

OSHA Provides New Guidance on Good Engineering Practices

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PRACTICES OSHA, Labor and Employment

OSHA has issued a memorandum clarifying the enforcement of the Process Safety Management (PSM) standard's recognized and generally accepted good engineering practices (RAGAGEP) requirements.¹ Employers covered under the PSM Standard, 29 C.F.R. § 1910.119, may want to review their compliance. This standard directly references or implies the use of RAGAGEP in several provisions:

- (d)(3)(ii): Employers must document that all equipment in PSM-covered processes complies with RAGAGEP;
- (j)(4)(ii): Inspections and tests are performed on process equipment subject to the standard's mechanical integrity requirements in accordance with RAGAGEP; and
- (j)(4)(iii): Inspection and test frequency follows manufacturer's recommendations and good engineering practice, and more frequently if indicated by operating experience.

OSHA defines four categories of acceptable RAGAGEP. Employers may satisfy their compliance through: (1) "widely adopted codes" such as NFPA 70 National Electric codes; (2) "consensus documents" such as ASME B31.3 Process Piping Code; (3) "non-consensus documents" such as the Chlorine Institute's "pamphlets"; and (4) "internal standards" set by manufacturers and employers themselves. However, OSHA will have to evaluate those standards on a case-by-case basis to determine if they accurately represent RAGAGEP.

OSHA will carefully review the language used in the selected RAGAGEP. The words "shall," "must," or other similar language denote requirements. OSHA will presume that any deviation from the standard to be a violation, which the employer must disprove. Conversely, the word "should" denotes recommendations. Any deviation will lead to further evaluation of whether it reflects RAGAGEP.

OSHA additionally made clear that when more than one RAGAGEP applies to a particular process, both are protective and are actionable by OSHA. However, utilizing RAGAGEP in an unintended area of application may result in citation by OSHA. Moreover, violation of internal or manufacturer-recommended processes may be grounds for citation. All compliance measures should be documented in order to demonstrate such compliance upon inspection.

Other enforcement considerations include standards for frequency of inspection and testing procedures, guidance on using older equipment that was not designed or constructed under an adequate RAGAGEP, and a strong focus on employer documentation of applicable RAGAGEP. Investigators are encouraged to always cite an employer for failing to follow RAGAGEP in inspection and testing procedures or failing to inspect and test equipment at a frequency that is not consistent with manufacturer's recommendations, good engineering processes, or prior operating experience.

¹ The entire guidance from OSHA is [available online](#).