

September 27, 1990

Docket Officer
Docket S-026
U. S. Department of Labor
OSHA, Room N2625
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Sirs:

Vista Chemical Company is a petrochemical manufacturing company with 750 million in annual sales. Vista's main products include ethylene, vinyl chloride, polyvinylchloride, methyl chloride, linear alkylbenzene and synthetic alcohols. Vista will be significantly impacted by the proposed Process Safety Management of Highly Hazardous Chemicals and offers the following comments on the proposal.

SIGNIFICANT ISSUES

OSHA asked for comments on 11 specific issues. Numbered comments below correspond to the numbered questions in the preamble.

1. There is little specific information on the criteria for the chemicals listed in Appendix A. Therefore, it is difficult to comment on the completeness of this list. Also, the threshold quantities in the list, derived from other lists may have little to do with the intent of the process safety standard. There is

no stated justification for these thresholds in the preamble, such as risk assessment or potential to create life threatening impact. OSHA should provide information on how the thresholds were determined or at least reference the original list to justify the inclusion on the list.

2. The documentation and training requirements of the proposed standards are extensive and will require significant manpower to develop and/or organize. The actual hazard assessment process is also manpower intensive. Based on the resources available, Vista proposes a 5 year time frame to complete process hazard assessments on Appendix A materials, and 8 years for paragraph (b)(1)(ii) substances.

Also OSHA should explicitly allow process hazard assessments done in the last 3 years that meet the requirements of the standards to be allowed for compliance.

3. Appendix D should not be a mandatory appendix. Companies should be allowed to use proven methods available to them as long as they meet the intent of the standards. Technologies and methodologies change frequently and Appendix D should only be a guide to methods that can be used.
4. The specified team content is adequate as described. In practice, special functions will be added as necessary to

accomplish the assessments. Vista can see no practical benefit from requiring an employee representative on the team. In fact, this could be counterproductive in some cases due to labor contract restrictions on representation.

5. OSHA should not require tests be given to employees to prove the training was effective. This is not required in any other OSHA standards that require training be done, and a testing requirement could be a significant labor problem in represented locations.

Validation of operator skills is frequently done with on the job observation and "oral testing" by front-line supervision. This method can be applied to meet this standard's requirements.

Requiring a specific number of hours of training is not an effective method of assuring training of specified content or purpose is accomplished {more words to be added by TGG}.

6. OSHA should not require contractors that work a "significant amount of time" at a process be given a greater amount of training. This would be a vague and unenforceable requirement. Paragraph (h) requires that contractors be trained in hazards related to their work. If exposure potential is greater due to a contractor's presence on the site for extended periods, this language would seem to require additional training as it is

written now.

It is necessary and should be required that contractors must inform the plant's employer of the hazards presented by the contractor's work. Contract provisions are seldom specific enough to adequately disclose this information. The hazard communication standard generally requires contractors to provide hazard information and this standard should specifically require contractors to provide applicable information as well.

7. Vista believes the "critical" process equipment list in Paragraph (j) is appropriate.
8. Vista supports the concept that drills are an effective method to test emergency procedures. However, what constitutes a drill and the usefulness in all facilities, particularly smaller ones, is not easily definable or apparent. Drilling should not be a requirement.
9. Based on current SARA Title III, Section 311 and 312 requirements for hazardous chemical inventory and information reporting Vista believes there is sufficient publicly available information for OSHA to utilize to meet the intent of a notification requirement.

SPECIFIC COMMENTS ON THE PROPOSAL LANGUAGE

1. Paragraph (b) is vague regarding the application of the standard's requirements. Are they applicable only to the specific process unit that contains a threshold quantity or is the entire facility that "houses" the process then covered the standard's requirements? This should be clarified.

The 10,000 lb. criteria for applicability in paragraph (b)(ii) seems to small. This criteria would include processes that have little potential to create a "major incident". The difficulty of requiring an evaluation of all chemicals in this category is recognized but Vista would propose adding language that allows companies to demonstrate that processes with 10,000 lbs. could not create a major hazard under worst case conditions and therefore be exempted from the requirements of the standard.

2. Paragraph (c) should have definitions added for: a) replacement in kind; b) engineering control; and, c) hazard analysis.
3. The requirements of Paragraph (d)(1) should be consistent with the hazard communication standard (1910.1200). The purpose and intent of this paragraph is the same and the standard should explicitly state that this information be provided according to 1910.1200.

Paragraph (d) states "... information must be communicated to employees...". The term "communicated" to is vague and not used

in other standards requiring similar training. the words "provide information" and "train" are consistently used in health standards and for consistency should be used here.

Paragraph (d)(2)(B) uses the term "process chemistry". This is vague and should be clarified.

Paragraph (d)(2)(C) speaks to "maximum intended inventory". Based on recent requirements of SARA Title III, it is not clear if this means the total process or is vessel specific.

Paragraph (d)(2)(D) and (d)(2)(D) should require that information only for those items "critical" to the safe operation of the unit. To include all information listed in the information provided could easily detract from the significance of the critical information. The ability to develop the information required in paragraph (d)(2) through a process hazards analysis should be expanded from the 1/1/80 date proposed in (d)(2)(ii) to the effective date of the standard. Newer units designed with good engineering practices may not have all of the documentation required by the proposed standard.

4. Paragraph (d)(3)(i)(F) and (d)(3)(ii) requires documentation of design codes employed at the time of design and construction. This requirement may prove impracticable in many cases as good engineering practice may not have resulted in explicit

information on the design Codes or standards used in all equipments choices, equipment sizing or material of construction choices.

The requirements of Paragraph (d)(3)(G) are unnecessary for process safety management and appear to have little to do with the intent of the standards. This information may be useless for many batch processes.

5. Paragraph (e)(iii) requires a consequences analysis of the affects on "all workplace employees". This requirement should be reworded to "assure consequences on all employees potentially impacted by the process occurrence being assessed". Many plant sites containing affected processes are very large and to include all employees in consequences analysis may be academic at best.

Paragraph (e)(4) requires establishment of a "system" and that the system be "communicated" to employees. These words are vague and should be clarified. Also, this paragraph requires all recommendations be "implemented". This word should be changed to "addressed". In practice, further review of team recommendations may result in no action or different action than recommended.

Paragraph (e)(5) requires a process hazard analysis be repeated

every 5 years. If a management of change system is in place, this seems unnecessary on a 5 year interval. Although we agree a "big picture" review should be done periodically 5 years seems unnecessary and Vista proposes a 8-10 year time frame.

6. Paragraph (F) requirements in Section (iii)(A),(B), and (C) should be included in a specific reference to 1910.1200.

It is unclear what (E) has to do with the intent of the standards and this should be deleted or clarified.

7. Paragraph (g) speaks to requirements for employees "involved in a process". The scope of this is unclear, as many employees may be involved in a process in ways that have little or no impact on process safety. The scope of employees included in these requirements should be clarified.

Annual refresher training should only be required on "critical" process systems and other areas of deficiency as indicated by audits or competency demonstrations.

8. Paragraph (h) requires that employers "ensure that contractor employees are trained in the work practices...". This is a vague requirement and if documentation from the contractor regarding his training is not sufficient, this requirement is impractical. It would place employees in a tenuous legal

position as to the contractor/employee relationship. Also, it should be clarified that "work practices" in this paragraph does not mean actual work skills or specifics of how to do individual tasks, such as welding.

The requirements of Paragraph (h)(3)(i)(2)(ii) should be clarified to indicate the training be completed prior to an employee returning to work. An Employee may be on a long leave of absence or vacation and this should not be construed as a barrier to starting the unit.

9. Paragraph (j)(4) should explicitly state that it applies only to "critical" equipment such as those listed in (j)(1).

Paragraph (j)(5)(ii) should allow for modifications or deviations from the "manufacturers" instructions. In practice, specific plant or process conditions often require this.

Paragraph (j)(5)(iii) should expressly include the requirement for only "critical" process materials.

10. Paragraph (M) speaks to "major accidents". While it would be difficult to define this term, it is vague and probably unenforceable. Some clarification or definition should be given.

The 48 hour requirement may be unreasonable and unnecessary for "near-misses" or some less serious events. This requirement should be a performance requirement.

Paragraph (M)(6) uses the words "implement report findings". This should be changed to address. In practice recommendations are often modified upon further review or a no action decision validly made.

Sincerely,

Thomas G. Grumbles, C.I.H.
Manager Environmental Affairs

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