Information from UKLPG for the purposes of Phase 2 of the ICL Inquiry

Question Reference	UKLPG Response
7	UKLPG is the trade association for the LPG industry in the UK, representing companies who are producers, distributors, equipment and service providers, and vehicle converters. It is dedicated to the safe and effective development of LPG and takes a leading role in the consultation and negotiation with legislators and policy makers. Our mission is to: • Champion and guard safety and technical standards within the LPG industry and provide advice and guidance to members • Promote the safe use of LPG • Inform and lobby opinion formers and legislators (in the UK, and the EU via the AEGPL) with regard to issues that affect the LPG industry and opportunities or legislative threats • Work with members of the industry and other bodies to ensure the right skills for the industry's future are recognised and developed • Raise the profile of the benefits, good experience and qualities of LPG to specific and agreed audiences.
8	UKLPG is a company limited by guarantee. It operates through the Board, Management Teams, and subject driven working groups, providing collective knowledge and expertise in its field of operation. The Board comprises: • 4 National gas suppliers and marketers • 2 Regional gas suppliers • 2 Service and equipment providers • 1 Autogas • 1 Individual
9	The UKLPG Team consists of: • Chief Executive • Technical Manager • Autogas Manager • Communications Manager • Office Coordinator

	UKLPG also draws resources from its membership notably those represented on the: • Safety and Management Team • Energy and Supply Management Team • Autogas Management Team As well as from various interest groups.
10	UKLPG has some 150 members, having a wide range of commercial activities, of which 30 are gas suppliers. We are aware of two gas suppliers who are not members of UKLPG.
11	UKLPG imposes no special 'Code of Conduct' or other requirements on any of its members outside its Articles of Association. In these all members of the organisation agree to abide by the Codes of Practice published by UKLPG. (Article 3.1 g))
12	The information held by UKLPG in these areas is published on its website, www.uklpg.org. A full list of gas suppliers can be found in the (Our Members" section of the website. A separate list of suppliers to the domestic market can be found in the "Home and Leisure" section. We do not publish a separate list of suppliers to commercial and industrial customers. Other than suppliers to the domestic market, UKLPG does not hold commercial breakdowns of types of customers or of the nature of premises which members supply to.
13	UKLPG is aware of three of its members who only supply to other LPG companies. That said, UKLPG does not currently seek to identify suppliers to specific market sectors. (Note: This situation will change in response to a Competition Commission Inquiry into the domestic bulk LPG market.) As noted above UKLPG provides a list of suppliers of bulk gas to the domestic market but des not provide a list to of suppliers to the commercial and industrial segments.
14	In general terms the process is: • Need established by the Technical and Safety Team • Working Group set up • Draft Produced • Draft circulated to Members and other interested parties (e.g. HSE, DfT, CORGI) for comments • Comments considered by Working Group • Final Draft prepared

	◦ Final Draft agreed by Technical and Safety Team ◦ Final Draft agreed by UKLPG Board ◦ Published
15	Code of Practice 22 was written in response to the need for guidance on LPG Pipework. [ICL/01448 - 01510] It has evolved as the industry has evolved from its initial publication in 1990. The current issue was issued in 2002. (A revised version is in preparation). Its focus is on new pipework. It does not give detailed guidance on inspection of existing pipework. The Code does not place specific obligations on any particular party.
16	UKLPG is unable to explain this discrepancy. The earliest issue in our library is dated 1990 though doubtless the draft was in circulation for some time before that and HSE may have pre-empted publication of COP22 in HSG34. We do not keep archive materials on the development of Codes of Practice. [ICL/01272 - 01312]
17	See 14
18	In that drafts are produced by Working Groups reporting to the Technical and Safety Management Team and the final version is agreed by the Board it might be said that the standards recommended are set by members. However, UKLPG values the input from other interested parties. In the case of certain Codes formally endorsed by HSE the Code is not published without their consent.
19	UKLPG believes that the Codes represent good practice but we accept that they may not be absolutely "best practice". If the Codes were Lowest Common Denominator they are not likely to be acceptable to the Technical and Safety Management Team or the UKLPG Board.
20	Yes. Some companies set internal standards but we understand that these are compatible with the Codes and are often defined by the company's commercial needs.
21	UKLPG has a general policy of reviewing Codes at least every three years. The result may be Confirmation (as not requiring change), an Amendment or a full revision.
22	UKLPG believes that the current method of industry setting standards is generally appropriate and reflects Government policy. The inclusion of the HSE Foreword in some Codes is unusual and reflects the fact that these Codes were replacements for HSE guidance (not however ACoPs) and that they are published with HSE's consent.

23	We see no advantage in ACoP status. ACoPs are issued in response to the development of particular legislation (for example GSIUR, PSSR and DSEAR) and are explanations of the law. Even within themselves they often have to be supplemented with guidance. They cover wide fields of application and generally give little practical advice on the final product, installation or service.
24	UKLPG Codes of Practice are intended for professional users and often address technically complex issues. As such Codes of Practice may not be appropriate. UKLPG publishes a series of User Information Sheets on its website which are intended for the end user. No matter how hard the industry tries some can become complex (for example UIS15 "Inspection and Maintenance of LPG Pipework at Commercial and Industrial Premises") simply because of the issue being addressed. [ICL/14294 - 14310]
25	We do not believe the user has any need of the detailed, type of material in Codes of Practice. As sites will vary in their technical competence Codes of Practice are publically available documents and more complex sites may choose to invest in them if they wish. Basic instructions (for example what to do in the event of fire) are more properly dealt with by suppliers literature or HSE's guidance such as CHIS4 "Use of LPG in small bulk tanks" (also available from the Information Sheet section of our website)
26	As UKLPG Codes of Practice are intended for professional users and often address technically complex issues we have no plans to produce them in a form more suited to the end user. That said we do anticipate developing the shorter, more customer focussed "User Information Sheets" which are available free of charge on our website.
27	As regards bulk LPG vessels this is summed up in our Code of Practice 1 part 1. Clause 1.3.2 although generally, no similar statement is made in other Codes as it would not be appropriate – [ICL/01506] *New and Existing Premises* It is not the intention that the recommendation in the Code should be applied rigidly to existing installations. When undertaking a like for like vessel exchange, such installations must meet the appropriate legal requirements such as the Gas Safety (Installation and Use) Regulations 1998. [ICL/04473 - 04500] In addition, such installations should also be checked against the requirements contained within this Code and where reasonably practicable they should be complied with. For a variety of reasons it may not be reasonably practicable to comply with all the requirements of this Code.

	If not compliant, the installation may be deemed to be satisfactory if: either: a) the installation met the relevant requirements of the standards and guidance in force at the time of its installation and the installation does not present a safety risk; or b) a risk assessment demonstrates that the installation does not present a safety risk. Where a safety risk is identified the vessel will need to be re-sited or other equally effective measures adopted to ensure that the vessel can be used, filled or refilled without causing a danger to any person. New installations and modifications to existing installations involving changes in layout or increased storage should comply with the advice in this guidance from the date of publication. Note: The like for like exchange of installation components, such as pressure relief valves, regulators, valves etc is not considered a modification.
28	There are no plans to change this guidance at present.
29	The UKLPG Technical and Safety Management Team reviews reported incidents as the first substantive item on its agenda (~3 times per year) to see what can be learned and whether guidance should be issued. Historic reports are only kept of serious incidents.
30	Failure of a bulk LPH vessel would be a major event and would result in the Technical and Safety Team establishing what can be learned and whether guidance should be issued. The UKLPG Technical and Safety Team keeps basic numeric incident data under a range of headings. Whilst pipework failures might be reported (and at factory sites they might not) UKLPG does not have the resource to record them separately. Data is not generally disseminated unless there is a clear lesson to be learned
31	It is unclear that additional reporting or data collection would be proportionate.
32	It is unclear that additional dissemination would be proportionate.
33	It is unclear that additional collation and dissemination would be proportionate.

34	Prior to ICL no such reports on LPG were received or circulated. Since ICL one other report has been received in a domestic premise which is, we understand, subject to further investigation.
35	UKLPG, as a representative organisation, does not make this type of material available itself. It does however encourage supply companies to make it available and does, on occasion, supply templates. UKLPG supports gas safety initiatives and makes links to various gas safety organisations (e.g. HSE, CORGI, Carbon Monoxide Consumer Awareness Alliance) available through its website. This type of information is also available through British Standards.
36	It is unclear that additional dissemination would be proportionate. However, we encourage our members to increase gas safety awareness amongst their customers and have produced an outline Gas Safety Information card which is also available from our website.
37	UKLPG does not have such statistical data. We are aware that members have about 70,000 bulk LPG non domestic sites but these will cover a vast range of applications. Many of these will not have metal pipework and few of the remainder will present the unusual risks presented by ICL (gas entry below ground. basements etc). UKLPG is working with HSE to establish the number and location of sites which may be at risk and to pass appropriate guidance to them.
38	We understand that members have records of the LPG tank as required by PSSR. Some records may also exist for pipework immediately adjacent to the tank but as a Written Scheme of Examination is not required for this in most cases it may be minimal. As other pipework is likely to be customer owned and does not require a WSE in most cases we do not know what records may be kept.
39	The LPGA "Technical Management Committee" (The forerunner of the UKLPG Technical and Safety Team) and HSE were the main participants. HSE sent the document out to wide circulation. Few additional comments were received.
40	No feedback has been received since publication
41	None at this stage. 5.3 and Appendix 1 were used as the opportunity for initial reflection on the ICL incident.
42	COP 22 is currently being redrafted and will provide greater information on inspection and maintenance of pipework. It will also reflect the outcome of the Inquiry.
43	We have received little feedback on LPGA TM84 (Now UKLPG UIS15). There was also little feedback to the HSE leaflet on

[ICL/04546 - 04568]

[ICL/04218 - 04231]

	"Checking LPG Pipework" circulated by members to their customers. [ICL/03578 - 03574] UKLPG has no way of knowing how effective this strategy has been but we have to bear in mind the vast range of applications. Many of these will not have metal pipework and very few of the remainders will present the unusual risks presented by ICL (gas entry below ground, basements etc).
44	UKLPG has no way of knowing.
45	It has some value as it will show a gross leak. However in some soils it may not show a leak as the soil may act as a sealant. It may be that if all other things are satisfactory (above ground entries into buildings, no adjacent ducts or untrapped drains) risk in this situation may be low anyway.
46	The tests are described in British Standards (notably BS5482 part 1) and documents published by the Institute of Gas Engineers and Managers. UKLPG would advocate these being carried out by (or more likely on behalf of) SME's at a frequency as indicated in User Information Sheet 15 UIS15 "Inspection and Maintenance of LPG Pipework at Commercial and Industrial Premises" [ICL/03636 - 03639]
47	UKLPG has made its members aware of the risks inherent in buried metallic pipework and has made User Information Sheet 15 UIS15 "Inspection and Maintenance of LPG Pipework at Commercial and Industrial Premises" available, UKLPG will consider what further steps may be proportionately taken as a result of the outcome of the Inquiry.
48	We are unsure that this would represent a proportionate requirement for most users or by whom the work might be carried out.
49	The tank is already subject to periodic inspection under PSSR. User appliances are addressed by PUWER. Pipework seems to fall into a gap but in our view could be managed in a similar way to appliances under PUWER. [ICL/04546 - 04568] [ICL/04569 - 04592]
50	At many sites an appropriately accredited CORGI Registered Installer would be appropriate. At some large and specialist sites (for example fork lift truck filling sites) they would not and a Competent Person would be appropriate.
51	This information should be held as part of the sites overall health and safety documentation. This would ensure that any interface between services and points of use was appropriately covered.
52	In our view the information should be held and maintained by the site operator.

53	UKLPG is of the view that the current legislative framework is quite clear; the site operator is responsible for compliance. There may be a case for reinforcing the message to site operators regarding the overall responsibility for maintaining the integrity of LPG pipework. UKLPG members have already circulated HSE's leaflet "Checking LPG Pipework" to their customers and are circulating information on general gas safety in a form to suit them (see the FAQ section of our website). www.uklpg.org/faq.php [ICL/03573 03574] Note: PSSR allows the supplier (owner) of hired equipment, such as LPG tanks, to take responsibility for particular duties as it is the LPG company's personnel who are exposed to the greatest risk. In our view the site operator would still have a duty to ensure that the supplier met his responsibilities. [ICL/04546 -04568]
54	As stated in 53 UKLPG is of the view that the current prescriptive framework is already quite clear; the site operator is responsible for compliance. Separating responsibilities would in our view only cause greater confusion, not less, and lead to contractual difficulties between the LPG supplier and his customer. It is our understanding that clarity regarding responsibilities was one of the key drivers when the current Health and Safety at Work etc. Act was developed. As this has not changed for more than 30 years we believe that the principles have withstood the test of time extremely well. We also understand that DSEAR, which applies to LPG pipework amongst other things, is the UK implementation of the European ATEX Directive and that this again places the duty on the site operator. [ICL/04445 -04472]
55	The Gas Safety (Installation and Use) Regulations place a duty on the LPG supplier to make safe in the event of reported leakage, but not to repair. This means that the gas supply is simply cut off and the consumer has to obtain the services of an installer/engineer to do any repair. Whilst the gas supplier generally assists in getting the work done for the consumer it remains their responsibility. [ICL/04473 -04300] We do not see what other responsibility could reasonably be imposed on the LPG supplier if they do not own the pipework. Currently it is our understanding that gas suppliers take responsibility for the installation and maintain ownership up to the first stage regulator. Currently there is no duty for the fitting of an emergency isolation valve at the outside of premises unless the premises are subject to duties under GSIUR. A revision of Code of Practice 22 is in preparation and amongst the changes will be the recommendation that an emergency isolation valve is fitted at the point of entry to all buildings. [ICL/04770 - 04887]
56	UKLPG believes that the current legal framework is appropriate but agrees that greater education of the user is needed.

	Targeting can, however, be extremely difficult. We understand that member companies seek to be clear on the limits of their responsibility in their contracts but this is not necessarily cascaded down to those responsible to site health and safety.
57	See 29 to 34
58	Were a rapid review and amendment to a Code of Practice necessary the same basic process as given in 14 would apply. However times for consultation and drafting time could be kept to a minimum.
59	It would be possible to introduce the duty from the GSIUR regime to use an appropriately accredited CORGI (or successor) installer to install/modify vapour phase pipework at factory premises. [ICL/04473 - 04500] This would require statutory change. The general duty to use competent personnel would suggest that in many cases the choice of an appropriately accredited CORGI (or successor) installer would be a simple method of demonstrating competence. It might also be considered that the "landlord" duty for an annual appliance check under GSIUR could be applied but it is not clear how this might go beyond PUWER duties. [ICL/04569 - 04592]
60	Not that we are aware of. Note: PER only applies to "new" equipment.
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62	GSIUR was basically targeted at domestic type installations where there is no Health and Safety management. Many of its, proscriptive, requirements are focussed in that direction. In general, industrial installations attract similar, if more "goal setting", duties under other legislation because it is assumed that they have the statutory Health and Safety management systems. GSIUR has benefits as described in 55 and 59 particularly for smaller installations but would be wholly inappropriate for installations using LPG in the liquid phase (for example LPG cylinder filling plants, fork lift truck filling points, aerosol filling plants).
63	PSR deals with supplies to multiple users and where pipes run under/adjacent to public roadways. [ICL/04523 - 04545]

	The relevant requirements of PSR are, however, included in UKLPG Code of Practice 22 Clause 5.2 as they represent good practice. [ICL/01471]
64	It must be recalled that GSIUR applies to both Natural Gas and LPG. It is not clear that it would be proportionate to apply a revised duty to one but not the other. The implications would depend on the installation. GSIUR might be applied to smaller vapour installations but would be wholly inappropriate for installations using LPG in the liquid phase (for example LPG cylinder filling plants, fork lift truck filling points, aerosol filling plants). The concept of Competent Persons does not exist in GSIUR. There is no duty to inspect in GSIUR; it is not "work" as defined. Soundness testing is however "work" and an appropriately accredited CORGI (or successor) installer has to do the work. See also 55, 59 and 62. It is not clear that there would be a sufficient number of appropriately accredited CORGI (or successor) installers to inspect vapour phase pipework