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### **HSE Consultation on Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**

Fuels Industry UK represents the companies that manufacture and supply over 85% of the UK's transport fuels, investing in sector-wide transformation to help the country reach net zero. That includes conventional and lower carbon alternative fuel suppliers alongside terminal and pipeline operators.

Member companies range from the operators of the major oil refineries in the UK through to heating fuel suppliers and LNG importers; owning around 1,250 of the UK's 8,000 filling stations. They have invested over £9 billion in the UK over the last ten years and employ 100,000 people across the UK sector.

Fuels Industry UK is pleased to submit a response covering some of the proposals addressed in the consultation. The proposals cover: the time to complete and submit a RIDDOR form, alignment with sector specific standards, and definitions not included in the consultation that could be made clearer.

#### **Time to complete and submit a RIDDOR form**

Fuels Industry UK understands that to gather the relevant material to complete a RIDDOR form takes a team of employees a minimum of a full working day. This is equivalent to several working days based on input required from several people. The process takes time to ensure the information is accurate and verified internally before sending it, particularly as the categorisation used by RIDDOR does not always align with company standards used for categorisation. For example, process safety event classification is typically based on API RP 754 "Process Safety Performance Indicators for the Refining and Petrochemical Industries" for FIUK members. The level of scrutiny

taken by Association members is to ensure that it is done right first time preventing needless engagement with the HSE if an unnecessary report is submitted.

### **Alignment with sector specific standards for Process safety events**

Currently "Description" is free text for Dangerous Occurrences. Fuels Industry UK suggest that it would streamline the reporting process if this free text field was replaced with further "drop down" options which could be selected, for instance, mode of operation: "start-up", "planned shutdown", "emergency shutdown". This could include different fields once the type of "dangerous occurrence" is selected, based on the required information to be gathered by HSE.

Existing standard API RP 754 "Process Safety Performance Indicators for the Refining and Petrochemical Industries" already defines process safety events such as loss of primary containment and is a recognised industry recommended practice document. Alignment with this standard for process safety events would reduce administrative burden for both regulator and regulated. It is expected that using such "closed" categories for collecting data would also benefit HSE from simplifying analysis of aggregated data.

### **Definitions not included in the consultation that could be made clearer**

Fuels Industry UK believes that clarification of the meaning of the terms "sudden" and "uncontrolled" (Schedule 2 Part 2, Paragraph 26) should be clarified in the Regulations or associated guidance and applied equally to all sites. Currently "sudden" and "uncontrolled" are open to interpretation which has led to inconsistent regulation by the HSE. Thresholds could be defined to help judgements and reduce ambiguity. The existing standard, API RP 754 "Process Safety Performance Indicators for the Refining and Petrochemical Industries" uses clear rate thresholds for material types and is a recognised industry recommended practice document.

Fuels Industry UK is aware that the following information has been provided to a site, but is not published in guidance, and has not been applied to other sites:

"HSE interprets 'sudden', as relating to the damage to the storage vessel itself, as opposed to the rate of the leak. For example, a sudden loss of containment of flammable liquids/gases in a vessel that was uncontrolled and unintentional, would be reportable at the point that the release thresholds were met, even if the leak was a slow leak. 'Uncontrolled' would be if the release cannot be stopped on demand, nor diverted by a safe means, via a safe route, to a safe place – for example to another storage tank or flare."

Additionally, Fuels Industry UK believes that clarification is required for terms contained in Schedule 2 Part 2, Paragraph 27 "The unintentional release or escape of any substance which could cause personal injury to any person other than through the

combustion of flammable liquids or gases". Specifically, the term "which could cause personal injury to any person" could be made clearer and should be applied consistently by HSE. The following information has been provided to a site, but is not published in guidance, and has not been applied to other sites:

"The unintentional release or escape of any substance 'which could cause personal injury to any persons other than through the combustion or flammable liquids or gases.' The Regulations do not require a duty holder to take account of details such as what the injury could be, frequency or likelihood of occurrence or foreseeability because they are simply a statistical gathering tool. Therefore, when an event occurs the question is could the release or escape have caused personal injury to any person? If access to the affected area is required at certain times in the process by operators, then it is possible that personal injury 'could' have been caused. There is nothing in the regulations narrowing the requirement to report only after a company has taken account of its own considerations."

Fuels Industry UK is aware that the API RP 754 doesn't cover the full challenge of Paragraph 27. However, a combination of API RP 754 categories, thresholds and rates combined with the advice above would provide welcome clarification if contained in guidance.

Lastly, the wording in the regulations and the wording used in the notification form relating to "Accidental release or escape of substances liable to cause harm" is inconsistent which should be aligned.

Yours sincerely,

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