THE DRIVER TRAINING	
<p><u>For</u>: Support for rationalising the scope [<i>RHA; Police Federation; T&G</i>]</p> <p>Against (See also comments on RIA)</p> <p>The costs involved will have an unacceptable/disproportionate impact on smaller businesses and there is no safety benefit. An exemption should be granted [<i>UKCPI; BCF; ALGED; LPGA; Calor Gas Ltd; 450+ LPGA Members/customers</i>]</p> <p>Not justified on the basis of published accident data [<i>UKCPI; BCF</i>]</p>	<p>EU Member States are bound by the ADR Framework Directive. The UK has no legal basis to grant an exemption.</p> <p>Most of the 39 ADR Countries and the European Industry Associations supported the proposal to rationalise the requirements for driver training.</p> <p>The view that additional training does not contribute to improved safety is contrary to Government policy²¹</p> <p>There is possibly a certain misunderstanding on the number of vehicles/drivers likely to come into scope.</p>
<u>Other comments</u>	
<p>Drivers are likely to need twice as much training [<i>LPGA; Calor Gas Ltd</i>]</p>	<p>The companies affected already have a wide range of duties under the Carriage Regulations (including appointing a DGSA). The level of knowledge/expertise should be sufficient for their drivers to succeed at examination with the minimum mandatory training.</p> <p>They are already required to be competent and trained to do their job properly under the Management of Health and Safety at Work Regulations.</p>
<p>Need an assurance training providers will be able to meet the last minute rush for training [<i>LPGA; Calor Gas Ltd</i>]</p>	<p>This issue will be raised with the Training Advisory Panel</p>
<p>Suggest extra support for early training e.g. for exams taken early the end date of the certificate should be extended to end of 2011 [<i>UKCPI</i>]</p>	<p>We will consider the feasibility and ways of providing assistance</p>
<p>A publicity campaign is needed [<i>RHA</i>]</p>	<p>We will liaise with stakeholders to seek ways of further raising awareness.</p>
REGULATORY IMPACT ASSESSMENT (SAFETY) (Q4)	
<p>The RIA assessed the costs and benefits well [<i>Peters & May; Koppers UK Ltd; BASA, DanGoods; Network Rail; BCGA; Gas Container Services, Arrowhead Industrial Services Ltd; MoD</i>]</p>	

²¹ Reducing at-work road traffic incidents: Report to the Government and HSC <http://www.hse.gov.uk/roadsafety/traffic1.pdf>

ISSUE		RESPONSE/ACTION
	The RIA assessed the costs and benefits poorly [<i>EP Training</i>]	
	The driver training costs may be underestimated [<i>FTA; CIA</i>] The driver training costs are underestimated [<i>BCDTA; UKCPI; BCF; LPGA; Calor Gas Ltd; 450+ LPGA members/customers</i>]	
<u>Specific comments</u>		
	The hourly rate for drivers should be £10 + 20% for overheads [<i>UKCPI; BCF</i>] The overall cost per driver should be £3,320 [<i>LP GA; Calor Gas Ltd; 450+ LPGA members/customers</i>]	The rate of pay is comparable with a recent independent research report on pay ²² . Their analysis found the average hourly rate of pay to be £6. Our figure of £7 allows a margin for payroll overheads. The estimate of £800 for down time while the vehicle is not being used (or an agency driver is employed) has not been commented on so we assume industry are content to accept this figure. We have checked again with several training providers and all have quoted costs well within the RIA estimate. It is difficult to be accurate about the number of drivers likely to come into scope, although a number of consultees thought the actual number is likely to be less than 20,000. [Roy Boneham + Martin Castle]
	Offset for awareness training for drivers too high should be 280K not 745K [<i>UKCPI; BCF</i>]	As the dutyholders involved are required to comply with all other requirements of the Carriage Regulations it is not unreasonable to allow an offset for general awareness training of less than an hour per year.
	The driver training costs should not be based on current rates or be spread over 5 years [<i>UKCPI; BCF; BCDTA</i>]	The RIA follows the conventions used in early RIAs on carriage of DG legislation. It was necessary to identify the cost in year one because of scrutiny of the proposals by the Government's Panel on Regulatory Accountability.
	Appendix 3b, para 23 says the driver training costs can be deferred until 2007, should be 2006 [<i>BASA</i>]	This was an error. The note following the table in Para 40 says training is likely to be undertaken in year 2 i.e. 2006.
	The "overpack cost" are not irrelevant, cannot be offset by other costs. Their estimate is £35,000 [<i>UKCPI</i>]	
	Cost of non-CSC bulk containers needs to be considered further with the waste industry [<i>Cleanaway Ltd</i>]	The old 'bulk' provisions are to be retained alongside the new provisions. Dutyholders may continue with the old system for the time being. DfT will liaise with stakeholders on the development of the administrative provisions for the new system.

²² IDS Pay Report 917, November 2004

ISSUE		RESPONSE/ACTION
	Doesn't cover loss of management time trying to interpret the poorly drafted text in Chapter 6.2 of RID/ADR [<i>Arrowhead Industrial Services Ltd</i>]	Stakeholders have been closely involved in the drafting of changes to Chapter 6.2. It was not anticipated that industry would have problems understanding changes drafted with the assistance of their own industry representatives.
	Could have reflected the saving on hazard warning panels not having to be fire resistant [<i>BASA, DanGoods</i>]	It was not considered appropriate to include this cost as it is merely a continuation of GB practice.
	Does not include costs for information and training for the 2005 changes. ADR costs £110 and assessing the changes is likely to cost approx £100 [<i>BASA, DanGoods</i>]	Assessing changes forms part of the duties of the DGSA and should feed into the ongoing requirement for awareness training required for all employees. It is not a new cost so has not been included
	No effort to quantify many of the new changes [<i>UKPIA</i>]	It is explained in the Consultation Document that it was not cost effective to attempt to estimate the costs and benefits of the many changes, especially where the impact was considered minimal. Many of the changes were instigated by industry for the long-term benefit of industry.
THE CARRIAGE REGULATIONS 2004		
<u>Cross-referencing (Q1)</u>		
	Generally no problems/expressions of support for cross-referencing in principle It aids transparency across Europe [<i>Arrowhead Industrial Services Ltd; EP Training; Koppers UK Ltd; DanGoods, Network Rail, EWS; BCGA; Gas Container Services Ltd; MoD; FTA, UKPIA; LPGA; Calor Gas Ltd</i>]	
	It has been necessary to have good industry guidance in place [<i>UKCPI + BCF</i>]	
	The transitional measure for driver training set out in ADR 1.6.1.9 should be cross-referenced in Reg 24. [<i>LPGA; Calor Gas Ltd</i>]	There are around 100 RID + ADR transitional measures in Chapter 1.6. These are implemented via Reg 3(13). It would not be practical to reference each one individually in the relevant regulation. This transitional measure will be flagged up in the revision to 'Working with ADR'.
	Problems because it does not include cross-references to RAMRoad Regulations/Act for Class 7 to SI 1093 +1991a [<i>Peters & May</i>]	We are considering consolidating RAMRoad into the Carriage Regulations for 2007
	Cross-referencing is too complex because it involves looking at too many documents [<i>Chubb Fire Ltd; BCDTA</i>]	DfT and HSE had a great deal of industry support for consolidation and cross-referencing before formal consultation in 2003. Although the resulting regulations are not as short or as simple as everyone hoped

ISSUE	RESPONSE/ACTION
	for, there is still considerable support for cross-referencing.
<u>Removal of the TPED²³ Schedules (Q2)</u>	
<p>General support for the shortening of the regulations by removing the TPED schedules and directly referencing the TPED Directive. It was seen as making it clear, concise and leaving no doubts. Also aiding transparency across Europe. <i>[Arrowhead Industrial Services Ltd; EP Training; Peters & May; Koppers UK Ltd; LPGA; Calor Gas Ltd, BASA, DanGoods; Network Rail; EWS; BCGA; Gas Container Services Ltd; MoD; CIA; UKPIA]</i></p>	
<u>Format of the Regulations</u>	
<p>Dislike for the format of the Regulations and would like something simpler <i>[UKCPI; BCF; BASA, DanGoods; Network Rail; Chubb Fire Ltd; FTA]</i></p>	<p>It is a legislative requirement when implementing EC Directives that the duties and dutyholders are specified in the regulations. This, along with setting out the many UK derogations negotiated at the request of industry, has made the Regulations longer and more complex than we would have liked.</p> <p>Some progress has been made. In 2004 we reduced the number of sets of regulations from 14 to one. For 2005 we expect to reduce the text by about 25%.</p> <p>We will continue to work with legal advisers to ensure the regulations are simplified and shortened where possible, within the constraints set by the Government guidelines on legal drafting.</p>
<p>Preference for a UK version of ADR with national differences added, and available at a lower cost than UNECE. <i>[BASA; DanGoods]</i></p>	<p>This option was considered and rejected for the 2004 Regulations. We still do not think it would be a viable option. The work involved would result in a consolidated ADR text being published much later than the official text, so delaying the formal consultation process. The purchase price would most likely be greater than the UNECE price.</p>
<u>Consolidation of the Regulations</u>	
<p>Some consultees felt that issuing amending regulations rather than revoking and reissuing consolidated regulations would make it more difficult to identify their duties and want consolidated regs from 2007 <i>[Chubb Fire Ltd; CIA; FTA; CFOA; BCDTA; PIRA]</i></p>	<p>It is the intention of Dangerous Goods Branch to produce consolidated regulations whenever practical, however the unusually short timescale between the coming into force of the 2004 Regulations and the deadline for implementing the 2005 amending Directives severely limited the</p>

²³ Council Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment

ISSUE	RESPONSE/ACTION
Consolidation should also include RAMRoad <i>[FTA]</i>	options available for the regulatory work. Priority had to be given to implementing the amending Directives on time and to the legislative changes to transfer the extensive Competent Authority functions from HSE to DfT. We appreciate the difficulties and have ensured that complete blocks of text are replaced to make it easier for dutyholders to cut and paste the amendments into their master set of regulations. We also intend to publish on the DfT website a guide to the consolidated text.
<u>Miscellaneous comments on the Regulations</u>	
Welcome the clarification of scope of Reg 7(4) retail dist derogation. Is of particular help to our members <i>[UKCPI; BCF]</i>	
Reg 21(9) Questions the placing of the duty for 6.2.5.7 on ‘any body’ rather than the owner of the receptacle.	‘Bodies’ have to be approved by the Competent Authority before they can carry out periodic inspections. Subsection 6.2.5.7 sets out the requirements for the bodies to be approved and their duties as approved bodies. It would not be appropriate to place these duties on owners.
Reg 39(2) Should be extended to cover Notified Bodies <i>[Arrowhead Industrial Services Ltd; LPGA; Calor Gas Ltd]</i>	Change already agreed with the technical expert.
Error in Reg 10(1)(b) + (2)(b), should refer to security not safety <i>[Network Rail; RSSB]</i>	This error is noted and has been corrected
Error in Reg 11(2A) RID/ADR 1.7.6.1 not covered <i>[RSSB]</i>	This error is noted and has been corrected
Query on Reg 22(2). Feels it is already covered in Reg 22(1) and should not be singled out <i>[RSSB]</i>	This Regulation has now been deleted as the provisions are adequately covered.
Query on Reg 22A. Feels the duty should be placed on the operator as well as manufacturer <i>[RSSB]</i>	This Regulation has now been incorporated into Regulation 22.
AUTHORISATIONS(Q3)	
There was support for the authorisation system. <i>[UKPCI; BCF; RHA; EP Training; Peters & May; Koppers UK Ltd; BASA, DanGoods; Network Rail; EWS; BCGA; Gas Container Services Ltd; Arrowhead Industrial Services Ltd, MoD; CIA; FTA; UKPIA]</i> The following problems were flagged up:- It is not clear which authorisations will be superseded/continue. <i>[RHA, BCDTA]</i>	All authorisations include an end date. They are published on the internet as soon as they are issued. As some of them extend the application of Multilateral Agreements to domestic carriage, we now also publish signed copies of MA on the internet as soon as they are issued DfT DGB works closely with enforcers and the Fire Services

ISSUE		RESPONSE/ACTION
	Causes problems keeping up to date on current authorisations, although they are easy to access. <i>[Peters & May]</i> Need an assurance that Nos 12 + 24 will continue <i>[BCDTA]</i> Withdrawal may cause unintentional lowering of safety standards and may cause confusion for the emergency services <i>[UKPIA]</i>	Inspectorate on the interpretation of the regulations and currency of the authorisations. We will review the way Authorisations and Multilateral Agreements are posted on the internet to make it clearer which are still in force. Ones that have expired could be deleted if dutyholders would find it helpful.
TRANSFER OF COMPETENT AUTHORITY FUNCTIONS		
	The transfer of CA functions to DfT was welcomed <i>[UKCPI; BCF]</i>	
	DfT should become the sole enforcing authority, supported by the police, for all premises based and roadside checks <i>[UKCPI; BCF]</i>	Enforcement arrangements are being kept under review, but there are no imminent plans to wholly transfer enforcement responsibility.
	Should enforcement reports be sent to VOSA rather than HSE? <i>[ACPO Scotland]</i>	No. HSE remains the sole enforcing authority for safety requirements. HSE guidance to enforcers ²⁴ will be updated to reflect appropriate changes. The guidance is published on the HSE website.
	HSE Explosives Inspectorate: Content with the transfer of functions and flagged up two issues on ammonium nitrate emulsions that needed to be resolved - Multilateral Agreement M99 and the consequential changes for the Manufacture and Storage of Explosives Regulations (expected April 2005); and hand-over issues for acetylene and related fees arrangements.	The issues are under consideration and will be taken into account when setting up the administrative systems and consequential legislative changes
CONSULTATION (Q7+8)		
<u>Consultation period</u>		
	The reduction of the consultation period to 6 weeks was unreasonable <i>[UKCPI; BCF; BCDTA; ALGED; LPGA; Calor Gas Ltd; 450+ members/customers of LPGA]</i>	Although the consultation period ended on 26 January we continued to accept responses up until 11 February (a 17 day extension). The reasons for the reduction were clearly stated in paragraph 53 of the

²⁴ <http://www.hse.gov.uk/cdg/manual/index.htm>

ISSUE	RESPONSE/ACTION
<p>The reduction was adequate. <i>[BCGA; Gas Container Services Ltd; Arrowhead Industrial Services Ltd]</i> Lateness of consultation/implementation did not allow dutyholder time to prepare for the changes. Not comfortable with pragmatic enforcement. <i>[BASA, DanGoods]</i> Where approval by Govt Groups (PRA) is required the Government should ensure adequate frequency of group meetings. <i>[BCDTA]</i></p>	<p>Consultation Document. The detail of the changes had been in the public domain for some time and DfT have systems in place to regularly consult industry representatives and give feedback on progress with international negotiations. Reductions in consultation periods are subject to Ministerial approval and in this instance the Secretary of State for Transport Alistair Darling gave approval. DfT continues to monitor its ongoing consultation systems and will ensure that consultees are given as much time as practicable for formal consultation exercises when implementing Directives.</p>
<p><u>Coverage of the policy issues in the consultation document</u></p>	
<p>Content with structure <i>[LPGA; Calor Gas Ltd;]</i> Main issues covered <i>[UKCPI; CF]</i> Covered policies well <i>[EP Training; Peters & May; Koppers UK Ltd; BASA; DanGoods; Network Rail; EWS; BCGA; Gas Container Services Ltd; MoD; CIA; FTA; BCDTA; Arrowhead Industrial Services Ltd]</i> Covered policies very well <i>[UKPIA]</i></p>	
<p><u>Other comments</u></p>	
<p>Disappointment at being locked into the two-yearly consultation process with little opportunity to influence the regulations <i>[RHA]</i></p>	<p>The two year consultation process is dictated by the two yearly negotiation cycle of ADR/ RID. We have regular meetings with industry to agree a UK negotiation line with the aim of influencing the ADR negotiations and liaising with industry on the impact of the results of negotiations.</p>
<p>More effort should have been made to contact small businesses via the Federation of Small Businesses <i>[LPGA; Calor Gas Ltd]</i> It did not sufficiently consider the removal of the driver training exemption. It affects small customers + hauliers <i>[Koppers UK Ltd]</i></p>	<p>Appendix 3(b), paragraph 34 of the consultation document addresses the impact on small businesses. The DTI's Small Business Service was consulted. We will ensure the Federation of Small Businesses is also consulted in future.</p>
<p>The consultation exercise seemed complicated <i>[EWS]</i> A 'Word' version of the questionnaire would facilitate easier electronic response <i>[CIA]</i></p>	<p>The work on making the 2005 regulations was already well underway when it transferred to DfT. We accept this resulted in some constraints on the final consultation exercise. For the future we intend to work towards earlier, effective consultation.</p>

ISSUE	RESPONSE/ACTION
GUIDANCE (Q5)	
<p>No additional guidance needed [<i>EP Training; Network Rail; BCGA; Gas Container Services Ltd; MoD UKPIA LPGA; Calor Gas Ltd; UKCPI; BCF</i>]</p> <p>The following organisations produce own sector guidance [<i>LPGA; Calor Gas Ltd; UKCPI; BCF</i>]</p>	<p>The current published free guidance was developed by HSE in consultation with industry and DfT. It has been generally well received and will be retained and updated. During the 2004 consultation exercise many industry associations decided to prepare their own ‘sector specific’ guidance.</p> <p>We recognise that some dutyholders would prefer detailed guidance on certain aspects of the Regulations. DGB’s Regulatory Team monitors the queries directed to DGB and produces guidance notes on specific issues where appropriate. These are published on the website²⁵.</p> <p>A further review of guidance is planned for 2007</p>
<u>‘Working with ADR’ guidance leaflet</u>	
<p>Support for updating it [<i>Peters & May; BCDTA; UKCPI; BCF; CIA</i>]</p> <p>Should be issued as soon as possible [<i>BCDTA</i>]</p> <p>Should be published on the internet and as a hard copy [<i>UKCPI; BCF</i>]</p>	<p>Once stocks of ‘Working with ADR’ are used up, we do not intend to produce hard copy guidance. The amended ‘Working with ADR’ will be published on the internet as soon as it is ready. We will also consider issuing a supplement to the current version summarising the changes.</p> <p>We consider publication of guidance on the internet more effective. It allows for faster issue of general guidance, to a wider audience. It can also be updated more quickly.</p> <p>‘Working with ADR’ will continue to be supplemented by ‘Guidance Notes’ on specific issues or for specific sectors. We accept that we need to work with industry to raise awareness of the extra information available on our internet side.</p> <p>For enquirers without internet access we will print out and send single copies of relevant guidance.</p>
<p>Should have guidance similar to the old “Carriage of Dangerous Goods Explained” [<i>Koppers UK Ltd</i>]</p> <p>Robust codes of practice to support regulations [<i>T&G</i>]</p>	<p>The HSE series of priced publications on the 14 sets of carriage regulations were extremely costly to produce and maintain. Through informal discussions with stakeholders HSE established that dutyholders would be unlikely to purchase new guidance documents as well as copies of RID and ADR.</p> <p>‘Working with ADR’ was developed in consultation with industry. We</p>

²⁵ www.dft.gov.uk/freight/dangerous: follow heading ‘Carriage of Dangerous Goods Regulations and Related Material’

ISSUE	RESPONSE/ACTION
	feel the best was forward is with 'Working with ADR' and guidance notes. We cannot divert resources into producing priced guidance that would have a relatively short life.
<u>Guidance Notes</u>	
<p>Likely to need more guidance for drivers, especially regarding servicing and repair <i>[RHA]</i> Guidance on approving/using bulk containers <i>[Cleanaway Ltd]</i> Supplementary guidance to make up for poor drafting in Chapter 6.2 of RID/ADR <i>[Arrowhead Industrial Services Ltd]</i> Guidance on how to apply for an authorisation Under Reg 36 <i>[BASA]</i> Guidance on transport document for multimodal carriage <i>[BASA; DanGoods]</i> For rail – emergency response guidance for DG in transit as opposed to in marshalling yards <i>[EWS]</i> Guidance for new, or differently affected sectors e.g diesel and retail distribution <i>[FTA]</i></p>	<p>DfT is happy to work with these consultees to develop appropriate DfT guidance notes. There are already a number of guidance notes available on the DfT website. The European Commission has published a number of TPED guidance notes. An RID/ADR Working Group are revising the whole of Chapter 6.2 for 2007 .</p>
<u>Other guidance issues</u>	
<p>Whale Tankers: Asks how to apply to SoS for approval as an inspection body by 1 July 2006</p>	<p>Companies may apply now under the existing HSE system. The DfT system is expected to be in place by the spring of 2005. Details will be published on the DfT website.</p>
<p>Guidance on TPED <i>[BCDTA]</i></p>	<p>The European Commission has published a number of TPED guidance notes. HSE has published on its website technical codes and a document dealing with time of fill inspections for pressure drums. Work is in progress on other pressure drum guidance and further guidance for beverage gas cylinders. BCGA and LPGA are represented via their European bodies on the TPED experts working group. Any additional guidance/clarifications of text will be dealt with by DfT. We will ensure the relevant guidance is added to, or cross-referenced on the DfT website.</p>
<p>Include guidance notes on Class 7 on the internet <i>[Peters & May]</i></p>	<p>We will ensure links to relevant guidance are added to the web site</p>

ISSUE	RESPONSE/ACTION
MISCELLANEOUS COMMENTS	
Consultation Document, Appendix 3b, para 27. The assertion that dutyholders have a choice in using P650 for infectious substances is incorrect. <i>[HPA]</i>	This is a misunderstanding. Subsections 2.2.62.1.5 to 2.2.62.1.11.3 set out some instances where infectious substances are not subject to the RID + ADR requirements. The Consultation Document suggests that dutyholders may prefer to err on the side of caution rather than to establish whether the substance meets the exclusion criteria.
Industry previously expressed concerns over inspection bodies and their capacity to meet industry needs. Industry should be further consulted <i>[RHA]</i>	We are aware of these concerns. The accreditation scheme should address these issues and the Industry guidance already issued and in draft by the Energy Institute (EI) will further ensure full understanding of this issue. UKAS will be asked to use the EI guidance in their audits. Other sectors are preparing similar guidance e.g. chlorine tanker users.
Overpacks Difficult to understand the new ‘overpack’ labelling requirement. Should issue an authorisation exempting from it <i>[RHA]</i>	There is no legal basis to issue an exemption for domestic carriage.
Implications for using approved bulk containers needs to be considered further with the waste industry. Wants an assurance that existing equipment may continue in use <i>[Cleanaway Ltd]</i>	This is a misunderstanding. Industry are not compelled to use the new bulk container provisions. They may continue to use the existing bulk carriage provisions.
Further relaxations for the UK derogation on retail distribution – increased load limit to 1,000 kg/l and parity with LQ exemptions in Chapter 3.4 subject to use of suitable retail packagings (tote bins) <i>[FTA]</i>	DfT DGB met FTA on 10 Feb to discuss the issues. FTA accepted DfT’s position and agreed to re-think their proposal to address safety concerns and the constraints of the ADR Framework Directive
THE FUTURE(Q6) <i>Systems for improving the modal agreements</i> There was general support for DfT’s ongoing early consultation systems, resulting in successfully negotiated changes, with commitments to continue to be proactive in working with DfT. <i>[UKCPI; BCF; Network Rail: BCGA; Gas Container Services Ltd; Arrowhead Industrial Services Ltd]</i>	We will continue to encourage industry representatives to be more proactive in preparing justification for the case against unpopular proposals and to work with their European counterparts We intend to hold briefing and debriefing meetings from Autumn 2005 to facilitate greater consultation with industry.
<u>European Directives</u> Consolidation of the Transportable Pressure Equipment Directive into	The European Commission, largely at UK suggestion, are working on

ISSUE	RESPONSE/ACTION
RID+ADR .[Arrowhead Industrial Services Ltd]	proposals to do this in 2007.
Review the ADR Framework Directive so that ADR changes are not automatically imposed [LPGA; Calor Gas Ltd]	This would be contrary to the primary objective of the Framework Directive to harmonise requirements across Europe so, facilitating free trade and ensuring adequate safety standards for all citizens of the EU.
Support the retention of the UK derogation for Emergency Action Codes [CFOA]	To be reviewed again for 2007. Views will be sought then.
Dislike for constantly changing regulations [EP Training]	
Harmonisation of classification with CHIP [Koppers UK Ltd]	The Global Harmonisation System (GHS) will form the basis of consistent chemical classification across all sectors. Transport rules are already closely aligned with GHS. EU supply regulations will need to consider amendments before the world summit target date of 2008. HSE leads for the UK.
ADR is too complex for domestic carriage and fails to address ‘milk round’ delivery [BCDTA]	The European Commission and the UN Secretariat have agreed that ADR must in future address issues relevant to domestic carriage.
<u>Format of RID/ADR and frequency of updates</u> Move from 2 yearly to 3 yearly updates on the international agreements to reduce the burden on dutyholders [BCDTA] Need a couple of years without changes [UKPIA]	Refer to ADR and RID Secretariats This cannot be addressed in isolation from the sea and air modes. The UN regularly reviews this issue
Dangerous Goods List to be in a separate volume [EWS]	We feel such a change would lead to dutyholders using only DG List to identify duties rather than checking other parts of RID/ADR
Faster publishing of ADR on the UNECE website [BASA; DanGoods]	The UK delegation has no control over the publication of RID and ADR. Consultees should contact UNECE and OTIF directly.
Changes to RID/ADR text to be highlighted as in IATA DGRs [BASA; DanGoods]	The UK delegation will propose this to the UNECE Secretariat.
RID/ADR text to indicate differences from UN Model Regulations (long term goal to get IMDG Code similarly highlighted) [BASA; DanGoods]	The UN is undertaking a study of a possible world convention that might lead to referencing common text. Simplification should lead to differences being readily identifiable.
<u>Multi-modal harmonisation</u> A number of consultees were keen to see greater harmonisation across the modes, in particular on classification and transport documents; Limited Quantities; consumer commodities; excepted quantities and retail sale [UKCPI; BCF; MoD, FTA]	Harmonisation is a key priority for the International Negotiations Team and will continue to work towards this goal
Need to address poor drafting in Chapter 6.2 of RID/ADR, e.g.	HSE/DfT have discussed this with Arrowhead Industrial Services Ltd

ISSUE	RESPONSE/ACTION
<p>manufacturers do not understand the marking requirement in 6.2.1.7. Where the mark of conformity is applied by the Notified Body the labelling details are not always known by manufacturer. Needs to be clearly stated that it is a Notified Body duty. Only practical to indicate conformity with construction requirements (not filling ratios etc). Notified Bodies work with the manufacturer not the filler. Apply this filling duty to DGSA not NB. .<i>[Arrowhead Industrial Services Ltd]</i></p>	<p>and resolved a misunderstanding of their duties. An RID/ADR Working Group is revising the whole of Chapter 6.2 for 2007.</p>
<p>DfT has been asked to pursue the following changes to RID and ADR:- seek adoption of GB Authorisations 12 and 24 in to ADR <i>[BCDTA]</i> adoption of the UK Emergency Action Code system into ADR <i>[UKPIA]</i> more specific requirements for consignees on receipt of product <i>[UKPIA]</i> improve texts on appointment and duties of the competent person <i>[UKPIA]</i> ensure consistence of terminology for Driver and DGSA Certificates the word ‘vocational’ is only used for DGSA <i>[PIRA]</i> exemption from Driver VTC for small vehicles <i>[UKCPI; BCF]</i> simplify requirements for vehicle equipment <i>[UKCPI; BCF]</i> remove the need for chocks <i>[UKCPI; BCF]</i> Sign Austrian Multilateral Agreement on waste and for the longer term negotiate certain exemptions for waste <i>[Cleanaway Ltd]</i></p>	<p>We will refer these to the International Negotiations Team for consideration. Feedback will be given through the regular UK briefing meetings</p>

Arrowhead Industrial Services Ltd
Association of Chief Police Officers
Association of Chief Police Officers Scotland
Association of Liquid Gas & Equipment Distributors UK
British Adhesives and Sealants Association [*Consistent with DanGoods*]
British Chemical Distributors and Traders Association
British Coatings Federation [*Consistent with UKCPI*]
British Compressed Gases Association [*Also endorsed by Gas Container Services Ltd + Arrowhead*]
Calor Gas Ltd [*Also endorses LPGA response*]
Chemical Industries Association
Chief Fire Officers Association
Chubb Fire Ltd
Cleanaway Ltd
DanGoods Training & Consultancy Ltd [*Consistent with BASA*]
Department of Trade and Industry (Nuclear Safety)
EP Training
EWS (English Welsh & Scottish Railway Ltd)

Freight Transport Association
Gas Container Services Ltd [*Also endorses BCGA response*]
Health and Safety Executive (Explosives Inspectorate)
Health Protection Agency
Koppers UK Ltd
LP Gas Association [*Also endorsed by Calor Gas*]
Ministry of Defence (Surface transport policy branch)
Network Rail Infrastructure Ltd [*Consistent with RSSB*]
Peters & May (Dangerous Goods) Ltd
PIRA International Ltd
Police Federation of England and Wales
Rail Safety and Standards Board [*Consistent with Network Rail*]
Road Haulage Association
Sandling Fireworks
Transport and General Workers Union
UK Cleaning Products Industry Association [*Consistent with BCF*]
UK Petroleum Industry Association Ltd
Whale Tankers Ltd