



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

April 29, 2008  
(House Rules)

**STATEMENT OF ADMINISTRATION POLICY**  
**H.R. 5522 – The Combustible Dust Explosion and Fire Prevention Act of 2008**  
(Rep. Miller (D) CA and 32 cosponsors)

The Administration strongly opposes House passage of H.R. 5522, which would require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust. The Administration recognizes the hazards of combustible dust in the workplace and is committed to protecting American workers from exposure to such hazards. The Department of Labor's Occupational Safety and Health Administration (OSHA) currently enforces seventeen standards that collectively provide protections against combustible dust hazards. The Administration has serious concerns with the expedited and one-size-fits-all regulatory approach required by the bill, which will impact as many as 200,000 workplaces in a variety of industries throughout the United States. If H.R. 5522 were presented to the President, his senior advisors would recommend that he veto the bill.

H.R. 5522 requires OSHA to promulgate an interim final rule (IFR) to regulate combustible dusts within ninety days of enactment and a final rule within 18 months of enactment. This regulatory approach is unrealistic in that it does not allow for sufficient stakeholder review and input, does not provide sufficient time to conduct a thorough economic analysis, and ultimately fails to provide assurance of improved worker safety. These procedures exist, in part, to gather the necessary information to help produce strong and thorough regulations that effectively protect employees, and ensure that rules are clear, effective, and enforceable. Eighteen months is insufficient time to consider the difficult issues related to combustible dust and fulfill all of the procedural and statutory obligations for OSHA rulemakings, especially given the large diversity of industries being regulated and the impracticality of a one-size-fits-all approach for a hazard that manifests itself differently in each industry.

Finally, H.R. 5522 requires that employers comply with the IFR within 30 days of enactment. This provision does not provide employers sufficient time to implement the new requirements and does not give OSHA enough time to adequately train its compliance officers or develop inspection procedures to enforce these requirements.

\* \* \* \* \*