

AMENDMENT IN THE NATURE OF A SUBSTITUTE**TO H.R. 5522****OFFERED BY MR. ~~MCKEON~~ WILSON**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. INVESTIGATION ON COMBUSTIBLE DUST AND**
2 **DETERMINATION OF ADDITIONAL ACTION.**

3 (a) **DETERMINATION BY THE SECRETARY.**—Upon
4 completion of the Department of Labor's investigation of
5 the accident that occurred at Imperial Sugar in Port
6 Wentworth, Georgia on February 7, 2008, and based on
7 the data gathered from the Combustible Dust National
8 Emphasis Program, the Secretary of Labor shall deter-
9 mine—

10 (1) if the safety standards that are in effect as
11 of the date of enactment of this Act do not ade-
12 quately address the issue of combustible dust; and

13 (2) whether an occupational safety and health
14 standard regarding combustible dust is necessary.

15 (b) **RULEMAKING OR REPORT TO CONGRESS.**—If the
16 Secretary determines that an occupational safety and
17 health standard regarding combustible dust is necessary,
18 the Secretary shall promulgate a rule pursuant to section

1 6(b) of the Occupational Safety and Health Act (29
2 U.S.C. 655(b)) not later than 36 months after the comple-
3 tion of the investigation described in subsection (a). If the
4 Secretary determines that such a standard is not nec-
5 essary, the Secretary, not later than 6 months after mak-
6 ing such a determination, shall transmit a report to Con-
7 gress that specifically addresses the Secretary's reasons
8 for determining that a combustible dust standard is un-
9 necessary.