



# Strategy & Policy Directorate

## POLICY INSTRUCTION

Policy Instruction Title – Compliance with Dangerous Substances & Explosive Atmosphere Regulations

Number: PI 07/11

Strategy & Policy Directorate Sponsor:  
Robin Cawthorne

Date of issue:  
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Contact if different from above Sponsor:

Mark Spooner  
Principal Mechanical Engineer  
Professional & Technical Services  
Defence Estates  
[Mark.Spooner@de.mod.uk](mailto:Mark.Spooner@de.mod.uk)

(9) 205238 5835 / 01638 545835

Who Should Read this: Top Level Budget Holders, Commanding Officers, Heads of Establishment, CEstOs, Defence Estates Advisors, Estate Managers, Site Estate Team Leaders, Site Estate Authority Teams, Maintenance Management Organisations DE Health and Safety teams; and any other person who has responsibility for the implementation of DSEAR on the MOD estate.

When it takes effect: Immediately

When it is due to expire:  
22 February 2012

Health & Safety

### Equality And Diversity Impact Assessment

This policy has been Equality and Diversity Impact Assessed in accordance with the Department's Equality and Diversity Impact Assessment Tool against:

**Part 1 Assessment Only (no diversity impact found).**

1. The aim of this Policy Instruction (PI) is to ensure compliance with the Dangerous Substances & Explosive Atmosphere Regulations (DSEAR) statutory instrument – S.I.2002 No.2776 across the Defence estate whilst providing guidance on the process for implementation.
2. This PI is applicable to all MOD staff, both service and civilian, who operate, own and maintain areas where dangerous substances are stored, processed and/or manufactured.
3. The requirements of JSP 375 Volume 2 Leaflet 56 must be fully complied with when following this PI.
4. Further documents detailed in JSP 375 Volume 2 Leaflet 56 section 8 'Related Documents' shall also be reference to identify specific responsibilities.
5. DSEAR deals with protecting lives and property from the flammable and explosive properties of materials and substances. It should be noted that these regulations are retrospective.
6. DSEAR requires the MOD as the 'Employer' to:
  - identify dangerous substances in the workplace and assess associated fire and explosion risks
  - carry out a risk assessment of any work activities involving dangerous substances
  - remove or where not possible, mitigate and control such risks to anyone who may be affected
  - classify places where explosive atmospheres may occur into zones and mark the zones where necessary.
  - establish emergency procedures for dealing with incidents involving dangerous substances
  - provide supervision, training and information for all those who require it.
7. In accordance with this premise, a major action is the production of primary information for all assets/installations which fall under DSEAR on the Defence estate. This will ensure the requirements of JSP 375 Leaflet 34 can be fully applied through completion of the Area Hazard Register.
8. The Commanding Officer/Head of Establishment is responsible for ensuring all dangerous substances and areas where explosive atmospheres may occur are identified, assessed and controlled this assisting in meeting the requirements of JSP 375 Volume 2 Leaflet 23 Site Risk Assessment.
9. Zones must be clearly defined and their location and classification recorded on site plans, building/facility drawings.
10. All units/establishments that store, use or transport dangerous substances must assess their liabilities and undertake surveys.
11. Risk assessments and classification of hazardous areas must be conducted by a competent person able to undertake comprehensive risk assessments on the likelihood, extent, force and collateral effect of any potential explosion or fire and the subsequent development of zone drawings.
12. Those deemed competent to undertake DSEAR risk assessments and area classification are to have suitable and sufficient knowledge, skill, experience and training including:

- knowledge of all work activities, maintenance operations, dangerous substances stored, used and transported within the adjacent areas identified as or suspected to be hazardous areas
- knowledge and experience of explosive atmospheres and associated regulations, the flammable materials and substances involved and the processes and equipment concerned.
- demonstration of professional competence gained preferably through an accredited scheme such as International Electrotechnical Commission Explosive Atmospheres (IECEx) Personal Competencies Scheme.

13. The recommended process is to utilise the expertise of the Maintenance Management Organisation (MMO)/Site Estate Delivery Team.

14. For those operating on the estate covered by a Regional Prime Contract (RPC) the liaison should be through the Site Estate Authority Team (SEAT).

15. Where management of the MOD estate falls outside the RPC, such as DE International, Defence Training Estate and the Volunteer Estate liaison should be through the appropriate MOD management team.

16. Funding to meet the requirements of DSEAR is to be provided by the unit/establishment.

17. The following process should be followed to ensure a consistent competent approach across the Defence estate.

a. The Unit/Establishment is to:

- for each identified installation/asset, complete MOD Form 5014 'DSEAR RISK ASSESSMENT' as detailed in Annex A of leaflet 56. Parts 1, 2, 3 & 4, as far as reasonably practicable.
- secure the necessary funding approval through the appropriate MOD management team for the competent person to undertake the require work.
- consider the findings of the competent person assessment and act/authorise remedial works accordingly to ensure MOD statutory obligations are strictly adhered to.
- ensure processes are in place for the assessment to remain valid, implemented and up to date.
- ensure the co-ordination and implementation of DSEAR on an establishment where third party organisations are present.

b. The Competent Person shall:

- obtain a topographical survey of all hazardous areas and installations.
- obtain all necessary information, plans, schematics and drawings for the installation/asset.
- co-ordinate the survey of all equipment, systems and plant against the plan of installations/assets.
- validation/completion of the risk assessment (MOD Form 5014) in accordance with regulation 5 of DSEAR, and JSP 375 Volume 2 Leaflet 56 which shall define the zones, their sizes and extent.

- production of a hazardous area zone classification – hazardous area drawing – zone chart for all listed assets. De-lineation of the zones is to be shown.
  - identify any remedial works required in order to achieve DSEAR compliance on the establishment.
18. Where DSEAR is implemented, site emergency plans as defined in JSP 375 Volume 2 Leaflet 1 must allow for dealing with incidents involving dangerous substances whilst ensuring the application of appropriate safe systems of work as detailed in JSP 375 Volume 3 and/or reference to JSP 375 Volume 2 Leaflet 56 Annex B (MOD Form 5014a).