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R C & E Inc.

PANIC

AND

RUN

AWAY

Our opportunities break into three categories:

<u>Before</u> → During → After

What we can do: BEFORE

"By failing to prepare, you are preparing to fail"

– Benjamin Franklin

What we can do: BEFORE

The EPA *may* give you advance warning – OSHA can not.

Call this presentation your notice and assume you are going to get inspected.

1) Know your material

2) Prepare the staff

3) Prepare the facility

What we can do: BEFORE

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a) The RMP L3 checklist and OSHA's old CPL2.245a checklist and the NEP *document request list* are freely available online

b) Check your documentation for accuracy

c) Find and ADDRESS open recommendations and your history

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RMP Program Level 3 Process Checklist	**Facility Name:** _____		
Section A – Management [68.15]			
Has the owner or operator:			
1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]	☐Y	☐N	☐N/A
2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)]	☐Y	☐N	☐N/A
3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)]	☐Y	☐N	☐N/A

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1910.119 (c): EMPLOYEE PARTICIPATION			
I. PROGRAM SUMMARY The intent of this paragraph is to require employers to involve employees at an elemental level of the PSM program. Minimum requirements for an Employee Participation Program for PSM must include a written plan of action for implementing employee consultation on the development of process hazard analyses and other elements of process hazard management contained within 1910.119. The employer must also provide ready access to all the information required to be developed under the standard.			
II. QUALITY CRITERIA REFERENCES A. 29 CFR §1910.119(c): B. 40 CFR §68.83			
III. VERIFICATION OF PROGRAM ELEMENTS	**Y/N**	**COMMENTS**	**ACTION**
A. Records Review 1. Does a written program exist regarding employee participation?			
2. Does the written program include consultation with employees and their representatives on the conduct and development of process hazard analyses and on the development of other elements in the PSM standard?			

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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 1910.119(h)(2)(vi)*.*
- *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: 1910.119(d)(2)(i)(C) requires employers 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*.*
- *Process narrative descriptions.*
- *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.*
- *Emergency Action Plan* (If the employer has 10 or fewer employees they may communicate the plan orally (29 CFR 1910.38(b)) -- i.e., they may not have a written emergency action plan; and Emergency Response Plan* if the facility is also required to comply with 29 CFR 1910.120(q).*
- *Host employer's program for periodically evaluating contractor performance.*

Documents That Should Be Requested After the Selected Unit(s) Are Identified

- *Piping and instrumentation diagrams (P&IDs) including legends*.*
- *Unit electrical classification documents*.*
- *Descriptions*
- *Design codes and standards employed for process*## and equipment*## in the Selected Unit(s).*
- *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).*
- *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*.*
- *Compliance Guidance: Any PHA performed after May 25, 1987 that meets the requirements of 1910.119(e) may be claimed by the employer as the initial PHA for compliance purposes, see 1910.119(e)(1)(v).*
- *Safe upper and lower operating limits for the Selected Unit(s)*.*
- *A list by title and unit of each PSM incident report; all PSM incident reports for the Selected Unit*.*
- *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).*
- *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).*

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Ensure you can answer the questions **in writing.**

This means you need documents that answer your questions rather than *people*.

What we can do: BEFORE

1) Know your material

b) Check your documentation for accuracy

Are you doing what your written plan SAYS you are doing?

Look for consistency!

…in the <u>same</u> way. …on the <u>same</u> schedule.

What we can do: BEFORE

1) Know your material

c) Find and ADDRESS **open recommendations** and your history

You don't need to have every one of them closed, but you need a plan of action and a schedule for those actions in writing.

Ensure you can DEFEND your plan of action and schedule to meet the requirements of the **PHA/MI nexus**.

What is the PHA/MI nexus?

Compliance Guidance: There may be instances when a PHA team identifies deficiencies in equipment/systems which would violate the requirements of 119(j)(5) if left uncorrected. If the employer continues to operate the deficient equipment/system, it must take interim measures per 119(j)(5) to assure safe operation, and it must also meet the 119(e)(5) requirements to resolve the findings and recommendations related to the identified deficiency.

The phrase from 119(j)(5), "safe and timely manner when necessary means are taken to assure safe operation", when taken in conjunction with 119(e)(5) means that when a PHA team identifies a deficiency in equipment/systems and the employer does not correct the deficiency before further use, the employer's system for promptly addressing the PHA team's findings and recommendations must assure:

1) *that the recommendations are resolved in a timely manner and that the resolutions are documented;*
2) *the employer has documented what actions are to be taken, not only to resolve the recommendation, but to assure safe operation until the deficiency can be corrected;*
3) *that the employer complete actions as soon as possible; and*
4) *that the employer has developed a written schedule describing when corrective actions related to the resolution and any interim measures to assure safe operations will be completed.*

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c) Find and ADDRESS open recommendations and **your history**

If you have a citation history with OSHA / EPA and/or an RMP Accident history, plan on the inspector knowing about it and spending a portion of the inspection on that history.

Ensure you can DEFEND your <u>current</u> program in light of that history.

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What we can do: BEFORE

2) Prepare the Staff

a) Establish awareness.

b) Train personnel to "GO TO THE DOCUMENTS"

c) Orient the Staff, Management and YOURSELF.

What we can do: BEFORE

2) Prepare the Staff

a) Establish awareness.

- Make sure everyone is aware so you can minimize *opportunities*.
- Inspections will make you lose your business focus – they are **not** good times to try new things.

What we can do: BEFORE

2) Prepare the Staff

b) Train personnel to "GO TO THE DOCUMENTS"

- If your people rely on memory, you will NOT be consistent.
- If your people answer questions through documents, you have a fighting chance*.

**Assuming you don't have multiple documents with multiple answers.*

What we can do: BEFORE

2) Prepare the Staff

c) Orient the Staff, Management and YOURSELF.

- This is a *learning* opportunity
- Try to understand the perspective of the inspector.
- If you use a PSM/RMP consultant, try to have a plan to get them to your inspection.

What we can do: BEFORE

2) Prepare the Staff

a) Establish awareness.

b) Train personnel to "GO TO THE DOCUMENTS"

c) Orient the Staff, Management and YOURSELF.

What we can do: BEFORE

3) Prepare the Facility

- Plan your site tour route
- Do some dusting, painting, re-labeling and tagging as needed. A little bit of housekeeping goes a long way in establishing good will
- LOOK at your system. A dented drain pan will draw questions about "struck-by hazards." A fresh weld and unpainted pipe will draw questions about Management of Change.

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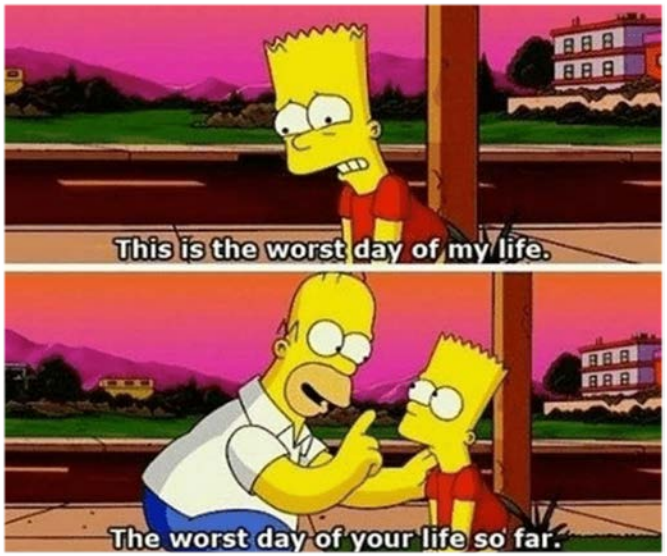
Before → <u>During</u> → After

What we can do: DURING

1) Remain Calm
2) Set the tone early
3) Take pictures of what *they* take pictures of. Make copies of every document you provide them.
4) Ask for clarifications. If there is **any** confusion, ask for written questions
5) When in doubt, ask to get back to them.
6) Answer as briefly as possible
7) Wherever possible, answer with DOCUMENTS 
8) Close the day and the inspection with Thank You.

What we can do: DURING

1) Remain Calm
   - Anger will get you nowhere.
   - Keep your politics to yourself.
   - They are auditing the program, not YOU.



What we can do: DURING

2) Set the tone early
8) Close the day and the inspection with **Thank You**.

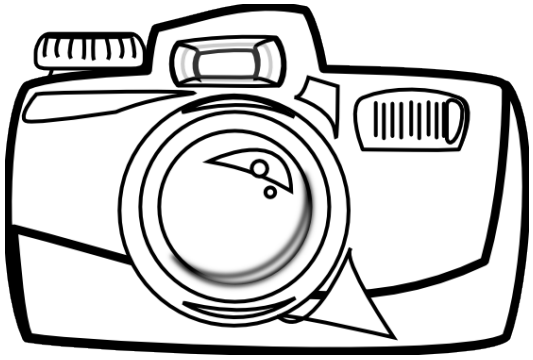
Regardless of how they treat you, treat the inspector as if they are a concerned friend trying to ask you some tough questions. That said, Defend your program with every defensable argument.

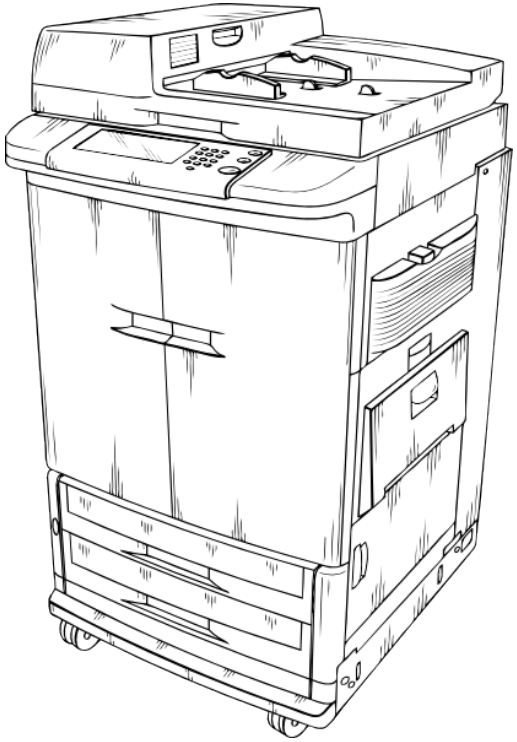
(That said, remember that this person is NOT here as a friend and answer accordingly*. Offer only the bare minimum to answer the question. NEVER LIE to an inspector.)

*Take the opposite approach with your consultants.

What we can do: DURING

3) Take pictures of what *they* take pictures of. Make copies of every document you provide them.





What we can do: DURING

4) Ask for clarifications. If there is **any** confusion, ask for written questions
5) When in doubt, ask to get back to them.

Some (most!?) questions are traps. If you don't know what they are really getting at, it's not a bad idea to get the question in writing and discuss it with a consultant.

What we can do: DURING

6) Answer as briefly as possible
7) Wherever possible, answer with DOCUMENTS

You want to provide **only** the necessary information to answer the question – ideally **through documentation**.

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8) Close the day and the inspection with Thank You.

Our opportunities break into three categories:

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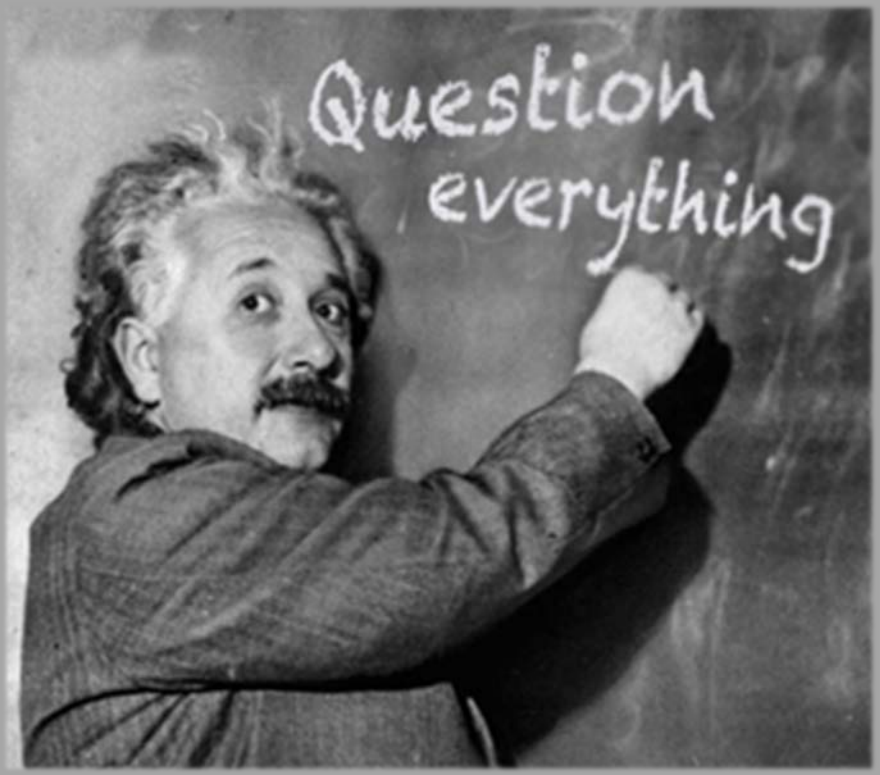
What we can do: AFTER

1) If you haven't called a consultant yet, there is still time.
2) Ask that clarification questions be supplied in writing.
3) Make copies of every document you provide them.
4) Attempt to "close the gap" on any issue the inspector has already identified.
5) Defend your program with every defensable argument.



Thank You for your Interest in Process Safety.