

AMENDMENTS TO THE GUIDELINES FOR THE DEVELOPMENT OF EMERGENCY RESPONSE PROTOCOLS IN THE HYDROCARBONS SECTOR

SEPTEMBER 2023

EXECUTIVE SUMMARY:

- On September 25, 2023, the Agency for Safety, Energy, and Environment (“ASEA”) published in the Federal Official Gazette the Agreement amending, repealing, and adding various articles of the General Administrative Provisions that establish the Guidelines for the development of emergency response protocols in the activities of the Hydrocarbons Sector (the “Guidelines”).
- As a result of a review conducted by ASEA on the original Guidelines¹, the agency identified the need to make modifications in order to streamline the administrative burden on those regulated.
- The key areas of change and modification in the Guidelines include definitions, the frequency of updates, the treatment of the Emergency Response Protocol (“PRE”), and certain repeals.



RELEVANT ASPECTS

The modifications to the Guidelines aim to strike a balance between simplifying administrative processes and ensuring safety and environmental protection in the hydrocarbons sector. Companies need to be aware of these changes and ensure that their emergency response protocols comply with the new regulations to ensure regulatory compliance and safety in their operations.

The key areas of change and modification include:

- 1. DEFINITIONS:** Definitions of key terms related to emergencies, accidents, and protocols are clarified and expanded, including Accident,

Spill, External Emergency Response Plan (PAEE), Internal Emergency Response Plan (PAEI), and PRE. This is crucial to ensure a common and accurate understanding of key concepts among hydrocarbon sector companies.

- 2. PRE UPDATES:** Regulated entities must meet minimum requirements to integrate the PRE into their Industrial Safety, Operational Safety, and Environmental Protection Management System, as well as for its updates. The PRE must be updated in the following cases: **a)** every 5 years, **b)** when there are changes in the design or process that affect the risk analysis and emergency scenarios,

and **c)** when changes occur in the environment involving infrastructure that may pose risks or in the case of events classified as type 2 or 3 according to provisions for reporting incidents and accidents to ASEA. Furthermore, regulated entities must conform to the structure defined in these modified Guidelines and keep these updates readily available at their facilities.

3. ADDITION OF ESSENTIAL DATA FOR INCLUSION IN THE PRE GENERAL INFORMATION:

This encompasses the inclusion of the Unique Registry Key of the Regulated Entity (CURR) or the authorization number of the Management System, a detailed description of operations with flow diagrams, and a map displaying the geographical location of the installation. These elements are critical for an effective response in emergency situations.

4. REPEALINGS: The modified Guidelines repeal certain sections and formats related to the handling of recommendations and summary tables:

- a)** Section V of Article 8, regarding PRE, required the inclusion of the Action Plan for addressing recommendations derived from the Risk Analysis for the Hydrocarbon Sector (ARSH), is eliminated.
- b)** Article 13, which obligated regulated entities to develop an Action Plan to address, monitor, and close specific recommendations derived from the Risk Analysis for the Hydrocarbon Sector (ARSH) related to emergency response, is removed.
- c)** Article 18 has been modified to remove specific deadlines for submitting updates to the Emergency Response Protocol (PRE). Previously, updates had to be submitted to the Agency within defined timeframes, depending on specific circumstances. These deadlines have been eliminated, and it now references that all updates must be carried out following the modified Guidelines and using Format FF-ASEA-037 "Emergency Response Protocol Update."

d) Article 19, which stated that regulated entities engaged in high-risk industrial, commercial, or service activities, in accordance with Article 147 of the General Law of Ecological Balance and Environmental Protection, had to apply these Guidelines for the development of the Accident Prevention Program, is removed.

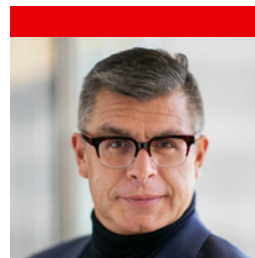
e) Annex IV, containing a summary table of the Action Plan to address recommendations derived from the Risk Analysis for the Hydrocarbon Sector (ARSH), as well as Format FF-ASEA-036 for Emergency Response Protocol Entry and Format FF-ASEA-037 for Emergency Response Protocol Update, is eliminated.

The modified Guidelines came into effect on September 26, 2023, which means that companies in the process of submitting emergency response protocols must adhere to the new regulations. However, pending applications submitted before that date will be assessed according to the original Guidelines.

¹ Available for consultation at: https://dof.gob.mx/nota_detalle.php?codigo=5554913&fecha=22/03/2019#gsc.tab=0

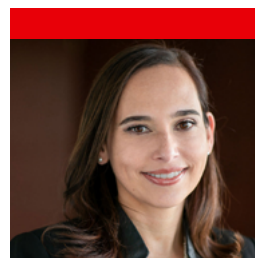
Link to publication:

https://www.dof.gob.mx/nota_detalle.php?codigo=5702771&fecha=25/09/2023#gsc.tab=0



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