

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
Tel: (916) 274-5721 Fax: (916) 274-5743
www.dir.ca.gov/oshsb



Date: June 23, 2021

Recipients: Advisory Committee Members

Subject: Petition 584, General Industry Safety Orders, Section 5189.1
Process Safety Management for Petroleum Refineries

Dear Committee Member,

You are invited to participate in a discussion convened by the Occupational Safety and Health Standards Board (Board) staff to discuss necessity and alternatives for amendments to title 8, section 5189.1 pertaining to:

1. Clarifying “achieved in practice” within the context of section 5189.1(l)(4)(D).
2. Clarifying “related industrial sector” within the context of section 5189.1(l)(4)(D).
3. Augmenting the definitions of “highly hazardous materials” with threshold quantity triggers.

Additionally, the committee will discuss the necessity for and alternatives to the Division’s two Requests for New or Change in Existing Safety Order (Form 9) to the Board dated April 9, 2020.

One possible alternative to be discussed by the committee is the CalOES proposal noticed on February 5, 2021: [2021 REGISTER 6-Z, FEBRUARY 5, 2021](#)

The CalOES proposal can be found here: [CalOES Legal Affairs Rulemaking \(ca.gov\)](#)

Please review the following documents in preparation for the committee discussion:

1. [Board’s Adopted Decision](#) for Petition 584
2. [Division Evaluation and 2 attached Form 9s](#) for Petition 584
3. [Board Staff Evaluation](#) for Petition 584
4. Labor Code section [7856](#)
5. Health and Safety Code sections [25531-25543.3](#)
6. US Census Bureau [1987 SIC to 2002 NAICS Concordance](#) (1987_SIC_to_2002_NAICS.xls, particularly, rows 606-610)
7. [Appendix A](#) to title 8, section 5189 – List of Acutely Hazardous Chemicals, Toxics and Reactives (Mandatory)
8. [Annex 1, Part 1](#) Directive 2012/18/EU of the European Parliament and of the Council
9. Title 19, Article 1, [section 2735.3](#) Definitions ((t) “employee representative”, (y) “highly hazardous material”, (hh) “major change”, (kkk) “regulated substance” and (ttt) “threshold quantity”)
10. Title 19, Article 8, [section 2770.5, List of Substances](#), Table 1, 2 and 3

Meeting Details:

Video Conference
July 27 & 28, 2021
10:00 a.m. - 4:00 p.m. (or until conclusion of business)

If you are unable to attend, please contact the Committee Chair and designate an alternate representative.

The Committee Chair requests that written comment(s) be provided no later than July 19, 2021, so that they may be distributed and considered at the meeting.

Members of the public are welcome to attend and observe the proceedings; however, the Committee Chair may limit discussion to committee members (at their discretion).

Your assistance in this rulemaking process is valuable and appreciated by the Board and the Committee Chair. Should you have any questions or comments, please contact Michael Nelmidia, Committee Chair, (916) 274-5724 or by email at mnelmida@dir.ca.gov.

Sincerely,

Michael J. Nelmidia
Senior Safety Engineer

cc: (With Enclosures)

All Standards Board Members

Christina Shupe, Executive Officer, OSHSB

Michael Manieri, Principal Safety Engineer, OSHSB

Autumn Gonzalez, Chief Counsel, OSHSB

Lara Paskins, Staff Services Manager I, OSHSB

Doug Parker, Chief, DOSH

Eric Berg, Deputy Chief, DOSH Research & Standards Unit

Clyde Trombettas, Statewide Manager & Policy Advisor, DOSH PSM Unit

Amber Rose, Area Director, Region IX, Federal OSHA

Attachments:

1. Advisory Committee Agenda
2. Advisory Committee Roster
3. Board staff proposal
4. Division proposal