

Washington OSHA Adopts New PSM Requirements for Refineries

April 23, 2024 Matthew Deffebach, Mini Kapoor, Dominique Baldwin, Christina Gad

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

On Dec. 27, 2023, the State of Washington’s Department of Labor and Industries (“L&I”), Division of Occupational Safety and Health (“DOSH”) filed a Permanent Rulemaking (CR-103P) to adopt updated requirements for the Process Safety Management (“PSM”) of Highly Hazardous Chemicals standard, which specifically pertains to PSM in petroleum refineries.

In 2015, in response to injuries occurring in refineries, the Department launched an effort to update the safety standards for PSM of highly hazardous chemicals. See [Process Safety Management \(PSM\) Rulemaking Stakeholder Information](#). After several committee and stakeholder meetings, a proposed rule, and a public hearing, the Department filed the [Permanent Rulemaking](#) (CR-103P).

The updated standard creates a new Part B to chapter 296-67 WAC, specific to PSM of highly hazardous chemicals in petroleum refineries. The new Part B includes and updates existing PSM requirements as well as introduces several new requirements, some of which may be burdensome to implement.

The final rule includes the following new requirements:

- **Employee collaboration**: Outlines the requirements employers must follow to develop and maintain a written plan to provide for employee collaboration throughout all PSM phases.
- **Hazard analyses**: Outlines the requirements employers must follow in order to document an effective process hazard analysis to identify and control hazards associated with each process.
- **Contractors**: Outlines requirements regarding refinery employer responsibilities when selecting a contractor. They must evaluate the contract employer’s safety performance, require any contractor to use a skilled and trained workforce and must ensure the contractor informs their employees of potential process safety hazards, as well as applicable safety rules and provisions of chapter 296-67.
 - Outlines requirements that the refinery employers must develop and maintain effective written procedures, periodically evaluate the performance of contractors and document that the requirements of the standard are being completed by the contractor. The refinery employer must also ensure a copy of the contractor’s injury and illness log is available to DOSH upon request.
 - Sets requirements that are the contractor’s responsibility, including that a contractor must inform its employees of applicable refinery safety rules.
- **Mechanical integrity**: Outlines requirements that employers must ensure the mechanical integrity of process equipment by developing and maintaining effective written procedures, which must provide clear instructions for safely performing maintenance on process equipment. These documents must be readily accessible to employees and employee representatives.
- **Damage mechanism review**: Outlines requirements that the employer must perform a damage mechanism review (DMR) for each new and existing process, as well as determine

the priority order for performing DMRs. These DMRs must be revalidated every five years, and if a major change occurs on a process that a DMR exists, it must be reviewed before the change is approved. The employer must retain all DMR reports for the life of the process.

A complete list of the new requirements can be found [here](#).

The revised standard will become effective on Dec. 27, 2024, with rolling implementation dates for individual elements thereafter. For implementation deadlines, please refer to the [Department's Implementation Dates Chart](#). Washington refinery employers should review the new rule, familiarize themselves with its requirements and ensure compliance by the effective date.