

Mr David Eyres  
Chairman – Fuel Experts Association

Sent by email

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Dear David

**RECLASSIFICATION OF DIESEL AS A FLAMMABLE LIQUID: IMPLICATIONS FOR BUSINESSES  
STORING AND DISPENSING DIESEL**

I am writing to summarise the outcome of our productive conversations over the past few months and to set out what those businesses involved in storing and dispensing diesel need to do to comply with the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) and the most relevant aspects of the HSE publication HSG 176 "*Storage of flammable liquids in tanks*".

The purpose of this is to ensure that those businesses who are already managing the risks associated with these activities do not change what they are doing and do not incur unnecessary costs as a result of the reclassification of diesel as a flammable liquid by the European CLP Regulation.

I am also taking this opportunity to reconfirm the position regarding the storage of kerosene at commercial and industrial premises.

Storage and dispensing of diesel

Although the classification of diesel has been changed by CLP, we agreed that the risks associated with storing and dispensing it have not. Therefore all those businesses that are already complying with DSEAR, by controlling the risks posed by diesel, need take no further action as a result of the CLP reclassification.

Businesses can use various sources of information to help them decide whether they are controlling their risks, including the HSG 176 guidance document.

We agreed that a number of points in this document are not appropriate for the risks posed by diesel. To avoid businesses inadvertently putting in place control measures over and above those necessary to comply with DSEAR, I agreed to set out HSE's expectations.

Paragraphs 277 to 289 of HSG 176 provide guidance on issues to consider when working with higher flashpoint liquids such as diesel. Paragraph 277 makes clear that some of the precautions outlined in the wider guidance document can be relaxed.

For the avoidance of any doubt, where diesel fuel is stored in storage tanks with a capacity not exceeding 150,000 litres, designed to recognised and appropriate industry standards such as BS 799 Part 5, OFS T/200, EN 13341 or OFS T/100 and where the vessels were manufactured in a workshop environment to controlled standards and where there is no risk associated with the formation of a flammable oil mist, the requirements of HSG 176 do not need to be applied. Information that could be used to inform this decision would include any historical evidence of an incident due to misting as well as any other relevant guidance.

Storage of kerosene at commercial and industrial premises

I am also taking this opportunity to reconfirm the position set out in HSE's letter dated 12 February 2012 to the Chairman of BSI Committee RHE/13 on the interface of the standards detailed in both HSG 176 and BS 5410 Part 2 regarding the storage of Kerosene namely:

For installations up to 10 000 litres the provisions of BS 5410 Part 2 should be applied and for installations of a greater capacity than 10 000 litres the provisions of HSG 176 should be applied.

I trust this sets out the position and I would be very happy for the Fuel Experts Association to disseminate this to interested parties.

Kind regards

*Matthew Penrose.*

**Dr Matthew Penrose**