



# Sunshine Act Meeting

**Horizon Room**

**Ronald Reagan Building and International Trade Center**

**July 25, 2013**



# Opening Remarks



# Afternoon Session

1:30 -1:35 pm: Opening Remarks

1:35- 1:55 pm: Staff Presentation:

Recommendations to OSHA concerning  
issuance of Combustible Dust Standard

1:55-2:15 pm: Staff Presentation: Proposal of  
Dust Standard as “Most-Wanted” Safety  
Improvement

2:15- 2:35 pm: Public Comments

2:30- 3:00 pm: Board Deliberations and Vote



# Public Comment Session

- Sign-up to speak, or
- E-mail questions and comments to [comments@csb.gov](mailto:comments@csb.gov).



# **Staff Evaluation:**

**Recommendation Nos.**

**2006-1-H-R1**

**2008-5-I-GA-R11**

**2011-4-I-TN-R1 & R2**

***Re: OSHA Combustible Dust  
Standard***





# West Pharmaceuticals

**January 2003: Kinston, North Carolina**

- Manufacturer of rubber components for pharmaceutical industry
- Polyethylene dust explosions and fire
- 6 killed, 38 injured
- Facility destroyed





# CTA Acoustics

**February 2003: Corbin, Kentucky**

- Manufacturer of fiberglass insulation for automotive industry
- Phenolic resin dust explosions and fire
- 7 killed, 37 injured
- Facility heavily damaged







# Hayes-Lemmerz

**October 2003: Huntington, Indiana**

- Manufacturer of aluminum alloy wheels
- Aluminum dust explosions and fire
- 1 killed, 2 injured
- Facility heavily damaged







# CSB's Combustible Dust Study

## November 2006

- Identified 281 combustible dust incidents between 1980-2005 that killed 119 workers and injured 718.
- Principal finding: Federal OSHA standard is needed to control risk of dust explosions in general industry.



# CSB's Combustible Dust Study

## November 2006

Other key findings:

- Reliance on voluntary consensus standards and fire codes is insufficient to control hazards.
- OSHA enforcement efforts are insufficient to control hazards.



# CSB's Combustible Dust Study

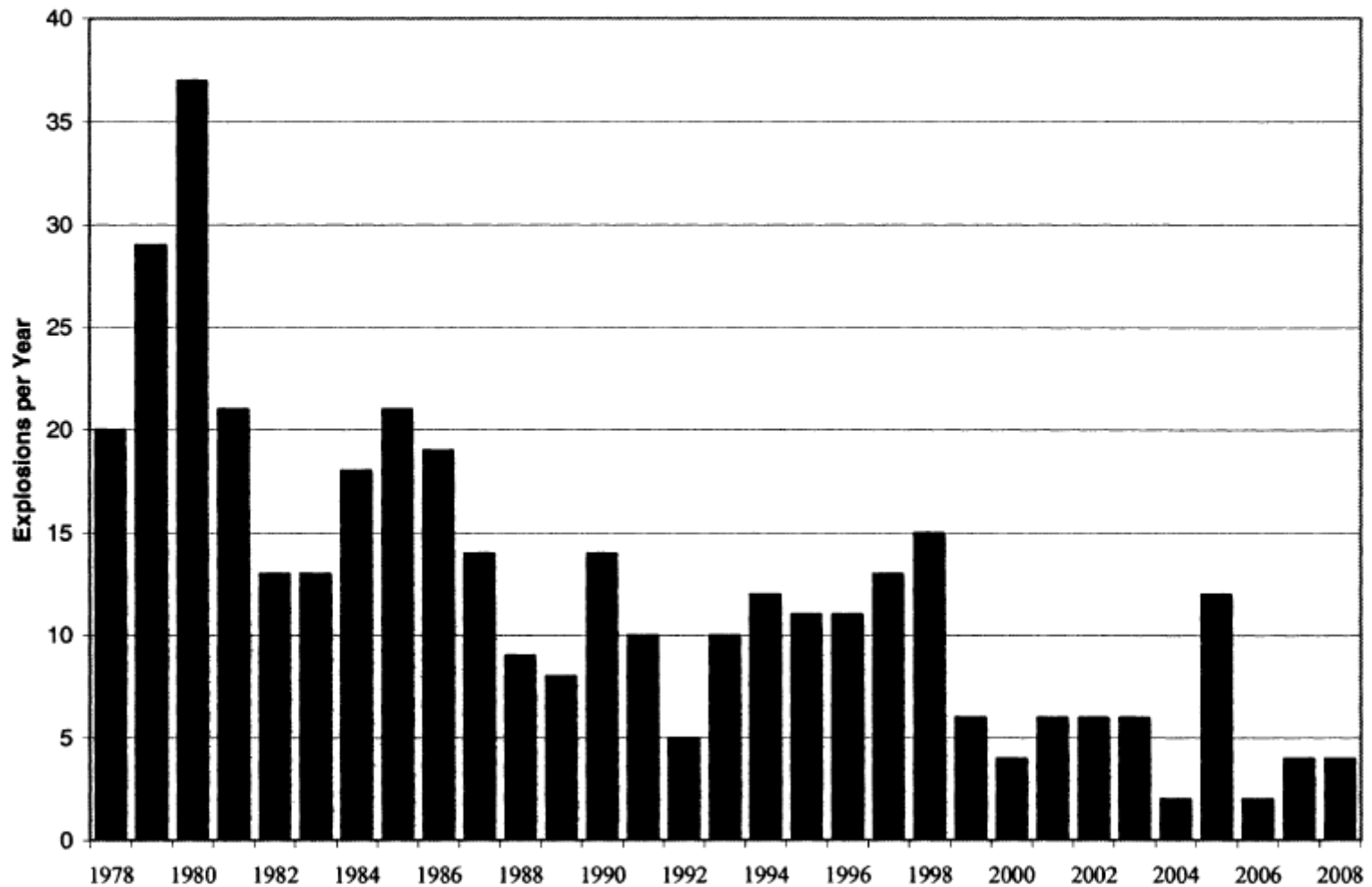
## November 2006

Other key findings:

- OSHA's grain handling standard (1987) substantially reduced dust accidents in agriculture



**Figure 1: Number of Grain-Dust Explosions per Year from 1978 – 2008 (Source: USDA FGIS and Kansas State University, and OSHA FRIA, Grain Handling Standard)**







## Recommendation No. 2006-1-H-R1:

“Issue a standard designed to prevent combustible dust fires and explosions in general industry. Base the standard on current National Fire Protection Association (NFPA) dust explosion standards (including NFPA 654 and NFPA 484), and include at least:

- hazard assessment
- housekeeping
- explosion protection,
- worker training.”
- engineering controls,
- building design
- operating procedures,



# Imperial Sugar

**February 2008: Port Wentworth, Georgia**

- Sugar manufacturing/refining facility
- Sugar dust explosions and fire
- 14 deaths, 36 injuries
- Large portions of facility destroyed



# News Release

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U.S. Department of Labor

National News Release: 09-475-NAT

April 29, 2009

## U.S. Department of Labor's OSHA announces rulemaking on combustible dust hazards

**WASHINGTON** - The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) is initiating a comprehensive rulemaking on combustible dust.

OSHA will issue an Advanced Notice of Proposed Rulemaking and convene related stakeholder meetings to evaluate possible regulatory methods, and request data and comments on issues related to combustible dust such as hazard recognition, assessment, communication, defining combustible dust and other concerns.

Since 1980, more than 130 workers have been killed and more than 780 injured in combustible dust explosions. These include 14 people who were killed in a dust explosion Feb. 7, 2008, at an Imperial Sugar Co. plant in Georgia and three workers who were burned in April 2009 in an Illinois pet food plant dust explosion.

"Over the years, combustible dust explosions have caused many deaths and devastating injuries that could have been prevented," said Secretary of Labor Hilda L. Solis. "OSHA is reinvigorating the regulatory process to ensure workers receive the protection they need while also ensuring that employers have the tools needed to make their workplaces safer."



# Recommendation No. 2008-5-I-GA-R11

## Issued September 2009

*“Proceed expeditiously, consistent with the Chemical Safety Board’s November 2006 recommendation and OSHA’s announced intention to conduct rulemaking, to promulgate a comprehensive standard to reduce or eliminate hazards from fire and explosion from combustible powders and dust.”*





# Federal Register

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Wednesday,

October 21, 2009

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## Part III

### Department of Labor

Occupational Safety and Health  
Administration

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29 CFR Part 1910  
Combustible Dust; Proposed Rule

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA-2009-0023]

RIN 1218-AC41

#### Combustible Dust

**AGENCY:** Occupational Safety and Health  
Administration (OSHA), Labor.

**ACTION:** Advance notice of proposed  
rulemaking.

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**SUMMARY:** In this advance notice of  
proposed rulemaking (ANPR), OSHA is  
requesting comments, including data  
and other information, on issues related  
to the hazards of combustible dust in  
the workplace. For the purposes of this  
notice, the term “combustible dust”  
includes all combustible particulate  
solids of any size, shape, or chemical  
composition that could present a fire or  
deflagration hazard when suspended in  
air or other oxidizing medium. OSHA  
plans to use the information received in  
response to this notice in developing a  
proposed standard for combustible dust.



# OSHA Rulemaking Activities Since ANPR

- Early 2010: Stakeholder meetings in 3 U.S. cities
- December 2010: Regulatory Agenda estimates SBREFA Panel to be held in April 2011
- May 2011: Dust Expert Forum convened
- July 2013: Regulatory Agenda estimates SBREFA panel to be held in November 2013



# Hoeganaes Corporation

January, March & May 2011: Gallatin, Tennessee

- Manufacturer of atomized metal powders
- Iron dust
- 3 incidents over 5 months
- 5 injured, 3 killed







# Rec. Nos. 2011-4-I-TN-R1&R2

Issued December 2011

**R1:** “Ensure that the forthcoming OSHA Combustible Dust Standard includes coverage for combustible metal dusts including iron and steel powders.”

**R2:** “Develop and publish a proposed combustible dust standard for general industry within one year of the approval of this case study.”





## OSHA's June 2012 Response

“OSHA’s staff continues to work diligently to move combustible dust to the draft rule stage, but the scope and complexity of the rule requires completion of significant up front work... Though OSHA cannot commit to a date for the proposal, *it remains a top priority for the agency.*”



# OSHA Non Regulatory Actions on Combustible Dusts

- National Emphasis Program
  - Strengthened and reissued in March 2008
  - More than 2630 inspections conducted
  - More than 12,000 citations issued
- OSHA Training Institute training for inspectors
- Guidance documents, including a Safety & Health Information Bulletin (SHIB)
- Website streamlined



# Staff Evaluation

- General industry standard necessary to prevent and control dust explosion hazards
- OSHA has yet to issue a proposed rule, despite 4 recommendations from the CSB since 2006
- Staff recommend Board designate this recommendation with status **“Open-Unacceptable Response”**



# **Staff Recommendation to Adopt OSHA Dust Standard as a CSB “Most Wanted Chemical Safety Improvement”**





# Public Comment Session



# Board Deliberations



# Adjournment