OSHA and other federal agencies have taken several steps to improve chemical facility safety and security.

The Chemical Facility Safety and Security Working Group – which comprises several federal agencies, including OSHA and the Environmental Protection Agency – published an update June 9 noting the actions the government has taken to comply with a 2013 Executive Order issued by President Barack Obama.

Both OSHA and EPA have taken steps to update their Process Safety Management Standard and Risk Management Plan, respectively, and the working group has incorporated stakeholder comments and latest practices for a reissued advisory on ammonium nitrate. The working group also has worked to improve communication between agencies.

Recent actions OSHA has taken to improve chemical facility safety and security include:

- Conducted two public meetings to gather input for developing an emergency response and preparedness standard
- Published a Request for Information seeking input on improving its Process Safety Management Standard
- Initiated a Small Business Regulatory Flexibility Review Act panel to obtain small-business feedback on the agency’s PSM standard
- Updated an advisory on safe storage, handling and management of ammonium nitrate
- Formed an alliance with the fertilizer industry, emergency response organizations and other working groups to better provide guidance and training resources

Obama issued the Executive Order following an April 2013 fertilizer plant explosion in West, TX, that killed 15 people and injured more than 160.

PSM updates
In its update to its PSM standard, OSHA published a memorandum June 8 announcing it had adopted a chemical concentration test similar to that of EPA to determine whether a chemical is at or above the threshold quantity listed under the standard.

Appendix A of the PSM standard does not include concentrations for 126 listed chemicals, making it difficult to determine if the threshold quantities for those chemicals apply to their undiluted form or to mixtures in which the chemicals are present. For more than 20 years, OSHA stated in the memo, the threshold quantities applied only to “pure” (chemical grade) chemicals. This can be ambiguous.

OSHA provides updates on chemical facility safety improvements
OSHA to focus health care industry inspections on MSD, bloodborne hazards

OSHA will focus hospital and nursing home facility inspections on hazards related to the industry’s high injury rate, a June 25 agency memorandum states.

Worker injury rates at nursing and residential care facilities are more than twice that of the overall private industry, and hospital workers face a rate nearly as high, according to the Bureau of Labor Statistics. To address these injuries, the OSHA memo directs compliance officers to focus on the following hazards during inspections at hospitals and nursing facilities:

• **Musculoskeletal disorders related to patient handling.** Nearly half of all injuries in the health care industry were attributed to overexertion, and the industry’s rate for MSD injuries is 1.5 times that of all industries.
• **Workplace violence.** The industry reports thousands of assaults to health care workers each year, according to the memo, citing BLS statistics.
• **Bloodborne pathogens.** OSHA’s standard on bloodborne pathogens is one of the most frequently cited standards in nursing facilities.
• **Tuberculosis.** The Centers for Disease Control and Prevention has identified nursing and residential care facilities as among the occupational groups with the highest risk of exposure.
• **Slips, trips and falls.** These incidents accounted for more than two-thirds of all injuries that resulted in days away from work in hospital and nursing facilities in 2013.

The hazards listed in the memo were covered by a recently concluded National Emphasis Program on nursing and residential care facilities. Compliance officers will focus on these hazards in addition to the hazards that prompt the inspections. The scope of the inspection could be expanded, the memo states.

Read the memo at [http://tinyurl.com/pws6dhp](http://tinyurl.com/pws6dhp).

**ASK THE EXPERT**

*with Rick Kaletsky*

Q: I’m revising our periodic safety testing chart. Please provide a list of the most important items/concerns to consider.

A: My list is extensive, but it does not include every item that can possibly be safety-tested. Further, there may be requirements within the myriad OSHA standards that I do not list here. In any case, many employers fail to test (by proper means and within suitable intervals) some of the following:

• Interlocks, presence-sensing devices, pullbacks, restraints, emergency shut-off buttons, stop-actuating cables
• Ground fault circuit interrupters, quality of electrical grounds (quantifiable), emergency lighting
• Powered industrial truck horns, back-up alarms, brakes (conventional and emergency), fork drift
• Emergency eye fountains, deluge showers, manometers, drains, fire alarms, evacuation alarms

It is critical that some tests are performed under monitored and controlled conditions to avoid creating a false sense of heightened risk.

To avoid a tragedy, extra diligence and planning is required for some tests, which may call for an industrial hygienist (or similarly experienced person). Yet, it would be prudent for maintenance personnel to accompany the expert so that in the event of an apparent emergency discerned by the testing, an immediate shutdown or adjustment can be accomplished. Examples include high temperature, overflow, leaks, oxygen deficiency, and concentrations above the lower explosive limit (sometimes referred to as the lower flammable limit).

Among other tests that require extra care are braking systems for cranes, various material handling equipment concerns (capacity being a major factor), and the adequacy of devices to reduce or preclude fall hazards.

Former OSHA inspector turned consultant **Rick Kaletsky** is a 44-year veteran of the safety industry. He is the author of “OSHA Inspections: Preparation and Response,” published by the National Safety Council. Now in its 2nd edition, the book has been updated and expanded. Order a copy at [www.nsc.org](http://www.nsc.org), and contact Kaletsky with safety questions at safehealth@nsc.org.
In Other News…

OSHA walking/working surfaces rule under review

After more than two decades in development, OSHA’s final rule on walking/working surfaces to address slips, trips and falls is under White House review.

The rule, would revise existing walking/working surfaces standards by including new technology and methods intended to help reduce fall-related deaths and injuries, was submitted July 2 and at press time remained under review by the Office of Information and Regulatory Affairs. OIRA is overseen by the White House’s Office of Management and Budget.

OSHA first began publicly working on the rule after issuing a notice of proposed rulemaking in 1990. A second NPRM was issued in 2010. OIRA reviews are limited to 90 days but can be extended.

OSHA issues guidance on providing restroom access for transgender workers

Employers should provide transgender workers with access to restroom facilities based on workers’ gender identity, OSHA stated in a guidance document published June 1.

OSHA’s Sanitation Standard (1910.141) requires employers to provide workers with toilet facilities, and prohibits unreasonable restrictions on employee use of such facilities. Best practice regarding transgender workers’ use of toilet facilities is to allow a person identifying as a man to use the men’s room, and a person identifying as a woman to use the women’s room, according to the guide. It is up to the employee to decide the most appropriate and safest option.

Go to http://tinyurl.com/ng7lwk7 to read the guidance.

OSHA STANDARD INTERPRETATIONS

OSHA requirements are set by statute, standards and regulations. Interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. Enforcement guidance may be affected by changes to OSHA rules.

Clarification regarding the applicability of the recording criteria involving restricted work

Standard: 1904.7
Date of response: Feb. 12, 2015

QUESTION: Which of the following scenarios constitute restricted work activity for OSHA recordkeeping purposes?

Scenario 1: An employee cut into a pipe and a stream of liquid sprayed onto the employee while working in a radiological area. He was seen by the onsite medical department, given first aid treatment, and released to duty with no job restrictions. In accordance with company policy, the employee was prevented from re-entering the radiological area in order to prevent cross-contamination of the bioassay sample which usually takes one to two days. Once the sample was submitted, the employee was permitted to perform work in the radiological area again.

Scenario 2: An employee sustained first and second degree burns to his forearm while working in a radiological area. The onsite medical department treated the injury with over the counter medication, a bandage, and was released with no job restrictions. In accordance with company policy, the employee was restricted from the radiological area for two days due to his burns, even though he could perform all of his routine job functions. Once his burn was scabbed over, he was able to return to work.

Scenario 3: An employee injured his foot on a sharp piece of metal while working in the radiological area. The metal penetrated the side of his safety boot and caused a wound to the lateral side of his foot. He was administered first aid by the onsite medical department and told to keep the dressing clean, dry, and to elevate his foot as much as possible. There were no restrictions placed on the employee. The employee could not return to work the next day due to the damage of his safety shoe which is required to be worn in the radiological area. Furthermore, the employee was also denied access to the radiological area until the requested bioassay sample had been taken. He eventually returned to work.

Response: Restricted work occurs when – as the result of a work-related injury or illness – an employer prohibits the employee from or a licensed health care professional recommends the employee against performing one or more routine job functions, or work the full scheduled workday. If an employee has a work-related injury or illness, and that employee’s work is restricted by the employer to prevent exacerbation of, or to allow recuperation from, that injury or illness, the case is recordable as a restricted work case because the restriction was necessitated by the work-related injury or illness. Please note that if the employee’s work-related illness or injury played any role in the restriction, OSHA considers the case to be a restricted work case. Accordingly, because each of the scenarios described above involve restrictions imposed by the employer to prevent the exacerbation of a work-related injury, the cases must be recorded on the OSHA 300 Log as restricted work activity.

Francis Yebesi, Acting Director
Directorate of Evaluation and Analysis

Excerpted from: http://tinyurl.com/pwpo8xf
To clarify the issue, the memo stated OSHA’s new enforcement policy would be EPA’s “1 percent” test. This requires employers to calculate if the total weight of a chemical without a specified concentration under PSM’s Appendix A is at 1 percent or greater. If so, and the weight meets the threshold limit and the chemical has a partial pressure of 10 millimeters of mercury or greater, then the process is covered under PSM.

All previous OSHA policy documents, letters of interpretation or memorandums related to the maximum commercial grade policy were rescinded.

In a separate memo also issued June 8, OSHA clarified how to interpret certain language regarding the enforcement of PSM’s recognized and generally accepted good engineering practices, also known as RAGAGEP.

RAGAGEPs can include consensus standards “widely adopted” in codes by federal, state or municipal jurisdictions, or certain organizations’ consensus documents and recommended practices.

Language in RAGAGEPs similar to “shall” and “must” mean the practice is a mandatory minimum requirement to control a hazard, and “shall not” or “prohibited” means unacceptable practices. Deviations from “shall” or “shall not” could lead to a violation.

However, language similar to “should” reflects a preferred approach, compliance with which is considered acceptable. If an employer chooses not to follow approaches the RAGAGEP says “should” be followed, the employer must document that the alternate approach is a good engineering practice and is as protective as that prescribed under the RAGAGEP.