

TITLE 8, DIVISION 1, CHAPTER 4

Subchapter 7. General Industry Safety Orders
Group 16. Control of Hazardous Substances
Article 109. Hazardous Substances and Processes

Amend Section 5189.1 to read:

§5189.1. Process Safety Management for Petroleum Refineries.

(a) Scope and Purpose.

(c) Definitions.

Damage Mechanism. The mechanical, chemical, physical or other process that results in equipment or material degradation.

Employee Representative. ~~A union representative, where a union exists, or an employee-designated representative~~ An individual, who is on-site and qualified for the task, designated by an authorized collective bargaining agent or by the employees in the absence of an authorized collective bargaining agent. ~~in the absence of a union that is on-site and qualified for the task. The term is to be construed broadly, and may include the local union, the international union, or a refinery or contract employee designated by these parties, such as the safety and health committee representative at the site.~~

Facility. The plants, units, buildings, containers or equipment that contain(s) or include(s) a process.

Isolate. To cause equipment to be removed from service and completely protected against the inadvertent release or introduction of material or energy by such means as blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; implementing a double block and bleed system; or blocking or disconnecting all mechanical linkages.

Major Change- means:

(1) Any of the following: a. I introduction of a new process, or
(2) introduction of new process equipment; or new highly hazardous material that results in any

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operational change outside of established safe operating limits; or

(3) ~~Any operational change outside of established safe operating limits; or, Any~~ alteration in a process, process equipment, or process chemistry that introduces a new process safety hazard or worsens increases an existing process safety hazard.

Major Incident. An event within or affecting a process that causes a fire, explosion or release of a highly hazardous material and has the potential to result in death or serious physical harm.

(q) Employee Participation.

(1) In consultation with employees and employee representatives, the employer shall develop, implement and maintain a written plan to effectively provide for employee participation in all PSM elements, pursuant to this section. The plan shall include provisions that provide for the following:

(C) Access by employees and employee representatives to all documents or information developed or collected by the employer pursuant to this section, including information that might be subject to protection as a trade secret.

(2) ~~Authorized collective bargaining agents may select~~ The employee representative(s) select(s):

(A) employee(s) to participate in overall PSM program development and implementation planning; and

(B) employee(s) to participate in PSM teams and other activities, pursuant to this section.

(3) Where employees are not represented by an authorized collective bargaining agent, the employer shall establish effective procedures in consultation with employees for the selection of employee representatives.

Note: Authority cited: Sections 142.3 and 7856, Labor Code. Reference: Sections 142.3, 7855, 7856, 7857, 7858, 7859, 7860, 7861, 7862, 7863, 7864, 7865, 7866, 7867 and 7868, Labor Code.