



[INSIDE INDUSTRY]

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The NEP may prove costly to process safety

Both the U.S. Chemical Safety Board BP investigation report and the Baker Panel report were critical of OSHA's lack of enforcement in the refining sector. OSHA data indicates that U.S. refineries have experienced 36 fatal or catastrophic incidents since 1992, representing more incidents than have occurred in the next three closest chemical industrial groups combined.

On March 22, Congress held hearings addressing OSHA and process safety management (PSM) compliance. One of OSHA's responses to the hearings was the establishment of a refinery National Emphasis Program (NEP). OSHA has published the refinery NEP directive and has already begun inspections.

The inspections will focus on checking PSM implementation — not just records — targeting specific process units and strategically sampling equipment, records and personnel.

Inspection strategy

OSHA has created a formal set of questions for these audits. One set — a “static” list that consists of more than 90 questions covering 13 PSM elements — has been

published. A second “dynamic” list will consist of 15-20 random questions from a set of 700 questions, which will not be made known to the refinery prior to the inspection. Section three of the NEP directive includes a reference section listing 47 documents, including industry standards, recommended practices and guidance from organizations like API and the Center for Chemical Process Safety (CCPS).

The inspection protocol is structured around compliance expectations that build upon the recognized and generally accepted good engineering practices in these documents. Compliance, safety and health officers are to review documents, interview employees, and verify implementation for specific processes, equipment and procedures for compliance using these documents as the relevant standard of care.

How to get ready

The NEP program has the potential to be both a big resource drain and a potential liability. It makes sense to spend some time thinking through how your refinery/company will address it.

Before the OSHA team arrives:

➤ Decide how you are going to prepare and coordinate within your refinery/company.

➤ Think through responses to OSHA's questions in advance of its arrival.

➤ Contact appropriate internal/external legal counsel to address potential issues.

➤ Find/organize records identified in questionnaire.

➤ Review the status of all process hazard analysis, incident investigations and cost analysis action items; and reduce/eliminate overdues.

➤ Conduct limited compliance reviews in areas of concern.

➤ Develop communication package for NEP program; prepare employees, supervision and management.

➤ Consider coordination/sharing information with other refineries in your company and with industry groups.

Once the OSHA NEP team arrives, prepare to:

➤ Shadow inspectors and schedule interviews.

➤ Manage OSHA's logistical requests and needs.

➤ Coordinate document requests; devel-

op a protocol in advance.

➤ Conduct daily close-out meetings with OSHA.

➤ Have subject matter experts available to explain refinery thought process on compliance with NEP and internal process improvement questions.

Yes, it will improve process safety for those companies unaware of or not serious about their obligations under the PSM standard. But, for those that have been trying to do a good job, it may not improve process safety. Many have begun to focus attention on improving performance and efficiency as defined by the CCPS's risk-based process safety guideline (safety culture, etc.) and attending to important but not regulated areas advocated by the Baker Panel report. The NEP will create a tendency for these companies to divert attention and resources away from a good and continuously improving job in process safety in order to deal with, get ready for and protect themselves from the NEP.

If you would like more information or tools/guidance on dealing with the refinery NEP issues, please contact Steve Arendt at sarendt@absconsulting.com or call (281) 673-2914. □



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