

To: Washington State L&I

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Subject: Comments on the attached DOSH Process Safety Management (PSM) Rulemaking – Preliminary Draft.

I based the attached comments on my own beliefs, work history and a basic understanding of human nature. I am making these comments as a private citizen.

Thank you for this opportunity.

GENERAL COMMENTS regarding the entire WAC

1. Definitions should not refer you to another WAC. Examples, but not limited to, Page 1 and 2 the terms acute toxicity, boiling point, flammable gas and flammable liquid should all have the definitions in this WAC that you can easily refer to.
2. Avoid adjectives such as, but not limited to, effective, serious, timely manner, promptly, update accordingly, major, small, and equally effective method unless they are defined. All of these terms are subjective to each individual / corporation. Also depending on what it occurring at any given time an individual / corporation can even have another definition.
3. The use “but is not limited to” or “is not limited to”. Does the WAC the OSHA Process Safety Management Standard list other items to be considered?
4. There are sentence in this WAC that say “when the modification is significant enough to require a change in the process safety information.” According to the section on MOC any change requires an MOC and updating the process safety information. Example first paragraph Prestartup Safety Review.
5. Some sections state that the employer must implement all recommendations, but no time is listed. Six months, 1 year, 8 years?

DEFINITIONS

Insert the definitions for the following:

Acute toxicity

Boiling point

Flammable gas

Flammable liquid

Reactive substance

Affected employee. **Please change to read**

Staff and hourly workers who operate a process or job task in areas that may be impacted by maintenance or operation of a process area Affected employees include, but are not limited to:

- (a) Maintenance personnel
- (b) Operations personnel
- (c) Engineering and Design personnel**
- (d) Contractors
- (e) Vendors providing process-related equipment or chemicals

Initiating Cause.

On the surface this is a great definition. When I tried to find definitions for normal and abnormal situations, I could not.

Please add definitions for normal situation(s) and abnormal situation(s).

Isolate. "implementing a double block and bleed system;"

This does not address hydrocarbon or chemical service. If a pipe can spring a leak what makes anyone think that a valve will not? What is the length of time that a double block and bleed can safely be used? When used does it need monitoring constantly, every hour, every four hours, every 12 hours? Is this to be recorded in the operator and / or shift supervisor's logs?

Please add:

Routine Maintenance (as defined on page 6, Turnaround)

Consists of regular periodic maintenance on one or more pieces of equipment at a refinery process unit or plant that may require the shutdown of the piece(s) of equipment.

Safeguards

Please add more examples at the end of the paragraph such as

(c) procedures for testing shutdown systems

Temporary Pipe

Please address the use of temporary pipe for cleaning out equipment.

Turnaround

IF you add to the definitions Routine Maintenance as mentioned above, then delete the last sentence.

EMPLOYEE COLLABORATION

Paragraph (4) (a) (i)

Please delete the word serious. This word is an adjective that has not been defined.

Paragraph (4) (a) (iv)

Please change to read

Measures to ensure that employees **and contractors** who exercise stop work authority as described in this part are protected from intimidation, retaliation, discrimination, or **termination**.

Paragraph (4) (b)

I like this section ensuring all employees and contractors have the right to report hazards anonymously.

If the employer is to respond within 30 calendar days, is the response to be posted in various places if the report was anonymous?

The last sentence”promptly respond to....”

Promptly is an adjective. No actual time frame. This could go on indefinitely.

PROCESS HAZARD ANALYSIS

Paragraph (3)

Please add the new "c", then realphabetize the rest of the list.

Please change "K"

- (a) The hazards of the process
- (b) The findings of incident investigations relevant with the process
- (c) Review safety flashes relevant with the process**
- (d) Engineering and administrative controls associated with the process.
- (e) Potential consequences of failure of engineering and administrative controls
- (f)
- (g)
- (h)
- (i)
- (j)
- (k) The potential effects of external events including seismic events, power outages, flooding, wind speeds over 40 mph. This should also include a review of operations staffing.**

(Please note that I picked 35 mph as a midway point based on whether or not a cranes are allowed to operate.)

(l)

(m)

PROCESS HAZARD ANALYSIS continued

Paragraph (4)

Please change

The process hazard analysis must be performed by a team with expertise in engineering and process operations. The team must include at least one employee who has experience and knowledge specific to the process being evaluated. To ensure the knowledge and experience is current the employee needs to have worked at least three (3) shifts in the last year on the unit. Also, one member of the team must be knowledgeable in the specific process hazard analysis methodology being used. The employer must provide for employee collaboration. As appropriate, the team must consult with individuals with expertise in damage mechanisms, process chemistry, safeguard protection analyses (SPA), control systems or other such relevant skills.

Paragraph (15)

Please explain or define “when change to process warrant a more timely revision.

At least every five years after the completion of the initial process hazard analysis, after a major incident **or when changes to the process warrant a more timely revision**, the process hazard analysis must be updated and revalidated by a team meeting the requirements of this section to ensure that the process hazard analysis is consistent with the current process.

OPERATING PROCEDURES

Paragraph (1) (a)

Please add

(vii) Emergency operations

Paragraph (1) (c) (vi)

Please change

The minimum number of personnel required to safely execute **any** procedure: and

Paragraph (3)

Please change

The operating procedures must be reviewed and updated as often as necessary to ensure that they reflect safe, current operating practices, including changes that result from changes in process chemicals, technology, and equipment and changes to facilities and personnel. **All changes and updates must be completed prior to the change being put into service. If there** *NS*
~~have not been any changes to the process, technology or equipment, procedure need to be reviewed at least once every 3 years.~~

TRAINING

Paragraph (1)

Shouldn't this paragraph also apply to any contractor that is brought in for Shutdown or Turnaround work? Just because a specific piece of equipment is shutdown does not mean that the equipment across the walkway / alleyway is.

Paragraph (2)

Please change to read:

Refresher and supplemental training. Effective and refresher and supplemental training must be provided at least every three years, and more often if necessary, to each maintenance and operations employee involved in operating a process to ensure that the employee understands and adheres to the current maintenance and operating procedures of the process. ~~The employer, in consultation with the employees involved in operating the process, must determine the appropriate frequency of refresher training.~~

Additionally, each maintenance and operations employee involved in operating a process must be training on any changes to the process prior to performing any work on or in that process.

Paragraph (5)

Please consider making this a separate paragraph (6) then renumber remaining paragraphs.

The last sentence ... Employees and employee representatives participating in a team must be trained in the PSM elements relevant to that team

MECHANICAL INTERGRITY

Paragraph (4) (b)

Please delete the underscore between the words exceed and recognized.

Paragraph (4) (c) (iv)

Please change to read (typo)

Internal practices that are at least as or more protective than (i), **(ii)** or (iii) of this subsection.

Paragraph (4) (d)

Please add

The employer must retain documentation for each inspection and test that has been performed on process equipment **for the life of the equipment.**

Paragraph (6) (c)

Please add

Question: What is the time line for completing all of this? One week, one month, one year, five years, ten years?

Vessel, piping and all affected equipment must be inspected after each power outage, emergency shut down, emergency operation, or other detrimental processing event. **This inspection is to be completed by a qualified inspector and or engineer. Any negative results are to be recorded with the Inspection Department and operations notified.** The service life of the equipment must be re-evaluated in order to identify any deficiencies that may have adversely impacted its original service life.

HOT WORK PERMIT

Paragraph (1)

The employer must issue a hot work permit prior to the commencement of hot work operations conducted on or near a covered process.

Question: If the sewer system is connected between covered process and non covered process areas, chemicals or hydrocarbon (sampling, draining, cleaning out equipment or a spill) could pose a safety hazard. If a sewer is nearby shouldn't a hot work permit be issued regardless of the location?

Paragraph (2)

Alignment is off on (a), (b), (c), (d)

Paragraph (2) (b)

Is this asking that both the name of the person(s) performing the work and their employer be identified on the permit?

MANAGEMENT OF CHANGE

Overall the placement of each paragraph in this section needs to be reviewed. Examples

(6) should be (4)

(5) should be at the next to the last.

Paragraph 5

Question:

Is there a deadline for updating the process safety information “accordingly”?

Paragraph (6)

Please change

If a change covered by this section results in a change in the operating procedures or practices, such procedures or practices must be updated **prior to the change taking effect**.

Please add this paragraph:

If an employee representative is present, the employee must have successfully completed training for regarding the equipment or process.

Incident Investigation – Root Cause Determination

The placement of the paragraphs needs to be reviewed. Think of the order of how the investigation will progress. Examples

(5) should be (8)

(6) should be (5)

(8) should be (6)

The word promptly and timely was used. Please define.

Paragraph (7)

Please change. Please note that this could easily be accomplished at the next team safety meeting.

Investigation reports must be provided within one week of its completion **and** reviewed with employees whose job tasks are affected by the incident.

Emergency Planning and Response

Paragraph (1)

Please change

The employer must develop, implement and maintain an effective emergency response or emergency action plan for the entire plant. An emergency response plan must define and include procedures for handling **any release**.

Damage Mechanism Review

Please review the order of the paragraphs. Think of how the Review will progress.

Examples

(8) should be (5)

(7) should be (6)

(6) should be (7)

(5) should be (8)

Paragraph (9), where is the complete list?

Paragraph (12)

Please change. Please note that this could easily be accomplished at the team safety meeting.

The report must be provided to **and** reviewed with employees whose work assignments are within the process unit described in the DMR.

Paragraph (13)

Question: what is the time frame for implementing the recommendations?

Process Safety Culture Assessment

Please add the following, otherwise this task could be assigned to any department within the refinery.

Please add: To be conducted by the Process Safety Department or Group.

Management of Organizational Change

Paragraph (2)

Please change

The employer must designate a team to conduct a management of organizational change (MOOC) assessment prior to reducing staffing levels, reducing classification levels of employees changing shift duration, or increasing employee responsibilities at or above **ten** percent. The employer must provide for employee collaboration. The MOOC assessment is required for changes with a duration exceeding **30** calendar days affecting operations, engineering, maintenance, health and safety or emergency response. This requirement must also apply to employers using employees of contractors in permanent positions.

Process Safety Management Program

Paragraph (2)

Please add

The employer must develop, implement and maintain an effective written process safety management (PSM) program, which must be reviewed and updated at least every three years **or when there are any changes to the organizational chart that identifies management positions responsible for implementing the PSM Program elements.**

IMPLEMENTATION

Paragraph (3)(c)

Please change

The recommendation is infeasible; however a determination of infeasibility must **not be based on cost and or work load.**

Paragraph (6)

Please change. With computers what difference does it make if the team member is on site or not?

Each recommendation that is changed or rejected by the employer must be communicated to **team members for comment.** The employer must document all written comments received from team members for each changed or rejected recommendation. The employer must document a final decision for each recommendation and must communicate it to **the team members.**

Paragraph (9)

Please change

The employer **must complete all** corrective actions and must comply with all completion dates required by this subsection. The employer must conduct an MOC for any proposed change to a completion date. The employer must make all completion dates **available to all affected** operation and maintenance employees and employee representatives

Paragraph (11)

In addition to having this paragraph in this spot please in each appropriate subsection.