

DOSH DIRECTIVE

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

24.60

Delayed Enforcement of PSM Policies

Date: December 18, 2015

I. Purpose

This DOSH Directive provides guidance to DOSH enforcement and consultation staff in applying the requirements of the Process Safety Management of Highly Hazardous Chemicals (PSM) regulation, chapter 296-67 WAC. This Directive also establishes policy for delaying the enforcement of the retail exemption and covered concentration policies.

II. Scope and Application

This Directive applies to DOSH operations statewide. It requires staff to follow the guidance in the three memos listed in the References section below.

III. References

- [Chapter 296-67 WAC, Process Safety Management of Highly Hazardous Chemicals](#)
- [OSHA memo: RAGAGEP in Process Safety Management Enforcement](#) (dated 6/5/2015)
- [OSHA memo: Process Safety Management of Highly Hazardous Chemicals and Covered Concentrations of Listed Appendix A Chemicals](#) (dated 6/5/2015)
- [OSHA memo: Process Safety Management of Highly Hazardous Chemicals and Application of the Retail Exemption \(29CFR 1910.119\(a\)\(2\)\(i\)\)](#) (dated 7/22/2015)

IV. Background

In June and July of 2015 the Federal Occupational Safety and Health Administration (OSHA) issued three new memoranda to Regional Administrators and State Plan Designees. These three memos revise and provide guidance on the enforcement policy for OSHA's PSM regulation ([29 CFR 1910.119](#)). The memos address recognized and generally accepted good engineering practices (RAGAGEP), covered concentrations of Listed Appendix A chemicals, and the retail facility exemption.

V. Enforcement Policies

In order to remain at least as effective as OSHA, DOSH follows OSHA PSM policies. OSHA has established three new PSM policies and DOSH expects employers to comply with them as well. DOSH compliance and consultation staff will follow the guidance contained within them.

DOSH recognizes that it may take time to comply with the PSM regulation as a result of some of these changes. For the first 12 months following the issuance date of this Directive, DOSH will focus its resources on consultation and outreach to affected employers. During this time DOSH will also exercise enforcement discretion and refrain from citing employers for violations of the PSM standard at facilities that DOSH would not have cited under the former PSM retail exemption and covered concentrations policies **only** (i.e., this does not include the RAGAGEP policy).

The only exception to this policy will be if DOSH discovers conditions at such a facility that expose workers to an immediate and severe danger, and DOSH determines that the employer has not made a reasonable good faith effort to eliminate or substantially control the hazard. In this circumstance, the agency may consider enforcement action.

VI. Who to Contact

For questions about this Directive contact the DOSH Technical Services PSM specialist.

In addition, the DOSH Consultation Program can help employers evaluate and prevent hazardous conditions in their workplace that can cause injuries and illnesses, including the hazards associated with exposures to isocyanates. For more information about consultation services, staff can refer employers to the DOSH web page:

<http://www.lni.wa.gov/Safety/Basics/Assistance/Consultation/default.asp>

VII. Expiration Date

This DOSH Directive, delaying enforcement of the retail exemption and covered concentration policies, will expire on December 18, 2016.

Approved:



Anne F. Soiza, Assistant Director
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Department of Labor and Industries