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OSHA Announces Emphasis Program Focused on "Highly Hazardous Chemicals"

On July 27, 2009 OSHA announced the implementation of a National Emphasis Program (NEP) to reduce or eliminate workplace hazards associated with the catastrophic release of highly hazardous chemicals (HHCs). The NEP creates a new inspection protocol for facilities subject to the Process Safety Management (PSM) standard, found at 29 CFR 1920.119. The PSM standard was first promulgated in 1992 in response to a number of highly publicized and catastrophic incidents involving chemicals.

The NEP will involve both "programmed" and "unprogrammed" inspections. Programmed inspections are those based on neutral criteria, i.e., size or activities conducted, while unprogrammed inspections are those based on alleged hazardous conditions. OSHA will conduct programmed inspections in Region I (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut), Region VII (Nebraska, Iowa, Kansas, and Missouri), and Region X (Alaska, Washington, Oregon, and Idaho). Facilities that are in OSHA's Voluntary Protection Program or OSHA Consultation's Safety and Health Achievement Recognition Program, or that have received comprehensive PSM inspections within the last two years, will not be on the list for programmed inspections. OSHA's intent is that each of the three regions will complete an average of 5 to 10 inspections per area office per year.

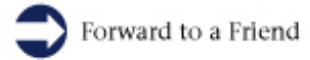
OSHA will classify establishments into 3 categories, and assign resources based on the category: Category 1 facilities are those likely to have ammonia used for refrigeration as the only HHC; Category 2 facilities are likely to have chlorine used for water treatment as the only HHC; and Category 3 facilities are likely to have both ammonia and chlorine, either ammonia or chlorine used for other purposes, or HHCs other than ammonia or chlorine.

Nationwide, OSHA will conduct unprogrammed inspections based on formal complaints or referrals or in response to accidents and catastrophes. If complaints or accidents involve the application of the PSM standard, an inspection based on the NEP will be conducted in addition to any other inspection that might occur. If the PSM is not involved and the facility has not yet been inspected pursuant to this NEP, an inspection using the NEP may be conducted at the area director's discretion.

Additional details on this National Emphasis Program can be found at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16119.

For further information about this National Emphasis Program or other occupational health and safety issues, please contact Pamela Elkow (pelkow@rc.com) at 203-462-7548, Earl Phillips (ephillips@rc.com) at 860-275-8220, or Christopher Foster (cfoster@rc.com) at 617-557-5908 for further information.

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