Amend the OSHA PSM standard to require that a management of change (MOC) review be conducted for organizational changes that may impact process safety including:

a) Major organizational changes such as mergers, acquisitions, or reorganizations;
b) Personnel changes, including changes in staffing levels or staff experience; and
c) Policy changes, such as budget cutting.

B. Response to the Recommendation

OSHA stated that the PSM standard already requires employers to develop and implement MOC reviews to determine the adequacy of all contemplated changes with respect to their safety and health impacts as they relate to process chemicals, technology, equipment, procedures, and facilities, including the types of changes described in the CSB recommendation. OSHA committed to providing compliance officers with guidance on the application of 29 CFR 1910.119 (I) to organizational changes in the form of a memorandum to Regional Administrators.

C. Board Analysis and Decision

As a memorandum to OSHA Regional Administrators is a much less permanent policy change than that envisioned by the Board (e.g., amending the actual language of the PSM standard
through notice and public comment) coupled with the Board’s concerns that OSHA’s interpretation may fail to give fair warning of the conduct that the standard requires and thus may be judged upon contest/appeal as improper rulemaking, the status of this recommendation is changed to: “Open – Unacceptable Response.”