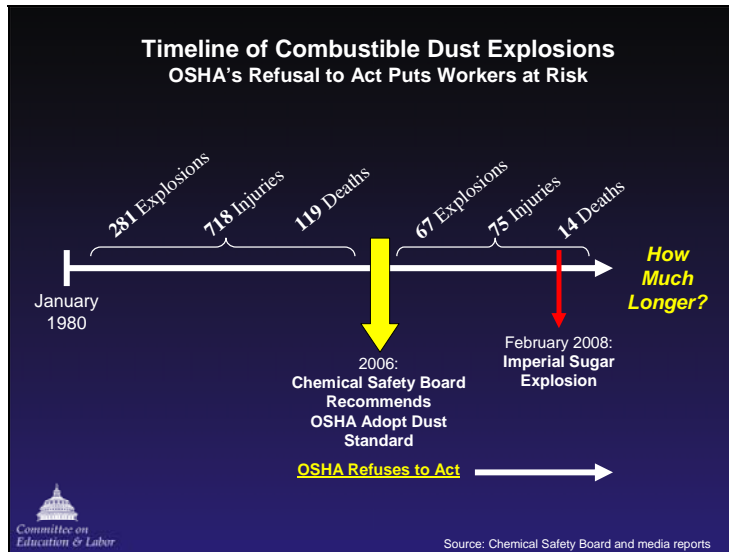


# GROWING & STRENGTHENING AMERICA'S MIDDLE CLASS

## THE WORKER PROTECTION AGAINST COMBUSTIBLE DUST EXPLOSION AND FIRE ACT



110<sup>TH</sup> CONGRESS

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CHAIRMAN  
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UNITED STATES HOUSE OF REPRESENTATIVES

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## Preventing Industrial Dust Explosions

The Worker Protection Against Combustible Dust Explosion and Fire Act would require the U.S. Occupational Safety and Health Administration to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode. In early February the Imperial Sugar refinery in Port Wentworth, Georgia, exploded, killing 13 workers and severely injuring many more. OSHA and the U.S. Chemical Safety Board, which have launched a major investigation into the Imperial Sugar explosion, have concluded that the explosion was caused by combustible sugar dust.

When dust builds up to dangerous levels in industrial worksites, it can become fuel for fires and explosions. Combustible dust can come from many sources, such as sugar, flour, feed, plastics, wood, rubber, furniture, textiles, pesticides, pharmaceuticals, dyes, coal, and metals, and therefore poses a risk across a number of different industries throughout the United States.

**OSHA has known about these dangers for years, but has failed to act.** The Chemical Safety Board urged OSHA in 2006

*"Given how catastrophic these explosions can be and how long they've been happening, you'd think there'd be explicit regulations to spell out requirements for minimizing dust and indicating how to do that safely. But there aren't... The [U.S. Chemical Board] lacks regulatory powers of its own, but in 2006 it strongly recommended that OSHA set mandatory new dust regulations. OSHA failed to act and continues to resist."*  
— USA Today editorial, March 26, 2008

to issue rules controlling dust hazards, but OSHA has never offered any indication that it is planning to issue such rules. The agency has the authority to issue such rules without Congress passing new legislation, but it has failed to act. The CSB concluded that voluntary dust standards issued by the National Fire Protection Association were effective if employers complied with them.

## **The Worker Protection Against Combustible Dust Explosion and Fire Act**

- ✓ **Directs OSHA to issue an interim final Combustible Dust standard within 90 days.** The standard would include measures to minimize hazards associated with combustible dust through improved housekeeping, engineering controls, worker training and a written combustible dust safety program.
- ✓ **Directs OSHA to issue a final standard within eighteen months.** OSHA would be required to include relevant parts of National Fire Protection Association standards. In addition to items required in the interim standard, the final standard would include requirements for building design and explosion protection. The interim standard would remain in effect until the final standard is issued. OSHA would be required to fulfill all administrative rulemaking requirements including full public hearings, feasibility analysis and small business review.
- ✓ **Directs OSHA to include combustible dusts in the Hazard Communication Standard** which requires workers to receive information and training about the hazards they face.
- ✓ The final bill reflects many of the recommendations made by Department of Labor technical staff and industry representatives.

*"With important workplace protections bogged down in bureaucracy, Congress is right [to] introduce legislation to help prevent dust explosions like the Feb. 7 blast at Imperial Sugar... The new legislation would require industries dealing with any type of explosive dust...to have a written plan for preventing dust explosions... That's a common-sense blueprint industry can follow to reduce the risk of catastrophe."  
-- Savannah Morning News editorial, March 4, 2008*

## **Workers Deserve Better**

**Workers cannot be asked to wait any longer for these basic protections.** In 2006, following a series of fatal combustible dust explosions, the U.S. Chemical Safety Board conducted a major study of combustible dust hazards. It identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers, injured 718 others, and extensively damaged industrial facilities. The tragedy at Imperial Sugar shows that the threat of dust explosions is very real at industrial worksites across America and needs to be addressed immediately.

**Since 2001, in case after case and industry after industry, OSHA has chosen to emphasize voluntary compliance over setting strong rules and enforcing them.** Effective voluntary guidelines to control combustible dust hazards and prevent dust explosions already exist. But to truly protect workers, OSHA needs an enforceable standard based on these voluntary guidelines. Without an OSHA standard, many employers are unaware of the hazards of combustible dusts, while others have chosen not to adopt voluntary standards.



**Representative George Miller (D-CA)**

**CHAIRMAN  
Committee on Education and Labor**

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