



Recommendation of the Council
concerning Chemical Accident
Prevention, Preparedness and
Response

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Date(s)

Adopted on 27/02/1992
Abrogated on 15/01/2004

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960;

HAVING REGARD to the Clarification to the Reference to Environmental Policies of the Decision of the Council on the Guidelines for Multinational Enterprises [C(84)90(Final)];

HAVING REGARD to the Decision of the Council of 8th July 1988 on the Exchange of Information concerning Accidents Capable of Causing Transfrontier Damage [C(88)84(Final)];

HAVING REGARD to the Decision-Recommendation of the Council of 8th July 1988 concerning Provision of Information to the Public and Public Participation in Decision-Making Processes related to the Prevention of, and Response to, Accidents Involving Hazardous Substances [C(88)85(Final)];

HAVING REGARD to the Recommendation of the Council of 7th July 1989 on the Application of the Polluter-Pays Principle to Accidental Pollution [C(89)88(Final)];

HAVING REGARD to the Environment Chapter in the Revised OECD Guidelines for Multinational Enterprises as adopted by the Council on 5th June 1991;

HAVING REGARD to the Declaration on "Environment: Resource for the Future", adopted by the Governments of OECD Member countries and of Yugoslavia at the session of the Environment Committee at Ministerial Level on 20th June 1985 stating that "they will ensure the existence of appropriate measures to control potentially hazardous installations including measures to prevent accidents";

HAVING REGARD to the Communiqué of the Environment Committee meeting at Ministerial Level on 31 January 1991; "An Environmental Strategy in the 1990s", in which Ministers pledged to strengthen the capacity of the international community to prevent and confront environmental disasters, taking particular account of the situation of developing countries;

HAVING REGARD to the conclusions adopted by the Third High-Level Meeting of the Chemicals Group on 18th March 1987 regarding the prevention of, and response to, unintended releases of hazardous substances to the environment;

HAVING REGARD to the Concluding Statement of the OECD Conference on Accidents Involving Hazardous Substances of 10th February 1988 in which Ministers and other high-level officials called on OECD to elaborate a Code of Good Practice relating to accident prevention and response and guiding principles for investments and aid programmes with respect to hazardous installations in developing countries [Environment Monograph No. 24, page 12];

HAVING REGARD to the conclusions of the five OECD workshops organised under the auspices of the OECD project on Accidents Involving Hazardous Substances held on 22nd - 25th May 1989 (in Berlin), 11th - 14th September 1989 (in Stockholm), 19th - 22nd February 1990 (in London), 7th - 10th May 1990 (in Boston) and 22nd - 26th April 1991 (in Tokyo);

CONSIDERING the need for strengthening efforts related to prevention of accidents involving hazardous substances and for limiting adverse consequences should such an accident occur;

CONSIDERING that appropriate accident prevention, preparedness and response requires the active involvement of public authorities, management of hazardous installations, employees at hazardous installations at all levels and their representatives where they exist, as well as the public;

CONSIDERING that certain general principles for accident prevention, preparedness and response apply to hazardous installations irrespective of location;

CONSIDERING that, in applying general principles, due account must be taken of the specific circumstances of the local community where the installation is located;

CONSIDERING that increased co-operation between Member countries will help to address international problems which can arise with hazardous installations located in their frontier regions;

CONSIDERING the economic and practical benefits that result from the application of similar safety objectives for hazardous installations in all OECD Member countries including the avoidance of distortions of trade;

RECOGNISING that representatives of industry, labour and non-governmental organisations were actively involved in the preparation of the OECD Guiding Principles for Chemical Accident Prevention, Preparedness and Response;

On the proposal of the Environment Committee;

I. RECOMMENDS that Member countries establish or strengthen national programmes for the prevention of, preparedness for, and response to accidents involving hazardous substances and that in doing so, to the extent it has not already been undertaken, they:

- a) develop overall safety objectives related to the prevention of, preparedness for, and response to accidents involving hazardous substances;
- b) develop and implement control frameworks covering all aspects of accident prevention, emergency preparedness and response, recognising appropriate roles of all stakeholders including industry, labour and the public;
- c) establish arrangements for monitoring safety of hazardous installations and for enforcing any requirements in the control framework;
- d) arrange for the development and implementation of compatible off-site and on-site emergency preparedness plans for hazardous installations;
- e) establish appropriate arrangements for siting new hazardous installations and for preventing inappropriate developments near existing hazardous installations in order to mitigate possible off-site effects of an accident involving hazardous substances, recognising also the need to take into account the possibility of accidents which are capable of causing transfrontier damage; and
- f) support and promote related research, including co-operative international activities.

II. RECOMMENDS that, in undertaking the activities referred to in Paragraph I above, Member countries take into account the OECD Guiding Principles for Accident Prevention, Preparedness and Response.¹

III. RECOMMENDS that, in relation to transfer of technology and international investments related to hazardous installations in non-OECD countries and in relation to bilateral technical and financial assistance, Member countries actively promote application of the relevant parts of the OECD Guiding Principles.

IV. RECOMMENDS that Member countries promote the wide dissemination and use of the OECD Guiding Principles among all relevant parties in their countries and support their application in non-OECD countries.²

V. INSTRUCTS the Secretary-General to take the necessary steps to facilitate the wide distribution of the OECD Guiding Principles, both within and outside the Member countries;

VI. INVITES other international organisations to use and disseminate the OECD Guiding Principles; and

VII. INSTRUCTS the Environment Committee to pursue a programme of work designed to facilitate the implementation of the OECD Guiding Principles and to review within three years the implementation of this Recommendation.

APPENDIX

EXECUTIVE SUMMARY OF THE OECD GUIDING PRINCIPLES FOR CHEMICAL ACCIDENT PREVENTION, PREPAREDNESS AND RESPONSE

The OECD Guiding Principles for Chemical Accident Prevention, Preparedness and Response deal with the roles and responsibilities of all interested parties including public authorities at all levels, management, and other employees of enterprises operating hazardous installations.

The Guiding Principles address the various issues which may affect safety at a hazardous installation. These include prevention-related issues such as those concerning the establishment of a corporate safety policy, the planning, design, siting, construction and operation of the installation, and the review of safety performance as well as the establishment of safety objectives and a control framework by public authorities. In addition, the Guiding Principles address the issues of emergency planning and response in order to mitigate the adverse consequences of any accident that might occur. Other issues covered are land-use planning, community awareness, research and development, and aid and investments related to installations in non-OECD countries.

While the main text is laid out issue-by-issue, this Executive Summary provides an overview of the roles and responsibilities of each of the parties under three main headings: Public Authorities; Management of Hazardous Installations; and Employees. In addition, the Summary includes certain items which are critical to effective accident prevention, preparedness and response but which do not fit neatly under one of the first three headings. These have been included under the headings: Industry in General; Other General Principles; and Investments, Technology Transfer, and Aid Programmes Related to Installations in Non-OECD Countries.

A.1 PUBLIC AUTHORITIES

- a) Public authorities should motivate all sectors of society to recognise the need for accident prevention, preparedness and response and to take the measures which are required of each of them.
- b) Public authorities should establish safety objectives and ensure that these objectives are being met. To do this, they should, among other things, establish a clear and coherent control framework. The control framework should set out binding requirements, define which installations are covered, establish notification and information requirements, and provide for enforcement actions for non-compliance with the requirements. Public authorities should also provide guidance to industry and others to help them understand how to fulfill these requirements. A co-ordinating mechanism should be established where more than one competent authority exists.
- c) Public authorities should establish appropriate arrangements for monitoring the safety of hazardous installations by means of both a planned sequence of inspections and visits in response to accidents, complaints, and other indicators that management control may be inadequate.
- d) Public authorities should require the investigation and reporting by management of accidents. Public authorities should also investigate significant accidents. Public authorities should publish accident information as widely as possible, including any conclusions arising from the analysis or investigation of accident data.
- e) Public authorities should establish appropriate procedures, including planning, siting, licensing and other means of giving permission for a hazardous installation to operate in a given location under certain conditions, and of limiting inappropriate developments in the vicinity of hazardous installations.
- f) Public authorities should ensure that the potentially affected public have the appropriate information concerning hazardous installations and concerning what to do in the event of an accident with off-site effects. Communication with the public should be the joint responsibility of public authorities and industry.

- g) Public authorities, at all levels, should establish emergency preparedness programmes concerning accidents involving hazardous substances. Transport accidents involving hazardous substances should be integrated in these programmes.
- h) Public authorities should ensure the development, implementation, testing and updating of adequate on-site and off-site emergency plans in conjunction with management of hazardous installations and, as appropriate, with the participation of employees and of neighbouring communities. They should ensure that adequate manpower, equipment and financial and other resources necessary to carry out emergency plans are readily available for immediate activation in the event, or imminent threat of an accident. Emergency response personnel should be educated and trained, on a continuing basis, to ensure that a state of readiness is maintained.
- i) Public authorities should ensure that accident warning systems are available to warn the potentially affected public when an accident has occurred.
- j) Public authorities should facilitate and promote the sharing of information and experience related to accident prevention, preparedness and response among countries and with industry.
- k) Public authorities should actively promote and support research and development related to accident prevention, preparedness and response.
- l) Public authorities should be provided with adequate staff and resources, and the staff should be appropriately educated and trained, in order to carry out their roles and responsibilities.

A.2 MANAGEMENT OF HAZARDOUS INSTALLATIONS

- a) Management of hazardous installations has the prime responsibility for designing, constructing and operating a hazardous installation in a safe manner and for developing the means to do so. Therefore, safety - which incorporates protection of health and the environment - should be an integral part of the business activities of an enterprise. This includes the development of a corporate safety culture, as well as appropriate corporate safety policies and procedures, and ensuring their application by employees at all levels.
- b) All enterprises operating hazardous installations should aim to reach the ultimate goal of "zero incidents", and resources should be targeted to this goal.
- c) The day-to-day management of safety should be the responsibility of local line management at each installation in an enterprise.
- d) Producers of hazardous substances should have a responsibility to promote the safe management of any hazardous substance they manufacture throughout its life cycle, consistent with the principle of "product stewardship".
- e) When planning, designing and modifying hazardous installations and processes, management should ensure that hazards are identified and ranked and that the most suitable means of reducing or eliminating the hazards are instituted. Similar analysis should be undertaken for proposed acquisitions and for existing installations that were not subject to a critical safety examination.
- f) Management should ensure that every hazardous installation has written operating procedures necessary for its safe operation.
- g) Management should ensure that the staffing of a hazardous installation is done in a manner which allows for the safe operation of the installation at all times. Management should take all reasonable measures to ensure that everyone employed at a hazardous installation, including temporary employees and contractors, receives appropriate education and training and is competent to perform his/her duties in the operation of the installation under both normal and abnormal conditions.
- h) Safety measures should be incorporated in the engineering design of a hazardous installation to enhance the intrinsic safety of the installation wherever practicable. This should take into account the fact that safety may be enhanced by: avoiding or minimising, to the extent reasonably practicable, the use of hazardous substances; substituting less hazardous substances for hazardous substances; reducing inventories of hazardous

substances; simplifying processes; reducing process temperatures and pressures; and separating people from hazardous substances to the extent possible.

- i) Management should pay particular attention to quality assurance during construction of a hazardous installation.
- j) Management should not engage contractors to perform jobs if this would compromise safety. Management should do business with only those contractors who are able to satisfy the management that the services will be carried out in compliance with all applicable laws and regulations as well as the relevant safety policies of the enterprise. Management should monitor and control safety compliance by contractors.
- k) Management should ensure that effective two-way channels for the transfer of safety information between management and other employees are established at hazardous installations. The regular channels of communication should be reinforced by the establishment of a Safety Committee structure to provide a formal mechanism for consultation on safety matters.
- l) Management should ensure that arrangements exist for the safety assurance of hazardous installations, including provision for the regular maintenance, inspection and testing of equipment so that the equipment is fit at all times for the purpose for which it was designed.
- m) Management should establish formal procedures to ensure that no repair work or modifications to plant, equipment, processes, facilities or procedures compromise safety.
- n) Management should satisfy itself as to the suitability of storage facilities for its hazardous substances, as well as the competence of the warehousekeeper to undertake the storage required.
- o) Management should establish arrangements for the regular and comprehensive monitoring of safety of all its hazardous installations including those of subsidiary and, to the extent possible, affiliated enterprises.
- p) Management should, in co-operation with appropriate public authorities, provide relevant information to the public concerning the installation and actions to be taken in the event of an accident.
- q) Management should be responsible for the development, implementation, testing and updating of on-site emergency plans, and for ensuring that appropriate manpower, equipment, financial and other resources are available for immediate activation of the plans, as necessary. Management should provide to those responsible for off-site emergency plans the information they have which is necessary to assess hazards and to develop the off-site plans. There should be close co-operation between those responsible for off-site and on-site emergency planning, and all related on-site and off-site plans should be consistent and integrated.
- r) To form a basis for both off-site and on-site emergency planning, management should identify and assess the types of accidents which could arise at the installation and their likely consequences.
- s) Management should ensure that employees, contractors and visitors are made aware of the relevant provisions of the on-site emergency plans, and of what they should do in the event of an accident.
- t) Management should ensure that systems are in place for the rapid detection of an accident or imminent threat of an accident, and for the immediate notification of emergency response personnel.
- u) Management should investigate all significant incidents in order to identify causes and to undertake remedial actions to correct any deficiencies in technology or procedures.

A.3 EMPLOYEES

- a) All employees should carry out their jobs in a safe manner and contribute actively to the development of safety policies and practices.

- b) Each employee should be responsible for following established procedures, and for taking reasonable care for his or her personal safety and for the safety of others who may be affected by the employee's acts or omissions at work.
- c) An employee should have the right to refuse to do any task which he/she believes may create an unwarranted risk of an accident involving hazardous substances. The employee should immediately report to management the reason for refusing to perform these tasks, or any situation which could develop into such an accident.
- d) No measures prejudicial to an employee should be taken if, in good faith, the employee complains to other employees with responsibilities for safety of what he/she considers an inadequacy in the measures taken with respect to safety.

A.4 INDUSTRY IN GENERAL

- a) Larger enterprises and trade associations should, as appropriate, offer assistance to small and medium-sized enterprises in meeting safety objectives.
- b) Process or other safety-related technology should not be transferred unless the supplier is satisfied that the technology receiver can apply the technology in a safe manner.
- c) Industry, including manufacturers and processors of hazardous substances and equipment designers, have the primary responsibility for carrying out safety-related research.

A.5 OTHER GENERAL PRINCIPLES

- a) The Polluter-Pays Principle, with respect to accidents involving hazardous substances, should be applied in accordance with the OECD Council Recommendation [C(89)88(Final)].
- b) The media should be provided with appropriate information concerning hazardous installations and should be involved in the emergency planning process in order that they can provide an effective means of communication in the event of an accident. In this function, they should be given access to officials during an emergency so that they can provide essential and accurate information to the public.

A.6 INVESTMENTS, TECHNOLOGY TRANSFER, AND AID PROGRAMMES RELATED TO INSTALLATIONS IN NON-OECD COUNTRIES

- a) Industry and public authorities should support the principle that hazardous installations in non-OECD countries should be sited, designed, operated, managed, maintained and monitored so as to meet a level of safety at least equivalent to installations in OECD countries.
- b) The degree of safety of installations which result from an investment by an OECD-based enterprise, or which incorporate process or other safety-related technology transferred from an OECD country, should be the highest level of safety reasonably practicable according to the current state of knowledge.
- c) Transfer of technology from an OECD country, or investment by an OECD-based enterprise in a new hazardous installation in a non-OECD country, should only take place once there is reasonable assurance that safe operating conditions can be achieved taking into account local factors.
- d) Transfer of technology related to hazardous installations should only take place if accompanied by appropriate safety technology and information.
- e) The prevention of accidents should be one of the fundamental business considerations taken into account by OECD-based enterprises, as well as by international service organisations and financial institutions, in any investment related to a hazardous installation in a non-OECD country.
- f) Bilateral and multilateral aid agencies should help reduce the likelihood of accidents involving hazardous substances in aid-recipient countries by providing technical assistance, education and training to build institutional infrastructures.

- g) Aid agencies should screen relevant aid proposals to minimise the possibility that aid projects will help create, sustain or increase an unreasonable risk of an accident involving hazardous substances, and should include in any aid projects involving hazardous substances adequate monitoring and follow-up to ensure that essential safety requirements are being met.
- h) Multilateral financial institutions should develop policies and procedures for minimising the risks of accidents at hazardous installations they help to finance.

¹ Published by OECD on the responsibility of the Secretary-General as Environment Monograph No. 51 and referred to herein as the OECD Guiding Principles.

² The Executive Summary of the OECD Guiding Principles is included in the Appendix to this Recommendation.

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