

State of California
Department of Industrial Relations
M e m o r a n d u m

To : All Standards Board Members

Date: November 25, 2009

From : **Occupational Safety and Health Standards Board**
Hans Boersma, Senior Engineer – Standards Board

Subject : Title 8, California Code of Regulations (CCR), Subchapter 15, Article 74, Section 6875
of the Petroleum Safety Orders, Refining, Transportation & Handling (PSO-R,T&H).

This is to inform you that unless otherwise directed, staff intends to terminate further action to develop a proposed new Section 6875 of the Petroleum Safety Orders, Refining, Transportation & Handling to require air intake shutoff devices on diesel engines operated in refineries.

Petition File No. 505, filed by Mr. Jogen Bhalla, Vice President, Roper Industries-AMOT recommended adding a requirement that all diesel engines operated at refineries and associated oil and gas facilities be equipped with automatic air intake shut-off valves. The Board granted the petition on November 20, 2008, directing staff to convene an advisory committee to consider this matter. The advisory committee, which included labor and management representatives and the Division, met on August 27, 2009.

The attached minutes clearly indicate that the Committee was unable to reach a consensus regarding the necessity of the proposed Section 6875. Advisory committee members representing labor favored language that would limit the proposal's scope to specific diesel engine operations at refineries. Roughly half of the advisory committee representatives opined that current standards, which include Process Safety Management (PSM), provide effective means of protecting refinery workers from the hazard associated with runaway diesel engines at petroleum refineries. The opponents reasoned that the lack of accidents associated with runaway diesel engines in California and vigorous enforcement of PSM standards obviates the need for Title 8 amendments. The lack of consensus is the basis for the Board staff's intention to terminate the rulemaking.

Advisory committee members recognized the importance of hazard awareness and communication in preventing diesel engine runaway conditions and in clarifying the role air intake shut-off valves may play within the refinery's process safety management program. Division staff suggested working with refinery managers and to develop a Hazard Alert document to call attention to both the diesel engine runaway hazard and its solutions. Currently the Division's Research and Standards Unit is developing a Hazard Alert document similar in content and format to the Diesel Engine Runaway Hazard Alert being published by Fed/OSHA. The Division's Diesel Engine Hazard Alert is to be released in early 2010.

Attachments: Advisory Committee Meeting Minutes

cc: Marley Hart, Executive Officer, OSHSB
Michael Manieri, Principal Engineer, OSHSB
Len Welsh, Chief, DOSH
Joel Foss, Principal Engineer, DOSH Research & Standards Safety Unit (Acting)
Patrick Bell, Senior Safety Engineer, DOSH Research & Standards Safety Unit