

Week of **June 8, 2015**

## OSHA Clarifies Enforcement Guidance on Combustible Dust

The Occupational Safety and Health Administration, responding to a request of the National Forest and Paper Association, has updated its compliance guidance on how inspectors are to evaluate accumulated levels of low bulk-density combustible dusts for enforcement purposes. The guidance ([https://www.osha.gov/dep/enforcement/Combustible\\_Dusts\\_04212015.html](https://www.osha.gov/dep/enforcement/Combustible_Dusts_04212015.html)) was released by OSHA on May 22.

The Association asked OSHA to explain to the agency's inspectors that they should consider the unique characteristics of a dust – such as its bulk density – instead of basing assessments on whether dust accumulation simply surpasses 1/32 of an inch (about the diameter of a paper clip), an OSHA spokesperson told *Bloomberg BNA*.

OSHA's compliance guidance for its seven-year-old National Emphasis Program (NEP) for combustible dust references 1/32-inch dust accumulation levels. However, OSHA made clear in the latest guidance that this accumulation thickness is based on certain assumptions. These include the uniformity of the dust layer covering the surfaces and a material bulk density of 75 pounds per cubic foot (lb/ft<sup>3</sup>). The 2013 update of National Fire Protection Association consensus standard 654 includes a mathematical calculation for determining when the dust accumulation level may exceed the layer depth criteria of 1/32-inch for materials with bulk density less than 75 lb/ft<sup>3</sup>, the guidance noted.

Thus, inspectors should consider the bulk density of the dust prior to determining if there has been a violation of the housekeeping standard (29 CFR § 1910.22) or the materials handling and storage standard (29 CFR § 1910.176). For tissue paper dust, fabric fibers, and other

low-density dusts (i.e., less than 75 lb/ft<sup>3</sup>), the guidance advises inspectors to collect samples for laboratory analysis of bulk density, provided that the accumulation level is greater than ¼-inch extending over 5 percent of the floor area of a room or building, or 1000 ft<sup>2</sup>, whichever is less. Sample collection steps are provided, and inspectors are instructed to send samples to OSHA's Salt Lake Technical Center in Utah.

However, the guidance also makes clear that samples for bulk-density determinations are not necessary for dust accumulations exceeding one inch in depth and extending over the same floor area. In those cases, information on the approximate bulk densities of the combustible dust may be obtained from the employer, the Internet, or other sources. Those numbers then may be used to determine the approximate values of the dust accumulations for citation purposes, according to the guidance.

OSHA believes the outcome of most inspections will remain unchanged by the new guidance. According to the OSHA spokesperson, bulk-density determinations may not be an issue in many cases because inspectors normally find combustible dust accumulations levels far exceeding hazardous levels. Only cases involving light dusts could be affected, because of the importance of bulk density in determining if hazardous accumulations of dust are present. OSHA began a controversial rulemaking for combustible dust in 2009 and held meetings in 2010. More recently, the agency proposed conducting a Small Business Regulatory Enforcement Fairness Act review in February 2016.

## NIOSH Seeks Comment on Proposed Miner Health Surveillance Study

Government health researchers are seeking comments on the paperwork requirements of their proposed program to assess the health status and disease burden among approximately 147,000 U.S. Metal and Non-Metal (MNM) workers and contractors, including workers in the stone, sand, and gravel mining sector. Comments must be submitted by June 23.

The National Institute for Occupational Safety and Health (NIOSH), part of the federal Centers for Disease Control and Prevention, states that the health surveillance program is necessary “to provide much needed health data” on the workers, who investigators say are at risk from “recognized hazards,” including noise, heat, repetitive stress, sleep deprivation, fumes, diesel exhaust, silica and other mine dusts, and radon gas.

“Little is known about the health status of this population of workers, in part because no comprehensive health surveillance system exists for the MNM mining sector,” NIOSH said in an information collection request posted in the April 24 *Federal Register* (<http://www.gpo.gov/fdsys/pkg/FR-2015-04-24/pdf/2015-09524.pdf>).

The Institute plans to ask both current and former MNM workers to complete a 25-page questionnaire, which will gather data on demographics, occupation, work status, working conditions and occupational exposures, work stress, musculoskeletal disorders, hearing, sleep and fatigue, chronic disease and chronic disease risk factors, and respiratory health. The purpose of the questionnaire is to determine the prevalence of certain health conditions and risk factors for disease, and to characterize miners’ working conditions and workplace exposures, NIOSH said.

In addition, the program will include a visit to mine sites by a mobile health clinic. Health professionals will measure participants’ height, weight, and blood pressure, collect a fingerstick blood sample to measure cholesterol and hemoglobin levels, and administer a pulmonary function test and a chest radiograph. Data collection initially will focus on metal mines in the western states. Participation in the program is voluntary.

NIOSH said the information it proposes to gather will enable it to develop targeted workplace interventions and health programs directed toward what it describes as a high-risk population of workers. It also will allow mining researchers to prioritize research on occupational illnesses, and the mining industry to develop and promote policies to reduce unhealthy exposures and improve overall miner health, according to the Institute.

Researchers have made the information collection request under the Paperwork Reduction Act, which requires government agencies to estimate the burden the paperwork requirements of the study will impose on participants. Therefore, commenters are asked to focus on such matters as the total time, effort or financial resources participating individuals and companies expect to devote to providing the requested information and ways to minimize the burden. Remarks may also address whether the study is necessary at all and the accuracy of NIOSH’s estimate of the commitment the study will require. The Institute has projected that about 2,500 individuals will participate.

Commenters may post remarks at <http://www.regulations.gov>, identifying the information collection request by its docket number, CDC-2015-0024.

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