Ministry of Defence

de&s

DE&S SAFETY & ENVIRONMENTAL PROTECTION LEAFLET 07/2013

MANAGEMENT OF HAZARDOUS SUBSTANCES AND RESTRICTED MATERIALS

Instruction for the Through-Life Management of Hazardous Substances and Restricted Materials

Sponsor: DES EngSfty-QSEP Hd	**Version No**: Issue 1.5	**Date of issue**: August 2023
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References:

A.	SofS	Secretary of State's Policy Statement on Health, Safety and Environmental Protection in Defence
B.	DSA01.1	Defence Policy for Health, Safety and Environmental Protection
C.	JSP 375	Management of Health and Safety in Defence
D.	JSP 418	Management of Environmental Protection in Defence
E.	DE&S O&A	DE&S Organisation and Arrangement Statement for HS&EP
F.	ASEMS	Acquisition Safety and Environmental Management System [Use Chrome Browser]
G.	KiD	Knowledge in Defence - Commercial Toolkit
H.	JSP 515	Hazardous Stores Information System
I.	DLF	Defence Logistics Framework (Access through Defence Gateway)
J.	REACH	Registration Evaluation, Authorisation and Restriction of Chemicals Regulation
K.	JSP 392	Management of Radiation Protection in Defence

INTRODUCTION

1. This document provides DE&S guidance for the through-life management of Hazardous Substances and Restricted Materials (HSRM)[1]. It describes a means of managing HSRM in compliance with the Secretary of State's (SofS) Policy Statement on Health, Safety and Environmental Protection in Defence (Reference A) and implementation of that policy through the Defence Safety Authority (DSA) regulation and guidance publications (Reference B, C and D). Organisations deliver O&A (Organisation and Arrangement) statements which define how the organisation intends compliance, eg - DE&S O&A Statement (Reference E).

2. In this document, HSRM are defined as:

   a. A Hazardous Substance is any substance, as a mixture or in an article which is very toxic, toxic, harmful, corrosive or irritant or has a Workplace Exposure Limit (WEL) or any other substance that creates a risk to health because of its properties and the way it is used or is present in the workplace.

   b. A Restricted Material is one that is banned or controlled by legislation but is still permitted for specific uses.

[1] This document does not identify new requirements. It does identify a coherent means of compliance for hazardous substance management across the TLB. Similar processes and procedures should already be in place and this document intends to provide minimum requirements and procedures for compliance with MOD Policy.

PURPOSE

3. This document aims to provide guidance that, through compliance with legislation and effective and efficient management of HSRM, ensures that all appropriate precautions are taken to prevent harm to personnel and protect the environment while maintaining operational capability.

POLICY

4. The SofS's Policy Statement (Reference A) directs that, within the United Kingdom (UK), Defence will comply with all applicable legislation (which includes legislation giving effect to the UK's international obligations). Overseas, Defence will apply UK standards where reasonably practicable and, in addition, respond to host nations' relevant Health Safety and Environmental Protection expectations. There are several pieces of legislation which effectively exempt Defence activities or provide relevant derogations; there may also be powers of specific dis-application granted to SofS in some legislation[2]. In these circumstances, the Policy Statement requires the introduction of Departmental arrangements that produce outcomes which are, so far as is reasonably practicable, at least as good as those required by legislation.

5. Departmental Safety and Environmental Management Systems also require that:

a. For acquisition of material, equipment and services of all kinds, safety and environmental management is to begin at the requirements definition stage and is to be carried forward through-life to disposal/termination.

b. All aspects of maintenance, operation (including military service) and disposal (including through-life disposal of consumables or damaged equipment) are to be considered.

c. All new uses of HSRM should be avoided, and legacy use should be minimised and cease as soon as possible. These requirements apply even where derogations or exemptions for military purposes have been established. Where disapplication or exemptions exist in legislation, substances/materials shall be used within the allowed scope or restricted use and then only where there is no suitable and adequate alternative to meet operational capability.

RELATIONSHIP TO OTHER POLICY AND GUIDANCE

6. **MOD Policy**. The Defence environment and safety management policy is set by the DSA and is implemented through Reference B. Management requirements for health and safety and environmental protection are delivered through References C and D.

7. **Departmental Procedures**. The DE&S Chief Executive Officer (CEO) has put in place a DE&S O&A Statement (Reference E) that details procedures for management of safety and environmental protection. The O&A Statement mandates the use of the Acquisition Safety and Environmental Management Systems (ASEMS[3]), Reference F.

8. The MOD is subject to UK laws regarding Health and Safety at Work including law and regulations relating to the management of hazardous materials. Many processes and procedures could result in injuries to health if adequate precautions are not taken. Adherence to these procedures in no way absolves users from complying with legal requirements relating to Health and Safety at Work.

APPLICATION

9. It is Departmental policy that staff comply with the MOD's policy, standards and regulations.

[2] Further information can be found in DSA01.2 Ch 6 Policy & Guidance.

[3] The Acquisition Safety and Environmental Management System incorporates the Project Oriented Safety Management System (POSMS) and Project Oriented Environmental Management System (POEMS).

Those holding safety and environmental delegations are to ensure that, in the procuring or supporting equipment and services, they conform to the SofS policy statement and other MOD policy, standards, regulations and departmental procedures.

10. The hazardous substance management instructions set out in this document are aligned with the policy requirements detailed in ASEMS Part 1 and must be followed by all staff associated with the procurement and support of products, equipment and services. They apply to all equipment and services acquired for Government use, supported and managed either directly or by agencies operating on its behalf. Compliance with this leaflet shall not in itself relieve any person from any legal obligations imposed upon them whether by legislation, regulation or common law.

REQUIREMENTS

11. **Operating Centres (OCs)**. To ensure compliance with MOD policy and the CEO's O&A Statement, OCs must ensure that their safety and environmental governance arrangements capture the through life management of HSRM as follows[4]:

a. Coherent management process for legislation and MOD policy.

(1) A process for compliance and non-compliance management.

(2) A process for authorising disapplication, derogation and exemptions at an appropriate management level.

(3) A process for coordination of HSRM reporting as required by MOD Policy or Legislation[5].

b. Processes for monitoring and measuring safety and environmental performance for assurance of HSRM management ensuring:

(1) Management process and procedures are commensurate with the risk.

(2) New or continued use of a hazardous substance is properly risk assessed, justified and authorised at an appropriate management level.

(3) Use is compliant with legislation, standards and MOD policy and regulation.

(4) Risks and impacts are managed within safety and environmental management systems.

(5) Hazardous Substance Elimination Plans, Obsolescence Plans and Disposal Plans are valid and appropriate.

(6) Sufficient information is provided to Duty Holders (DH) and customers to enable safe use and prevention of harm to others and the environment.

12. **Delivery Team[6] (DT)**. To ensure compliance with MOD Policy, DTs must follow the HSRM management requirements detailed below:

a. DTs must ensure that all new uses of HSRM are avoided where possible.

b. DTs must identify all hazardous substances and equipment containing hazardous substances. The following management processes must be applied:

(1) Risk Assessments[7] must be carried out for the new or continued use of hazardous substances. Control measures must be commensurate with the risk and communicated and agreed with the DH/User community.

[4] Further guidance on HSRM through-life management can be found at Annex A.

[5] Further information can be found in DSA01.2 Ch 6 Policy & Guidance.

[6] Delivery Teams - Any team responsible for procurement or through life support of products, equipment and services. Although this document is focussed on DE&S delivery it may be considered good practice for other organisations.

[7] The Risk Assessment must meet the ALARP Principle. (ASEMS SEP Leaflet 02/2011)

(2) Where necessary to meet operational capability, use of the hazardous material needs to be justified and authorised at an appropriate management level, with supporting evidence managed and reviewed through life to disposal. Safety and environmental cases will contain evidence to support safe use of hazardous substances. However, a MOD Technical Dossier (TD)[8] which is specific to each substance and use should be maintained and contain reference to technical and supporting information and authorised at an appropriate management level[9]. A guide for the development of a MOD TD can be found on the DE&S Safety Portal.

(3) Ensure standard Defence Condition (DEFCON) 68 (Supply of Data for Hazardous Articles, Mixtures and Substances) and DEFCON 624 (Use of Asbestos) are applied to all contracts in accordance with Commercial Policy (Reference G, Commercial Toolkit on the KiD) or in compliance with Standardised Contracting Policy.

(4) Ensure part numbers are revised when replacing a Hazardous Materials spare with a non-Hazardous Material alternative, this must be completed at the earliest opportunity to prevent the inadvertent reintroduction of Hazardous Materials into service.

(5) Ensure Safety Data Sheets (SDS) are requested and uploaded to the Hazardous Stores Information System (HSIS) in accordance with Reference H, to enable risk assessment and safe use. These should be reviewed at each contract award or every 2 years[10].

(6) Ensure that the appropriate Stores Management System[11] correctly identifies hazardous substances and relevant information.

(7) Ensure Warnings and information on hazardous substances are included with delivered equipment or incorporated in technical publications covering operation, maintenance, packaging, storage and transport as per the Classification, Labelling and Packaging (CLP) Regulations.

c. DTs are responsible for identifying[12] and managing compliance with applicable legislation and standards. In the ASEMS (Reference F), safety and environmental management procedures SMP01 in POSMS and EMP01 in POEMS require identification and documentation of relevant legislation and standards. Where legislation relates to HSRM, they are to identify the impact of compliance and non-compliance on delivered operational capability. Hazards and impacts of use of hazardous substances should be managed through POSMS and POEMS procedures (eg - Hazard Logs and Environmental Features Matrix).

d. DTs must seek assurance that suppliers are compliant with current legislation that applies to the equipments and services they manage. Where HSRM legislation may impact capability, DTs are to:

(1) Ensure a risk assessment is carried out.

(2) Consult with Industry to identify suitable and adequate alternative solutions at the earliest opportunity and, where identified and proven to meet MOD.

[8] A Technical Dossier is mandatory for Restricted Substances and best practise for Hazardous Materials.

[9] The Secretary of State, Ministers, Defence Safety Authority or other delegated exemption authorities may authorise deviations from legislation for appropriate levels of risk.

[10] In accordance with JSP 515.

[11] Information systems such as the Codification Support Information System (CSIS), and the CRISP, SS3, SSCS and EMSD stores systems.

[12] It is expected that suppliers would be aware of legislation and standards that apply to the equipment and services they deliver to the MOD.

specifications, substitute so far as is reasonably practicable.

(3) Where an operational capability may be affected by the legislation, assess whether any derogation, disapplication or exemption within the legislation is tolerable and justifiable.

(4) Where equipment or services are not compliant with legislation and there is a significant risk that capability cannot be legally delivered, refer that risk to a higher authority[9].

e. DTs must engage with the Defence Equipment Sales Authority at the earliest opportunity, to ratify their Disposal Plan in accordance with the Defence Logistics Framework (DLF) (Reference I). Guide to Engineering Activity and Review (GEAR)[13] requires disposal to be considered as early as possible in the project lifecycle, such as at the Assessment Phase. As part of the evidence supporting the safety case, the hazard information will need to be passed to new owners or disposal contractors. Assurance that competent contractors have been used should be included in the Safety Case Report and Disposal Plan. Disposal requirements are detailed in the DLF.

f. DTs must ensure auditable records of their hazardous substance management are maintained and are current, and accurate and available for inspection by Regulators (internal or external), Enforcing Authorities or Auditors.

g. Where there is a legal or MOD policy obligation to manage and report use of hazardous substances, DTs must put in place processes to gather and report the necessary information.

h. Accident and Incident reporting requirements within DE&S are domain specific using the respective reporting systems of Navy Lessons and Incident Management System (NLIMS), Army Incident Notification Cell (AINC)[14], Air Safety Information Management System (ASIMS) and Munitions Incident Database (MID). DTs must monitor and record instances where the inherent performance of their equipment or services impacts capability or results in harm to individuals or the environment, including near misses; using this information to manage risk.

SPECIFIC MANAGEMENT REQUIREMENTS

13. **Asbestos**. There are specific requirements for the management and elimination of asbestos containing material (ACM) and these are detailed at Annex B.

14. **Halons and F-Gases**. There are specific management and reporting requirements for halons and fluorinated gases (F-gases) and these are detailed at Annex C.

15. **Hazardous Substance Management Assurance**. Audit and assurance are integral parts of safety and environmental management systems. Specific guidance on assurance of Hazardous Substance Management is at Annex D.

ENFORCEMENT

16. Management performance of safety and environmental legislation and hazardous substances is included in the DE&S Annual Safety and Environmental Protection Assurance Report delivered to the Permanent Secretary (PUS) and Defence Safety and Environment Committee (DSEC). Assurance of hazardous substance management will be achieved through audit.

OTHER LEGISLATION

17. Substances may be affected by legislation which could impact on delivered capability. Some

[13] GEAR Planning tool

[14] Now Part of the new Army Safety Centre (ASCen).

known issues with legislation and substances are captured in Reference D, Leaflet 5, Hazardous Substance and Restricted Materials Management. Hazardous materials may be delivered to the MOD as:

a. Substances (eg benzene, talc) or;

b. Substances within mixtures (eg fuel with additives, paints) or;

c. In articles (eg - clothing impregnated with pesticides/biocides, equipments with anti-corrosion treatments like cadmium plating, or in legacy components such as asbestos rotor brake linings).

18. An example of legislation that may impact the supply chain of equipment and services is the REACH Regulation (Reference J). REACH applies to all chemicals imported to or manufactured in the UK and European Union (EU). This legislation sets out specific requirements dependant on tonnage, imported or manufactured per product per year, or whether the chemical is a substance of very high concern[15] (SVHC). Issues that impact the MOD include:

a. The Registration, Evaluation and Authorisation processes have cost implications that may deter suppliers from manufacturing, importing or using some substances, causing them to become obsolescent. This may impact on delivery of capability and be a significant risk which needs to be managed through ASEMS and Business procedures.

b. Projects may find alternative substances do not meet their required specification or have not yet been sufficiently tested.

c. There is considerable reliance on suppliers to manage their supply chain. These risks and impacts will need to be dealt with case by case and it is recommended that assurance of the management of REACH is sought from the supplier.

d. Through the MOD REACH Defence Exemption Process, the SofS has authority to provide exemption in the interest of national security. However, this does require significant justification and will require evidence that mirrors the requirements under REACH.

OTHER HAZARDOUS MATERIALS OF SIGNIFICANT CONCERN

19. Radioactive Materials (RAM) are covered by JSP 392 (Reference K), Part 2 Leaflet 1, covers Acquisition of Sources of Ionising Radiation by DTs and is supported by the DES Radioactive Materials Management Guide. In addition to the obligations for hazardous substances, there are requirements for RAM depending on material/activity, which requires engagement with a Radiation Protection Advisor.

FEEDBACK & CONTINUOUS IMPROVEMENT

20. Any comments or suggestions for improvement of this Leaflet should be directed to the QSEP HazMat team, who will maintain them on behalf of the sponsor.

QSEP CONTACTS

Topic	Contact – Post Name
REACH/ Hazardous Substances Management	DES EngSfty-QSEP SEP-Reach (MULTIUSER)
Hazardous Substance Information System	DES EngSfty-QSEP SEP-HSIS Multi (MULTIUSER)

[15] SVHC have one or more of the following properties: carcinogenic; mutagenic; toxic for reproduction; it is persistent, bio accumulative and toxic; there is scientific evidence of probable serious effects to human health or the environment.

Annexes:

A. Hazardous Substance and Restricted Material Flow Charts and Further Guidance.
B. Management of Asbestos Containing Materials.
C. Management and Reporting of Halons and F-Gases.
D. Hazardous Substance Management Assurance.
E. JSP 515 HSIS Alternative Acceptable Means of Compliance (AAMC).

ANNEX A TO
DE&S S&EP LEAFLET 07/2013
DATED AUG 2023

HAZARDOUS SUBSTANCE AND RESTRICTED MATERIAL FLOW CHARTS AND FURTHER GUIDANCE

1. The D ES QSEP Hazardous Materials and REACH intranet page contains further guidance on HSRM Management including the following:

   a. MOD Hazardous Substances and Restricted Materials Technical Dossier and Guidance.
   b. REACH Delivery Team Guide & Awareness Training.
   c. Example Technical Dossier – Asbestos.
   d. HazMat Technical Dossier Presentation.
   e. HSIS & Asbestos Masterclass Slides.

2. HazMat flow charts are included in this annex as follows:

   Fig 1. HSRM Through Life Management
   Fig 2. Defence Exemption
   Fig 3. HSIS/SDS

3. DE&S Business Management System (BMS) contains the following HazMat Processes:

   a. Asbestos Elimination Plan
   b. Manage Inventory

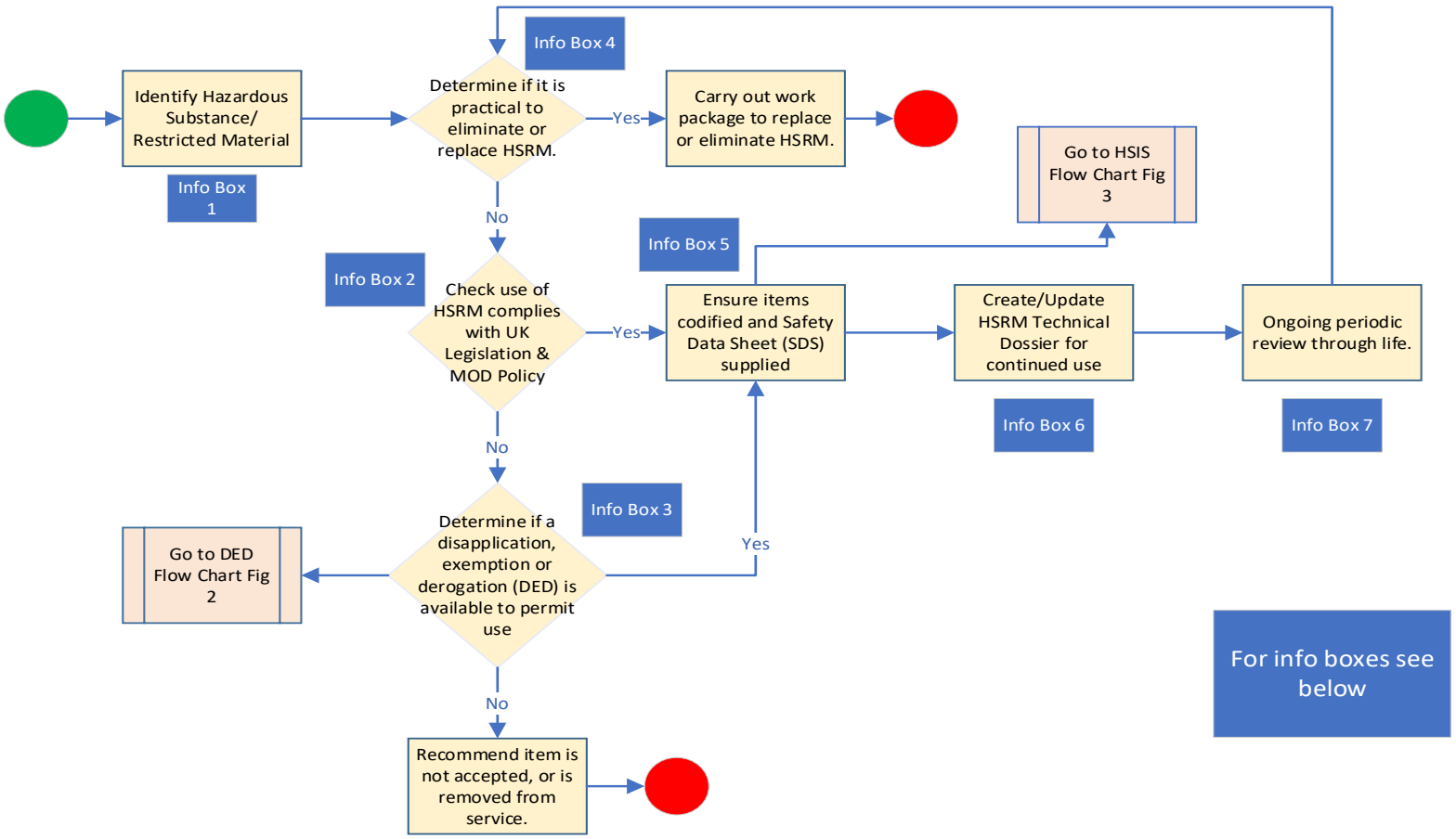

Fig 1. HSRM Through Life Management Flow Chart

HSRM Process Flow Chart Information Boxes

Box No	Information	Useful Links
1	The Health and Safety at Work Act requires MOD to ensure that the equipment it supplies is, so far as reasonably practical, safe and without risks to health. This means we should avoid all new uses of HSRM where practicable. Additionally, legacy use should be minimised and cease as soon as possible. These requirements apply even where derogations or exemptions have been established. HSRM may be identified through hazard identification or environmental screening and scoping exercises (see ASEMS), Standardised Contracting Templates or via a DEFFORM 68 supplied by a contractor in response to DEFCON 68 (further information detailed in box 5).	JSP 418 - Management of Environmental Protection in Defence ASEMS SMP05 - Hazard Identification and Analysis ASEMS EMP04- Screening and Scoping DEFCON 68 – Supply of Data for Hazardous Articles, Mixtures and Substances DEFFORM 68 – Hazardous Articles, Mixtures or Substances Statement by the Contractor DEFCON 117 – Supply of Information for NATO CEDREC - Legislation Service HSE REACH Website Defence Exemption Application Form
2	Is the use of the HSRM compliant with legislation and MOD policy? The Secretary of State's policy is that within the UK, the MOD will comply with all applicable Health Safety and Environmental Protection (HS&EP) legislation. Overseas, we apply our UK arrangements where reasonably practicable and, in addition, respond to host nations' relevant HS&EP expectations. Where legal restrictions exist, restricted materials must not be used outside those restrictions (including any conditions imposed by disapplications, exemptions or derogations from legislation). Most HSRM is subject to the UK Registration, Evaluation, Authorisation and Restriction of Chemicals regulation (UK REACH). Other applicable legislation may include the Classification, Labelling and Packaging (CLP), Persistent Organic Pollutant (POP), Biocidal Products (BPR) or F-Gas regulations. The CEDREC legislation service and the resources on the HSE (REACH) website can help identify applicable legislation. CEDREC account applications are available from QSEP HazMat and REACH intranet site.	
3	**Derogations, Exemptions and Disapplications (DEDs):** Derogation is a lessening of a statutory requirement for justifiable practical or operational reasons; Exemptions are provisions within legislation that allow particular requirements to be waived under certain circumstances, eg - by order of the Secretary of State, in the interests of national security. Disapplications are where legislation has been written to exclude certain circumstances from its scope. DED requirements must be communicated to the relevant regulator, to seek a "no technical objection" and documented in a MOD Technical Dossier. As the application process differs for each piece of legislation, please contact QSEP for additional guidance. Where use is approved, all other legal and policy requirements not covered by the DED must still be complied with, as must any conditions imposed by the DED itself. Exemptions and derogations are often time-limited.	
4	**Alternatives – Eliminate or Replace** If there is a less or non-hazardous, suitable and adequate alternative it should be used, so far as it is reasonably practicable. The decision on what is reasonably practicable will need to consider the costs and benefits of changing to an alternative, including technical and through life management issues, and factors such as remaining service live; as well as the risks associated with retaining the HSRM. Justification for this decision will be required as part of the Technical Dossier. If decisions on use of HSRMs fall under the responsibility of the Design Organisation (DO), the DT must seek assurance that an effort has been made to substantiate the case of using the HSRM and justify why alternatives are not practical. Where elimination or replacement is not currently practical, ensure the Environmental Management Plan (EMP) outlines the next available opportunity to review, eliminate & replace those substances.	
5	Accurate Safety Data Sheet/Safety information is vital to enable end users and the supply chain to safely handle HSRM. The MOD requirement for suppliers to provide Safety Data Sheets (SDS) for each HSRM supplied is included in larger	

	contracts through DEFCON 68. For smaller contracts using Standardised Contracting templates, the requirement for SDS is laid out in the Terms and Conditions applicable to that template. DEFCON 117 is the contract clause enabler to provide the essential source data required for accurate and complete identification and codification of Items of Supply. The source data should include characteristics such as size, material, technical performance and hazardous material information and is usually supplied via a manufacturer's drawing. It is important for items containing HSRM to be codified and flagged correctly in the Codification Support Information System (CSIS), so that users can locate the relevant SDS. To prevent the inadvertent reintroduction of Hazardous Materials into service, DTs must ensure part numbers are revised when replacing a Hazardous Materials spare with a non-Hazardous Material alternative, this must be completed at the earliest opportunity.	
6	When the use of a HazMat* is unavoidable, such as being necessary to achieve or sustain a military capability, where required a MOD Technical Dossier (TD) detailing the justification for use must be written before delivery is approved. JSP 418 Leaflet 5 requires DTs to produce a TD covering each substance that meets any of the following criteria; • The quantity of the HSRM reaches or exceeds the value of 0.1% weight by weight of an article. • The use of the HSRM requires use of a Disapplication, Exemption or Derogation (DED). • The F-Gas being used has a Global Warming Potential (GWP) of 150 or higher. *MOD Policy: TD are mandated for Restricted Material and best practice for Hazardous Substances. They are required to support applications for Defence exemptions, and to justify use of disapplications and derogations.	
7	Use of HSRM must be periodically monitored and reviewed while the equipment or system that incorporates it is in service. Delivery teams must ensure that any restrictions or conditions of use are being complied with (eg - health monitoring or reporting requirements), and that agreed elimination plans are being pursued. There may also be a need to periodically renew exemptions or authorisations for use. Delivery teams should also ensure that they monitor and review changes in the market that may make less hazardous alternatives practical, or developments in legislation or policy that impose new restrictions.	

REACH Defence Exemption Flow Chart

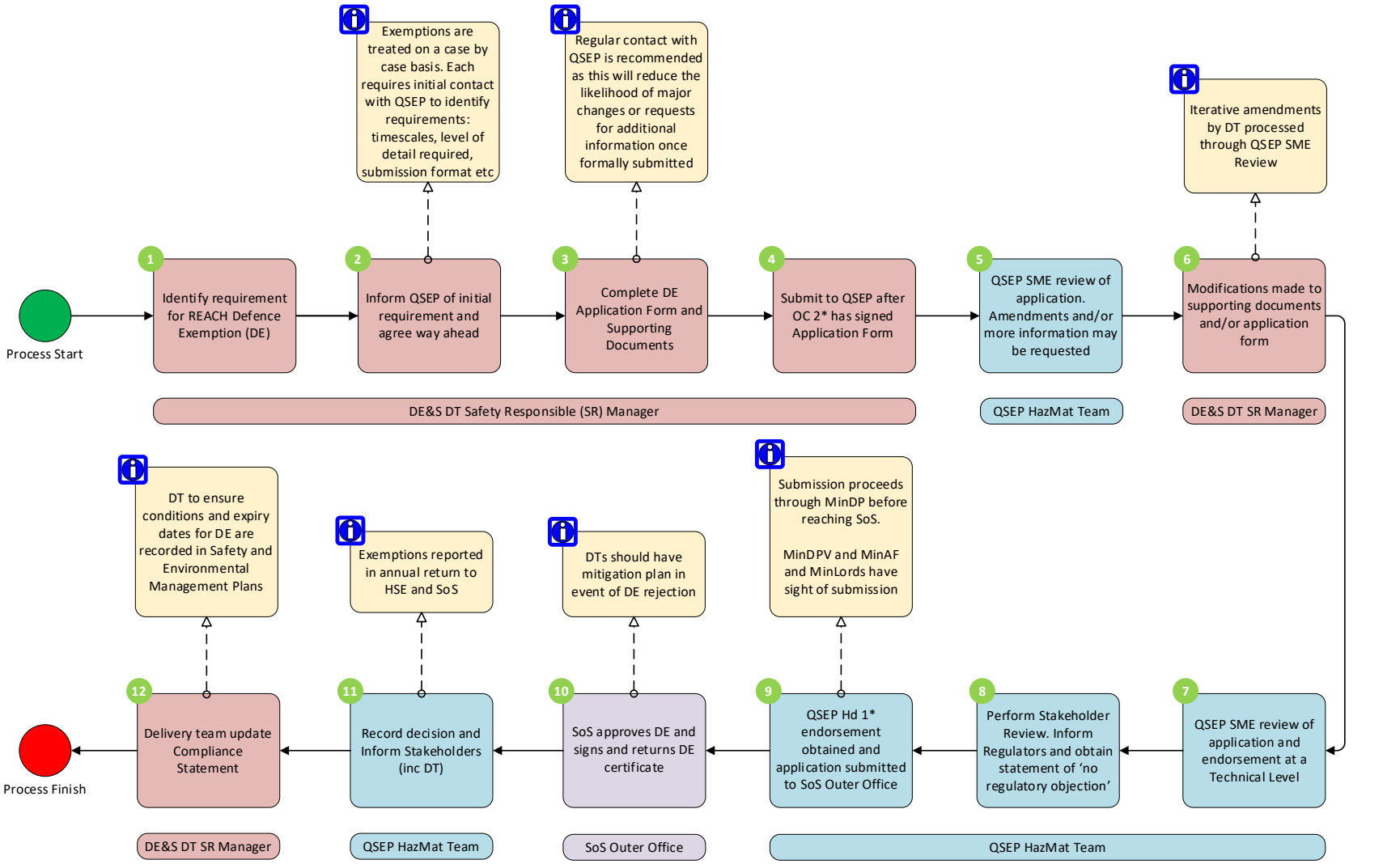

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Fig 2. Defence Exemption Flow Chart

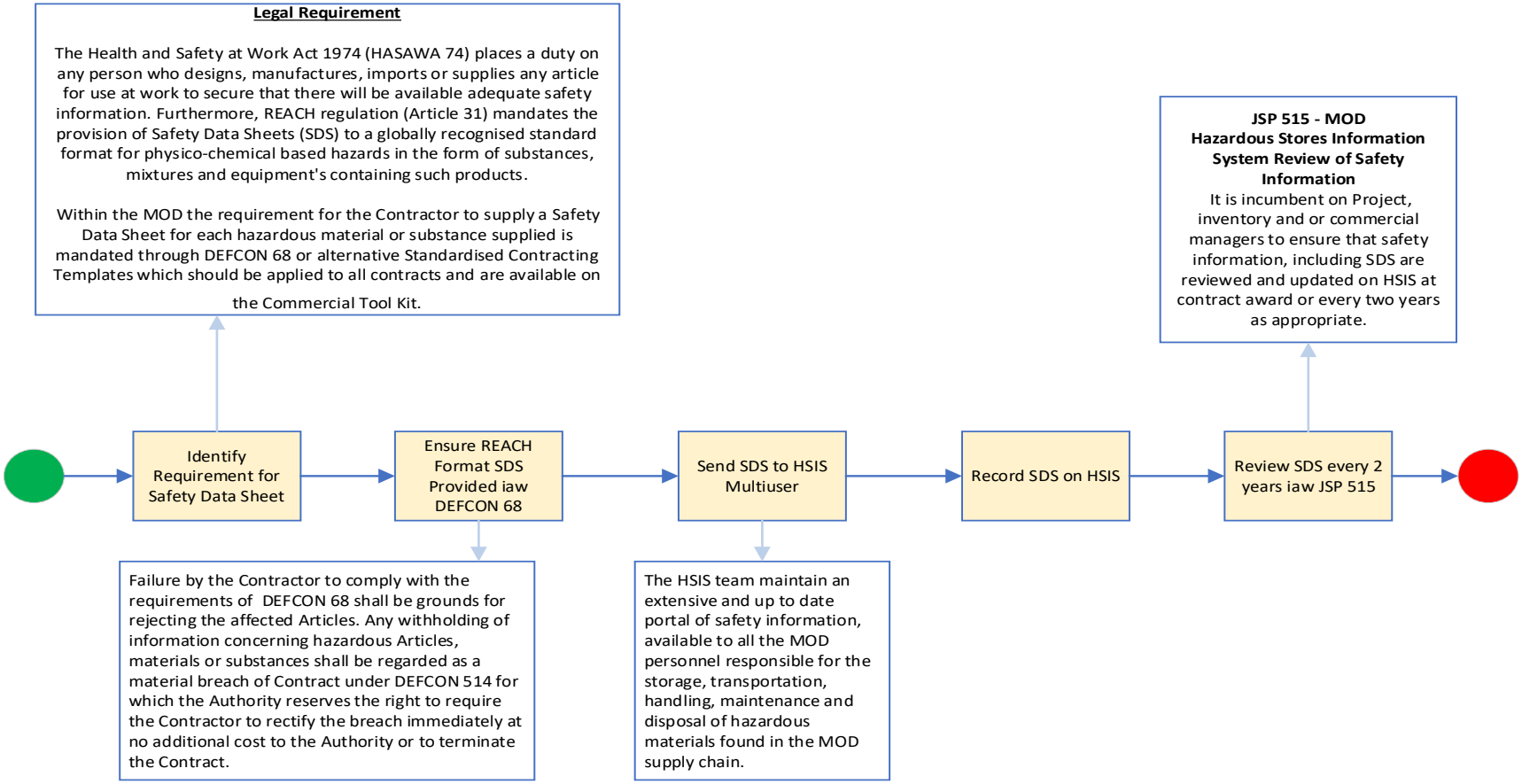


Fig 3. Hazardous Substance Information System (HSIS) Safety Data Sheet (SDS) Flow Chart

ANNEX B TO
DE&S S&EP LEAFLET 07/2013
DATED AUG 2023

MANAGEMENT OF ASBESTOS CONTAINING MATERIALS

References:

A. JSP 375 Part 2 Vol 1 Chapter 36
B. JSP 418 Part 2 Leaflet 5
C. Defence Logistics Framework, Disposal of Inventory

Applicability

1. This Annex applies to Delivery Teams (DTs) managing equipment and components that contains, or may contain, asbestos.

Purpose

2. The purpose of this Annex is to provide advice, guidance and internal procedures for the management and reporting of Asbestos Containing Materials (ACM) in compliance with Legislation and MOD Policy.

MOD Policy

3. Reference A identifies the MOD Policy for compliance with legislation relating to management of asbestos and details of the hazards associated with asbestos. Reference B provides guidance on the management of Hazardous Substances and details the requirements for, and aspects to be included in, a MOD Technical Dossier (TD).

Departmental Procedures

4. Complimenting the hazardous materials requirements contained in this Leaflet, this Annex identifies a means of compliance for management of ACM in equipment to be followed by DTs.

DE&S Instruction

5. DTs shall ensure that, where possible, any new equipment/munitions are asbestos free and:

   a. Ensure Defence Conditions 68 and 624 are applied to all procurement contracts, iaw Defence Conditions Guide, or compliance with Standardised Contracting Policy.

   b. Actively seek the cooperation of suppliers to eliminate the use of asbestos.

   c. Where the use of asbestos in any new equipment/munitions cannot be avoided, a REACH Defence Exemption[16] for the ACM is obtained before procurement and ideally before the procurement decision is made.

6. DTs must ensure that ACM is removed or replaced in new or legacy equipment where reasonably practicable and:

   a. Identify all ACM[17], by line item, in the platforms, vessels, vehicles, systems, munitions and equipment for which they are responsible and maintain an Asbestos Register.

   b. Produce a MOD TD for each item of ACM, as outlined in the guidance at Annex A. This should also include reference to the REACH-Compliant SDS. This will form the basis

[16] MOD REACH exemption must be fully justified (eg alternatives considered, National Security Interest and capability impact substantiated) and presented to QSEP for review prior to consideration by the SofS.

[17] Reference A, JSP 375 Part 2 Vol 1 Chapter 36 Para 36.1.11 but may require survey for legacy equipment iaw Para 36.1.10.

for any REACH Defence exemption, if required.

c. Determine if a REACH Defence exemption is required and if so produce application. This should be staffed through the responsible Principal Engineer to QSEP who will review and submit to the Secretary of State for approval. Guidance and a template are available from the Hazardous Materials and REACH page.

d. Undertake a risk assessment, including:

(1) Taking account such factors as the type of asbestos, quantity, how it is contained, general condition, degree of activity on the item, ability to apply adequate controls and technical ability to provide a non-ACM alternative.

(2) Having a risk conversation with the duty holder/primary user to ensure the proposed elimination plan maintains the risk as tolerable and As Low As Reasonably Practicable (ALARP).

(3) Ensuring the Duty Holder is content and able to manage the residual risk. This will require maintainers to be trained, appropriate facilities and Personal Protective Equipment (PPE) to be provided and warnings and cautions provided through labelling of packaging/and or items, and in technical publications for maintainer and operators.

(4) Ensuring all ACMs, or components/equipments that contain ACMs, are suitably labelled and packaged in such a way that personnel shall not be exposed to the component and will not need to break into the packaging before issue or use by competent persons.

e. Produce an Asbestos Elimination Plan (AEP) describing the plans to eliminate the ACM including any strong justification for retaining ACM items in service. Total elimination may take several years to complete, and the AEP should be inextricable linked to the relevant Safety and Environmental Management Plan (SEMP) and reviewed in line with the SEMP[18]. It also needs to be linked with the through-life Disposal Plan.

Reporting

7. The MOD is required to annually[19] report its Asbestos Elimination Programme to DSA with copies to the SofS, HSE and Defra. This is carried out on behalf of the MOD by QSEP Hd. In support of this, Operating Centres (OCs) and DTs must ensure the live Asbestos Registers (AR) are reviewed and updated monthly.

8. Due to the insidious health effects of asbestos exposure, asbestos remains in the public media and there is a regular requirement to respond to Freedom of Information requests and Parliamentary Questions. This ad hoc reporting may require additional specific information from DTs, but this will be kept to a minimum.

Assurance

9. OCs should provide assurance that DTs are compliant with this instruction.

10. The QSEP Audit Programme will include themed audits which will include through life management of hazardous substances.

Additional Guidance

11. Fig 4 outlines the legal position on the disposal of asbestos-containing items.

12. The DE&S Safety Portal hosts a library of guidance material and templates to support DTs in meeting their obligations. QSEP are available to answer specific questions should they arise.

[18] S&EP Leaflet 15/2019 - Safety and Environmental Management Plan Reviews

[19] Data for each calendar year is reported to DSA by the end of the following March.

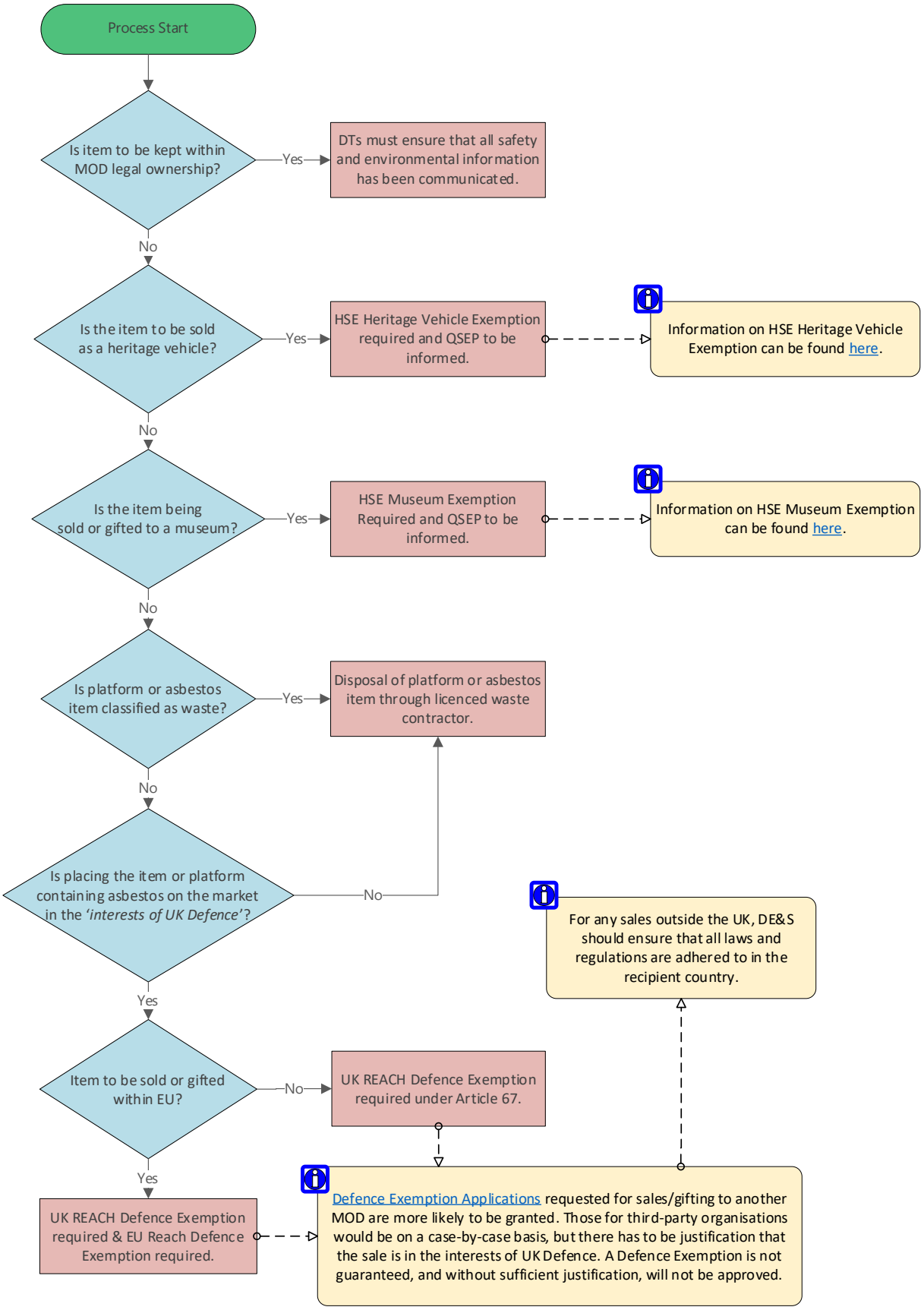


Fig 4. DE&S Legal Position on Disposals of Asbestos-Containing (or Suspected of Containing) Items or Equipment in MOD Ownership That Has Reached Its End of Service Life

ANNEX C TO
DE&S S&EP LEAFLET 07/2013
DATED AUG 2023

MANAGEMENT AND REPORTING OF HALONS AND F-GASES

References:

A. JSP 418 Leaflet 6 Fluorinated Greenhouse Gases (F-Gases).
B. JSP 418 Leaflet 7 Ozone Depleting Substances.
C. JSP 418 Leaflet 7 Reporting Matrix (MS Office Excel Spreadsheet).

MANAGEMENT

MOD Policy

1. The MOD management and reporting requirements for Halons and Fluorinated Greenhouse Gases (F-Gases) is defined in Reference A and Reference B. This Annex defines the DE&S process for compliance.

Delivery Teams

2. Delivery Teams (DTs) are to ensure that, within their area of responsibility:

   a. All uses of the substances are identified, described and reported centrally annually, as described below.

   b. A strategy exists to minimise use and emissions of the F-Gases and to ensure that more environmentally acceptable alternatives are evaluated and used wherever they are suitable.

   c. A strategy exists to replace all the identified uses of the Ozone Depleting Substances (ODSs), to support them until they are replaced where this is consistent with MOD policy and permitted under the applicable legislation, and to minimise emissions of the substances to atmosphere.

   d. A plan exists and is regularly reviewed to implement the strategy in order to comply with MOD Policy and current legislation.

   e. A communications plan exists to enable information exchange between DTs and Users to ensure use, emissions and reporting requirements are met.

Users

3. All users of the controlled substances and, most notably, the operators of the equipment containing ODSs and F-Gases **must** take all precautionary measures practicable to prevent and minimise any leakages and emissions of controlled substances.

Operating Centres

4. OCs must have a governance process which captures and coordinates the management and reporting process.

REPORTING

Safety and Environmental Protection

5. QSEP have been delegated responsibility for maintenance of ODS and F-Gas Policy Leaflets (Reference A and B). QSEP Hd, as the DE&S Focal Point (TLB Representative), is responsible for coordination of the annual returns and significant accidental or avoidable loss reports.

Delivery Teams

6. **Procurement and Losses**. DTs must notify the DE&S Focal Point of all significant procurements or events that result in a significant accidental or avoidable loss of any F-Gas or ODS[20] (as soon as reasonably practicable). The notification of the event should include a concise description of the circumstances, the outcome of the investigation and a description of measures taken to prevent a recurrence.

7. **Annual Report**. The Annual Report for each calendar year is to be collated through OCs and returned, in an electronic format wherever possible, to the DE&S Focal Point by 1 Mar of the following year. Data is to be supplied in the format of the Reporting Matrix at Reference C. DT reporting requirements are to be in accordance with References A and B.

Training

8. F-Gas and ODS training requirements are detailed in Reference A and B or temporarily through Defence Instructions and Notices (DINs). Reporting requirements for training courses and certification will also be detailed in those publications.

DEROGATIONS

Ozone Depleting Substances

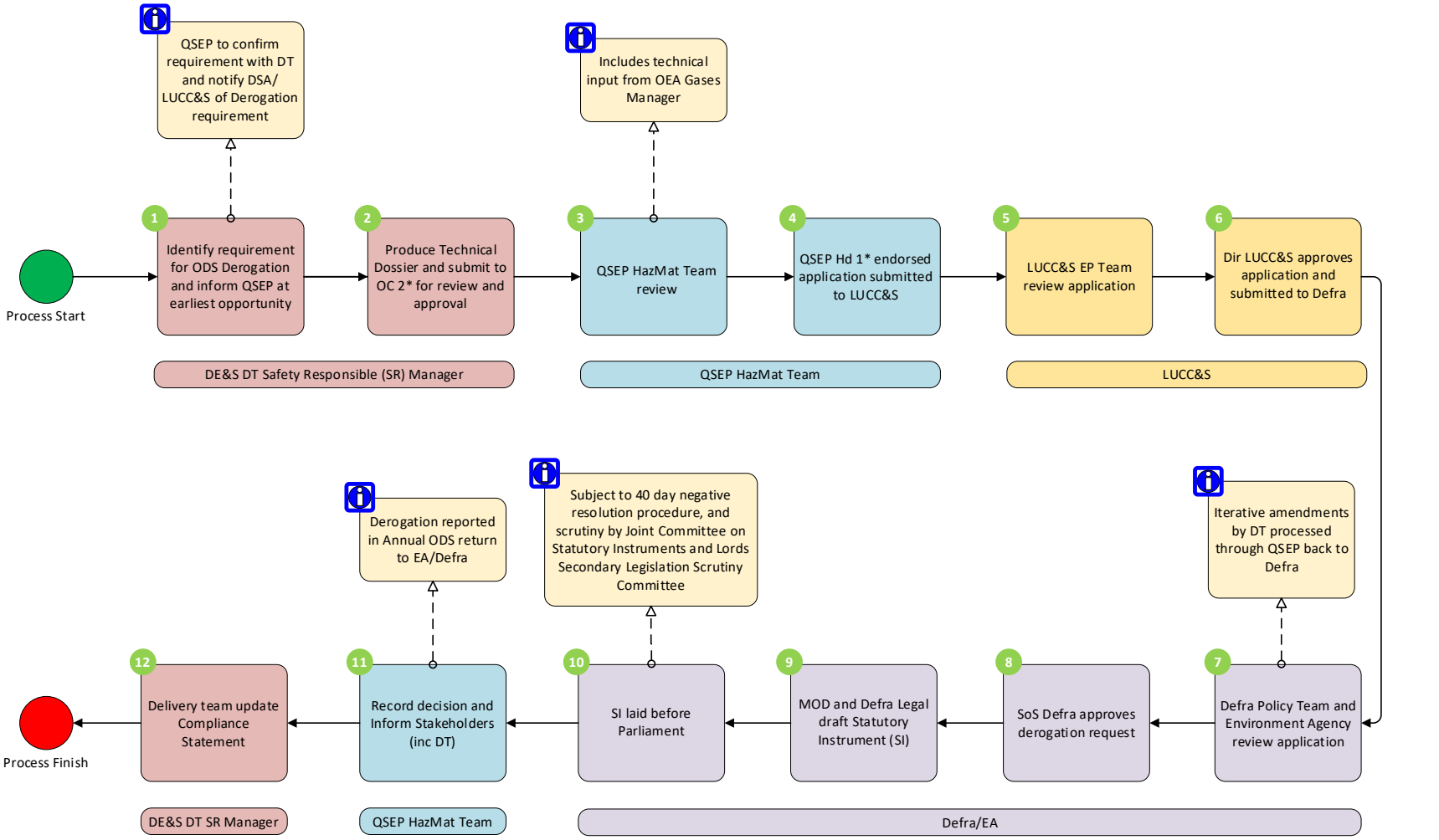
9. Where the use of Halon is required beyond either the cut-off date or end-date listed in Annex 4 of the ODS Regulations, it is possible for an application for a Derogation to be made to Defra. There are a limited set of circumstances when a derogation will be granted, so all efforts should be made to identify a compliant alternative.

10. Should Defra agree to the derogation, secondary legislation is required to be laid before Parliament. Any granted derogation will therefore be in the public domain, and subject to scrutiny (and rejection) by Parliament.

11. The derogation process is outlined in Figure 4. For additional support please contact DES EngSfty-QSEP SEP-Reach (MULTIUSER)

[20] The information/data which operators of equipment containing ozone depleting substances or fluorinated greenhouse gases are mandated to collect and gather must be made available to the competent authority (Defra) if requested.

ODS Derogation Flow Chart



v5 August 2023

Fig 5. Ozone Depleting Substance Derogation Flow Chart

ANNEX D TO
DE&S S&EP LEAFLET 07/2013
DATED AUG 2022

HAZARDOUS SUBSTANCE MANAGEMENT ASSURANCE

Assurance

1. Audit and Assurance is an integral part of safety and environmental management systems. It may be carried out through the Regulator, TLB, Operating Centre (OC), external or internal review processes. For DE&S, it provides safety and environmental assurance to Senior Management of the status of safety and environmental delivery and culture within their areas of responsibility. To ensure hazardous substance management is included in the through life assurance processes, an exemplar question set focused on the requirements of this leaflet has been developed.

Operating Centre Question Set

	Question	Result
COHERENT MANAGEMENT PROCESS FOR LEGISLATION AND MOD POLICY		
1	Does the OC O&A statement identify how the OC intends meeting the General Requirements for S&EP responsibilities mandated by the CEO's O&A Statement, and processes for:	
1a	Compliance and non-compliance management?	
1b	Authorisation of disapplication, derogation and exemptions at an appropriate management level?	
1c	Coordination of HSRM reporting as required by MOD Policy or Legislation?	
MONITORING AND MEASURING SAFETY AND ENVIRONMENTAL PERFORMANCE		
2	Are there processes for monitoring and measuring safety and environmental performance that addresses management of hazardous substances, through life and do they assure that:	
2a	They are commensurate with the risk?	
2b	New or continued use of hazardous substances are properly risk assessed?	
2c	The justification and approval processes have been followed and have been authorised at an appropriate management level?	
2d	Compliance with Legislation, Standards and MOD Policy has been maintained?	
2e	Risks and environmental impacts are managed within the appropriate safety and environmental management systems?	
2f	Elimination Plans, Obsolescence Plans and Disposal Plans have been developed, and are valid and appropriate?	
2g	Sufficient information has been provided to customers to enable safe use and prevention of harm to others and the environment?	

Procurement Team Question Set

	Question	Result
HAZARDOUS SUBSTANCES AND RESTRICTED MATERIALS MANAGEMENT REQUIREMENTS		
3	Does the DT have a process for the management of HSRM?	
4	Is there evidence that all new uses of HSRM are avoided where possible?	
5	Is there evidence that all hazardous substances and equipment containing hazardous substances are identified, and:	
5a	Is there evidence that DEFCON 68, 624 or Standardised Contracting terms and conditions have been applied?	
5b	Has SDS been logged in HSIS and reviewed in accordance with JSP 515?	
5c	Have Risk Assessments been carried out for the new or continued use of hazardous substances?	
5d	Are control measures commensurate with the risk and accepted by the Duty Holder/primary user?	
5e	Is hazardous material use justified and authorised at an appropriate management level?	
5f	Is there evidence that use of hazardous substances is captured in the Safety and Environmental cases?	
5g	Is there evidence that warnings and information on hazardous substances have been included in labelling of delivered equipment or services publications covering operation, maintenance, packaging, storage and transport delivered equipment or services?	
5h	Where the substance is ACM, is it recorded in the Live Asbestos Register with an associated MOD Technical Dossier and Asbestos Elimination Plan (linked to the Safety and Environmental Management Plan)?	
6	Do the safety and environmental management systems (EMP01/SMP01) identify applicable legislation and standards and:	
6a	Where the legislation applies to hazardous substances, is there evidence of the impact of that legislation on the use of hazardous substance?	
6b	Is the environmental impact or hazard reflected in the environmental or safety cases (Hazard Log or Environmental Features Matrix)?	

	Question	Result
6c	Is there evidence that, where an operational capability may be affected by the legislation, an assessment as to whether any disapplication or exemption within the legislation is tolerable and justifiable has been carried out?	
6d	Where equipment or services are not compliant with legislation, has the risk been referred to a higher authority?	
7	Is there evidence that Delivery Teams have sought assurance that their suppliers are compliant with current Legislation and:	
7a	Is there evidence of consultation with Industry to identify suitable and adequate alternative solutions at the earliest opportunity?	
7b	Where identified and proven to meet MOD specifications, has the hazardous substance been substituted, so far as is reasonably practicable?	
8	Is there evidence of a Disposal Plan and does the plan include:	
8a	Engagement with Defence Equipment Sales Authority?	
8b	Solutions for disposal both through life and end of life?	
8c	Where disposal has taken place, is there assurance that the correct disposal process and competent contractors have been used?	
9	Is their evidence that auditable records of hazardous substance management are maintained and:	
9a	Where there is a legal or MOD policy obligation to manage and report use of hazardous substances, is the documentation current, and accurate?	
9b	Is their evidence of inspection or assurance by Regulators (internal or external), Enforcing Authorities or Auditors?	

ANNEX E TO
DE&S S&EP LEAFLET 07/2013
DATED AUG 2023

JSP 515 ALTERNATIVE ACCEPTABLE MEANS OF COMPLIANCE (AAMC) REQUIREMENT

Introduction

1. There is an enduring requirement for QSEP to provide AAMC from MOD policy which mandates the provision of Safety Data Sheets (SDS) through JSP 515 'The MOD Hazardous Stores Information System' (HSIS).

2. DE&S procurement strategy does not always align to this policy requirement and is leading to instances of non-compliance where DTs manage SDS through bespoke inventory systems. DE&S is subject to a DSA MTSR SDS Improvement Notice (IN) and to support the current Defence AIB asbestos NSI, action is now required to address further instances of non-compliance across the TLB.

References:

A: JSP 515 The MOD Hazardous Stores Information System (HSIS).

B: DSA 03. Movement and Transport Safety Regulations MTSR Regulation No.8.

Aim

3. The aim of this leaflet is to outline the requirement for an AAMC from the MOD policy contained in Ref A. Additionally, to avoid policy non-compliance, provide those Delivery Teams (DT) that utilise bespoke Inventory Systems (IS) an approved AAMC application process which is detailed at Appendix A, whilst maintaining all legislative and safety standards.

MOD Policy

4. UK health and safety legislation requires employers to ensure, So Far As Is Reasonably Practicable (SFAIRP), the health, safety and welfare of employees and anyone else who may be affected by a work activity. UK legislation also requires employers to achieve this through effective implementation of suitable mitigation of the risks associated with the activity. In accordance with the Secretary of State's Policy these requirements apply to all Defence activities.

5. MOD enacts provision of safety information for Hazardous Materials (HazMat) through Ref A, mandating the use of the MOD Hazardous Stores Information System (HSIS) as the official MOD system for promulgating SDS pan-defence.

Background

6. MTSR Regulation Ref B 'Hazardous Stores Information' mandates that DE&S shall, as the designated Defence delivery agent, maintain a system which provides readily accessible hazardous stores and safety information for all products that are designated as, or contain, hazardous substances, mixtures and articles. This is achieved through the provision of the HSIS database and managed through the Defence Code of Practise (DCoP) contained within Ref A Part 2

7. The HSIS data base was designed more than 20 years ago as MODs single system for provision of safety information. It is reliant on the NATO codification process where procured equipment is codified with a unique NATO Stock Number (NSN), and for equipment containing hazardous material an applicable SDS is forwarded to the HSIS team by the DT Supply Chain Manager (SCM). The SDS is then uploaded to the HSIS database along with an SDS Cover Sheet which reflects the NATO Stock Number (NSN) and other applicable details. A key aspect of the

HSIS process is the updating of the items hazard code on the MOD Codification Support Information System (CSIS) which ensures wider MOD Base Inventory Systems (BIS) are updated

8. Implementation of the NATO Codification process ensures SDS can be accessed pan MOD via any user with a MODNET account. However, in contrast, more recent procurement strategies have diverged from this process and introduced contractual arrangements where equipment is managed via bespoke through-life inventories which do not provide the same degree of pan MOD SDS visibility as those on HSIS. In addition to areas where SDS are classed above OFFICIAL, which is often managed locally, a cover sheet is used on HSIS to direct the user to access the SDS.

9. Examples of recent procurement strategies which may have diverged from the codification process:

a. Foreign Military Sales

b. Memorandums of Understanding

c. Private Finance Initiatives

d. Military Registered Civilian Owned Aircraft

e. Safety information above Official[21]

Applicability and Scope

10. In many of the circumstances described above, equipment, spares, and maintenance documentation including the provision of SDS and safety information for MOD and Civilian personnel employed on the platforms is provided and managed through a bespoke platform specific IS which in addition to being non-compliant with the DCoP contained within Ref A is non-compliant with paragraph 5 of the Defence Logistics Framework (DLF) Fundamentals of Materiel Accounting (mil.uk) policy.

11. In addition to SDS not being visible to the wider MOD, DTs should also consider that codification is a mandated Supply Policy requirement which ensures MOD owned inventory levels remain visible to sustain force elements, identify where public money is being spent and ultimately, what inventory is being held, it's location and condition for when FLC need to use it. Where non codified inventories are used, they do not provide visibility of such information and therefore, present a risk from a Supply policy perspective. An agreed and available route is therefore required to ensure this risk is minimised.

12. DTs seeking AAMC should do so in accordance with the process flow chart at Appendix A. Any DTs not able to demonstrate sufficient evidence to meet the requirements laid out in the application form at Appendix B, will have their application for AAMC rejected. DTs should therefore consider such an outcome and be prepared to seek codification where necessary to protect MOD personnel. This may involve duplicating their SDS on HSIS or seeking exemption against the regulatory requirements at Ref B from the DSA MTSR Regulator however, DSA consider any waiver of AAMC against Ref A as a policy requirement and within the remit of QSEP to endorse rather than for the DT to seek a Regulatory exemption in the first instance.

[21] HSIS is classified Official only

Applicability and Scope

13. Nothing within this leaflet detracts from the requirement for DTs to comply with Ref A. Any waiver for AAMC will only be considered where DTs provide suitable mitigation against the policy requirements contained within Ref A and demonstrate as a minimum, evidence of the following:

a. SDS and/or relevant safety information is made available to MOD/Civilian personnel when and where they require it. This includes when equipment is moved outside the bespoke inventory system through the MOD supply chain including:

    i. Road /Rail/Maritime Transport

    ii. Air Head

b. Cover sheet provided to HSIS to identify where an AAMC inventory system is in use detailing:

    i. DT POC details

    ii. Review date

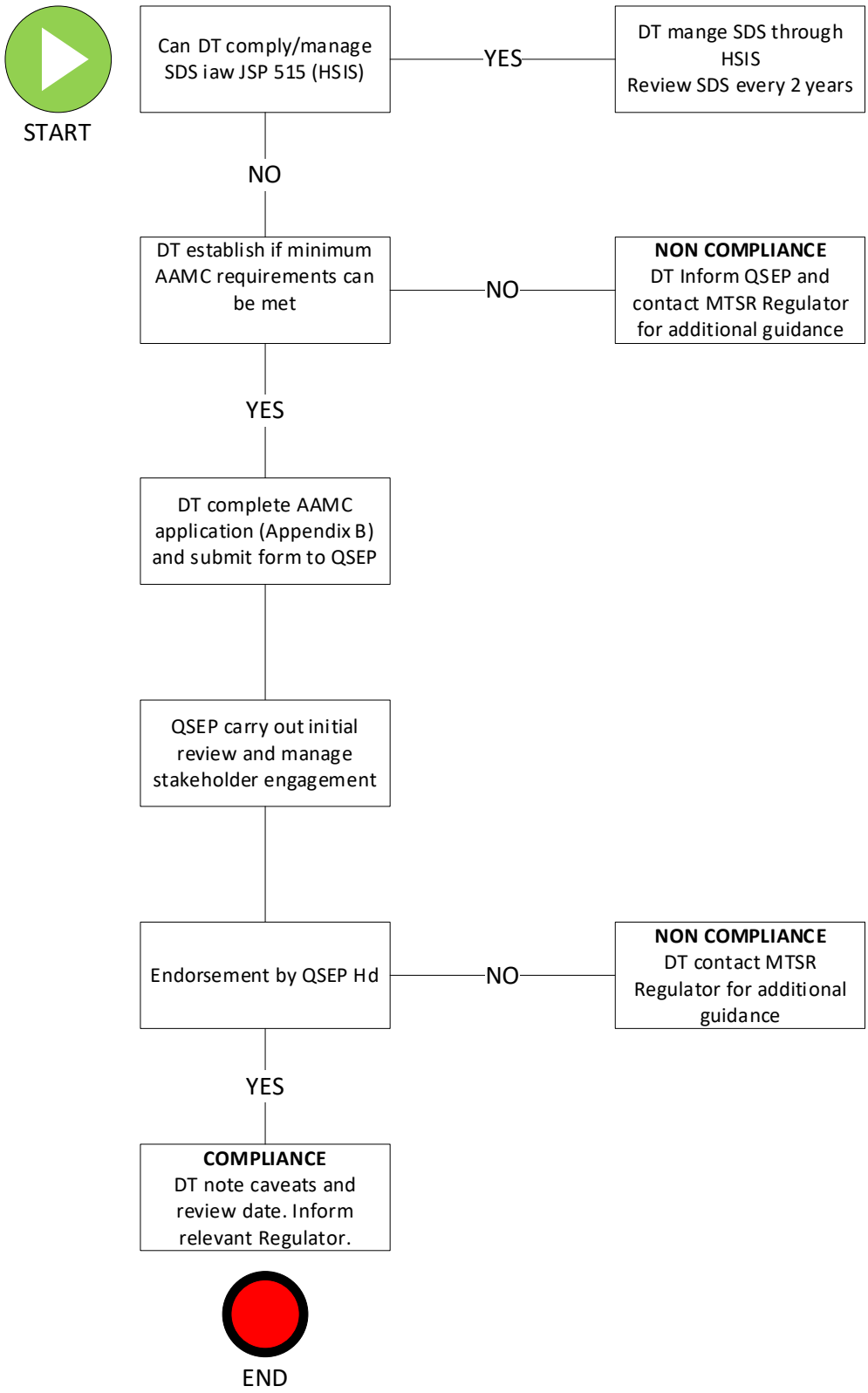
    iii. Name of Inventory system

c. Regular reviews of the SDS/Safety information contained on the inventory system.

d. Assurance and accountability that UK legislative requirements and MOD HSEP Policy is upheld.

Appendix A: JSP 515 (HSIS) Alternative Acceptable Means of Compliance (AAMC) Process flow chart.
Appendix B: JSP 515 (HSIS) Alternative Acceptable Means of Compliance (AAMC) Application Form.

JSP 515 (HSIS) Alternative Acceptable Means of Compliance (AAMC) Procedure Flow Chart;



JSP 515 (HSIS) Alternative acceptable means of compliance (AAMC) application form

1. Legislative Requirement.

UK REACH Article 31, mandates the provision of Safety Data Sheets (SDS) to a globally recognised standard format for physicochemical-based hazards in the form of substances, mixtures and equipment containing such products. Furthermore, the Health and Safety at Work Act 1974 (HASAWA '74) places a duty on any person who designs, manufactures, imports, or supplies any article for use at work to ensure that there will be available adequate safety information.

2. Delivery Team (DT) Applicant Details.

OC	
DT	
DT POC Contact Name	
Contact Tel	
Email	

3. DT/OC Application Approval. *DT representative declares JSP 515(HSIS) is being met by alternative means*

	Name	**Signature**	**Date**
DT Principal Engineer/TAA			
OC HEA			

4. Inventory System Details.

Equipment managed through MOD supply chain but SDS sensitivity above Official	YES/NO	If yes go to section 5.3
Name of Inventory System		
Inventory System Owner/OEM/CDO		

5. Supporting Submission Evidence Please provide the following evidence to support your application for AAMC against JSP515 (HSIS).

5.1. SDS Availability

a. How are SDS and relevant safety information made available to MOD/Civilian personnel employed on the platform/equipment.
b. What format are SDS provided (GHS/REACH/other).
c. Records. How are SDS in archive form made available when required.

5.2. Transportation

When moving equipment through the MOD Supply & Movements (S&M) chain what measures are in place to ensure S&M personnel **not** employed on the platform/equipment have access to relevant safety information. Include movement by Air/Road/Rail/Sea where applicable.

5.3. HSIS Data Base Cover Sheet

Provide cover sheet to the HSIS team detailing: Name of DT, Platform/Equipment, inventory system name, POC details including contact telephone number, email address, and cover sheet review date.

5.4. Safety information review (It is a Regulatory requirement to review SDS held on HSIS every 2 years).

a. How does the DT ensure SDS/Safety information is regularly reviewed and kept up to date.
b. Timescale for SDS review.

5.5 Assurance

Evidence how the DT ensures UK legislative requirements and MOD HSEP Policy for the use of HazMat is being upheld including:

a. Procurement and through life management.
b. Elimination & Disposal plans.
c. Reporting & Accountability.

Note. Any endorsed waiver of AAMC against JSP515 (HSIS) may be included within QSEP assurance schedule.

6. Stakeholder engagement

	Name	Signature	Date
QSEP SME			
ODF SME			
DSA MTSR			

7. Endorsement

	Name	Signature	Date
OC 1*			
QSEP Hd			

Notes/Caveats:

Review Date:

Please send completed application form to QSEP SEP-HSIS Multiuser DESEngSfty-QSEPSEP-HSISMulti@mod.gov.uk