

OSHA Issues Notice of Potential Changes to Process Safety Management of Highly Hazardous Chemicals

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PRACTICES OSHA, Chemical, Oil and Gas, Labor and Employment

On August 30, OSHA issued a [notice](#) listing “potential” changes to its [current](#) Process Safety Management (PSM) standard including among others, expanding the standard to cover oil and gas well drilling and servicing and clarifying the scope of the retail facilities exemption.¹

By way of background, the PSM standard requires covered employers to implement safety programs to identify, evaluate, and control highly hazardous chemicals at a worksite. It is a performance-based standard and outlines 14 management system elements for controlling highly hazardous chemicals. The standard allows employers flexibility in tailoring their PSM programs to the unique conditions at their worksites. Since its publication in 1992, the PSM standard has not been updated.

The Notice lists two categories of potential changes to the PSM standard – those to the scope of the standard and those to particular provisions of the standard:

Potential changes to the scope of the PSM standard

- Clarifying the exemption for atmospheric storage tanks;
- Expanding the scope to include oil and gas well drilling and servicing;
- Resuming enforcement for oil and gas production facilities;
- Expanding PSM coverage and requirements for reactive chemical hazards;
- Updating and expanding the list of highly hazardous chemicals in Appendix A of the current standard;
- Amending the scope in paragraph (k) of OSHA’s Explosives and Blasting Agents Standard (§1910.109) to extend PSM requirements to cover dismantling and disposal of explosives and pyrotechnics;
- Clarifying the scope of the retail facilities exemption; and
- Defining the limits of a PSM covered process.

Potential changes to particular provisions of the current PSM standard

- Amending the definitions in paragraph (b) by including a definition of recognized and generally accepted as good engineering practices (“RAGAGEP”) and a definition of critical equipment;
- Expanding employee participation in paragraph (c) by including stop work authority;
- Amending the written process safety information requirements in paragraph (d) by including evaluation of updates to applicable RAGAGEP and by requiring continuous updating of collected information;
- Amending process hazard analysis in paragraph (e) by requiring formal resolution of process hazard analysis team recommendations that are not utilized, by requiring safer technology and alternatives analysis, and by requiring consideration of natural disasters and extreme temperatures in the PSM programs;

- Expanding mechanical integrity requirements in paragraph (j) by covering any critical equipment and clarifying paragraph (j) to better explain “equipment deficiencies”;
- Clarifying the management of change requirements in paragraph (l) by covering organizational changes;
- Amending incident investigation requirements in paragraph (m) by including root cause analysis;
- Revising emergency planning and response requirements in paragraph (n) by requiring coordination of emergency planning with local emergency-response authorities;
- Amending the compliance audit requirements in paragraph (o) by requiring third-party compliance audits;
- Including requirements for employers to develop a system for periodic review of and necessary revisions to their PSM management systems; and
- Requiring the development of written procedures for all elements specified in the standard, and to identify records required by the standard along with a records retention policy.

It may be prudent for covered employers, to monitor for further information from OSHA on these potential changes to the PSM standard. A stakeholder meeting to consider the potential changes is [set](#) for October 12, 2022, and the deadline for written comments is October 28, 2022.

¹ OSHA’s potential changes essentially align with the Environmental Protection Agency’s (EPA) [proposed](#) rule to amend its Risk Management Program (RMP) requirements. As stated in the Notice, under the Clean Air Act Amendments of 1990, Congress required OSHA to adopt the PSM standard to protect workers and required the EPA to protect the community and environment by issuing the RMP rule. The PSM and RMP rules were written to complement each other in accomplishing these Congressional goals.