

# OSHA Revises PSM Enforcement Policy

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February 8, 2024 Mini Kapoor

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**PRACTICES** Labor and Employment, OSHA, Environmental, Chemical

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On Jan. 26, Occupational Safety and Health Administration (OSHA) issued a revised [directive](#) for enforcement for its Process Safety Management standard (“Directive”). The Directive supersedes and cancels the prior PSM enforcement guidance (CPL 02-02-045A REVISED, Sept. 13, 1994).

By way of background, the PSM standard was issued in 1992, and contains regulatory requirements for the management of processes involving highly hazardous chemicals above certain threshold quantities, including the technologies, procedures, and management practices used in those processes. Among other things, the standard requires compilation of process safety information, process hazard analysis, and procedures for process operation and for management of change.

Since the issuance of the PSM standard, numerous questions have been submitted to OSHA requesting OSHA’s interpretation on requirements of the standard, and in response, OSHA has provided compliance guidance regarding the various provisions of the standard including its applicability. The Directive is essentially a compilation of those questions, OSHA’s response to the questions, and where applicable, includes references to OSHA’s letters of interpretation or the standard interpretations relevant to the respective questions. In the Directive, the questions and responses (with links to the relevant interpretations) are compiled by topic corresponding to the different provisions of the PSM standard.

The Directive specifically notes that it is not a “standard, regulation, or any other type of substantive rule,” and should not be construed to change an employer’s obligations under the OSH Act or standards and regulations promulgated under the OSH Act. Further, the guidance contained in the Directive is not binding on the enforcement personnel, and they may deviate from the guidance as needed in their professional judgment to effectuate the purposes of the OSH Act.

According to OSHA, application of the Directive will provide further uniformity in enforcement of the PSM standard. State Plans have the option of adopting identical or different but at least as effective enforcement policies as those contained in the Directive.

The Directive does not impact OSHA’s National Emphasis Program (dated Jan. 17, 2017) for PSM Covered Chemical Facilities, which remains in effect.

Employers should view the issuance of the Directive as an indication that OSHA continues to view management of hazardous chemicals as an area of emphasis for workplace safety. While the Directive does not alter employer obligations under the PSM standard, employers should ensure that their PSM teams review the Directive to ensure continued workplace safety and compliance with the standard.