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OSHA Announces Changes to the Chemical National Emphasis Program as it Prepares to Roll Out the Program Nationwide

The Occupational Safety and Health Administration (OSHA) announced that it has concluded its Chemical Plant National Emphasis Program (Chemical NEP) pilot program. It is prepared to roll out the program nationwide in December with some changes to the inspection process.

In 2009, OSHA implemented the Chemical NEP pilot program in Regions I, VII, and X, the goal of which was to verify compliance with OSHA's process safety management (PSM) standard (29 CFR § 1910.119). During inspections, OSHA inspectors sought answers to what OSHA has referred to as a "dynamic list of questions" focused primarily on general process safety management, ammonia refrigeration, water and wastewater treatment, chemical storage, and chemical processing. Inspectors interviewed facility management about worst-case chemical release scenarios. In addition, inspectors conducted on-site reviews of relevant documents to determine how the facility implements PSM and whether it will be effective.

Nationwide roll-out of the Chemical NEP, to begin in December, will differ from the pilot program in two ways. First, OSHA will periodically revise the list of "dynamic questions" asked of a facility, and the questions will not be shared with the facility in advance of the inspection, as they were in the pilot program. Second, OSHA will focus on inspecting more facilities overall rather than spending more time inspecting each individual facility subject to an inspection.

Chemical facilities and any facilities that store ammonia or chlorine for refrigeration and water treatment, or that store other substances considered "highly hazardous chemicals," should be prepared for such inspections and ensure that documents are in order and the requirements under the PSM standard are met. The Chemical NEP roll-out coincides with the first increase in penalties that OSHA has instituted since 1990, and only the second increase in 40 years since the Occupational Safety and Health Act has been in existence.

FOR MORE INFORMATION

Robinson & Cole has experienced environmental, health and safety attorneys who understand that environmental, health and safety compliance is but one aspect of the complex, multifaceted, and sometimes competing demands made on businesses. For more information on the Chemical NEP or other matters regarding OSHA or chemical regulation, please contact [Pamela K. Elkow](#) at (203) 462-7548 or [Kirstin M. Etela](#) at (203) 462-7534 in our Metro-New York office, [Earl W. Phillips](#) in our Hartford office at (860) 275-8220, or [Christopher Foster](#) in our Boston office at (617) 557-5908.

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