



## Legislative Bulletin.....April 30, 2008

### Contents:

**H.R. 5522**—Amendments to the Combustible Dust Explosion and Fire Prevention Act

H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act (sponsored by Rep. George Miller, D-CA), is scheduled to be considered on the House floor on Wednesday, April 30, 2008, subject to a structured rule ([H.Res. 1157](#)), making in order the two amendments below.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks, waives all points of order against the bill itself—except the PAYGO rule—and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule allows one motion to recommit with or without instructions.

Note: The summaries below are based on RSC staff review of *actual amendment text* and thus differ from what's on the Rules Committee website. For a summary of the underlying bill, see a separate RSC document released today.

**RSC Staff Contact:** Paul Teller; [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov); 202-226-9718

---

### AMENDMENTS MADE IN ORDER UNDER THE RULE

**1. Miller, George (D-CA).** Manager's Amendment. This amendment would:

- Make the engineering controls required under the interim standard effective six months after the issuance of the interim standard (rather than 30 days as under the base bill);
- Eliminate the requirements that the final standard include three specific, pre-existing standards of the National Fire Protection Association (as listed in the base bill);
- Clarify that the final standard must be promulgated in accordance with normal OSHA rulemaking procedural requirements, including those that provide for the review of small business concerns; and
- Change the title of the bill from the “Combustible Dust Explosion and Fire Prevention Act” to the “Worker Protection Against Combustible Dust Explosions and Fires Act.”

*(Debatable for 10 minutes)*

**2. Wilson, Joe (R-SC).** Amendment in the Nature of a Substitute. This amendment would strike the entire base bill and replace it with language directing OSHA to **wait** for the outcome of the Imperial Sugar investigation and findings from the Combustible Dust

National Emphasis Program before determining whether current OSHA standards adequately address combustible dust and whether the promulgation of an OSHA combustible dust standard is necessary. If such promulgation is deemed necessary, then OSHA would have to issue a rule within 36 months of the completion of the Imperial Sugar investigation. On the other hand, if such promulgation is deemed unnecessary, then OSHA would have to report its justifications to Congress within six months of making such a determination.

Note: In October 2007, OSHA initiated a Combustible Dust National Emphasis Program (NEP), aimed at identifying facilities for awareness of dust hazards and making comprehensive compliance inspections.

*(Debatable for 30 minutes)*

---