

## COMPLIANCE WITH THE NEW ADR/RID SECURITY MEASURES

### OBJECTIVE

1. This paper explains how TRANSEC and the Vehicle and Operator Services Agency (VOSA) intend to put into effect compliance activity with the new security measures found in chapter 1.10 of ADR and RID.
2. The decisions on how to ensure compliance take into account the need to comply with the EU requirements and the Secretary of State's stated intention to see a "light touch" regime. Because this is a "light touch" regime, the new ADR and RID security measures are not designed to replicate the protective regimes in other modes. As far as possible they reflect our desire to stay as close as possible to the voluntary Codes of Practice and supporting guidance that are currently in place.
3. It has been agreed that VOSA will monitor compliance for the transport of dangerous goods by road. They have an established national enforcement network and extensive experience of dealing with the road haulage industry. TRANSEC's own rail security inspectors will undertake the rail compliance activity.

### COMPLIANCE

#### Identifying companies involved in the transport of dangerous goods

4. VOSA and TRANSEC will develop a database using existing information and [for road transport] information from roadside checks.
5. It would be possible to make it a requirement for all companies involved in the transport of dangerous goods to notify us that they carry dangerous goods. This extension of ADR/RID does have attractions from the compliance perspective but we judge that neither are justified now on the basis of a threat/risk assessment and bearing in mind Ministers' commitment to a light touch approach. We will however, re-visit these issues in the light of the first year's experience of a voluntary regime.

#### Roadside inspections

6. All VOSA examiners that are trained to deal with dangerous goods vehicles will be authorised to inspect for security at the roadside. Any non-compliance issues will be dealt with by seeking advice (by telephone if necessary) from security trained VOSA officers.

#### Site inspections

7. In addition to a basic check for compliance with statutory requirements, security trained VOSA and TRANSEC examiners will:

- carry out a site vulnerability assessment.
- check that key systems are working and correct records are in place.
- if a security plan has been created that the key measures are in place and working and that correct records are in place
- additionally report any vulnerabilities not addressed.

### Roadside and site compliance

8. The existing roadside dangerous goods safety inspection sheet will show a record of a security inspection being carried out. A driver will be told if he is non-compliant with any non-compliant issues being confirmed in writing to the operator. A follow up visit to an operator will be made if deemed appropriate.
9. Advice of non-compliance at a site will be given to the company.
10. Reports on all compliance monitoring activity will be sent to TRANSEC who will collate and analyse the reports.
11. Most of the work will focus on checks at premises where the new security requirements are greatest. e.g. vehicle depots, berthing areas, sidings and any temporary storage areas used for the transport of dangerous goods.
12. Compliance checks will commence from 1 July 2005 (when the security measures become law). The compliance model to be used will be consistent with the one TRANSEC applies to the other industries that it regulates. It will follow a stepped approach to enforcement with the emphasis on co-operation, advice, dialogue and self-rectification.
13. The requirements will overlap existing security regimes so compliance activity will, where possible, be co-ordinated.

### VOSA training

15. TRANSEC in conjunction with the Security Service will train all security examiners. Training of staff will be done in phases, to reflect the number of inspections that need to be made.
16. Although the role of security inspector is new to VOSA, existing staff have many of the competencies required to fulfil this role. VOSA examiners regularly carry out vehicle checks, site checks and document and process audits. They are also sensitive to suspicious changes in behaviour and are experienced with drivers and companies that are involved with criminal activity, for example falsifying tachograph records or importing stolen vehicles and re-issuing them with false plates.
17. However, to ensure that the VOSA officers have an equivalent skill and knowledge set they will undergo a bespoke training course designed by the Security Service and NACTSO, which will include detailed training in the threat/risk approach to security and in identifying security vulnerabilities.

18. The inspectors will follow inspection guidelines, set by TRANSEC, but will be required to exercise their own judgement in light of the specific characteristics of different sites.

What will be the frequency and length of inspection?

19. We will develop a prioritised and risk based approach concentrating first on companies that handle high consequence dangerous goods.

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