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Dear John,

I am writing in response to the issues you raised at the 26 February 2019 House of Lords debate on the draft Carriage of Dangerous Goods (Amendment) Regulations 2019. You asked about the non-statutory guidance being produced to accompany the Regulations, and whether it will include actions that should be taken if a worker is exposed to several spikes of radiation over time amounting to an excessive level. These are important considerations and I hope the following explanation provides sufficient clarity.

Guidance

The Office for Nuclear Regulation (ONR) will update its existing guidance following an informal six-week consultation period with industry stakeholders. The guidance will be published on ONR's website by June 2019. The guidance is non-statutory as this is the standard procedure for guidance for the Carriage of Dangerous Goods Regulations 2009 as a whole (i.e. the guidance on each part of those regulations is non-statutory, so it is appropriate to maintain consistency for the schedule that deals with radioactive goods). It would be premature to confirm the contents of the guidance as it is still in development and may come to include additional matters as a result of the informal consultation.

Exposure to cumulative spikes of radiation

Whenever an employee has received an emergency exposure to ionising radiation, paragraph 7(9) of Schedule 2 requires the worker's employer to "ensure that the dose of ionising radiation received by that employee is assessed by an approved dosimetry service" and "recorded separately in the dose record of that employee." Paragraph 7(1)(e)(ii) requires these results to be notified to the Competent Authority (in practice, the ONR). So in the unlikely event that a responder is exposed to several emergency spikes of a high dose of radiation over time, the ONR and the employer would assess and advise on the worker's situation in terms of their health and future work implications.

I must stress that the likelihood of this scenario occurring in relation to a radioactive transport emergency is extremely low. There are very few accidents involving the transport of radioactive materials in the UK, and it is incredibly rare that any incident would lead to a release of ionising radiation due to stringent packaging requirements. In the case of this scenario occurring in a non-transport situation, you may be interested to know that regulations dealing with emergency preparedness and response at nuclear and radiological sites are due to be laid in Parliament on 26 March 2019. These are the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

These Regulations will be accompanied by statutory guidance which should provide detailed and thorough advice on emergency exposures. I thank you for bringing these issues to my attention in the debate and I trust this explanation provides reassurance of the robustness of the Carriage of Dangerous Goods (Amendment) Regulations 2019.

A copy of this letter will be placed in the Libraries of the House.

A handwritten signature in black ink, appearing to read 'Henley', with a stylized flourish at the end.

Rt Hon Lord Henley