

***Testimony for the House Education and Labor Committee on H.R. 5522,
The Combustible Dust Explosion and Fire Prevention Act of 2008
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Good morning. Chairman Miller and fellow committee members I appreciate the opportunity to speak to you about The Combustible Dust Explosion and Fire Prevention Act of 2008.

I am Amy Beasley Spencer, a Senior Chemical Engineer representing the National Fire Protection Association (NFPA) and have worked at the Association for 12 years. I serve as the Staff Liaison to several NFPA Technical Committees responsible for documents dealing specifically with hazard recognition and control of dust hazard processes.

I will explain today why NFPA believes OSHA should develop a mandatory standard to address and mitigate dust hazards. I hope that you will recognize the value of the NFPA codes and standards related to dust hazard processes, the development process and the committees of experts that develop and maintain these documents.

After a brief background of NFPA, I will present a description of the relevant codes and standards that address dust hazard processes, and conclude with discussion on how I believe these documents could provide a safe and effective strategy for identifying and controlling processes that store, handle or use combustible dusts or other combustible particulate solids.

NFPA is an international membership organization that develops voluntary consensus codes and standards that are adopted by state and local jurisdictions throughout the U.S. and the rest of the world. The NFPA consensus process and the periodic revisions of all documents ensure state-of-the-art practices and safeguards are included.

NFPA has more than 250 committees made up of about 7000 experts, who represent diverse interests (such as enforcers, users, consumers, manufacturers, designers, researchers, insurance and labor). These experts in their various fields serve as members of the technical committees to write nearly 300 codes and standards. In fact, one of the NFPA dust committees

has technical members from both OSHA and the Chemical Safety Board (CSB).

Many NFPA codes and standards appear as mandatory references cited throughout federal agency regulations, including DHS, DOT, DHHS, EPA and OSHA. NFPA codes and standards provide a broad-based and comprehensive set of requirements applicable to many hazards, including combustible dusts.

NFPA's principal dust document NFPA 654, *Standard for the Prevention of Fires and Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids* covers the fundamentals of protecting dust hazard processes, and its handling and conveying requirements are often referenced in other dust documents. We also have commodity-specific dust documents covering coal, sulfur, combustible metals, wood dust facilities and agricultural dust. In fact, the operations at sugar refineries such as Imperial Sugar are within the scope of NFPA 61, our agricultural dust standard. I don't want to bore you with the long names and numerical designations, but NFPA provides comprehensive coverage of dust hazards in 7 dust-related documents originating as early as 1923.

The fundamental requirements and best practices found within these documents have been highlighted in the Combustible Dust Explosion and Fire Prevention Act of 2008, as well as the CSB recommendations and industrial peer-reviewed journals. The necessary requirements to prevent fires and explosions include minimizing production and release of dust to the workplace, and housekeeping procedures to minimize dust accumulation, thereby minimizing the fuel source. Written programs are required to manage the hazard. Equipment maintenance is required to minimize ignition sources. All our dust documents address the hazards of combustible dusts in three simple steps – hazard identification (in terms of the type of dust and its means for generation and in terms of ignition sources), hazard evaluation (a risk based assessment of the various processes and equipment used in dust hazard processes), and hazard control (measures including building construction and location, explosion control and deflagration venting, housekeeping, fire protection systems and management of change).

In conclusion, if we are to safely and successfully regulate industrial processes that involve dust, the challenge for us all is to effectively disseminate the information, to provide sufficient training and ensure

consistent enforcement. NFPA codes and standards adequately address how to mitigate or eliminate the hazards of combustible dust. We encourage any action on your part that will more aggressively require compliance with these codes and standards. Moreover, we believe the best method to accomplish this safety goal is for OSHA to develop a mandatory standard to address and mitigate dust hazards by incorporating by reference the relevant NFPA codes and standards. NFPA is committed to assist where appropriate in these activities and for all these reasons, we support the Combustible Dust Explosion and Fire Prevention Act of 2008.

Thank you for your attention and the opportunity to address this forum.