

FAQ SHEET

PSM COVERED CHEMICAL FACILITIES NATIONAL EMPHASIS PROGRAM (NEP) OSHA DIRECTIVE 09-06 (CPL 02), JULY 27, 2009

Acronyms and Abbreviations Used

CSHO	–	Compliance Safety and Health Officer
EPA	–	US Environmental Protection Agency
HHC	–	Highly Hazardous Chemical
NEP	–	National Emphasis Program
OSHA	–	Occupational Safety and Health Administration
PQV	–	Program, Quality, Verification
PSM	–	Process Safety Management
RMP	–	Risk Management Plan (US EPA)
SHARP	–	Safety and Health Achievement Recognition Program
VPP	–	Voluntary Protection Program

What is the Chemical Facility NEP?

An inspection program to verify compliance with OSHA's Process Safety Management (PSM) standard (29 CFR 1910.119) by covered facilities in specific regions.

It is a pilot program for one year and will be evaluated and considered for renewal and expansion to other regions.

Why is this program being implemented?

OSHA issued Instruction CPL-02-02-045 in 1994 that provided guidance for enforcement of the PSM standard including Program, Quality, Verification (PQV) inspections. However, few PQV inspections were conducted and the Chemical Safety Board criticized OSHA on these grounds when they were investigating the BP Texas City accident. The Chemical Facility NEP outlines a new approach for inspecting PSM covered facilities which allows for a greater number of inspections.

Who will be inspected?

Programmed inspections will take place in OSHA Regions I, VII and X.

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region VII: Iowa, Kansas, Missouri, and Nebraska.

Region X: Alaska, Washington, Oregon, and Idaho.

OSHA will target four types of companies:

- EPA Risk Management Program (RMP) Program 3 facilities
- Explosives manufacturers
- Previously cited under PSM
- Identified by local OSHA Area Office

The list of companies will be divided into three categories:

Category 1 – Facilities likely to have ammonia used for refrigeration as the only Highly Hazardous Chemical (HHC).

Category 2 – Facilities likely to have chlorine used for water treatment as the only HHC.

Category 3 – Facilities likely to have both ammonia and chlorine, ammonia or chlorine used for other than refrigeration or water treatment, or HHCs other than ammonia or chlorine.

Inspection sites will be selected randomly from these lists with 25% from Category 1, 25% from Category 2, and 50% from Category 3.

Unprogrammed inspections will take place nationwide and will be scheduled in response to alleged hazardous working conditions at a specific worksite. Site-specific targeted PSM inspections may be scheduled in any region.

Are any companies excluded?

Yes. Petroleum refineries are not included since they were addressed by the refinery NEP. Also, any facility that is an approved participant in OSHA's Voluntary Protection Program (VPP) or OSHA Consultation's Safety and Health Achievement Recognition Program (SHARP) is excluded as is any facility that has received a comprehensive PSM inspection within the last two years.

Can I be cited and fined?

Yes. OSHA's NEP for petroleum refineries resulted in a total of 830 citations and fines of nearly four million dollars.

What is involved in an inspection?

The inspection is different from the broad and open-ended PQV process. Chemical Facility NEP inspections rely on specific investigative questions which are designed to gather facts related to requirements of the PSM standard, and include guidance for reviewing documents, interviewing employees and verifying implementation.

Inspections emphasize implementation over documentation based on OSHA's experience with refineries and large chemical plants where extensive program documentation was sometimes found with insufficient program implementation. Therefore, Compliance Safety and Health Officers (CSHOs) will verify the implementation of PSM elements to ensure that the company's actual program is consistent with the written program.

Can you tell me more about the inspection?

Each on-site inspection will begin with an opening conference. During the initial meetings, the CSHO will ask management representatives to provide an overview of the process, a description of worst case catastrophic scenarios and information on controls in place to prevent them, etc. Access to a list of documents will be requested.

CSHOs will select one or more process units and use dynamic lists of questions to review PSM compliance in five categories: PSM General, Ammonia Refrigeration, Water and/or Wastewater Treatment, Storage, and Chemical Processing. These dynamic lists are not disclosed publicly for inspection integrity purposes and they are changed periodically, hence their name.

The evaluation is a gap analysis to assess and verify the company's PSM compliance with specific issues such as design, fabrication, installation, startup, operation, maintenance, change, controls (engineering and administrative), safe work practices, contractor safety, etc.

Is there anything else I should know?

If the CSHO determines that deficiencies exist in the company's PSM compliance outside the selected unit or dynamic list of questions, the inspection may be expanded to other units or areas. Also, CSHOs may recommend citations for hazardous conditions or violations of OSHA standards found during the inspection regardless of whether they are specifically addressed by the Chemical Facility NEP.

Where can I get a copy of the Chemical Facility NEP?

From OSHA at www.osha.gov or from Primatech at www.primatech.com.

What should I do now?

Get the jump on OSHA! Prepare for an inspection. Arrange for an independent review and institute any needed remedial measures before you are visited by OSHA.

Where can I get more information?

Contact Primatech at:

50 Northwoods Blvd.
Columbus, OH 43235
Tel 614-841-9800
Fax 614-841-9805
www.primatech.com

About Primatech

Primatech specializes in Process Safety, Security and Risk Management. We offer consulting, training and software to assist our clients in identifying and reducing the risks posed by toxic, flammable, and explosive materials.

Companies in a variety of industries choose Primatech to help them manage the risks posed by such hazardous materials. We help companies reduce the likelihood and consequences of releases, which helps protect employees and the public and prevent damage to equipment and the environment. Reducing these risks also improves productivity and quality. We help companies comply with OSHA's Process Safety Management (PSM) standard, EPA's Risk Management Program (RMP) regulation, and industry guidelines.

Our capabilities include:

- **Process Hazard Analysis (PHA)**
- **Compliance Audits and Program Assessments**
- **PSM Program Development and Implementation**
- **RMP Program Development and Implementation**
- **Release and Spill Assessment**
- **Process Security Management**
- **Threat and Vulnerability Analysis for Deliberate Acts Including Terrorism**
- **S84 - Safety Instrumented Systems**
- **Layers of Protection Analysis (LOPA)**
- **Operating and Maintenance Procedures Development**
- **Mechanical Integrity Program Development and Implementation Guidance**
- **Human Factors and Human Error Analysis**
- **Facility Siting Analysis**
- **Dispersion and Consequence Modeling**
- **Probability Modeling**
- **Quantitative Risk Assessment**
- **Emergency Response Program Development and Implementation Guidance**
- **Expert Witness Testimony and Litigation Support**

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- Agricultural chemicals
- Ammonia facilities
- Bulk/commodity chemicals
- Chlorine facilities
- Cold storage warehousing
- Electronics manufacturing
- Food processing
- Hazardous waste treatment
- Inorganic chemicals
- Mining
- Municipal water treatment
- Oil and gas production and distribution
- Oil and gas pipelines and terminals
- Organic chemicals
- Paints, coatings, resins and adhesives
- Petrochemicals
- Petroleum refining
- Pharmaceuticals
- Polymers and resins
- Propane storage and distribution
- Pulp and paper
- Rubber and plastics
- Semiconductors
- Specialty metals
- Steel
- Water treatment
- Wastewater treatment

Our services and products enable our clients to achieve their risk, safety and security objectives faster and easier. Primatech is an independent company with no vested interests and is seen, therefore, to deliver work recognized as objective and unbiased.