



April 2, 2009

The Honorable George Miller  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, DC 20515-2031

RE: HR 849

Dear Chairman Miller:

The American Industrial Hygiene Association (AIHA) would like to take this opportunity to provide comments on your legislation, HR 849, a bill that would direct the Occupational Safety and Health Administration (OSHA) to issue an interim and final standard regarding worker exposure to combustible dust.

The issue of protecting workers from the hazards associated with combustible dust has received increased urgency because of the 2008 explosion at a sugar refinery in Georgia that resulted in 14 worker fatalities and 60 workers seriously injured. Because of this catastrophic explosion, OSHA reissued its Combustible Dust National Emphasis Program (NEP) on March 11, 2008.

This reissued NEP increased enforcement activities and focused on specific industry groups that have experienced frequent combustible dust incidents. OSHA announced it will inspect facilities that create or handle combustible dusts which can cause burning or other fire hazards and can lead to explosions.

However, there remains concern this OSHA NEP did not go far enough in addressing this danger to workers. Following earlier similar explosions, the Chemical Safety and Hazard Investigation Board recommended OSHA issue a standard designed to prevent combustible dust fires and explosions in general industry. OSHA did not formally act on this recommendation other than the NEP and no other standard comprehensively addresses combustible dust explosion hazards.

AIHA remains concerned the OSHA Hazard Communication Standard (HCS) inadequately addresses dust explosion hazards and fails to ensure safe work practices and guidance documents are included in MSDSs. Because of this, AIHA believes there is an urgent need for further action from the agency to address this issue. AIHA supports HR 849 that directs the Secretary of Labor to promulgate an interim final standard regulating combustible dusts and a final standard not later than 18 months after enactment of HR 849.

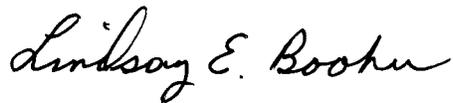
AIHA has two specific comments on HR 849 we hope you take under consideration as you move forward:

- 1) Under Section 3, (2) Requirements, AIHA would like to see an additional requirement added. This could be placed anywhere among the lists of requirements, but might be better placed as (2) (D) and the remaining requirements relabeled. The AIHA recommendation is: **“Requirements for the periodic inspection and maintenance of engineering controls and equipment, recordkeeping of the results of the inspections, and correction of any problems found during the inspections within a reasonable time.”**
- 2) AIHA also suggests when considering this legislation the Committee seriously determine whether or not it is possible for OSHA to promulgate a final standard within 18 months of enactment of the legislation. While AIHA does not wish for any delay in promulgating a final standard, it may be difficult for the agency to promulgate a final standard in this length of time.

It is our hope HR 849 will be the starting point for further debate and action on combustible dust. We are also hopeful this issue is one of the first priorities for the Assistant Secretary of Labor for OSHA when an individual is confirmed for the position. We support HR 849 and your efforts.

AIHA, as the premier association of occupational and environmental health and safety professionals is prepared to assist you, OSHA and others in this effort.

Sincerely,



Lindsay E. Booher  
AIHA President

cc: AIHA Board of Directors  
Peter O'Neil, AIHA Executive Director  
Aaron Trippler, AIHA Director Government Affairs