

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003 (SI 1082 /2003)

Guidance on exemptions for ammonium nitrate to be used for non-agricultural purposes

Introduction

1. This note is intended for explosives manufacturers, quarry operators and other firms using ammonium nitrate for non-agricultural purposes such as the manufacture of explosives. It explains the implications of the regulations and the process for obtaining an exemption certificate.

The Regulations

2. The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003 prohibit anyone from manufacturing, importing, supplying, or keeping ammonium nitrate that has not passed a Detonation Resistance Test. There are however two exceptions to this:

- quarry operators storing ammonium nitrate at a quarry for use in the manufacture of an explosive (ie ANFO) at that quarry. If you fall into this category, an exemption is not required and **you need take no further action.**
- those manufacturing, supplying, importing or keeping (other than keeping for use on site as described above) ammonium nitrate for use other than as a fertiliser (referred to as technical grade ammonium nitrate) – provided that they hold an exemption certificate from HSE. The certificate will give exemption from the requirements concerning the Detonation Resistance Test but it is important to note that the Regulations also contain **requirements on record keeping that will still apply.**

3. The exemption provision is intended to allow continued supply of technical grade ammonium nitrate, which will of necessity not pass the detonation resistance test. It is not intended to allow ammonium nitrate fertilisers which have failed the detonation resistance test to be diverted into use for non-fertiliser purposes such as in explosives manufacture.

4. It follows from the above that exemption certificates should be applied for in advance of the material either being manufactured or imported into Great Britain and certificates will normally only be issued on that basis.

Exemption conditions

5. The exemption will contain three main conditions:
- the ammonium nitrate must not be supplied for use as a fertiliser;
 - ammonium nitrate fertilisers which have failed the detonation resistance test are not used for non-fertiliser purposes
 - that you inform HSE if there are any changes in the location of the places storing the ammonium nitrate, or if any other information provided in the original application is no longer correct.

Obtaining an exemption certificate

6. If you manufacture, import, supply or keep ammonium nitrate which is to be used other than as a fertiliser you can apply for an exemption certificate by writing on your company's letter-headed paper to:

Mines Quarries and Explosives Policy
Health and Safety Executive
Rose Court
2 Southwark Bridge
London SE1 9HS

Tel: 020 7717 6262 Fax: 020 7717 6690

e-mail: explosives.policy@hse.gsi.gov.uk

7. In your letter you will need to:
- give the name of the company and its business address
 - state the nature of your company's operations involving ammonium nitrate (eg manufacture, import, supply, or keeping)
 - confirm that the ammonium nitrate is not for use as a fertiliser
 - confirm that the ammonium nitrate is not likely to pass the Detonation Resistance Test
 - state the type of ammonium nitrate, in particular confirming it is technical grade ammonium nitrate
 - give the location or locations where you intend to manufacture or store the ammonium nitrate
 - state the use to which the ammonium nitrate is to be put
 - state the conditions under which the ammonium nitrate will be stored and supplied (ie so that it will be clearly identifiable as technical grade ammonium nitrate and, where applicable, separated from fertiliser grade ammonium nitrate)
 - give the name, position in the company and contact details of someone we can talk to if there are any further questions about your application.

Questions & Answers

The questions and answers below relate to technical grade ammonium nitrate which would not pass the detonation resistance test. For brevity we have described this as “ammonium nitrate”. Numbers of regulations are given for anyone who wants to refer to the relevant regulation.

Q. All the ammonium nitrate which I keep has been classified as an explosive (ie Class 1) under the Classification and Labelling of Explosives Regulations 1983. Do I need an exemption certificate?

A. No. Ammonium nitrate which is classified as an explosive is covered by separate legislation and these regulations do not apply.

(Regulation 2(1), last 2 lines)

Q. I keep different types of ammonium nitrate, some of which could satisfy the detonation resistance test and some which could not. Do I need an exemption certificate?

A. Yes. Please apply to us stating the type(s) of ammonium nitrate which you keep which could not satisfy the detonation resistant test and we will issue an exemption certificate for those type(s) of ammonium nitrate only.

(Regulation 10(1))

Q. My business is not quarrying but still involves keeping ammonium nitrate for use on the premises. Do I need an exemption certificate?

A. No, provided you satisfy the same conditions as for quarries. We mention quarry operators specifically because the great majority of businesses who keep for use on site are quarries, but any other type of business also comes within the disapplication and no certificate is required.

(Regulation 6(2)(b))

Q. What if my company keeps ammonium nitrate at more than one site?

Please list all the sites in your application. We will normally issue just one certificate listing all your sites.

Q. My company keeps ammonium nitrate at more than one location and sometimes moves the ammonium nitrate from one site to another. Do I need an exemption certificate?

A. Yes – because keeping at the first site is not keeping for use at the site where it has been delivered. This applies for instance, to quarries that supply ammonium nitrate to other quarries.

(Regulation 6(2)(b))

Q. Will you be passing on the information about the Exemption Certificate to any other organisations?

A. We will normally inform the local authority which covers the site(s) where the ammonium nitrate is kept that HSE has issued an Exemption Certificate. They need to know this because otherwise they would be responsible for enforcing the regulations.

(Regulation 11)

Q. When will the HSE issue the certificate?

A. We will aim to issue the certificate within 5 working days (though this will depend on whether we need to ask you for any further information).

Q. What conditions will HSE expect me to satisfy before an Exemption Certificate is granted?

A. The main conditions (in addition to those set out in the Regulations) which HSE will expect to be satisfied are:

- that you have a legitimate reason to manufacture/import/supply or keep the ammonium nitrate
- That the ammonium nitrate is technical grade ammonium nitrate, and not ammonium nitrate fertilisers which do not satisfy the detonation resistance test
- that the ammonium nitrate is clearly identifiable as technical grade and, where applicable, separated from any ammonium nitrate fertiliser

(Regulation 10(2)(b))

Q. Where can I get further information about the regulations?

A. Enquiries about Exemption Certificates or technical grade ammonium nitrate which does not satisfy the detonation resistance test should be addressed to HSE at the address given in the guidance.

Enquiries about any other aspect of the regulations should be addressed to the enforcing authority for the remaining regulations; normally your County, Borough or District Council.

(Regulation 11)

The full text of the Regulations is available to view or download from the OPSI (Office of Public Sector Information) web site at:

www.opsi.gov.uk/si/si2003/uksi_20031082_en.pdf