
EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

Wednesday, March 12, 2008
Press Office, 202-226-0853

**Chairman Miller Statement at Committee Hearing On “H.R. 5522,
The Combustible Dust Explosion and Fire Prevention Act of 2008”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a committee hearing on “H.R. 5522, The Combustible Dust Explosion and Fire Prevention Act of 2008.”*

Just over a month ago, an explosion ripped through the Imperial Sugar plant outside of Savannah, Georgia, killing 12 workers and critically injuring 11 others. The probable cause of this explosion was combustible sugar dust.

The loss of lives in workplace incidents is always a tragedy. But what’s particularly troubling about the Imperial Sugar explosion is that, not only was it preventable, but the U.S. Occupational Safety and Health Administration had been specifically warned about dust hazards and provided with guidance on how to address them.

The U.S. Chemical Safety Board warned OSHA over a year ago that existing standards were inadequate to guard against the risk of industrial dusts, like sugar, building up to dangerous levels and exploding.

As we will hear today, in 2006 the CSB issued a comprehensive study that identified hundreds of combustible dust incidents that had killed over 100 workers during the previous 25 years. The CSB report found that no comprehensive federal rules exist to control the risk of dust explosions in general industry and recommended that OSHA issue such rules.

Tragically, well more than a year after the CSB report was issued, OSHA has taken no action to issue combustible dust rules.

In today’s hearing we will discuss legislation, H.R. 5522, to require OSHA to issue a standard to protect workers against combustible dust explosions. The new standard would be based on well-recognized, highly effective voluntary standards issued by the National Fire Protection Association.

Sadly, OSHA’s failure to act on combustible dust is not the first time that the agency’s inaction may have cost workers their lives.

For example, on December 19, 2007, four workers died in a massive explosion at the T2 Chemicals plant in Jacksonville, Florida, that was likely caused by a runaway chemical reaction.

The CSB had warned OSHA about this chemical reaction hazard in a 2002 report that identified 108 fatalities in the previous 20 years resulting from explosions caused by chemical reactions. The CSB report made recommendations for addressing reactive hazards, but as with dust hazards, OSHA chose not to follow the recommendations.

Instead, OSHA chose to rely on compliance assistance and voluntary programs, such as industry “alliances,” web pages, fact sheets, speeches and booths at industry conferences. The Chemical Safety Board judged these voluntary activities to be “unacceptable.”

The bottom line is that, under the Bush administration, OSHA has utterly failed to fulfill its Congressional mandate. The agency is leaving the Congress with no other choice but to step in.

Just look at the record of the past 12 months.

On March 22, 2007, this committee held a hearing on the BP Texas City refinery explosion that killed 15 workers. In the decade before our hearing, OSHA had not conducted a single comprehensive inspection of any refinery in the United States. Two days before the hearing, OSHA announced that it would step up inspections of refineries nationwide.

On April 24, 2007, the Subcommittee on Workforce Protections held a hearing on OSHA’s failure to address the deaths and illnesses of workers in the food flavoring industry – deaths caused by a horrific, irreversible lung disease often called “popcorn lung.” Hours before the hearing, OSHA announced a so-called “national emphasis program” targeting food flavoring manufacturers.

On September 26, 2007, the House approved a bill forcing OSHA to develop rules to protect food flavoring workers. Just hours before that vote, OSHA announced it was going to start the rulemaking process.

The day after the Imperial Sugar explosion, Congresswoman Lynn Woolsey and I sent a letter to Secretary Chao requesting a standard on combustible dust. On the morning of March 3, after receiving no response from Secretary Chao, Congressman John Barrow and I announced that we would introduce H.R. 5522.

Coincidentally, the same morning that we made the announcement, Assistant Secretary Foulke was in Savannah conducting a series of press interviews. He announced that OSHA would conduct more combustible dust inspections and send letters to companies at risk.

But there is no reason for OSHA to wait to get to work on issuing new rules that would prevent this kind of disaster in the future. The National Fire Protection Association and others have known for a long time what causes these explosions, and the NFPA’s voluntary standards are feasible and affordable.

Unfortunately, we see this tragic pattern of workplace injury or death followed by OSHA inaction everywhere we look.

We see it in the agency’s failure to inspect refineries; in its failure to issue new workplace safety rules; in its failure to address ergonomic hazards; in its failure to effectively address the potential

hazards of pandemic flu; in its failure to meet even its own deadlines on standards for workers' personal protective equipment and other life threatening hazards; in its highly questionable injury and illness statistics; and in its promotion of voluntary programs over strong enforcement of the law.

Let me be clear: Congress will continue to step in until OSHA starts consistently and aggressively fulfilling its responsibility of protecting the lives of America's workers.

I'd like to thank all of our witnesses for joining us today. The committee appreciates your testimony.

Thank you.

<http://edlabor.house.gov>