



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services



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STEPHEN D. COAN
STATE FIRE MARSHAL

MEMORANDUM

To: Heads of Fire Department

**From: Stephen D. Coan
State Fire Marshal**

Date: February 1, 2014

RE: 527 CMR 33.00: Hazardous Materials Process or Processing (UPDATED)

The following has been updated to resolve erroneous or incomplete data with reference to Category 2 and 3 Information and expanded resources for Category 1 compliance. This memorandum replaces the November 1, 2013 memo on the same topic. DFS apologizes for any confusion on the matter.

We have passed the final deadline for permits to be submitted under 527 CMR 33.00. I am sending this memorandum summarizing the requirements under 527 CMR 33 and encourage you to continue to review facilities within your community and be sure they are aware of the regulation and in compliance.

We are asking for your assistance in completing this short survey: <https://www.surveymonkey.com/s/R8VB9PC>. This information will allow us to review where we are with respect to compliance and determine future training information. This survey was sent out in December, 2013, if you haven't completed the survey, we ask you to complete it or forward it to the appropriate person for completion. This survey will be available until February 15th.

The Board of Fire Prevention Regulations has worked actively with my staff to create a "Frequently Asked Questions" section. This is posted on the DFS website at: [FAQ](#). In reviewing this document, it will assist you in determining if the activity is covered by the regulation. If you have further questions you can contact Timothee.Rodrique@state.ma.us directly who will work with the Board on further FAQ's.

Category Information

As a reminder, the following table summarizes the requirements under the regulation.

Category 5	Vessel with a process covered by OSHA Process Safety Management (PSM) or EPA Risk Management Plan programs (RMP)
Category 4	Vessel > 300 gallons not covered by OSHA Process Safety Management (PSM) or EPA Risk Management Plan (RMP)
Category 3	Vessel > 60 gallons but less than 300 gallons or a H occupancy due to vessel
Category 2	Vessel with >2.5 gallons but less than or equal to 60 gallons

Varying Requirements by Category

Category 5	Permit and verification of compliance with OSHA Process Safety Management (PSM) or EPA Risk Management Plan (RMP, as applicable)
Category 4	Permit and verification of compliance with Category 4 Limited Process Safety Program
Category 3	Permit and verification of compliance with Category 3 Hazard Evaluation
Category 2	Permit and verification of compliance with OSHA hazardous communication and lab safety requirements, as applicable

Category 1 Compliance:

We have received questions regarding Category 1 compliance for public facilities. This purpose of Category 1 is to raise the awareness of current requirements under OSHA. We have received questions about public facilities that are not under OSHA. While we have referenced OSHA in the regulations for Category 1, there are similar requirements for public entities in the Commonwealth not covered by OSHA. Compliance with the Massachusetts Chemical Right to Know law would certainly meet the intent of the regulation.

29 CFR 1910.1200 OSHA Hazard Communication: Public facilities and public schools are required to comply with label, MSDS and training requirements, although it is officially called “Right-to-Know.” They are not exempt if they have small quantities.

Schools: Most K-12 schools will call their program “Right-to-Know.” Most of the state college/universities will call their program OSHA Hazard Communication.

Public facilities: Wastewater and DPW departments will call their program Right-to-Know.

29 CFR 1910.1400 OSHA Lab Standard: Public facilities and schools are not required to comply with the OSHA Lab Standard.

Schools: Many public K-12 schools do have a written lab safety program. Their primary intent is to protect student safety, but it works to protect workers as well. All public state-colleges and state universities have an OSHA Lab Standard program.

If there are questions or concerns we can assist the local fire departments in working with the Massachusetts Department of Labor Standards ,Workplace Safety and Health Program to develop a safety program. Also, note that many cities and towns use group-insurance for workers compensation and loss control. MIIA the insurance arm of the Massachusetts Municipal Association, and Cannon Cochran Management Services (CCMSI) have loss control representatives who will visit the site, help develop safety programs and provide training.

Training

Past trainings are available on the DFS web site:

<http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/fire-prev/fire-prevention-training.html>

We encourage the use of these resources. As we approach the next application date, our office is working with the Fire Prevention Association of Massachusetts to include a review of our round two training and several case studies. In the upcoming quarterly training programs (posted on MFA web site: http://mfa.chs.state.ma.us/mfa_courses/courseAndSectionsList.asp) we will include a case study on 527 CMR 33.00.

Resources

The Department of Fire Services encourages you to review applications as they arrive into your department. It is encouraged to have a dialogue with companies to become familiar with the facilities and operations. This is a great opportunity for pre-planning with departments and facilities. At some of the true chemical facilities pre-planning is paramount to ensure the safety of fire personnel, as well as the public. Proper shutdown procedures must be followed to avoid a catastrophic event in the event of improper shutdown.

If you have questions regarding 527 CMR 33.00, you can contact the Code Compliance and Enforcement Officer or Fire Protection Engineer that covers your town. If using these resources and there are still outstanding issues; the use of the third party consultant for Category 3 and 4 facilities should be considered. In the event of complicated facilities or concerns from the third party consultants, the Department of Fire Services has a limited ability to work with a state contracted engineering firm to ensure compliance.

If you have further questions please contact the Code Compliance and Enforcement Unit or Fire Protection Engineers by calling (978) 567-3375 or in Western, Massachusetts at (413) 587-3181.