



November 14, 2022

By Electronic Submission

Douglas L. Parker
Assistant Secretary of Labor for Occupational Safety and Health
U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210

Re: [Docket No. OSHA–2013–0020] Process Safety Management

Dear Secretary Parker:

On behalf of the Health Industry Distributors Association (HIDA), I write to provide comments on possible changes the U.S. Occupational Safety and Health Administration (OSHA) is considering to the scope of current Process Safety Management (PSM) program regulations. Specifically, we ask that OSHA not adopt new proposals that would unnecessarily increase the regulatory burden on medical products distributors. Instead the focus should be on training, education, compliance, and enforcement of existing OSHA, Environmental Protection Agency (EPA), fire, and insurance safety requirements, as well as the Chemical Facility Anti-Terrorism Standards from the Department of Homeland Security.

We understand the importance of worker safety and the need to limit harmful incidents and injuries in the workplace. While the PSM standard has been effective in improving process safety in the United States and protecting workers from many risks associated with uncontrolled releases of hazardous chemicals, it is also appropriate to review and reevaluate existing regulations. However, many protocols and safeguards already exist as a means to implement the PSM standard and any additional regulation should only be added if it does something new or different and addresses a safety issue that is not already covered by the current standard.

Please consider the following to ensure there are not unintended consequences on the healthcare supply chain before making changes or additions to the existing PSM regulatory framework:

Retail Exemption

OSHA's PSM standard, which contains requirements for preventing or minimizing toxic, fire, and explosion hazards associated with catastrophic releases of toxic, reactive, flammable, or explosive chemicals, does not apply to "retail facilities."¹ OSHA believed that such facilities did not present the same degree of hazard to employees as other workplaces covered by the proposal.

¹ 29 CFR 1910.119(a)(2)(i)

HIDA Recommendation

OSHA should not require a comprehensive PSM system in addition to other applicable OSHA, EPA, and fire standards addressing flammable and combustible liquids, compressed gases, and hazard communications for retail facilities.

OSHA should clarify the definition of the retail exemption to include medical products distributors. Updating the regulation's definition of retail also allows the agency to align the PSM standard with existing EPA and fire protocols.

Appendix A

Appendix A in the current PSM standard lists chemicals with their threshold quantities. This list has been previously vetted and approved after much scrutiny. If Appendix A chemicals change in total quantity or additional chemicals are added to the list, medical products distributors would need to reevaluate every product stored.

HIDA Recommendation

OSHA should thoroughly research any change in Appendix A chemicals to understand the specific impact on medical product distributors.

About HIDA

HIDA is the industry trade association representing 118 distribution companies operating 500+ medical distribution centers across the care continuum nationwide. HIDA members deliver medical products and supplies, manage logistics, and offer customer services to virtually every healthcare provider. In 2020, they reliably delivered 51 billion units of PPE "the last mile" to providers. Visit HIDA.org.

Thank you for the opportunity to provide comments. If you have questions or need additional information, I can be reached at rouse@hida.org.

Sincerely,



Linda Rouse O'Neill, Vice President
Supply Chain Policy & Executive Branch Relations
Health Industry Distributors Association