

September 30, 2016

U.S. Department of Labor
OSHA Docket Office
Room N-2625
200 Constitution Avenue, N.W.
Washington, DC 20210

Re: OSHA Docket No. OSHA-2016-0021, Process Safety Management Draft Guidelines for Compliance at Storage Facilities

The International Warehouse Logistics Association (IWLA) appreciates the opportunity to provide comments on the draft guidelines – Process Safety Management Draft Guidelines for Compliance at Storage Facilities.

IWLA member companies are warehouse-based third party logistics (3PL) providers that act as distribution centers for their customers. They offer warehousing; inventory and supply chain management capabilities; and a broad range of value-added services. Members of the IWLA Chemical Council store and handle chemicals in and other hazardous materials for manufacturers and wholesaler distributors.

Chemical Council members are closed-container warehousing operations. Their facilities only handle closed, non-bulk, discrete chemical containers i.e.; drums, pails, bags, etc. These types of facilities do not blend, mix, repackage, combine or “process” any covered materials. Instead, they take possession, care, custody and control of these materials for future delivery to other operations.

The following comments reflect the perspective of the members of the IWLA Chemical Council.

Proposed Comments to Draft OSHA Document OSHA 3132 (PSM Guidelines for Compliance at Storage Facilities)

- This document is applicable to all different types of storage (that is, tank storage, storage incidental to processing or manufacturing, etc.). It would be more helpful to either provide guidance in this document or a separate document to address our specific type of storage, that is, “third party, closed container, discreet packaging.”

- The various examples of incidents provided in the document to help explain why there is a need to address “storage” do not pertain to the closed container third party storage industry. The last example is the only one that arguably may be applicable but it deals with pesticides regulated by the U.S. Environmental Protection Agency under FIFRA.
- On page 4, please reference IWLA as an organization that provides “resources” to PSM regulated facilities.
- Under Employee participation, it would be helpful to include recognition that, in some industries, including third party warehousing, the “sophistication” of the employees to understand, and thus, contribute meaningfully to the development of Process Safety Analyses (PHA’s) may be “limited”. The guidance should clarify that the warehouse does not need to develop those employee’s skills in this area as a requirement for their involvement.
- Throughout the document, even though, ostensibly intended for storage facilities, there are references to “use”, “processing”, and “production”. If this document is to serve as a guide to storage facilities, that language should be removed or edited.
- On Page 5, the information under Information on Highly Hazardous Chemicals, the first sentence dictates that we as employers would be required to compile information such as chemical toxicity, permissible exposure limits, physical data, reactivity data, corrosivity data, thermal and chemical stability data, and hazardous effects associated with inadvertent mixing of chemicals that may occur. The second sentence goes on to further state that facilities are required under 29 CFR 1910.1200 to have Safety Data Sheets “which often contain **some** of this information”. In the warehousing industry we do not generate the information that goes into an SDS, nor can we verify its accuracy. If the required information is missing are we required to have that analysis completed?
- On Page 5, under Information on Highly Hazardous Chemicals, the second paragraph reads as follows, “Storage facilities should be aware of reactivity hazards including unstable substances or incompatibility issues.” This is already done using what information is available in Section 10 of an SDS as well as the information contained in 49 CFR 177, Subpart C – Segregation and Separation Chart of Hazardous Materials.
- On Page 6, the information under “Information on Process Technology” seems to be applicable to a processing facility rather than a storage facility. The identification of the “process technology information” which a storage facility is expected to use includes “upper and lower process limits.” Exactly what would those be for a closed container facility, which stores at ambient conditions? Further, the document asks for “process flow and block”

diagrams, raising the question of what would those look like for a closed-container facility? In a closed container facility, the “process” is: take the container off of the truck, inspect the container, place it into storage and then reverse this process on the way out. We would recommend that these diagrams not be required in a closed container facility.

- On Page 6, under “Information on the Process Equipment”, again, there seems to be a discussion and guidance for facilities which are not closed container facilities. The section indicates the storage facility should include “tanks, piping, pumps”, etc., which are not associated with the types of facilities we represent. Those types of facilities are outside of our industry. This section should only indicate items like pallet jacks, drum clamps, forklifts, loading dock levelers, IC bar restraints, emergency ventilation equipment, fire protection systems, and fire alarms. Further, the concept of “recognized and generally accepted good engineering practices” (RAGAGEP) can be applied to our industry, but they tend to be rather stagnant over time (for example, the pallet jack design has been in place for decades). It would be difficult for a warehouse to obtain the RAGAGEP information from a supplier for a forklift, pallet jack or drum clamp. This section also makes note of appropriate “markings” which reflect the codes under which the container (they seem to mean a storage tank based on the ensuing discussion) is constructed/approved. In a warehouse, these are the US Department of Transportation (USDOT) Performance Oriented Packaging (POP) requirements contained in 49CFR. That should be recognized as an acceptable level of marking for our industry.
- On Page 7, under “Process Hazard Analysis”, the general discussion is good. However, when the discussion states those things a storage facility should consider, the list includes “vehicle impacts”. What would that mean in our case, other than forklift impacts?
- On Page 8, under “Operating Procedures”, it is important to note that everyday activities such as loading and unloading are not done with a procedure in hand. Rather, the employee is trained on the activity and then performs that activity. The procedure is reviewed periodically to ensure its accuracy or when the activity may be changed. It is more a reference document. As such, any requirement to have an actual copy in the hand of the operator while they perform their job is not conducive to safety. Further under this section, there again references to storage tanks which are not applicable in a third-party closed-container warehouse.
- Under “Training”, there is mention of training employees on “bonding” containers during “transfer”. As noted above, third party, closed container facilities do not do this type of activity.

- Under "Mechanical Integrity", this section should refer only to those items which were identified above under "Process Equipment."

Thank you for consideration of these comments. If you have questions or would like additional information, please feel free to contact:

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