

Regulations relating to industrial safety

Issued by the Norwegian Directorate for Civil Protection on 20 December 2011 pursuant to the Act of 25 June 2010 no. 45 relating to municipal emergency preparedness, civil protection measures and the Civil Defence (Civil Protection Act) Sections 23(5) and 30, cf. the Ministry of Justice's decision of 1 September 2003 no. 1161 on the delegation of authority to the Directorate for Civil Protection.

Amendments: Amended by regulations of 18 February 2015 no. 135, 22 May 2019 no. 672 as amended by regulation of 6 December 2019 no. 1657 (entry into force 1 January 2020).

Chapter 1. Introductory provisions

Section 1 Purpose

These regulations are intended to ensure that enterprises have robust systems in place for industrial safety which are capable of mitigating in an appropriate and effective manner the consequences of incidents for life, health, the environment and property and helping to ensure swift normalisation.

Section 2 Scope of application

The regulations concern planning, organisation, scaling, maintenance and co-operation in relation to industrial safety at enterprises registered with the activity codes stated in the table which employ, on average and over the course of a year, at least the number of persons stated in the table:

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
15	Manufacture of leather and related products
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	Collection, treatment, disposal and recycling of materials provided that the waste is sorted or processed
45.2	Maintenance and repair of motor vehicles
45.310	Wholesale trade of motor vehicle parts and accessories, except motorcycles, provided that the enterprise handles the goods
46	Wholesale trade, except of motor vehicles and motorcycles, provided that the enterprise handles the goods
52.10	Warehousing and storage
52.223	Offshore supply terminals
77.1	Renting and leasing of motor vehicles, provided that the enterprise has its own workshop
77.31	Renting and leasing of agricultural machinery and equipment, provided that the enterprise has its own workshop
77.32	Renting and leasing of construction and civil engineering machinery and equipment, provided that the enterprise has its own workshop
77.39	Renting and leasing of other machinery, equipment and tangible goods n.e.c., provided that the enterprise has its own workshop
88.993	Vocational rehabilitation activities for unemployed persons
88.994	Individual adapted work
96.01	Washing and (dry-)cleaning textile and fur products

The Norwegian Industrial Safety Organisation may order an enterprise to establish an industrial safety system if according to the enterprise's registered primary activity the enterprise falls outside the first paragraph but still engages in such activity as is mentioned therein.

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

The Norwegian Industrial Safety Organisation may also order other enterprises than those described in the first paragraph to establish industrial safety systems when it is considered necessary given the enterprise's risk or location.

Section 3 Definitions

In the regulations, the following is meant by:

- a) *industrial safety system*: a system to ensure that qualified personnel at an enterprise are able to provide emergency response at short notice
- b) *on-scene commander*: person who on the enterprise's behalf is responsible for taking appropriate and effective measures immediately after an incident occurs
- c) *handling*: any interaction with the goods such as storage, processing, loading and unloading
- d) *emergency response team member*: member of the industrial safety organisation in operative service at the accident site
- e) *emergency response personnel*: collective term for the on-scene commander and emergency response team members
- f) *employees*: regular or temporary staff and contractors and any other persons in a contractual relationship with the enterprise requiring their presence
- g) *incident*: an event that deviates from the norm and which has caused or may cause loss of life or harm to health, the environment, property and critical infrastructure.
- h) *exercise*: any activity which maintains or improves the ability to deal with incidents at the enterprise.

Section 4 Duty of notification

Enterprises covered by the regulations shall notify the Norwegian Industrial Safety Organisation. The notice shall contain the name and address of the enterprise, its organisation number, activity code, number of employees and whether the enterprise is required to implement a reinforced industrial safety system, and what type of reinforcements according to Chapter 3.

Chapter 2. Industrial safety – basic requirements

Section 5 *Adapting and scaling the industrial safety system*

Subject to risk assessments, the enterprise shall produce a list of incidents with consequences that make it imperative for the industrial safety system to implement measures. The list shall be used when organising, manning and equipping the enterprise's industrial safety system.

The list of incidents shall be reviewed at least once a year and be updated in the event of any changes that may affect the organisation and manning of the industrial safety system.

Section 6 *Organisation*

The enterprise shall appoint an industrial safety manager to oversee the administrative aspects of the industrial safety system. If the enterprise has multiple production sites, cf. Section 2(2), they may appoint a joint industrial safety manager.

The enterprise is obliged to give the industrial safety manager the authority and resources to perform their duties in an appropriate manner.

The industrial safety system shall be manned by an on-scene commander and a sufficient number of emergency response team members to be able to take appropriate and effective action in the event of an incident.

Section 7 *Emergency response plan*

The enterprise shall produce a written emergency response plan. The emergency response plan shall contain information about how the industrial safety system is organised, and it shall describe:

- a) notification plan
- b) immediate actions to be taken when the alarm is raised
- c) 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 affect the probability of or consequences of incidents.

Essential information contained in the notification plan shall be conveyed to the local authority and the emergency services.

Section 8 *Personal protective equipment*

Emergency response personnel shall have personal protective equipment that provides sufficient protection during exercises and response operations.

A written summary of personal protective equipment shall be produced.

Section 9 Equipment

The enterprise shall have first aid, firefighting and other emergency response equipment in place to be able to respond to incidents identified in the risk assessment described in Section 5. The equipment shall be easily accessible to the emergency response personnel. The equipment shall be checked and maintained regularly.

A written summary of available equipment shall be produced.

Section 10 Qualifications

The industrial safety manager shall have the necessary qualifications to be able to organise, scale and operate the industrial safety system at the enterprise.

The on-scene commander shall have good knowledge of the enterprise and the emergency response plan and the necessary qualifications to be able to manage their emergency response team members and co-operate 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 the necessary qualifications to be able to respond to incidents at the enterprise.

Each team member's qualifications shall be documented in writing.

Section 11 Co-ordination of industrial safety systems

If the consequences of an incident could affect another enterprise which is obliged to establish an industrial safety system under these regulations, the enterprises' industrial safety systems shall be coordinated. The co-ordination shall be agreed in writing and shall be described in the enterprise's emergency response plan.

Section 12 Exercises

Emergency response personnel shall as a minimum undertake one incident response exercise every six months, cf. Section 5.

A written exercise plan shall be prepared. Each exercise 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 about who took part and about any improvement measures.

Section 13 Duty to assist

Enterprises required to establish an industrial safety system must provide assistance to other enterprises and to the emergency services on request wherever possible while also maintaining their own emergency response. Enterprises that provide assistance may claim a refund for incurred expenses from the organisation receiving assistance.

Chapter 3. Reinforced industrial safety systems

Section 14 *Enterprises with a potential for incidents with serious consequences*

The industrial safety system must be reinforced if incidents relating to the enterprise's activities could result in one or more of the following:

- a) two or more seriously injured persons in the same incident
- b) exposure by persons external to the enterprise
- c) significant and lasting environmental damage
- d) significant material damage.

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

The Norwegian Industrial Safety Organisation may order enterprises to establish an industrial safety system pursuant to Chapter 3.

Section 15 *Reinforcements*

Enterprises with a potential for incidents with serious consequences, cf. Section 14, shall appoint incident management support staff as part of their industrial safety system. The incident management support staff shall be authorised to take decisions at a strategic level and shall have the ability to assess the development of the incident and future needs in co-operation with the management at the accident site.

Based on the overview prepared pursuant to Section 5, the enterprise shall strengthen the industrial safety system 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 further reinforcement of the industrial safety system and initiate the requisite measures.

If assistance is required with erecting barriers, securing the accident site and receiving the emergency services, the enterprise shall organise the industrial safety system with the industrial order and security service.

Section 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 its disposal sufficient and satisfactory equipment.

A written summary of available equipment shall be produced.

Section 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 help secure the accident site.

In the case of reinforced industrial safety systems under Section 15, the following provisions shall apply:

- a) Where enhanced first aid provision is required, the emergency response team members must be qualified to deal with two or more injured persons in a single incident.
- b) Emergency response team members in the case of reinforced fire safety shall be qualified to deal with fires.
- c) Emergency response team members in environmental and chemical safety situations shall be qualified to deal with 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 prevailing medical criteria and have satisfactory qualifications for dealing with incidents involving chemicals.
- e) Emergency response team members who are firefighters using breathing apparatus shall meet the prevailing medical criteria and have satisfactory qualifications for dealing with incidents involving fire.

Each team member's qualifications shall be documented in writing.

Section 18 Exercises

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 as to cover variations in topics, seasons, weather conditions, times of day, different operating situations and other circumstances that may be significant when responding to incidents.

Incident management support staff and personnel in the order and security service shall undergo training at least once a year in preparation for the situations they may face.

Chapter 4. Final provisions

Section 19 Fees

Enterprises required to implement an industrial safety system 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.

Section 20 Reporting

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

Section 21 Supervision

The Norwegian Industrial Safety Organisation is the supervisory body charged with ensuring compliance with the provisions of the regulations.

Section 22 Dispensation

The Norwegian Industrial Safety Organisation may grant dispensation from the provisions of the regulations when there are particular grounds for doing so and provided that it does not contravene international agreements to which Norway is a signatory.

Section 23 Appeals

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

Section 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 shall apply.

Section 25 Entry into force

The regulations entered into force on 1 January 2012.

On the same date, the regulations of 29 November 1996 no. 1092 on self-protection measures at industrial enterprises etc. and associated guidelines were repealed.

Upon entry into force, any decisions made pursuant to the regulations of 29 November 1996 no. no. 1092 on self-protection measures at industrial enterprises etc. and associated guidelines are annulled.