Testimony for the Senate Subcommittee on Employment and Workplace Safety Hearing: Dangerous Dust – Is OSHA doing enough to protect workers?

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Good morning. Chairman Murray, Ranking Member Isakson and committee members, I appreciate the opportunity to speak to you about combustible dusts.

I am Amy Beasley Spencer, a Senior Chemical Engineer representing the National Fire Protection Association (NFPA) and have worked at the Association for 12 years. I serve as the Staff Liaison to several NFPA Technical Committees responsible for combustible dust documents.

The title of this hearing is "*Dangerous Dust: Is OSHA Doing Enough to Protect Workers?"* Without slighting the many successes of OSHA, when answering the question with respect to combustible dusts, the answer is "no". NFPA believes OSHA must develop regulations to address and mitigate dust hazards by incorporating by reference the relevant NFPA codes and standards.

OSHA, like NFPA, has a record of saving lives; however, we cannot allow past successes to breed complacency, especially when mounting evidence suggests there is more than can be done. More lives can be saved. Lives that would inevitably and predictably be lost during preventable dust explosions such as the 13 lives lost at Imperial Sugar. The NFPA standards that could have prevented those explosions were never made mandatory nationwide. OSHA doesn't have to reinvent the wheel – the tools exist in NFPA documents to prevent these tragedies.

Today I will provide a brief background of NFPA, a description of the relevant codes and standards that address dust hazard processes, and conclude with discussion on how I believe these documents could provide a safe and effective strategy for identifying and controlling processes that store, handle or use combustible dusts or other combustible particulate solids.

NFPA is an international membership organization that develops voluntary consensus codes and standards that are adopted by state and local jurisdictions throughout the U.S. and the rest of the world. The NFPA consensus process and the periodic revisions of all documents ensure state-of-the-art practices and safeguards are included.

NFPA has more than 250 committees made up of about 4000 experts, who represent diverse interests (such as enforcers, users, consumers, manufacturers, designers, researchers, insurance and labor) and they develop nearly 300 codes and standards. These NFPA documents are updated on a 3-5 year basis through a consensus process involving a balance of stakeholders. In fact, one of the NFPA dust committees has technical members from both the Department of Labor and the Chemical Safety Board (CSB).

Many NFPA codes and standards appear as mandatory references cited throughout federal agency regulations, including OSHA. NFPA codes and standards provide a broad-based and comprehensive set of requirements applicable to many hazards, including combustible dusts.

NFPA's principal dust document NFPA 654, *Standard for the Prevention of Fires and Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids* covers the fundamentals of protecting dust hazard processes, and its handling and conveying requirements are often referenced in other dust documents. We also have commodity-specific dust documents covering coal, sulfur, combustible metals, wood dust facilities and agricultural dust. I don't want to bore you with the long names and numerical designations, but NFPA provides comprehensive coverage of dust hazards in 7 dust-related documents originating as early as 1923.

The NFPA documents were highlighted in the recently passed *Worker Protection Against Combustible Dust Explosion and Fires Act* (H.R. 5522), as well as the CSB recommendations and industrial peer-reviewed journals. OSHA highlights these same documents in their National Emphasis Program and their Safety and Health Information Bulletin. All our dust documents address the hazards of combustible dusts in three simple steps – hazard identification (starting with knowing you have a hazard) , hazard evaluation (examining the processes and equipment), and lastly, hazard control.

In conclusion, OSHA cites statistics that show that there are fewer injuries and deaths in the workplace. People often think of these statistics as if they

are just part of the natural evolution of society. Not true. The declining number of accidents is the result of decades of hard work by dedicated technical experts, the enforcement community, first responders, safety advocates and many others, including legislators such as you. Preventing those tragedies is the reason that NFPA exists, and that purpose is what brings us to this hearing today. Let's not ignore the combustible dust problem by assuming "OSHA has it covered already" or attempt to reinvent the wheel by having OSHA write new regulations when the information already exists in NFPA documents.

The challenge for us all is to effectively disseminate the information, to provide sufficient training and ensure consistent enforcement. Moreover, I believe the best method to accomplish this safety goal is for OSHA to develop a mandatory standard to address and mitigate dust hazards by incorporating by reference the relevant NFPA codes and standards. NFPA is committed to assist where appropriate in these activities and for all these reasons, we respectfully urge the Senate to take any action to ensure that OSHA mandates combustible dust safety through the use of NFPA codes and standards.

Thank you for your attention and the opportunity to testify.