

Regulations relating to industrial safety and emergency preparedness

Determined on 20 December 2011 by The Directorate for Civil Protection and Emergency Planning (DSB) pursuant to Act no. 45 of 25 June 2010 relating to municipal emergency preparedness duty, civil protection measures and Civil Defence (Act relating to civil protection) sections 23(5) and 30, cf. Ministry of Justice's decision of 1 September 2003 no. 1161 Delegation of authority to the Directorate for Civil Protection and Emergency Planning.

Amendments: Regulations 18 February 2015 No 135, enter into force on 1 March 2015.

Chapter 1 Introductory provisions

§ 1 Purpose

The regulations are intended to ensure that enterprises have robust systems for industrial safety and emergency response which in a prudent and effective manner are capable of limiting the consequences of undesired events on life, health, the environment and property and to contribute to speedy normalisation.

§ 2 Scope of application

The regulations apply to planning, organisation, dimensioning, maintenance and cooperation on industrial safety and emergency preparedness in enterprises that, on average, employ 40 or more persons per year and that are registered under the following activity codes:

Activity code	
06	Extraction of crude petroleum and natural gas
07	Mining of metal ores
08	Other mining and quarrying
09	Mining support service activities
10	Manufacture of food products
11	Manufacture of beverages
13	Manufacture of textiles
14	Manufacture of wearing apparel
16	Manufacture of wood and products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
17	Manufacture of paper and paper products
18.11	Printing of newspapers
18.12	Other printing
18.14	Binding and related services
19	Manufacture of coke and refined petroleum products
20	Manufacture of chemicals and chemical products
21	Manufacture of basic pharmaceutical products and pharmaceutical preparations
22	Manufacture of rubber and plastic products
23	Manufacture of other non-metallic mineral products
24	Manufacture of basic metals
25	Manufacture of fabricated metal products, except machinery and equipment
26	Manufacture of computer and electronic and optical products
27	Manufacture of electrical equipment
28	Manufacture of machinery and equipment n.e.c.
29	Manufacture of motor vehicles, trailers and semi-trailers
30	Manufacture of other transport equipment
31	Manufacture of furniture
32	Other manufacturing
33	Repair and installation of machinery and equipment
37	Collection and treatment of waste water
38.2	Waste treatment and disposal
38.3	Material recovery
45.2	Maintenance and repair of motor vehicles
46.71	Wholesale of solid, liquid and gaseous fuels and related products
52.10	Warehousing and storage
52.223	Offshore supply terminals
88.993	Vocational rehabilitation activities for unemployed persons

88.994	Individual adapted work
96.01	Washing and (dry-)cleaning textile and fur products

If an enterprise has several production sites, and the distance between the production sites would make operational collaboration on industrial safety impractical, each production site is regarded as a separate enterprise.

The Norwegian Industrial Safety Organisation may also order other enterprises than those that are comprised by subsection 1 to establish industrial safety systems when this is considered necessary given the enterprise's risk or location.

§ 3 Definitions

In the regulations, the following is meant by

- a) Industrial safety and emergency preparedness: a system that ensures that qualified personnel in an enterprise are available for emergency response at short notice
- b) On scene commander: the person who, on behalf of the enterprise, is responsible for emergency response at the accident site
- c) Emergency response team member: member of the industrial protection service who must be operative at the accident site
- d) Emergency response personnel: collective term for the on-scene commander and emergency response team members
- e) Employees: regular or temporary staff and hired personnel and any other persons who have a contractual relationship with the enterprise requiring their presence
- f) Undesired event: an event that deviates from the normal and that has caused or may cause loss of life or injury to health, or damage to the environment and property
- g) Exercise: all practical activities that will maintain or increase skills in being able to handle the undesired events occurring in the enterprise.

§ 4 Duty of notification

Enterprises that fall under the regulations shall notify the Norwegian Industrial Safety Organisation. The notification shall contain the name and address of the enterprise, its organisation number, activity code, number of employed and whether the enterprise is meant to have strengthened industrial safety and emergency preparedness, and what type of strengthening, pursuant to Chapter 3.

Chapter 2 Industrial safety and emergency preparedness – basic requirements

§ 5 Overview of undesired events

Based on the risk assessment performed pursuant to section 5 second paragraph no. 6 of the Internal Control Regulations, the enterprise shall prepare an overview of undesired events that is to be used as a decision-making basis for the organisation and for the dimensioning of the industrial safety and emergency response.

The overview of undesired events shall be reviewed at least once a year and be updated in the event of any changes that may influence the organisation and the dimensioning of the industrial safety and emergency response.

§ 6 Organisation

The enterprise shall appoint an industrial emergency preparedness manager who shall handle the administrative tasks of the industrial safety and emergency response. If the enterprise has several production sites, cf. section 2 (2), these may have a joint industrial emergency preparedness manager.

The enterprise is obliged to give the industrial emergency preparedness manager the authority and resources to perform his/her duties in an adequate manner.

The industrial safety and emergency response shall be organised with an on-scene commander and a sufficient number of emergency response team members to be able to handle the first emergency response in case of undesired events. The emergency response personnel shall be available at all times in or in the immediate vicinity of the enterprise, so that the emergency response may be implemented as quickly as possible. However, in special circumstances where there are few employees present and low risk, the requirement of availability does not apply.

§ 7 *Emergency response plan*

The enterprise shall prepare a written emergency response plan. The emergency response plan shall contain information on how the industrial safety and emergency response are organised and shall describe:

- a) Responsibilities and division of tasks in case of emergency response
- b) type of alarms, alarm instructions and notification lists
- c) actions to be carried out immediately in case of an alarm
- d) available internal and external resources.

The emergency response plan shall be reviewed at least once a year and be updated with any changes that may influence the probability of or consequences of undesired events.

§ 8 *Personal safety equipment*

Emergency response personnel shall have personal safety equipment that provides sufficient protection during exercises and response action.

The overview of personal safety equipment shall be documented in writing.

§ 9 *Equipment*

The enterprise shall have first-aid, fire fighting and other emergency response equipment in place in order to be able to handle undesired events that emerge after a risk assessment pursuant to section 5. The equipment shall be easily accessible to the emergency response personnel. The equipment shall be checked and maintained regularly.

The overview of accessible equipment shall be documented in writing.

§ 10 *Qualifications*

The industrial emergency preparedness manager shall have sufficient qualifications to organise, dimension and operate the industrial emergency response system in the enterprise.

The on-scene commander shall have a good knowledge of the enterprise and the emergency response plan and sufficient qualifications to be able to lead his own emergency response team members and cooperate with the emergency services.

The emergency response team members shall have the necessary knowledge of the enterprise and the emergency response plan and shall have sufficient qualifications to handle undesired events occurring in the enterprise.

Individual qualifications shall be documented in writing.

§ 11 *Coordination of industrial safety and emergency preparedness*

If the consequences of an undesired event could affect another enterprise that is obliged to establish industrial safety and emergency preparedness under these Regulations, the enterprises' industrial safety and emergency preparedness shall be coordinated. The coordination shall be agreed on in writing and shall be described in the enterprise's emergency response plan.

§ 12 *Exercises*

The emergency response personnel shall as a minimum undertake one exercise every six months devoted to handling undesired events, cf. section 5.

A written exercise plan shall be prepared. Individual exercises shall be planned with topics and targets and shall be evaluated. The evaluation shall be documented in writing and shall as a minimum contain information on who took part and on any improvement measures.

§ 13 *Duty to assist*

Enterprises required to arrange industrial safety and emergency preparedness are obligated to provide assistance to other enterprises and to the accident and emergency services, at their request, as far as possible while still attending to their own emergency response. Enterprises that provide assistance may claim a refund for incurred expenses from the enterprise receiving assistance.

Chapter 3 Strengthened industrial safety and emergency preparedness

§ 14 *Enterprises with a potential for events with serious consequences*

Industrial safety and emergency preparedness shall be strengthened if undesired events in connection with the enterprise's business activity could have one or more of the following consequences:

- a) Serious personal injury
- b) Evacuation of persons outside the enterprise
- c) Considerable and long-lasting environmental damage
- d) Considerable material damage
- e) Material damage outside the enterprise

In addition to the requirements in Chapter 2, these enterprises shall also comply with the requirements of Chapter 3.

The Norwegian Industrial Safety Organisation may order enterprises to establish industrial safety and emergency preparedness pursuant to Chapter 3.

§ 15 Reinforcements

Enterprises with a potential for events with serious consequences, cf. section 14, shall organise industrial safety and emergency preparedness complete with incident management support staff. The incident management support staff shall be authorised to take decisions at the strategic level and shall have the ability to assess the development of the incident and future needs in cooperation with the management at the accident site.

Based on the overview prepared pursuant to section 5, the enterprise shall strengthen the industrial safety and emergency preparedness in one or more of the following specialist fields:

- a) First aid
- b) Fire safety
- c) Environmental and chemical safety
- d) Chemical incident fighting using breathing apparatus
- e) Firefighting using breathing apparatus

The enterprise shall assess the need for a further strengthening of the industrial safety and emergency preparedness and initiate the requisite measures.

If assistance is required with the cordoning off, securing of the accident site and reception of the emergency services, the enterprise shall organise the industrial safety and emergency preparedness with the industrial order and security service.

§ 16 Equipment

The incident management support staff shall have at their disposal sufficient and satisfactory equipment and access to suitable premises.

The order and security service shall have at their disposal sufficient and satisfactory equipment.

The overview of available equipment shall be documented in writing.

§ 17 Qualifications

The incident management support staff shall have the necessary knowledge of the enterprise and the emergency response plan.

Personnel in the order and security service shall be qualified to cordon off and assist in securing the accident site.

In case of strengthened industrial safety and emergency preparedness under section 15, the following requirements apply:

- a) Emergency response team members in case of strengthened first aid shall be qualified to handle serious personal injuries.
- b) Emergency response team members in case of strengthened fire safety shall be qualified to handle fires.
- c) Emergency response team members in environmental and chemical safety situations shall have qualifications to handle events involving chemicals not requiring chemical protection suits and breathing air.
- d) Emergency response team members who are chemical incident fighters using breathing apparatus shall meet the current health requirements and have satisfactory qualifications to handle undesired events involving chemicals.
- e) Emergency response team members who are fire fighters using breathing apparatus shall meet the current health requirements and have satisfactory qualifications to handle undesired events involving fires.

Individual qualifications shall be documented in writing.

§ 18 Exercises

The emergency response personnel shall hold exercises regularly and at least four times a year. The exercises shall be planned and executed in such a way that they cover variations in topics, seasons, weather conditions, times of day, different operating situations and other circumstances that may be significant to the handling of undesired events.

Incident management support staff and personnel in the order and security service shall undergo training at least once a year in the tasks they may come up against.

Chapter 4 Final provisions

§ 19 Fees

Enterprises required to arrange industrial safety and emergency preparedness shall pay an annual fee to cover the expenses that the Norwegian Industrial Safety Organisation incurs by organising and supervising industrial safety. The fees may be differentiated according to the enterprises' level of risk.

§ 20 Reporting

The enterprise is obliged to report on industrial safety and emergency preparedness measures when so required by the Norwegian Industrial Safety Organisation.

§ 21 Supervision

The Norwegian Industrial Safety Organisation is the supervisory body charged with ensuring that the requirements of the regulations are complied with.

§ 22 Dispensation

The Norwegian Industrial Safety Organisation may grant dispensation from the provisions of the regulations where special grounds exist for so doing on the assumption that it does not contravene international agreements to which Norway is a signatory.

§ 23 Appeals

The Directorate for Civil Protection and Emergency Planning (DSB) is the appellate body for decisions made by the Norwegian Industrial Safety Organisation.

§ 24 Sanctions

In the event of a breach of the regulations or of a decision made pursuant to the regulations, the provisions of sections 34-35 of the Act relating to civil protection apply.

§ 25 Entry into force

The regulations enter into force on 1 January 2012.

From the same date, regulations of 29 November 1996 on self-protection measures at industrial enterprises etc. and associated guidelines are abolished.

By entry into force of the regulations, decisions made pursuant to regulations of 29 November 1996 on self-protection measures at industrial enterprises etc. and associated guidelines are abolished.