

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

7.30 Storing and Handling Flammable and Combustible Liquids and Spray Finishing

Date Issued: August 11, 2006

I. Background

DOSH enforces requirements for storing and handling flammable and combustible liquids and spray-finishing operations that are found in WAC 296-24-330, 296-24-370 and 296-62-11019. These requirements are based on 1970s era editions of two different NFPA standards, NFPA 30 Flammable and Combustible Liquids Code and NFPA 33 Standard for Spray Application Using Flammable or Combustible Materials. These sections from the Washington Administrative Code have not been updated since they were originally adopted.

WISHA's current standards conflict with provisions of the International Building Code (IBC), International Fire Code (IFC), the 2003 edition of the NFPA 30 and the 2003 edition of the NFPA 33. The IBC and the IFC are enforced by the State Fire Marshal and fire marshals at the local level.

II. Scope and Application

This WISHA Regional Directive (WRD) provides guidance to DOSH enforcement and consultation staff conducting inspections involving storing and handling flammable liquids and spray-finishing operations. This WRD will remain in effect until the requirements for storing and handling flammable and combustible liquids and spray-finishing operations in WAC 296-24-330, 296-24-370 and WAC 296-62-11019 are updated. It replaces, but does not substantively change, WRD 7.30, issued May 11, 2005, which is hereby rescinded.

III. Interpretive Guidance

In a memorandum dated March 10, 1972, OSHA issued a policy statement that it was not their intent to preempt the state fire marshals, or their counterparts, where there is an overlap of jurisdiction in workplaces due to their much broader goals. WISHA has followed this policy and will continue to follow this policy regarding flammable liquid storage and use and to spray-finishing operations when the local jurisdiction:

- 1) Has an active program enforcing fire and building codes and/or the NFPA 30 and NFPA 33,

AND

- 2) The handling of flammable and combustible liquids or spray-finishing operation complies with the applicable requirements in the IBC, IFC, NFPA 30 or NFPA 33.

IV. Special Inspection Protocols

When DOSH consultation and compliance staff document a violation of WAC 296-24-330, 296-24-370 or 296-62-11019 and the violation would be allowed by either the IBC, IFC, the NFPA 30 or NFPA 33, the violation will be considered a *de minimis* violation of the code and will not be cited.

If the violation is not allowed by the IBC, IFC, the NFPA 30 or NFPA 33, the violation will be cited under the appropriate section from WAC 296-24-330, 296-24-370 or 296-62-11019.

Regional consultation and compliance staff will consult with the technical specialist in DOSH Technical Services if they need assistance in determining whether or not the violation is addressed by the IBC, IFC, the NFPA 30 or NFPA 33.

Approved: _____
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