



Alert

Environmental and Labor & Employment Client Service Groups

To: Our Clients and Friends

August 13, 2009

OSHA National Emphasis Program Targets Workplaces that Use Highly Hazardous Chemicals

On July 27, 2009, the Occupational Safety and Health Administration (“OSHA”), launched a National Emphasis Program that will focus the agency’s inspection and enforcement activities on facilities which use highly hazardous chemicals (“HHCs”) and are subject to OSHA’s process safety management (“PSM”) regulations (29 C.F.R. §1910.119). OSHA has launched this initiative in response to multiple catastrophic incidents at regulated facilities.

Targeted Facilities

This Emphasis Program is national in scope. In most states OSHA’s will conduct PSM inspections of workplaces which report PSM-related complaints, referrals, accidents, or catastrophes. In addition, OSHA will be inspecting facilities subject to Site-Specific Targeting (“SST”) which are those facilities with the highest rates of illnesses and injuries. Additionally, OSHA will focus additional inspections resources on target facilities in the following three regions: Region 1 (Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut); Region 7 (Iowa, Kansas, Missouri, and Nebraska); and Region 10 (Alaska, Washington, Oregon and Idaho). In these regions OSHA will develop a list of target facilities based on a review of the following resources: Risk Management Plans on file with the United States Environmental Protection Agency; explosives manufacturing NAICs codes; OSHA computer database information; and each OSHA Area Office’s knowledge of local facilities. Facilities which have participated in either: (1) OSHA’s Voluntary Protection Program; or (2) Consultation’s Safety and Health Achievement Recognition Program, and facilities which have received a comprehensive PSM inspection within the past two years, will not be targeted.

New Inspection Approach

OSHA’s enforcement initiative provides a new approach for its compliance officers who conduct site inspections. Compliance officers will be directed to ask detailed questions designed to gather facts related to compliance with PSM requirements, and then verify that the employers’ written and implemented PSM programs comply with the standard. OSHA’s Directorate of Enforcement Programs

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("DEP") is developing a dynamic question list which will be used to review facilities' PSM programs in five industry categories: PSM General, Ammonia Refrigeration, Water and/or Wastewater Treatment, Storage, and Chemical Processing. OSHA intends for its inspectors to use these lists to conduct quick inspections at numerous regulated facilities.

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