

## **BRIEF COMMENTS ON THE OFFSHORE RENEWABLE ENERGY INSTALLATIONS: REQUIREMENTS, GUIDANCE AND OPERATIONAL CONSIDERATIONS FOR SAR AND EMERGENCY RESPONSE.**

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The energy transition debate has caused a shift to renewable energy, particularly offshore. Of all the different renewable energy sources, the world continues to experience the rapid advancement of offshore wind technology, particularly in Europe, US, China, Japan and Korea. With vast wind availability, advancement in technology and public acceptability, it is expected that by 2050, the offshore wind industry will represent a USD 1trillion business. With such growth comes significant safety implications for both workers and potentially other users of the marine space. Therefore, the role of visibility and lighting more specifically, cannot be undermined either during working times, navigation and emergency purposes. As much as these largely technical issues, the role of law in a fast-evolving energy industry is constantly tested. Questions of the appropriate safety and more specifically, the rules governing the lighting regime for offshore wind energy developments remain fragmented, unclear and unnecessarily complex.

The above analysis is based on the general duty of the employer and in this case the developer to ensure safety so far as is reasonably practicable, as well as the variety of supporting regulations, guidance and standards including the Offshore Renewable Energy Installations: Requirements, Guidance and Operational Considerations for SAR and Emergency Response that is issued by the Maritime Coast Guard Agency which is the focus of this consultation. A careful analysis of the document reveals a number of unclear parameters (page 44) as well as what appears to be a variety of prescriptive sets of requirements. From a regulatory standpoint the document largely relies on the requirement of the duty holders to “meet the fundamental requirements outlined in the regulatory expectations for emergency response” (page 6) that had been written by the Health and Safety Executive and the Maritime Coastguard Authority.<sup>1</sup>

The said regulatory expectation is designed on the basis that the renewable energy developments are not subject to a safety case regime but expects the whatever arrangements that is adopted for REI “should be equally as robust as for other offshore industries”. Haven admitted that “while there is limited hydrocarbon risk there is the potential for a major accident” that could potentially include major damage to the structure of an OREI; collision of a helicopter with an OREI or attending vessel; death or serious injury to five or more persons; diving operations. It is therefore, more specifically

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<sup>1</sup> Regulatory Expectations for Emergency Arrangements for the Offshore Renewable Energy Industry Page 3 online at <https://www.hse.gov.uk/offshore/infosheets/is2-2019.pdf> accessed 25th October 2021.

argued that offshore renewable energy lighting should be treated as a safety critical element as it is obtainable in other offshore industries like oil and gas and therefore liable to a safety case regime. The safety case regime does not only provide certainty and a comprehensive risk assessment model, but it equally provides various measures of regulatory scrutiny that ensures compliance.