DOSH DIRECTIVE
Division of Occupational Safety and Health
Department of Labor and Industries
Keeping Washington safe and working

24.40 Chemical Facility Process Safety Management NEP

Date: May 4, 2018

I. Purpose

This DOSH Directive implements OSHA's National Emphasis Program (NEP) for Chemical Facility Process Safety Management in the State of Washington. The purpose of the NEP is to reduce or eliminate workplace hazards associated with the catastrophic release of highly hazardous chemicals (HHCs).

II. Scope and Application

This directive applies to all DOSH operations statewide, and is applicable to all facilities, including petroleum refineries, covered by the PSM standard. NEP inspections conducted at petroleum refineries will be conducted in the same manner as NEP inspections conducted at all other facilities covered by this directive.

This directive also includes provisions to inspect facilities that do not fall within the scope of the PSM standard, but do have highly hazardous chemicals (HHCs) or quantities of flammable liquids/gasses that pose a significant hazard.

This is an update to the July 24, 2017 directive, and replaces all previous instructions on this issue, whether formal or informal. As a result of this update, DOSH is rescinding DD 24.50, Process Safety Management Inspections, issued December 18, 2015.

III. References

- **OSHA References:**
  - OSHA CPL 03-00-021 (PSM Covered Chemical Facilities National Emphasis Program)
  - OSHA CPL 02-02-045 (PSM of Highly Hazardous Chemicals- Compliance Guidelines and Enforcement Procedures)
  - OSHA CPL 02-00-094 (OSHA Response to Significant Events of Potentially Catastrophic Consequences)
- **DOSH References:**
  - Chapter 296-67 WAC, Process Safety Management of Highly Hazardous Chemicals
  - DOSH Compliance Manual

IV. Acronyms

CHEM NEP	PSM Covered Chemical Facilities National Emphasis Program
CSHO	Compliance Safety and Health Officer
DEP	Directorate of Enforcement Programs (OSHA)
DMR	Damage Mechanism Review
DOSH	Division of Occupational Safety and Health
EPA	Environmental Protection Agency
HAZWOPER	Hazardous Waste Operations and Emergency Response
HCA	Hierarchy of Control Analysis
IMIS	Integrated Management Information System
HHC	Highly Hazardous Chemicals
IPL	Independent Protection Layers
LEL	Lower Explosive Limit
NAICS	North American Industry Classification System
NURF	Normally Unoccupied Remote Facility
MOC	Management of Change
MOOC	Management of Organizational Change
OSHA	Occupational Safety and Health Administration
PHA	Process Hazard Analysis
PPE	Personal Protective Equipment
PQV	Program Quality Verification
PSCA	Process Safety Culture Assessment
PSI	Process Safety Information
PSM	Process Safety Management
PSSR	Pre Startup Safety Review
RCA	Root Cause Analysis
SPA	Safeguard Protection Analysis
START	Safety Through Achieving Recognition Together
UEL	Upper Explosive Limit
VPP	Voluntary Protection Program
WAC	Washington Administrative Code
WIN	WISHA Information Network

V. Background

OSHA promulgated its PSM standard in 1992 in response to a number of catastrophic incidents that occurred worldwide (see Process Safety Management of Highly Hazardous Chemicals; 29 CFR 1910.119). These incidents spurred broad recognition that handling highly hazardous chemicals could lead to incidents that may occur relatively infrequently, but, due to their catastrophic nature, often result in multiple injuries and fatalities.

On September 28, 1992, OSHA issued instruction CPL 02-02-045 (Revised), Process Safety Management of Highly Hazardous Chemicals – Compliance Guidelines and Enforcement Procedures. CPL 02-02-045 established policies, procedures, clarifications, and compliance guidance for enforcement of the PSM standard. The instruction acknowledged that Program Quality Verification (PQV) inspections were resource intensive and, therefore, OSHA would perform only a limited number each year. Consequently, very few PQV inspections have been conducted since OSHA issued CPL 02-02-045.

OSHA implemented a PSM NEP for petroleum refineries in June 2007, and an update in August 2009 (Refinery NEP). This NEP resulted in the inspection of all eligible [i.e., non-Voluntary Protection Program (VPP)] petroleum refineries in OSHA's Federal jurisdiction. Utilizing the refinery NEP inspection program, OSHA identified a significant number of hazards that required abatement by employers. OSHA found that the inspection methodology specified by the Refinery NEP required significant resources for each inspection conducted. The Refinery NEP ended in 2011 in areas under Federal jurisdiction.

In July 2009, OSHA implemented a pilot NEP for PSM-covered chemical facilities. The pilot outlined a new approach for inspecting PSM-covered facilities that allowed for a greater number of inspections using better allocation of OSHA resources. Under the pilot, OSHA was able to increase the number of PSM facilities inspected with relatively limited resources.

This NEP applied to all non-VPP PSM-covered processes, except for petroleum refineries. Like the pilot, it employed an inspection methodology that better allocated resources, thereby allowing for a greater number of inspections.

OSHA has continued to find a substantial number of hazards at facilities that are inspected under the CHEM NEP. Since 2010, the Agency has issued 69 significant enforcement cases to chemical facility employers inspected under the CHEM NEP. During the same period, OSHA issued 24 significant enforcement cases to petroleum refinery employers. Petroleum refineries also have experienced numerous fatal and/or catastrophic process-related incidents since 2010.

Based on the enforcement data, feedback from OSHA personnel and the continuation of a large number of significant petroleum refinery incidents in the U.S., OSHA has issued this instruction that outlines a modified CHEM NEP that will include petroleum refineries and will be launched OSHA-wide.

Washington State has found a number of facilities that do not fall within the scope of the PSM standard, but do have highly hazardous chemicals (HHCs), or large quantities of flammable liquids/gases on site that could pose a significant hazard either due to acute toxicity, reactivity and/or extreme fire and explosion potential. In order to ensure process hazards inherent in these facilities are controlled to the extent possible, DOSH will proceed with an inspection of the facility's highly hazardous chemicals.

VI. Enforcement Policies

A. Programmed Inspection Site Selection.

1. Scheduling Sources.

DOSH will use sources such as, but not limited to, the following for inspection scheduling:

a. U.S. Environmental Protection Agency's (EPA) Chemical Accident Prevention Provisions, Programs 1, 2, and 3 Risk Management Plans (RMP)

b. DOSH's WIN database

c. The following NAICS:

1. 493120: Ammonia used for refrigeration
2. 32411: Petroleum Refineries
3. 325: Chemical Manufacturing
4. 325920: Explosives Manufacturing
5. 325998: Pyrotechnics Manufacturing

d. DOSH Regional staff knowledge of local facilities

Inspections of explosives or pyrotechnics manufacturers must only be assigned after discussion with the explosives program technical expert.

The DOSH WIN database will be used to identify facilities that have previously been cited for violations of the PSM standard. These facilities will be added to the inspection scheduling list.

A list of facilities identifying covered employers using inspection data, RMP reports, and WIN inspection citations made under the PSM rule has been created. This list will reflect additional employers when they are identified, and delete employers who have reduced their inventory of HHCs.

2. Inspection Scheduling List.

A scheduling list will be created using the criteria outlined in section 1, above.

a. The technical services PSM Specialist will create an inspection scheduling list and update it annually.

b. Deletions from the list will be made according to the following criteria:

- Any facilities that are known to be out of business.
- Any facilities that no longer have any HHCs, flammable liquids, or flammable gasses present.
- Any facility that is an approved participant in DOSH's Voluntary Protection Program (VPP) or DOSH Consultation's Safety Through Achieving Recognition Together (START) program.

- Any facility that has reduced its PSM-covered HHCs to below the threshold quantity amount as referenced in Appendix A of chapter 296-67 WAC, but are present in lesser, yet still potentially hazardous quantities, **after** an HHC inspection has been completed.
- Any facility that has already received an inspection under this NEP within the prior 24 months.
- Any facilities that have received a comprehensive PSM inspection within the prior 24 months.
- Any facility that has had a PSM-specific consultation within the prior 24 months.

B. Inspection Resources.

Appropriate levels of staff experience, training, and preparation are essential for compliance activities relating to the PSM standard. Either a single DOSH CSHO or a team may conduct inspections using this NEP. At least one member of the team or a single CSHO must be qualified to a Level 1.

Level 1, 2 and 3 competencies are described below:

1. Level 1: Inspections of Ammonia Refrigeration Processes Only.

   DOSH personnel may be designated as Level 1 CSHOs under this notice for inspections of ammonia refrigeration facilities, if they have met the following criteria:

   Completion of OTI courses:

   - 3300, *Safety and Health in the Chemical Processing Industries*;
   - 3400, *Hazard Analysis in the Chemical Processing Industries*; **and**
   - 3410, *Advanced Process Safety Management*;
   - 3430, *Advanced PSM in the Chemical Industries*; **or**
   - A specialized course on ammonia refrigeration; **and**
   - Have participated in six DOSH PSM inspections, at least two of which are related to ammonia refrigeration processes.

2. Level 1: Inspections of All Processes Except Ammonia Refrigeration

   DOSH personnel may be designated as Level 1 CSHOs under this notice for the inspection of processes that are *not* ammonia refrigeration facilities, if they have met the following criteria:

   Completion of OTI courses:

   - 3300, *Safety and Health in the Chemical Processing Industries*;
   - 3400, *Hazard Analysis in the Chemical Processing Industries*; **and**,
   - 3410, *Advanced Process Safety Management*;
   - 3430, *Advanced PSM in the Chemical Industries*; **or**
   - Have participated in six DOSH PSM inspections

3. Level 2: Inspections of All Processes.

   - Level 2 CSHOs must be under the direction of a Level 1 CSHO.
   - Level 2 CSHOs may evaluate compliance with all elements of the PSM standard.

   DOSH personnel may be designated as a Level 2 CSHO under this instruction, if they have met the following criteria:

   Completion of OTI courses:

   - 3300, *Safety and Health in the Chemical Processing Industries*;
   - 3400, *Hazard Analysis in the Chemical Processing Industries*; **and**
   - Have participated in at least three DOSH PSM inspections.

4. Level 3: Inspections of All Processes.

   - Level 3 CSHOs must be under the direction of a Level 1 CSHO.
   - Level 3 CSHOs experienced in evaluating other programmatic standards such as hazard communication, lockout/tagout, confined space entry, and respiratory protection programs may evaluate programmatic sections of the PSM standard.
   - Level 3 CSHOs may evaluate compliance with the following elements of the PSM standard:
     - Employee participation
     - Training
     - Contractors
     - Hot work permits
     - Incident investigation
     - Emergency planning and response

5. Documentation of PSM Qualification Levels and Inspections.

   Technical Services will document and maintain a record of the PSM required training and qualifying inspections for each CSHO conducting/participating in PSM inspections.

   The Compliance Operations Program Manager will determine the appropriate level for each CSHO conducting/participating in PSM inspections, per the requirements listed above.

6. Utilization of Other DOSH Technical and Enforcement Resources

   All PSM CSHOs should fully utilize technical and enforcement support resources when making decisions about compliance or noncompliance. These resources included, but are not limited to, the PSM functional share drive, other PSM CSHOs, training materials, and DOSH Technical Services.

C. Inspections.

This directive has been expanded to include inspections of refineries and non-programmed inspections that qualify under the PSM rule, so the program-quality-verification (PQV) protocol will no longer be used.

1. Programmed Inspections

   CSHOs must use this NEP for the comprehensive inspection of the selected PSM-covered process(es) at the facility. CSHOs may, after consulting with their supervisor, expand the PSM portion of the inspection beyond this notice, if they determine that PSM deficiencies may exist outside of the selected unit or beyond the scope of the Dynamic Lists of Questions.

2. Unprogrammed Inspections.

   The following guidelines must be used for all unprogrammed inspection activities related to PSM-covered processes nationwide:

   Complaint or referral. If a complaint or referral is received relating to a PSM-covered process and it:

   - **Involves an application of the PSM standard -** the supervisor must evaluate the complaint or referral item(s) according to the DOSH Compliance Manual and may assign an inspection following this NEP.
   - **Does not involve an application of the PSM standard** - (for example, there is a complaint about PPE requirements in a PSM covered process), the inspection or inquiry will normally be limited to the complaint and referral item(s)/subject(s) only. If the facility has not had a PSM inspection in 24 months, a concurrent CHEM NEP inspection may be conducted at the supervisor's discretion.

3. Accidents and Catastrophes.

   Responses to accidents and catastrophes in facilities that contain PSM-covered processes must follow the guidelines contained in the DOSH Compliance Manual.

   When an accident or catastrophe occurs in a facility that contains a PSM-covered process, and it:

   - **Involves an application of the PSM standard -** an inspection will be conducted per the DOSH Compliance Manual, directed at the incident, with a concurrent NEP inspection left at the discretion of the CSHO supervisor.
   - **Does not involve an application of the PSM standard** - the inspection will normally be limited to the accident investigation item(s)/subject(s) alone.

D. Inspection Process.

1. NEP Inspection Process Replaces PQV Protocol

   This directive has been expanded to include inspections of refineries and non-programmed inspections that qualify under the PSM rule, so the program-quality-verification (PQV) protocol will no longer be used.

2. Dynamic Lists of Questions.

   CSHOs will document the use of relevant "Dynamic Lists" of questions used during the course of a Chemical Facility Process Safety Management NEP inspection. Dynamic Lists cover six categories: PSM General, Ammonia

Refrigeration, Explosives Manufacturing, Pyrotechnics Manufacturing, Contractors, and Chemical Processing. Any Dynamic List used during the course of the inspection must have an "effective date" that is concurrent with the date that the inspection was opened. For inspection integrity purposes, DOSH will not publicly disclose the Dynamic Lists. The Dynamic Lists Questions are located in the PSM folder on the functional share drive.

Table 1
Selection of the Dynamic Lists of Questions

If the process is:	Then use:
Ammonia Refrigeration Only	• Ammonia Refrigeration dynamic list – the first 10 questions • PSM General dynamic list – the first 5 questions • Contract Employer Questions (all)
Storage Only	• PSM General dynamic list - all questions
Chemical Processing and all other categories not listed above	• Chemical Process dynamic list - the first 10 questions • PSM General dynamic list - the first 5 questions • Contract Employer Questions (all)
Explosives Manufacturing	• Explosives Manufacturing dynamic list (all) • Contract Employer Questions (all) • Chemical Process dynamic list - all 10 questions
Pyrotechnics Manufacturing	• Pyrotechnics Manufacturing dynamic list questions (all) • Chemical Process dynamic list - all 10 questions • Contract Employer Questions (all)

3. Expanding the Inspection.

If, during the compliance evaluation, CSHOs determine that PSM deficiencies may exist outside of the selected unit or Dynamic List of Questions, the inspection may be expanded after consultation with the CSHO's supervisor. CSHOs must document the basis for this determination.

CSHOs may consult the PSM functional share drive for resource materials they might find helpful during an expanded inspection. If there are any questions, the CSHO should contact the PSM Specialist in DOSH Technical Services.

4. Inspect Both Host and Contract Employers.

   CSHOs must inspect both the host employer and contract employers, if any.

5. Review Inspection History and Abatement.

   CSHOs must review the employer's history of DOSH inspections and any abatement verification submitted for citations resulting from those inspections.

E. Inspection Procedures.

1. Supplemented DOSH Compliance Manual Procedures.

   The procedures given in the DOSH Compliance Manual must be followed, except as modified in the following sections.

2. Opening Conference.

   Where possible, the facility safety and health director, process safety manager, or other person capable of explaining the company's process safety management program must be asked to attend the opening conference.

   The opening conference must also include the following:

   a. Verify PSM Applicability. CSHOs must confirm that the facility has a PSM-covered process.

      - CSHOs must request a list of the chemicals on site and their respective maximum intended inventories. CSHOs must review the list of chemicals and quantities, and determine if there are HHCs listed in chapter 296-67 WAC, Appendix A or flammable liquids or gases at or above the specified threshold quantity.
      - If CSHOs determine there are no HHCs, flammable liquids, or flammable gases present in specified threshold quantities, but are present in lesser yet still potentially hazardous quantities, they may continue with an HHC inspection, by evaluating the safe use and handling of those chemicals, and applying recognized industry practices and other applicable WACs. These will be considered HHC inspections and coded as "HHC" in the Special Tracking field in WIN.
      - If CSHOs determine that there are no HHCs, flammable liquids, or flammable gases present in sufficient quantities, or lesser quantities that would qualify as an HHC inspection, and the facility is not manufacturing explosives or pyrotechnics as defined in chapter 296-52 WAC; then, after updating their supervisor, they must document the finding and end the inspection. The inspection should be coded as a "no inspection" and not flagged as NEP or PSM or HHC in WIN.

        If hazards outside of a covered process have been identified, the CSHO should consult their supervisor before proceeding with an inspection. CSHOs must confirm that the facility is not a retail facility, oil or gas well drilling or servicing operation, or normally unoccupied remote facility (WAC 296-67-001(2)(b)). If the facility is one of these types of establishments, CSHOs should document their findings and end the inspection.

b. CSHOs must determine if other exemptions apply as stated in WAC 296-67-001(2)(a)(ii). During the opening conference, CSHOs must familiarize themselves with the establishment's emergency response procedures and emergency alarms.

c. CSHOs must also request that the management representative(s) provide them with an overview of the processes/units at the facility, including block flow and/or process flow diagrams indicating chemicals and processes involved.

d. To understand the basics of the employer's processes and the possible catastrophic scenarios that could occur, the CSHO should ask the management representative to explain worst-case catastrophic release scenarios that might occur, and what controls are in place to prevent them from happening.

e. During the opening conference, CSHOs should determine the nature of the PSM-covered process, as this information will determine which Dynamic List of Questions to use.

f. CSHOs will choose the appropriate number of primary questions according to *Table 1* in this directive. Questions that are not germane should be replaced with secondary questions from the appropriate list. CSHOs should use the secondary list questions in the order that they are listed.

g. If applicable, notify the employer that a union representative must be located who can attend the opening conference and accompany the CSHO during the walkaround. Union employees are entitled to a separate opening and closing conference, and representation during confidential union employee interviews.

3. Documentation to be requested -- General and Process Related.

CSHOs must request access to the documents listed in Table 2 and Table 3 below.

***Compliance Guidance**: The list below is not intended to limit the type and number of documents to be requested. The DOSH inspection CSHO(s) may request additional documents as necessary.*

Documents specifically required by a DOSH regulation are identified by (*). Documents identified by (##) are requested after the Selected Unit is determined. In some cases, documentation may have been produced by a consultant or contractor

It is recommended that the document requests be formally submitted in writing for case file documentation purposes.

Table 2 **Documents That Should Be Requested Prior to Identifying the Selected Unit(s)**
OSHA 300 logs for the previous three years for the employer and the process- related contractors.*
All contract employee injury and illness logs as required by 296-67- 029(2)(f).*
Host employer's program for evaluating contract employer's safety information
Host employer's program/safe work practices for controlling the entrance/exit/work of contractors and their workers in covered process areas
Host employer's program for periodically evaluating contractor performance
A list of all PSM-covered process/units in the complex.
A list of all units and the maximum intended inventories* of all chemicals (in pounds) in each of the listed units. ***Compliance Guidance****: 296-67-013(2)(a)(iii) requires the employer to have process safety information (PSI) for the maximum intended inventories of chemicals that are part of their PSM- covered processes.*
A summary description of the facility's PSM program
Unit process flow diagrams*.
Unit Plot plans*.
Process-specific narrative descriptions*
Emergency Action Plan

Table 3 **Documents that Should Be Requested After Identifying the Selected Unit(s)**
The initial process hazard analysis*(PHA) and the most recent update/"redo" or revalidation* for the Selected Unit (s); this includes: • PHA reports* • PHA worksheets* • Actions to address findings and recommendations promptly* • Written schedules for actions to be completed*, and • Documentation of findings and recommendations*##.
A list of all workers (i.e., hourly and supervisory) presently involved in operating the Selected Units(s) including names, job titles, work shifts, start date in the unit, and the name of the person(s) to whom they report (their supervisor)##.
A list by title and unit of all PSM incident reports for the Selected Unit*.
Piping and instrumentation diagrams (P&IDs) including legends*.
Unit Electrical classification documents*##.
Descriptions of safety systems (e.g., interlocks, detection, or suppression systems) *##
Contractor employer's documentation of contract workers' training, including the means used to verify employees' understanding of the training (this will be requested from the respective contractor employer(s) after it is determined which contractor(s) will be inspected)
Contract employer's safety information and programs *(this will be requested from the host employer after it is determined which contractor(s) will be inspected)*.
Safe upper and lower operating limits for the Selected Unit (s)*##.
Design codes and standards employed for process equipment* ## in the Selected Unit (s).
Other documents as specified in the Dynamic Lists.

4. PSM Overview.

   Prior to beginning the initial walkaround inspections, the CSHO must request an explanation of the company's PSM programs including, but not limited to:

   a. A briefing on the PSM program components and how the facility implements them;
   b. Identification by name and position of personnel responsible for implementing the standards' various elements;
   c. A description of company records used to verify compliance with standards; **and**
   d. A review of the written summary description of the PSM program.

5. Personal Protective Equipment (PPE) and Camera/Video Use.

   a. CSHOs must wear flame-resistant coveralls in all areas of the plant where there is potential for flash fires, and as may be required by company policy.

      Clothing made of hazardous synthetic fabrics may melt, causing severe burns, and should not be worn underneath flame-resistant coveralls. All garments worn under flame-resistant coveralls must be made of 100% cotton or other non-synthetic fibers.

   b. Prior to the initial walkaround inspections, CSHOs must review the employer's procedures for PPE selection and allowable electronic equipment in the Selected Unit (s) and/or areas of the facility they will be inspecting. CSHOs shall ensure that these procedures and the associated PPE selection have been prepared in accordance with the PSM standard as well as WAC 296-800-160, Personal Protective Equipment.

   c. The facility-required PPE and flame-resistant coveralls (where flash fires are possible) are the baseline PPE requirements for CSHOs conducting walkaround inspections.

      - If the facility requires a respirator, or if, in a CSHO's judgment, a respirator should be worn, then each CSHO must receive proper training and qualifications prior to using their respirator.

      - For electrically classified areas, CSHOs must ensure that the use of cameras (still or video) are used only after the employer determines that using such equipment is safe. The employer typically fills out a hot work permit for the use of cameras; and continuous combustible gas meters, calibrated prior to use, are utilized in the areas where the cameras must be used.

        Note: CSHOs may use cameras equipped with a telephoto lens from outside classified areas and/or still cameras without batteries or a flash.

      - CSHOs must ensure that all electronic devices such as cell phones, PDAs, etc., are turned off.

6. Initial Walkaround

After the opening conference, the inspection may begin with a brief initial walkaround inspection of those portions of the facility within the scope of the PSM standard. During the initial walkaround, CSHOs are advised to:

a. Look for differences between what was presented in the PSM overview discussion and actual conditions;

b. Gather information to aid in the selection of the process unit(s) to be inspected;

c. Obtain a basic overview of the facility's operations;

d. Observe potential hazards including, but not limited to, pipe work at risk of impact, corroded or leaking equipment, unit or control room siting and trailer location, relief devices and atmospheric vents that discharge to atmosphere, and ongoing construction and maintenance activities;

e. Solicit input from employees and their representatives and contract employees concerning potential PSM program deficiencies.

***Compliance Guidance**: Additional walkaround activity will be necessary after the Selected Unit(s) is/are identified.*

7. Selection of Unit

The CSHO must select a PSM-covered process or processes to evaluate for compliance with the standard. For large continuous processes, the CSHO may select a portion of the covered process; for example, a unit operation within the covered process. The selected process or portion thereof must be referred to as the "Selected Unit."

Unit selection should be based on the factors listed below, and must be documented in the case file:

a. Nature (e.g., risk of releasing flammables, high-toxicity substances present, high operating pressures and temperatures) and quantity of chemicals involved

b. Incident reports, near-miss investigation reports, emergency shutdown records, and other history

c. Lead operator's input

d. Age of the process unit

e. Factors observed during the walkaround

f. Worker representative input

g. Number of workers present

h. Current hot work, equipment replacement, inspection, test and repair records, or other maintenance activities

i. Compliance audit records, including open and pending items

j. Contractor activity

If the CSHO determines that selecting an additional unit is necessary for adequate representation of complex covered processes, the following guidelines should be followed:

- The additional selected unit should not be the subject of a prior CHEM NEP inspection
- If all units have been the subject of prior CHEM NEP inspections, the CSHO may select a previously-evaluated unit.

***Compliance Guidance**: It is not intended that the unit selection be a resource-intensive activity. The criteria listed above are intended to be used as a guide. The CSHO should attempt to identify the most hazardous process using these criteria; however, he/she can use discretion in choosing the Selected Unit.*

8. Inspection of Temporary Workers and Contractors

   a. Temporary Workers - The facility may have temporary workers on site, who are:
      - Temporarily transferred from their normal job duties to another area/unit of the facility for purposes of assisting another area/unit within the same facility
      - Workers moved from employer facilities in other locations to the facility under evaluation
      - Temporary workers with skills, knowledge, and abilities hired by the host or contract employer from a temporary service employer

   b. If the facility is using contractors in PSM covered operations:
      - All contractors (including subcontractors) working on or adjacent to the Selected Unit must be inspected. CSHOs must use the applicable questions in the Dynamic List when evaluating contract employer compliance.
      - If the inspection has been expanded to a CHEM NEP from a complaint or referral, both the contract employer **and** the host employer should be evaluated using the CHEM NEP Contractor Questions.
      - CSHOs should determine if there are any workers working on or near a PSM-covered selected unit and exposed to a violative condition are temporary employees. When DOSH finds a temporary worker exposed to a violative condition, and it is determined that a joint employer situation exists, DOSH may issue citations to either or both of the employers, depending on the specific facts of the case.

9. Citations.

   Violations of the PSM standard must **not** normally be classified as "general".

F. Outreach.

The DOSH Education and Outreach Program will develop information about the NEP, hazards, and prevention resources and distribute the information to affected Washington State employers, businesses, and labor associations.

G. Consultation

Consultation CSHOs who meet the training competencies in *Section B, Inspection Resources*, may assist covered employers in understanding and implementing this NEP.

VII. Who to Contact

DOSH staff should contact the PSM Specialist in DOSH Technical Services if they have questions regarding the application of this NEP.

VIII. Expiration

This DOSH Directive will remain in effect until this NEP expires.

Approved: _____

Anne F. Soiza, Assistant Director
Division of Occupational Safety and Health
Department of Labor and Industries

APPENDIX A

CSHO Instructions for the Dynamic Lists of Questions

The Dynamic Lists of Questions are designed to elicit “Yes”, “No”, or “N/A” responses for purposes of determining PSM compliance.

CSHOs must mark:

- “Yes” when the employer has met the requirements of the question,
- “No” when the employer has **not** met the requirements of the question, or
- “N/A” if the question is not applicable.

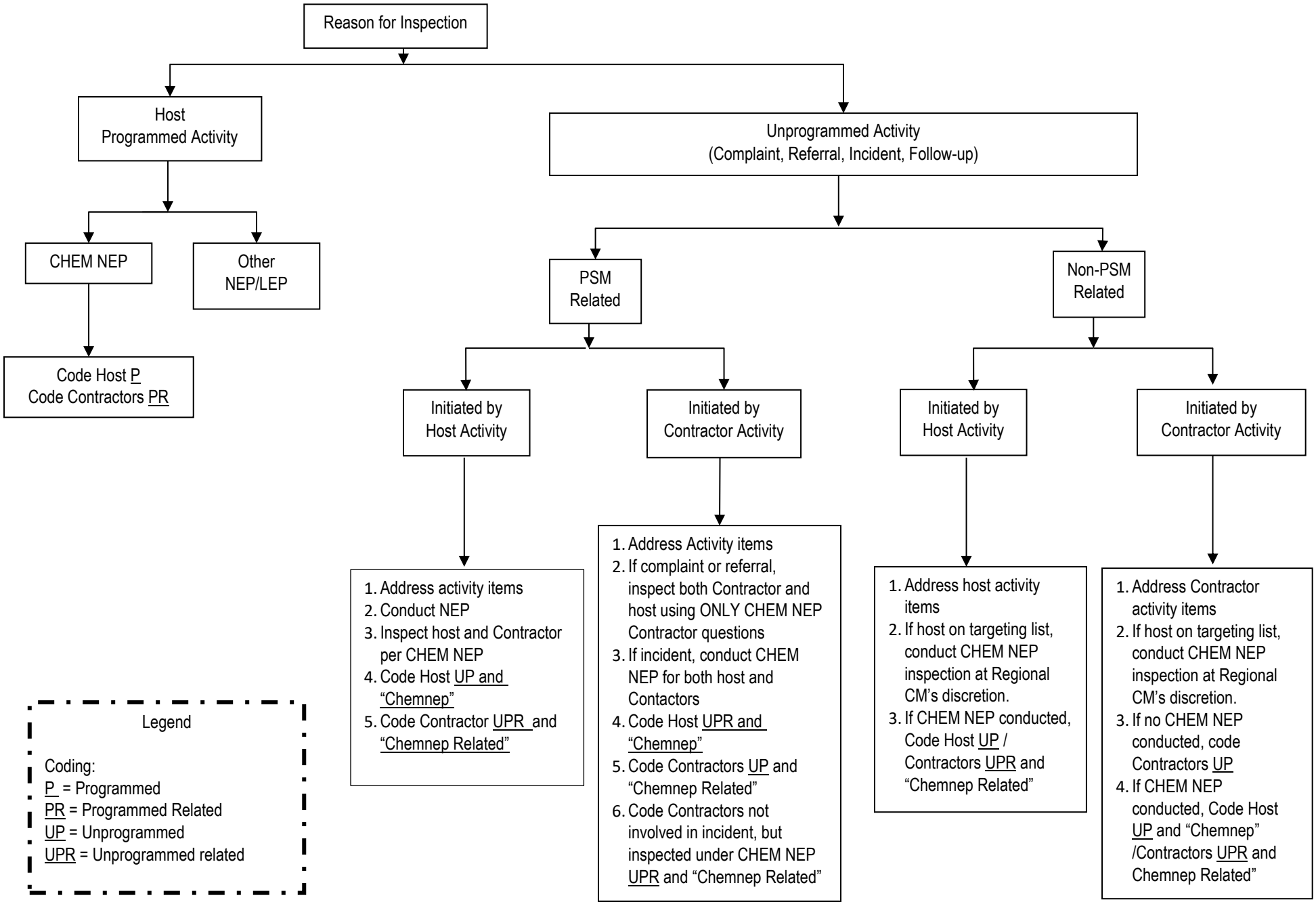
A determination of “No” for any question may indicate noncompliance if the employer does not have an acceptable alternative in place. The CSHO must make every effort to ensure that the employer understands the scope and nature of the inquiry. If the employer is determined as not meeting a given requirement, the steps leading to that determination must be carefully documented in the case file. “No” responses normally result in a citation documenting the violation associated with the Dynamic Lists query. Citations must follow the DOSH Compliance Manual direction (a hazard exists, a DOSH standard applies, the employer has knowledge of the hazard, and workers are exposed to the hazard). Each question lists one or more possible citations.

CSHO evaluations are not limited to a Dynamic List. If violations are identified during the inspection process that are not characterized in the Dynamic List, then the CSHO should follow the DOSH Compliance Manual direction for assessing citations.

Process Safety Management elements are interrelated; as such, one violation and subsequent abatement may touch upon more than one element. The CSHO should contact DOSH Technical Services for direction as needed.

See Flow Chart on Next Page

APPENDIX A
CSHO Instructions for the Dynamic Lists of Questions



APPENDIX B - WIN Coding Instruction

Coding for Inspections that are assigned from the PSM-HHC Scheduling list			
	PSM NEP	HHC	No longer in business or none of the qualifying chemicals
LINIIS Assignment Type	(W) WA Local Emphasis (Programmed/planned)	(W) WA Local Emphasis (Programmed/planned)	(W) WA Local Emphasis (Programmed/planned)
Local Emphasis (required when inspection type is "Programed")	PSM-HHC list	PSM-HHC list	PSM-HHC list
National Emphasis	Chemnep	Blank	Blank
Special Tracking	PSM	HHC	Blank
Scope	Comprehensive *Include in "inspection summary" a statement explaining the inspection was comprehensive of specific PSM process(es) not the entire facility.*	Partial (unless entire facility is discipline specific inspected)	No Inspection

Assigned other than from the PSM-HHC List: Conducted per this Directive				
Reason for inspection		**PSM Related:** • Accident FAT/CAT • Complaint • Referral	**Due to scheduled inspection of contractor at same site**	**Contractor PSM Related** •Accident FAT/CAT •Complaint •Referral
Coding	Assignment Type	Un-programmed As relevant	Programmed Related	Un-programmed Related
	Local Emphasis	Blank	Blank	Blank

Assigned other than from the PSM-HHC List: Conducted per this Directive (Continued)			
		PSM	**HHC**
Coding	Scope	**Comprehensive:** *Include in the "inspection summary" statement that explains the inspection was comprehensive of specific PSM process(es) not comprehensive of the entire facility.*	**Partial**: Unless entire facility is discipline specific inspected
	National Emphasis	Chemnep	Blank
	Special Tracking	PSM (plus anything else that pertains)	HHC (plus anything else that pertains)

Contractor at PSM Facility			
Reason for inspection		**PSM Inspection Related**	**PSM related:** • Accident FAT/CAT • Complaint • Referral
Coding	Assignment Type	Programmed Related	Un-programmed As relevant (Accident, FAT/CAT, Complaint, Referral)
	Scope	Comprehensive *Include a statement in the "inspection summary" that explains the inspection was initiated as a Chemical NEP, a comprehensive inspection of specific PSM process(es) not comprehensive of the entire facility.*	
	Local Emphasis	Same as PSM Inspection this is related to	Blank
	National Emphasis	Chemnep Related	