



**BERGESON & CAMPBELL, P.C.**

1203 Nineteenth Street, NW | Suite 300 | Washington, DC | 20036-2401 | tel 202.557.3800 | fax 202.557.3836 | web www.lawbc.com

**MEMORANDUM**

Via E-Mail

DATE: February 10, 2004

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: Chemical Safety and Hazard Investigation Board Declares OSHA Response to Reactives Regulation Recommendation “Unacceptable”

The U.S. Chemical Safety and Hazard Investigation Board (CSB) issued a press release stating that, on February 5, 2004, it formally notified the Occupational Safety and Health Administration (OSHA) that it finds “unacceptable” OSHA’s response to CSB recommendations to broaden the regulation of reactive chemicals in the workplace and to compile data on reactive chemical accidents. Specifically, the CSB had asked OSHA to amend the Process Safety Management Standard (PSM) to achieve more comprehensive control of reactive hazards and to develop a reactive incident database. The CSB Board will continue to seek action from OSHA on the requested actions.

CSB’s recommendation came after the release of a two-year CSB hazard investigation entitled “Improving Reactive Chemical Management.” OSHA was required to respond formally to the CSB. In its response, OSHA apparently declined to take action on either recommendation.

Further information regarding CSB’s notification to OSHA, and information on the incidents triggering CSB’s recommendation, is available at <http://www.CSB.gov>. Information regarding OSHA’s position on reactivities is available on its Chemical Reactivity Safety page. See <http://www.osha.gov/dep/reactivechemicals/index.html>; see also [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&pid=24603](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&pid=24603).

We hope this information is helpful. As always, please call if you have any questions.