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February 8, 2008

**VIA FACSMILE – 202-693-6111**

The Honorable Elaine Chao  
Secretary of Labor  
The U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Secretary Chao:

Several employees of Imperial Sugar in Savannah, Georgia were killed and more than 60 injured, some critically, in a combustible dust explosion last night. I am writing to ask you to take immediate steps to issue a standard to prevent combustible dust explosions, as recommended to your agency by the Chemical Safety Board (CSB) in November 2006.

As you are aware, the CSB conducted a major study of combustible dust hazards in 2006 and made a number of safety recommendations to the Occupational Safety and Health Administration (OSHA) and other parties. The CSB report identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured 718. A quarter of the explosions occurred at food industry facilities, including sugar plants. The CSB concluded that "combustible dust explosions are a serious hazard in American industry, and that existing efforts inadequately address this hazard."

As the CSB report points out, methods used to control combustible dust hazards are well known. Detailed voluntary standards published by the National Fire Protection Association are effective in preventing combustible dust explosions. As we have tragically seen in Savannah, however, voluntary standards are not enough. Without an OSHA standard, many employers are unaware of the hazards and control methods, and others decline to comply with voluntary standards.

Because no comprehensive federal OSHA standard exists to control the risk of dust explosions in general industry, the CSB recommended that OSHA issue a standard. To this date, more than a year after the CSB report was issued, there has been no indication that OSHA is considering a combustible dust standard.

We are aware that OSHA issued a Combustible Dust Safety and Health Information Bulletin. We are also aware that OSHA launched a Combustible Dust National Emphasis Program, which the CSB recommended that OSHA conduct while developing a standard. We are interested in how

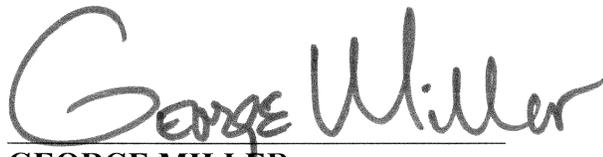
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this program and other related OSHA activities are being conducted. To that end, we would like to request that you provide us with the following information by February 25, 2008.

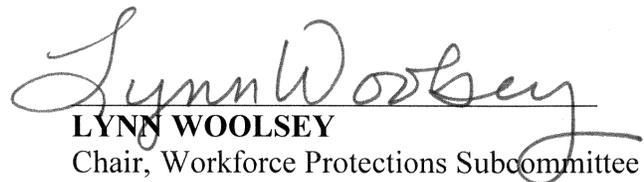
- The number of Certified Safety and Health Officials (CSHOs) who have received training in assessing and abating the hazards of combustible dust.
- The number of inspections or other activities conducted by OSHA's Combustible Dust National Emphasis Program, launched in October 2007. We understand that the Imperial Sugar facility in question was inspected only twice in the last 10 years and not at all in the last 5 years.
- The number of inspections or other activities to be conducted under OSHA's Combustible Dust National Emphasis Program in 2008.
- The number and dates of outreach sessions provided to companies at risk from combustible dust hazards.
- The number and dates of OSHA Training Institute classes that have been conducted on combustible dust hazards and the number of attendees.
- Plans for future outreach sessions or OSHA Training Institute classes on combustible dust hazards.
- The status of any CSB-recommended revisions to the Hazard Communication Standard regarding inclusion of combustible dust hazards.
- The number of CSHOs with National Fire and Explosion Investigator certification.
- OSHA's response to the CSB's other combustible dust recommendations.

Even as the recovery effort continues in Savannah, other workers' lives remain at risk. Issuing a comprehensive combustible dust standard as recommended by the CSB will go a long way toward preventing more tragedies like this. Because of the continuing uncontrolled hazards of combustible dusts, issuing a mandatory combustible dust standard should be a high priority of OSHA, and we strongly urge you to act now.

Sincerely,



**GEORGE MILLER**  
Chairman



**LYNN WOOLSEY**  
Chair, Workforce Protections Subcommittee