HSA
An Údarás Sláinte agus Sábháilteachta
Health and Safety Authority

epa
Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

Memorandum of Understanding

**Health and Safety Authority**
**and**
**Environmental Protection Agency**

The objective of this Memorandum of Understanding is to set out areas of shared responsibility and common interest between the Environmental Protection Agency and the Health and Safety Authority and to provide a cooperative framework for achieving their respective objectives.

For the purposes of Section 9 of the Chemicals Act 2008, this memorandum is deemed to be a cooperation agreement.

This memorandum is also deemed an arrangement under Regulation 4(3) of the European Union (Persistent Organic Pollutants) Regulations 2020.

Signed:

Conor O'Brien
Chief Executive Officer
Health & Safety Authority

Date: 27/3/25

Signed:

Laura Burke
Director General
Environmental Protection Agency

Date: 12/8/2025

## 1. INTRODUCTION

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

- Protecting people from threats to their health and wellbeing posed by hazardous substances and radiation.
- Establishing a co-operative framework for the implementation and enforcement of the Registration, Evaluation and Authorisation of Chemicals (REACH) and Detergent Regulations as outlined in the Chemicals Acts 2008 and 2010.
- Establishing a co-operative framework for the implementation of the Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) 2015.
- Establishing a co-operative framework for the implementation of the Safety, Health and Welfare at Work Act 2005, the Radiological Protection Acts 1991 to 2014 and the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 as amended[1] (ADR).
- Implementation and enforcement of the different legislative areas identified in this MoU.
- Co-ordination and consultation on national and EU technical positions, working groups and meetings.
- Establishing a co-operative framework for the implementation of the National Radon Control Strategy.
- Establishing a co-operative framework for the inspection and standards of laboratories or processes involving genetically modified micro-organisms

### 1.1 ENVIRONMENTAL PROTECTION AGENCY (EPA)

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

The EPA purpose is "**To protect, improve and restore our environment through regulation, scientific knowledge and working with others**".

Under its environmental and radiological protection mandate, EPA delivers direct and indirect benefits to human health through a number of its responsibilities. These include controlling emissions from licensed facilities; maintaining a supervisory function over local authorities with regard to the provision of environmental protection; monitoring environmental radioactivity levels; monitoring certain hazardous substances in environmental media; monitoring restricted hazardous substances in products; regulation of

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

mercury; approving dosimetry services for monitoring workers' exposure to radiation and regulating the use of ionising radiation.

Other activities with relevance include licensing release of Genetically Modified Organisms (GMOs); reporting bathing water quality; action on radon; maintaining the national database on occupational exposure to radiation; circular economy activities; hazardous waste & industrial licensing and enforcement and funding a significant programme of research in the Environment & Health area.

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

Under the Persistent Organic Pollutants Regulations 2020, the EPA is the Competent Authority for the implementation of the EU regulation on reducing and eliminating POPs in Ireland.

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

The Radiological Protection Act 1991 (Ionising Radiation) Regulations 2019 contain specific provisions to limit the exposure of workers to radon and are implemented by the EPA.

### 1.2 HEALTH AND SAFETY AUTHORITY (HSA)

The HSA was established under the Safety, Health and Welfare at Work Act 1989 which has since been replaced by the Safety, Health and Welfare at Work Act 2005. Additional functions have been conferred on the HSA since then under the Chemicals Act 2008 and 2010, and other legislation. In 2014, the Irish National Accreditation Board (INAB) was included under the Authority's functions.

The HSA reports to the Minister of State for Business, Employment and Retail under delegated authority from the Minister for Enterprise, Trade and Employment.

The HSA has a very broad mandate as set out in multiple Acts, Regulations and international agreements with the core elements summarised as follows:

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

The mission of the HSA is to regulate and promote work-related safety, health and welfare and the safe use of chemicals and products.

Under the Chemicals Act 2008 and 2010, the HSA is the Competent Authority for the application of the REACH Regulation relating to all chemicals except pesticides (biocidal/plant protection products) and the Detergent Regulations relating to all aspects except biodegradability, biocidal properties and phosphorus content.

The Chemicals Acts 2008 and 2010 also gives the HSA a lead role in relation to national administrative and operational requirements for the specific regulations (REACH, Detergents, Classification, Packaging and Labelling (CLP) and Prior Informed Consent or Export Import Regulation).

In 2015, the Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) was introduced to transpose the Seveso III Directive 2012/18/EU into Ireland and the HSA is the Central Competent Authority (CCA) for the application of these Regulations.

Under the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 as amended, the HSA is the Competent Authority. The Authority functions includes the approval of driver training courses, the examination of drivers and the issue of driver training certificates for the carriage of dangerous goods (except dangerous goods classes 1 and 7).

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

The European Union (Persistent Organic Pollutants) Regulation 2020 (S.I. No.146/2020) designated the HSA as a public authority concerned for "substances, on their own, in mixtures or in articles, which have been identified as persistent, bioaccumulative or toxic or very persistent and very bioaccumulative, within the meaning of Regulation (EC) 1970/2006 of the European Parliament and the Council of 18 December 2006".

The Health and Safety Authority enforces the Safety, Health and Welfare at Work (Biological Agents) Regulations 2013 and 2020 which relate to the protection of workers from health risks related to exposure to biological agents at work, whether through deliberate use or incidental exposure. Biological agents mean micro-organisms including those which have been genetically modified. The contained use of Genetically Modified Micro-Organisms are enforced by the EPA under the Genetically Modified Organisms (Contained Use) Regulations 2001 to 2010.

## 2. PURPOSE OF MEMORANDUM OF UNDERSTANDING

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

The memorandum does not override the statutory duties and powers of either organisation. The memorandum expresses a convergence of will between the parties, indicating an intended common line of action, rather than a legal commitment. This MoU is a cooperative agreement under section 9 (2) of the Chemicals Act 2008 and Chemicals (Amendment) Act 2010 and an arrangement under Regulation 4(3) of the European Union (Persistent Organic Pollutants) Regulations 2020.

### 2.1 OPERATIONAL LIAISON

The HSA and EPA will appoint designated senior contact(s) for implementation of the MoU and they will meet to agree co-operation on common functional work programmes under the relevant statutory provisions, review progress of any working groups established by them and generally monitor and review the implementation and effectiveness of this MoU. This forum will be known as the HSA/EPA Co-ordination Group (hereinafter the Group) and it will be held in either the HSA or EPA offices or virtual

meeting/teleconference, as appropriate. The members of the group will as a minimum be the designated senior contacts, with additional members included as required. A list of contacts for areas of mutual interest will be established and shared.

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

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

**2.2 PRINCIPLES OF COOPERATION**

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

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

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

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

- EU Chemical Strategy for Sustainability towards a Toxic Free Environment
- EU Circular Economy and Sustainable Products Initiatives
- The Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH Regulation)
- The free movement of detergents and surfactants for detergents within the EU whilst at the same time ensuring a high degree of protection of the environment and human health (Detergents Regulation)
- The protection for human health and the environment in the context of major hazards involving dangerous substances (Seveso III Directive)
- The enforcement of certain EU Regulations concerning chemicals, including inter alia, the REACH and Detergent Regulations and the Seveso III Directive
- Under the Market Surveillance Regulation (EU 2019/1020), ensuring that products are compliant with the relevant EU legislation providing a high level of protection of health and safety in the workplace, protection of consumers and protection of the environment, through enforcement activities
- Regulation of the classification, packaging, labelling and transport of hazardous waste by road (ADR)
- ADR driver training certificates
- Persistent Organic Pollutants (POPs)
- Radon as an Environmental Health Hazard and workplace requirements under S.I. 30 of 2019
- Non-ionising radiation
- Regulation of Industrial Waste, Hazardous Waste, Ionising Radiation, Asbestos and Other Activities
- The protection for people and the environment in the context of storage of dangerous substances
- Worker and environmental safety in relation to the use of Genetically Modified Organisms (GMOs)
- Promotion of Environment and Workplace Health and Wellbeing
- Major Emergency and Incident Response
- Environment and Health Research to support areas of mutual policy and interest

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

The EPA operates an environmental queries service. Queries/complaints received may relate to chemicals, asbestos and other areas relating to health and safety aspects. These may be forwarded to the HSA where it is the appropriate Competent Authority to respond to the query.
The HSA operates a chemicals helpdesk to assist Irish companies with their obligations under various pieces of chemicals legislation, including REACH. Where requests for information relate to areas relating to environmental protection the contact will be referred to the EPA's queries service.

**2.3 MEMORANDUM OF UNDERSTANDING REVIEW**

This MoU will be valid for a period of four years from the signature date after which time the HSA/EPA Coordination Group will initiate a review of its operation. An earlier review of the MoU may be requested by

the Chief Executive Officer, HSA or the Director General of the EPA on foot of the review of the MoU operation at the annual meeting of the HSA/EPA Coordination Group, emerging issues or in order to allow for additional opportunities to build on existing cooperative efforts.

**2.4 CONFIDENTIALITY/INTELLECTUAL PROPERTY**

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

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

**2.5 MEMBERSHIP OF COMMITTEES**

The HSA is a nominating body for the purpose of the EPA Advisory Committee and is a member of the EPA Health Advisory Committee. The HSA is a nominating body to, and a member of the GMO Advisory Committee and a member of the Radiological Protection Advisory Committee.

**2.6 PRINCIPLES OF COOPERATION**

Staff of the EPA and HSA will operate under the general principles of co-operation enshrined in this memorandum. Specific complaints or issues may be flagged directly to either organisation through their respective customer contact points. In the case of the HSA, this is the Contact Centre (email: contactus@hsa.ie or 0818 289 389) and for the EPA this is the Information Unit (email: info@epa.ie or 053-916 0600). The HSA's Contact Centre operates Monday to Friday.

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

The EPA and the HSA may also collaborate when issues of mutual interest arise as part of their operational inspection programmes.

**2.7 DATA SHARING**

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

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

**2.8 APPENDICES**

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

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

### NATIONAL ANNUAL REPORT

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

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

### ENFORCEMENT

The HSA and EPA as Competent Authorities are responsible for the appointment of their own inspectors under the Chemicals Acts. The specific requirements on enforcement can be found in Part 4 of the Chemical Acts.

### REACH REGULATION

The EPA is responsible for the enforcement under the Chemicals Acts of the REACH Regulation Titles II, IV, V, VII and VIII with respect to the prevention of environmental pollution. The HSA is responsible for enforcement under the Chemicals Acts of REACH Titles II, IV, V, VII and VIII with respect to substances other than those within the remit of Department of Agriculture, Food and the Marine (DAFM) and the EPA.

Where the EPA has concerns that a particular substance may not be registered under REACH it has been agreed between the two parties that the EPA will alert the HSA for follow up as appropriate.

The HSA and EPA are participants to ECHA's Forum on Enforcement (FORUM). The HSA shall liaise with the EPA regarding meetings and documentation for ECHA's Forum. The HSA and EPA may participate in specific EU Forum led enforcement initiatives either separately or jointly. For joint initiatives, the respective organisations will co-ordinate their activities in advance to arrive at an agreed national involvement.

### DETERGENTS REGULATION

The EPA is responsible for the enforcement under the Chemicals Acts of the Detergents Regulation requirements with respect to the biodegradability of surfactants in detergents and the phosphate and phosphonate content of detergents.

The HSA is responsible for enforcement under the Chemicals Acts of the Detergents Regulation's requirements with respect to classification and labelling and information requirements for detergent products.

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

**CO-ORDINATION FOR EU MEETINGS**

**European Commission and European Chemicals Agency**

The following Competent Authority (CA) meetings are organised by the EU Commission

- REACH Committee (Article 133)
- CARACAL (CA meeting for REACH and CLP)
- EU Detergent Working Group
- SEVESO III
- Expert WGOne Substance, One Assessment

The following meetings are organised by the European Chemical Agency

- ECHA Member State Committee (MSC)
- Forum for Exchange of Information on Enforcement (Forum)
- HelpNet
- Security Officers Network (SON)
- Risk Management and Evaluation group (RIME+).

As the lead CA, the HSA attends the above EU Commission Competent Authority and ECHA meetings as a member to represent Ireland. The HSA attends the REACH Committee on behalf of Ireland's Department of Enterprise, Trade and Employment.

The EPA as a CA for REACH and POPs is the IE alternate member to the FORUM on enforcement.

The Department of Agriculture, Food and the Marine (DAFM) as a CA for REACH, CLP and Biocides sends representatives also to the Forum' Biocidal Products Regulation (BPR) sub-group and HelpNet (with respect to the Biocidal Products Regulation only).

The Department of Environment, Climate and Communications attend as the second IE representative for the Expert Group on One Substance, One Assessment.

Proposals for nominations to the Member State Committee and Forum on Enforcement are formally made through the Department of Enterprise, Trade and Employment.

Attendance online to the Expert WG on One Substance, One Assessment is facilitated through the Department of Enterprise, Trade and Employment upon request.

With the introduction of hybrid meetings attendance at the following Competent Authority meetings CARACAL, RiME+, Detergent WG and SON is available to the other Competent Authorities for REACH, Detergents etc. Registration to attend either in person or online can be facilitated by the HSA upon request.

The following committees and expert group meetings are organised by the European Chemical Agency

- Risk Assessment Committee (RAC)
- Socio-Economic Analysis Committee (SEAC)
- Persistent, Bioaccumulative, Toxic (PBT) Expert Group
- Endocrine Disrupter (ED) Expert Group

Calls for expertise (two per Member State) are made by ECHA. As the lead CA, the HSA is one of the representatives on each of the above Committees and expert groups. The second representative is open to other authorities. Proposed nominations to the Risk Assessment Committee and the Socio-Economic Analysis Committee or their working groups are formally made through the Department of Enterprise, Trade and Employment.

The meeting attendee(s) for Competent Authority meetings will represent their respective Competent Authority in Ireland.

In circumstances where a Competent Authority is not in a position to attend, then if relevant, the HSA will raise items and positions of the other organisation at the meeting on their behalf. In the event that the non-attending organisation wishes to raise an item, it will alert the attending CA and provide details, where possible, in writing in advance. The HSA and EPA willhave responsibility for drafting position papers concerning their respective areas and the HSA will then circulate these to the Commission and other Member State CAs for information and/or comment as deemed appropriate.

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

## APPENDIX II– REACH REGULATION

### MEMBER STATE TASKS UNDER REACH

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

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

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

### EUROPEAN CHEMICALS AGENCY (ECHA) COMMITTEES

Member states are responsible for nominating members to the ECHA MSC, RAC and SEAC Committees and for the provision of support and technical assistance to those Committee members. The HSA will be responsible for providing the nomination for the national representative to the Member State Committee (MSC) and the Forum.

The HSA will also be responsible for nominating at least one expert to the Risk Assessment (RAC) and Socio-Economic Analysis (SEAC) Committees as well as the SON, RIME+ and HelpNet.

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

### FORUM

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

Meetings are organised by ECHA. The agendas and minutes of Forum meetings are available on the ECHA website. The HSA will be responsible for providing the nomination for the Forum member and DAFM for Forum's Biocidal Products Regulation (BPR) sub-group, the EPA will be responsible for appointing the FORUM alternate.

The IE Forum member will coordinate with the EPA Forum alternate regarding the agenda and relevant papers prior to ECHA Forum meeting. Each organisation is responsible for deciding on their participation in Forum working groups, Forum co-ordinated projects and enforcing their respective areas under the Chemicals Acts and briefing the interdepartmental Group on their ECHA Forum activities.

The HSA and EPA shall both ensure that contact details for their respective members have been provided to ECHA to allow for access to InterAct and other circulation lists as relevant.

**EU MEMBER STATE REPORTING**

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

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

**EUROPEAN ENVIRONMENT AGENCY**

The EPA is the competent authority for working with the EEA and its country network called EIONET. EPA participates in several EEA-EIONET working groups and the Chemicals Thematic Groups is of joint relevance as a knowledge exchange platform for both organisations. EPA will provide invites to HSA to participate in relevant EIONET Chemical Thematic Groups.

## APPENDIX III– DETERGENTS REGULATION

### OPERATIONAL COOPERATION

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

### CO-ORDINATION FOR DETERGENT WORKING GROUP (WG) MEETINGS

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

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

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

**APPENDIX IV – SEVESO III DIRECTIVE**

**OPERATIONAL LIAISON**

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

**SAFETY REPORT EVALUATION**

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

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

Activities which fall under the SEVESO Directive and also are a listed activity under the First Schedule of the EPA Act (as amended) are required to hold an IED/IPC licence from the EPA.

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

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

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

**ACCIDENT INVESTIGATION**

If either organisation becomes involved in the investigation of a serious accident/incident at a Seveso III establishment involving the release of dangerous substances, it will inform the other, using the Coordination

Group's designated contact points as soon as is practicable. The Coordination Group will in turn establish communication between the lead investigators from both organisations dealing with the accident/incident.

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

Following a major accident the HSA may need to prepare a special report on the accident. The HSA may consult with the EPA regarding the contents of this special report or any aspect of it. Both parties will work together in accordance with their respective statutory provisions in the event of a major accident.

**EUROPEAN COORDINATION**

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

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

## APPENDIX V - IONISING AND NON-IONISING RADIATION

### OPERATIONAL LIAISON

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

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

### CO-ORDINATION ON RADON IN THE WORKPLACE

The EPA has the principal enforcing role with respect to protection of the Irish population from the effects of ionizing radiation. The HSA have responsibility, with other relevant government departments and agencies including EPA, for ensuring that people, including workers, in Ireland are protected from the harmful effects of exposure to radon through the successful implementation of the National Radon Control Strategy (NRCS). The NRCS sets out specific measures to reduce the exposure of the Irish population to radon gas. The EPA and the HSA have joint responsibility for the delivery of a number of these measures that address worker health and general radon awareness, advocacy, and advice. EPA and HSA will continue to collaborate and share relevant advice and information in relation to matters such as workplace requirements for radon under S.I. 30 of 2019 and awareness amongst employers.

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

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

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

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

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

Both organisations confirm that any such exchange of information/intelligence is solely for their respective criminal investigations of the incident in question with due regard for their respective statutory and data protection obligations.

**NON-IONISING RADIATION**

S.I. 190 of 2019 extends the functions of the EPA to include certain roles related to public exposure to electromagnetic fields (EMF). These functions include providing advice to the public and the Government on public exposure to electromagnetic fields (including on relevant standards for public protection), monitoring scientific/technological developments likely to impact on public exposure to EMF, and carrying out independent monitoring of public exposure to EMF to support EPA's advisory role.

The HSA regulates exposure to EMF in workplaces only under S.I. 337 of 2016 Safety, Health and Welfare at Work (Electromagnetic fields) Regulations 2016. EPA and the HSA may develop a working interface between EPA and HSA to ensure efficiencies and to avoid unnecessary duplication of effort and to demonstrate a joint approach.

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

### DANGEROUS GOODS TRANSPORT

As Competent Authorities under the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 as amended, the HSA and EPA agree to communicate and exchange relevant information as required in relation to their functions under the relevant road transport regulations, with due regard for their respective statutory and data protection obligations.

The HSA will inform the EPA as necessary on matters concerning driver training certification.

### CO-ORDINATION FOR EU/UNECE MEETINGS

The HSA attends UNECE meetings and EU Commission meetings concerning ADR matters as required. The HSA will communicate with the EPA on matters concerning Class 7 radioactive substances via the Department of Enterprise, Trade and Employment or bilaterally as necessary.

### ENFORCEMENT

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

### PETROLEUM STORAGE

*To note, larger fuel storage sites are subject to the COMAH Regulations.

The HSA is the appeals Authority under the Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations S.I. 631/2019 and the Dangerous Substances (Flammable Liquids and Fuels Retail Stores) Regulations S.I. 630/2019. The HSA may need to seek technical advice from the EPA for license appeals with environmental implications.

The EPA oversees regulations to control volatile organic compound (VOC) emissions resulting from petrol storage and distribution terminals, by issuing VOC permits under the Environmental Protection Agency Act, 1992 (Control of volatile organic compound emissions resulting from the storage of petrol and its distribution) Regulations, 1997 S.I. No. 374 of 1997.

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

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

## APPENDIX VII - GENETICALLY MODIFIED MICRO-ORGANISMS IN THE WORKPLACE

### OPERATIONAL LIAISON

The HSA and the EPA as Competent Authorities for worker protection and environmental protection respectively will where appropriate communicate and exchange information in relation to Biological Agents including Genetically Modified Micro-organisms (GMMs) in the workplace.

The EPA will seek the advice of the HSA, in their capacity as GMO Advisory Committee member, in relation to GMM notifications received by the Agency.

### CO-ORDINATION ON BIOLOGICAL AGENTS / GENETICALLY MODIFIED MICRO-ORGANISMS (GMMs) IN THE WORKPLACE

Where either organisation becomes aware of the un-notified use of Biological Agents/GMMs under containment, each organisation will inform the employer/user of their obligations under the Biological Agents/GMM legislation, as appropriate. Each organisation will also inform the other organisation of the use so that receipt of a notification can be anticipated or followed up on.

### CO-ORDINATION ON ACCIDENTS AND INCIDENTS IN THE WORKPLACE INVOLVING BIOLOGICAL AGENTS/GMMs

Each organisation will co-operate and liaise in relation to accidents or incidents involving GMMs and where required, liaise to ensure the employer/user has in the first instance adequate control and mitigation measures in place over the accident or incident.

Recognising that both organisations have reporting requirements in relation to accidents and incidents under their respective legislation and procedures for investigating accidents and incidents in their relevant domains:

- the HSA will inform the EPA of all accidents or incidents reported to or detected by the HSA involving the loss of containment of a GMM that could cause an immediate or delayed hazard to human health or the environment.
- the EPA will inform the HSA of all accidents or incidents reported to or detected by the EPA that may have resulted in the release of a biological agent that could cause severe human infection or illness (or both).

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

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

Both organisations confirm that any such exchange of information/intelligence is solely for their respective investigations of the incident in question with due regard for their respective statutory and data protection obligations.