

WAC 296-67-315 Employee collaboration. (1) In consultation with employees and employee representatives, the employer must develop, implement, and maintain a written plan to effectively provide for employee collaboration throughout all PSM elements, including:

(a) Effective collaboration by affected operating and maintenance employees and employee representatives, throughout all phases, in performing:

- (i) Process hazard analyses (PHAs);
- (ii) Damage mechanism reviews (DMRs);
- (iii) Hierarchy of hazard controls analyses (HCAs);
- (iv) Management of change assessments (MOCs);
- (v) Management of organizational change assessments (MOOCs);
- (vi) Process safety culture assessments (PSCAs);
- (vii) Incident investigations;
- (viii) Development and maintenance of process safety information;
- (ix) Safeguard protection analyses (SPAs); and
- (x) Pre-startup safety reviews (PSSRs).

(b) Effective collaboration by affected operating and maintenance employees and employee representatives, throughout all phases, in the development, training, implementation, and maintenance of the PSM elements required by this part; and

(c) Access by employees and employee representatives to all documents or information developed or collected by the employer, including information that might be subject to protection as a trade secret.

(2) Authorized collective bargaining agents may select employee(s) to engage in overall PSM program development and implementation planning, and employee(s) to participate in PSM teams and other activities.

(3) Where employees are not represented by an authorized collective bargaining agent, the employer must establish effective procedures in consultation with affected employee(s) for the selection of employee representatives.

(4) Nothing in this section or others in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, Part B, must preclude the employer from requiring an employee or employee representative to whom information is made available to enter into a confidentiality agreement prohibiting them from disclosing such information, pursuant to WAC 296-901-14018 Trade secrets.

(5) Within 90 calendar days of the effective date of this part, the employer, in consultation with employees and employee representatives, must develop, implement, and maintain the following:

(a) Effective stop work procedures that ensure:

(i) The authority of all employees, including employees of contractors, to refuse or delay the performance of a task that they believe could reasonably result in serious physical harm or death;

(ii) The authority of all employees, including employees of contractors, to recommend to the qualified operator in charge of a unit that an operation or process be partially or completely shut down, based on a process safety hazard;

(iii) The authority of the qualified operator in charge of a unit to partially or completely shut down an operation or process, based on a process safety hazard; and

(iv) Employees who exercise stop work authority as described in this part are protected from intimidation, retaliation, or discrimination.

(b) Effective procedures to ensure the right of all employees, including employees of contractors, to anonymously report hazards. The employer must respond in writing within 30 calendar days to written hazard reports submitted by employees, employee representatives, contractors, employees of contractors and contractor employee representatives. The employer must prioritize and promptly respond to and correct hazards that present the potential for death and serious physical harm. If the employer determines that an anonymous report does not constitute a hazard, or that the hazard is being corrected by some other means, a written response must be prepared and made available that provides this information to affected employees.

(6) The employer must document the following:

(a) Recommendations to partially or completely shut down an operation or process;

(b) The partial or complete shutdown of an operation or process; and

(c) Written reports of hazards, and the employer's response.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.17 RCW. WSR 24-02-037, § 296-67-315, filed 12/27/23, effective 12/27/24.]