



## Force Policy

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***This Force policy is suitable for public disclosure under the  
Freedom of Information Act 2000***

This document sets out principles to help guide decision making and in some parts may be quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case.

There may be occasions when a member of staff is considered to have acted outside of the content of this document but if they have done so with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported. On the occasions when this is the case, the rationale for it must be properly recorded.

***This document should be read in conjunction with the Force Policy Statement.***

## Introduction

The carriage of dangerous and hazardous substances by road poses obvious and real dangers to member of the public. To ensure the highest standards of safety a comprehensive and worldwide system of legislative restrictions is in place. The legislation in the European Community is virtually standard across all its member states, but it can only be effective when backed by an effective system of enforcement.

The potential for terrorist organisations to use this transport to provide materials for weapons or as weapons in themselves is well proven.

The involvement of vehicles carrying hazardous substances in collisions or equipment failure, resulting in actual or potential leaks is inevitable and the Force must be able to respond efficiently and professionally to such incidents.

The carriage by road of hazardous substances is commonly abbreviated to Hazchem or hazmat.

In the United Kingdom the responsibility for enforcement of Hazchem legislation lies with the Health and Safety Executive (HSE). However, in April 2002 following agreement between the HSE and ACPO the powers of inspection and prohibition were devolved to the Police.

This policy details the requirements for training, enforcement and recording to ensure the Derbyshire Constabulary has a robust system of enforcement.

The guiding legislation is: -

- The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (known as Carriage Regulations).
- The European Agreement Concerning the International Carriage of Dangerous Goods by Road (known as ADR).
- Health and Safety at Work Act 1974.

## Procedures

### Movement of hazardous loads and Hazchem incidents

The potential dangers of hazardous loads being carried by road and rail include: -

1. Flammability and capability of igniting other material.
2. Explosive or become so when mixed with other materials.
3. Toxicity.
4. Corrosive.
5. Cause damage to the environment.

Potential hazardous occurrences: -

1. Vehicle has been involved in a collision.
2. Spillage from a tank or container on the vehicle.
3. There is any risk of fire, toxic release or other element which may cause a spillage of its loads or where there is a chance of explosion.
4. There is a risk of environmental damage.

### Hazard warning panels

Vehicles carrying hazardous substances in sufficient quantity are required to display warning panels. These vary according to the type and amount of substances being carried.

If the vehicle is displaying an orange rectangle to the front and rear it will signify that the vehicle is carrying goods in separate packages. These may be hazardous individually, or be in sufficient quantity and size to be hazardous as a whole. There is no requirement on the vehicle operator to show product name, UN number or properties of the substances carried.

Other vehicles will have HAZCHEM panels displayed, usually on both sides and rear of the vehicle. These panels give essential information regarding the load in the event of an emergency.

Drivers of vehicles carrying dangerous substances are required to have knowledge/training of the product or products carried and instructions in writing as well as a consignment note which gives product name, UN number, quantity carried and what category the hazardous product falls into.

Instructions in writing contain details of the nature of hazard and basic protection and lists the immediate action by the driver.

In addition, the driver is legally required to have other equipment e.g. fire extinguishers. As Hazchem legislation is complicated and changes regularly, untrained officers should request advice and assistance from trained road policing officers when dealing with vehicles carrying hazardous materials.

### **Action on receipt of reported incident involving hazardous substances**

Review Emergency and Business Continuity Plans located here:

<http://vsiiislive01/Businesscontinuity/>

Where an officer receives information of a collision/incident involving any vehicle carrying hazardous substances, it is vital that as much information as possible is obtained.

This must include: -

1. What substance is involved (chemical name or UN number)?
2. Vehicles involved.
3. Casualties.
4. Other problems such as fire, gas cloud, fluid loss, etc.

FCR must be informed as soon as possible: -

On receipt of such a report the officer in charge of FCR will: -

1. Inform the Fire and Rescue Service, consider JESIP principles and METHANE.
2. Ascertain wind direction, speed and any forecast from the appropriate meteorological office (CHEMET).
3. Consider declaring a critical incident based on the information available. The presumption will always be that a Hazchem incident will be treated as a critical incident. This consideration must be given whenever any circumstances change during the life of the incident.
4. Advise, caution and direct a mobile to approach the scene having decided the safest route. This mobile should get no closer than is considered safe. Officers' personal safety should

not be compromised. Wherever possible the first officers responding should be Road Policing Officer trained to deal with Hazchem incidents. If this is not possible then a trained Road Policing officer **must** attend as soon as possible, in the interim a CBRN trained officer can attend and assess the incident. FCR and HR systems record who is trained and Operations Division are responsible for ensuring sufficient numbers are trained. Incidents should be overseen by the Force Hazmat advisor in the first instance. Should one not be available then either a Hazmat advisor or Hazmat trained officer should carry out this requirement.

5. Ensure that a record, in pocket notebook or on prohibition notice is made of any decisions which may affect the Human Rights of any person, along with the rationale behind them. A debrief will always be held at the cessation of the incident specifically to include any staff welfare issues.

### **Action at Scene**

1. It is imperative that FCR is kept fully informed of all information in relation to the incident as soon as it is obtained.
2. The incident should be approached from an upwind position i.e. any fumes should be blown away from officers attending.
3. Park at a safe distance upwind and uphill if possible.
4. Any liquid, puddles, vapor or gases must be treated with the utmost caution. What looks like water or steam may well be very dangerous.
5. If informed it is safe to do so by Fire Service Personnel, approach the vehicle with great care and only close enough to read the Hazchem Panels. If in doubt, keep clear. **Make no attempt to rescue trapped people or to extinguish fires.**
6. If the driver of the vehicle is not incapacitated, they should be asked for the Consignment note. Under no circumstances should the driver or any attendant be removed from the scene without the authority of the Senior Fire Officer. The driver's knowledge of the load may be invaluable.
7. Consideration should be given to the removal of any bystanders, stopping of passing traffic and the evacuation of any vulnerable premises. Priority must be given to preventing further persons becoming involved/contaminated by the incident, leaving the rescue of those already contaminated to the Fire and Rescue Service who are specially equipped.

### **Expert Advice**

Expert advice must be obtained **immediately**. Details will be shown on the HAZCHEM panel, or by using the CHEMSAFE Scheme via FCR or via liaison with DFS.

Consideration must always be given to informing the Environment Agency and National Rivers Authority of the leakage of any substance. Even the most innocuous can have a devastating environmental impact. Milk, for example, can rapidly deoxygenate rivers killing all animal life.

In addition, the Fire and Rescue Service should always be advised as they have primacy of the incident until the threat/risk from the product has been neutralised. They will mobilise their Environment Unit, based at Alfreton (24-hour cover). This carries equipment for dealing with spillages of all kinds and their staff are able to obtain assistance from a wide range of experts.

### **Fire and Rescue Service**

Upon arrival of the Fire and Rescue Service, the Senior Fire Officer will take charge of the inner

cordon and should be apprised of all the information to hand. The police scene commander should continually liaise with the Fire and Rescue Service to ensure the safety of people in the area. The police will exclude all persons from any potentially dangerous area.

## **Road Cleansing – Use of Detergents**

The responsibility for the cleansing of roads following spillages of dangerous substances rests with the Highway Authority for that road.

Where a road surface is affected by oil spillage, a detergent must be used and any request for assistance by the Fire and Rescue Service must include the fact that the road is being treated with detergent. When making a request for the use of detergents, officers should give some idea of the area of road surface to be treated and precise location of the incident.

## **Exposure to Hazardous Substances Record**

It is important that a record is kept of incidents, using the injury on duty and near miss recording system on Gateway.

All incidents involving any hazardous substance will be monitored by FCR and expert medical advice obtained on each and every occasion, regarding any further precautions/follow up action that needs to be taken in respect of any particular substance.

If any member of staff becomes unwell at any time during the 72 hours following attendance at such an incident, they must immediately seek medical aid and also notify their supervisor. In such a case consideration must be given to checks being made on the health of all other personnel who attended the scene and may experience similar illness.

## **Incidents Other Than Road Traffic Collisions**

The foregoing procedures will apply to all incidents involving dangerous substances, or substances with potential harm the environment e.g. railway incidents, factory accidents, fires, etc.

## **De-brief**

After any Hazchem incident a de-brief will be conducted.

## **Enforcement and Prohibition Powers**

Any offences against the Carriage Regulations can be dealt with in two ways; by reporting for summons and then by normal court procedures or by prohibition. Prohibition involves the vehicle being required to comply with conditions until the offence or defect has been rectified.

Any appeal against prohibition is by an industrial tribunal. This appeal can only consider the grounds for prohibition to determine if there were sufficient grounds to justify the prohibition. Any appeal against prosecution, conviction or sentence is by normal judicial appeal.

Any tribunal will be held in the area where the offending company operates and any appeal must be lodged by the driver or company within 21 days, to the secretary of the tribunal. The issuing officer will then be given 14 days' notice of the tribunal. An officer receiving notification of a tribunal must inform supervision and the Force Legal Department, who will represent the officer and force at the tribunal.

The investigation of Hazchem offences requires a high level of specialist knowledge and an awareness of the potential risks. The use of prohibition powers must also acknowledge the impact on Human Rights and potential liability to the Force from companies and individuals.

The Carriage Regulations require that Chief Constables only authorise suitably trained officers to enforce the regulations. To ensure that powers are used appropriately the only staff authorised are Road Policing Officers who have passed the National Carriage of Dangerous Goods by Road Appreciation course provided by Cleveland Police and have then been given a Human Rights prohibition input by Road Policing staff accredited by the HSE.

Before officers are given Hazchem training they must demonstrate a willingness to deal with Hazchem matters and any application for training will only be considered when supported by evidence of work in this area and then be supported by supervision.

As the application of these regulations is complex and changes frequently, trained officers are required to submit check forms (known nationally as the 10-500, force form 2178) and prohibition notices (force form 2177) on a regular basis. This is not intended to produce a league table of performance, but to demonstrate a continuing familiarity with the law.

Authorised Officers must submit an average of at least 2 items each per calendar month. Activity will be reviewed quarterly by the Hazchem Liaison Officer, Authorised officers failing to meet this level of activity will be warned and their performance monitored for a further 3 months. If there is no improvement their authority will be revoked.

### **Hazchem Liaison Officer**

All documents will be submitted via supervision to the Force Hazchem Liaison Officer, who is in turn responsible for quality checking and forwarding to HSE.

The Hazchem Liaison Officer is also responsible for: -

1. Attendance at National and Regional meetings to ensure the Force is compliant with current procedures and best practice.
2. Ensure that authorised officers are updated with legislative and best practice changes.
3. Liaison with HSE.
4. Liaison with Cleveland Police, who are the National lead in Hazchem.
5. Quality checking documentation and officer activity.
6. Maintain records of officers' work.
7. Maintain the public register of officer authorisations, vehicle checks, prohibitions and letters to companies.
8. Ensure the Force documentation is updated in line with changes in law and procedure.
9. Issue forms to authorised officers as necessary.
10. Submit performance data to the National Hazchem Liaison Officer in the appropriate format.

### **Procedure**

Before stopping any vehicle suspected of carrying hazardous material the officer must conduct a dynamic risk assessment. In addition to the normal assessment for stopping any vehicle the following must be considered: -

1. Is this a safe place to stop a vehicle carrying hazardous material?

2. If the vehicle is subject of prohibition can any load be dealt with here?
3. Be aware that any leaks are a risk to you, the driver and members of the public.
4. Don't touch anything without first talking to the driver.

If the vehicle is in order then a form 10-500 will be completed, the white copy should be forwarded to the Hazmat Liaison Officer for filing and the pink copy is given to the driver.

Any breaches of the Carriage Regulations **must** be dealt with in strict accordance with guidelines from the HSE; these are issued to officers in the form of an empowerment check sheet by the Hazchem Liaison Officer. Under no circumstances will officers deviate from the guidelines.

If the action taken involves issuing a prohibition then this will be in accordance with the training given, the following action will be taken: -

1. An incident will be created on Control Works with full details of offence, officer and prohibition.
2. A PNC information marker will be put on the vehicle; 'Vehicle stopped in Hazchem check, Inc. XXX refers'.
3. The prohibiting officer **will** send a letter (Appendix A), by recorded delivery, to the company responsible for the vehicle, informing them of the prohibition, with the letter will be two copies of the prohibition notice and booklet ITL19 (this is an HSE advice publication) prior to ceasing duty.
4. A copy of the letter, together with form 10-500 and prohibition notice will be sent to the Hazchem Liaison Officer.

Prohibitions can either be deferred or immediate. Deferred prohibitions are those where the prohibition does not come into effect until later and this can be until a later, specified time, or until a location is reached. A deferred prohibition must only be used in circumstances permitted by the empowerment check sheet.

Prohibitions are 'self-lifting', i.e. they remain in place until a stated time or place, or until the breach of carriage regulations is remedied. There is no requirement for the vehicle to be checked before the prohibition is lifted.

Any subsequent breach of a prohibition is dealt with by normal prosecution.

The Hazchem Liaison Officer will then be the point of contact for the company involved in the alleged breach.

