

HR 5522

Worker Protection Against Combustible Dust Explosions and Fires Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Mar 4, 2008

Current Status: Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and

Latest Action: Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (May 1, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5522>

Sponsor

Name: Rep. Miller, George [D-CA-7]

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors (32 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barrow, John [D-GA-12]	D · GA		Mar 4, 2008
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Mar 11, 2008
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		Mar 11, 2008
Rep. Braley, Bruce L. [D-IA-1]	D · IA		Mar 11, 2008
Rep. Courtney, Joe [D-CT-2]	D · CT		Mar 11, 2008
Rep. Davis, Susan A. [D-CA-53]	D · CA		Mar 11, 2008
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		Mar 11, 2008
Rep. Hare, Phil [D-IL-17]	D · IL		Mar 11, 2008
Rep. Hinojosa, Ruben [D-TX-15]	D · TX		Mar 11, 2008
Rep. Holt, Rush [D-NJ-12]	D · NJ		Mar 11, 2008
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Mar 11, 2008
Rep. Kucinich, Dennis J. [D-OH-10]	D · OH		Mar 11, 2008
Rep. McCarthy, Carolyn [D-NY-4]	D · NY		Mar 11, 2008
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Mar 11, 2008
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		Mar 11, 2008
Rep. Sarbanes, John P. [D-MD-3]	D · MD		Mar 11, 2008
Rep. Shea-Porter, Carol [D-NH-1]	D · NH		Mar 11, 2008
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Mar 11, 2008
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Apr 8, 2008
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Apr 8, 2008
Rep. Davis, Danny K. [D-IL-7]	D · IL		Apr 8, 2008
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Apr 8, 2008
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Apr 8, 2008
Rep. Hirono, Mazie K. [D-HI-2]	D · HI		Apr 8, 2008
Rep. Rothman, Steven R. [D-NJ-9]	D · NJ		Apr 8, 2008
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		Apr 8, 2008
Rep. Yarmuth, John A. [D-KY-3]	D · KY		Apr 8, 2008
Rep. Altmire, Jason [D-PA-4]	D · PA		Apr 22, 2008
Rep. Loebsack, David [D-IA-2]	D · IA		Apr 22, 2008
Rep. Sestak, Joe [D-PA-7]	D · PA		Apr 22, 2008
Rep. Tierney, John F. [D-MA-6]	D · MA		Apr 22, 2008
Rep. Wu, David [D-OR-1]	D · OR		Apr 22, 2008

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Apr 17, 2008
Health, Education, Labor, and Pensions Committee	Senate	Referred To	May 1, 2008

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
110 HRES 1157	Procedurally related	Apr 30, 2008: Motion to reconsider laid on the table Agreed to without objection.

Summary (as of Apr 30, 2008)

Worker Protection Against Combustible Dust Explosions and Fires Act of 2008 - (Sec. 3) Requires the Secretary of Labor, within 90 days, to promulgate an interim final standard regulating combustible dusts, which shall apply to manufacturing, processing, blending, conveying, repackaging, and handling of combustible particulate solids and their dusts (including organic dusts, plastics, sulfur, wood, rubber, furniture, textiles, pesticides, pharmaceuticals, fibers, dyes, coal, metals, and fossil fuels), but shall not apply to processes already covered by the Occupational Safety and Health Administration's (OSHA) standard on grain facilities.

Requires such standard to provide requirements for: (1) a hazard assessment to identify, evaluate, and control combustible dust hazards; (2) a written program that includes provisions for hazardous dust inspection, testing, hot work, ignition control, and housekeeping, including the frequency and methods used to minimize accumulations of combustible dust on ledges, floors, equipment, and other exposed surfaces; (3) engineering (which requirements shall be effective six months after the date on which the interim standard is issued), administrative controls and operating procedures, such as means to control fugitive dust emissions and ignition sources, the safe use and maintenance of dust producing and dust collection systems and filters, minimizing horizontal surfaces where dust can accumulate, and sealing of areas inaccessible to housekeeping; (4) housekeeping to prevent accumulation of combustible dust in places of employment in depths that can present explosion, deflagration, or other fire hazards, including safe methods of dust removal; (5) employee participation in hazard assessment, development of and compliance with the written program, and other elements of hazard management; and (6) providing safety and health information and annual training to employees, including housekeeping procedures, hot work procedures, preventive maintenance procedures, common ignition sources, and lock-out, tag-out procedures.

Provides an exemption from otherwise applicable rulemaking requirements for the interim standard but not for the final standard.

Provides that such interim standard shall have the legal effect of an occupational safety and health standard and shall apply until a final standard becomes effective.

Requires the Secretary of Labor, within 18 months, to promulgate a final occupational safety and health standard regulating combustible dust explosions that has the same scope and worker protection provisions as the interim rule and provides requirements for: (1) managing change of dust producing materials, technology, equipment, staffing, and procedures; (2) building design such as explosion venting, ducting, and sprinklers; and (3) explosion protection, including separation and segregation of the hazard. Requires the final rule to include relevant and appropriate provisions of the National Fire Protection Association combustible dust standards.

(Sec. 4) Requires the Secretary to revise the hazard communications standard to amend the definition of "physical hazard" to include "a combustible dust" as an additional example of such a hazard.

Actions Timeline

- **May 1, 2008:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Apr 30, 2008:** Rule H. Res. 1157 passed House.
- **Apr 30, 2008:** Considered under the provisions of rule H. Res. 1157. (consideration: CR H2909-2922)
- **Apr 30, 2008:** Rule provides for consideration of H.R. 5522 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill.
- **Apr 30, 2008:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 1157 and Rule XVIII.
- **Apr 30, 2008:** The Speaker designated the Honorable Donna M. Christensen to act as Chairwoman of the Committee.
- **Apr 30, 2008:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 5522.
- **Apr 30, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1157, the Committee of the Whole proceeded with ten minutes of debate on the George Miller amendment.
- **Apr 30, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the George Miller amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. George Miller demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 30, 2008:** DEBATE - Pursuant to the provisions of H. Res. 1157, the Committee of the Whole proceeded with ten minutes of debate on the Wilson (SC) amendment.
- **Apr 30, 2008:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Wilson (SC) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Wilson (SC) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 30, 2008:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Apr 30, 2008:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 5522.
- **Apr 30, 2008:** The previous question was ordered pursuant to the rule. (consideration: CR H2919)
- **Apr 30, 2008:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H2913-2914)
- **Apr 30, 2008:** Mr. Walberg moved to recommit with instructions to Education and Labor. (consideration: CR H2919-2921; text: CR H2919)
- **Apr 30, 2008:** DEBATE - The House proceeded with ten minutes of debate on the Walberg motion to recommit. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to require an exemption for grain pending determination of impact on the prices.
- **Apr 30, 2008:** On motion to recommit with instructions Failed by recorded vote: 187 - 225 (Roll no. 232).
- **Apr 30, 2008:** Passed/agreed to in House: On passage Passed by recorded vote: 247 - 165 (Roll no. 233).
- **Apr 30, 2008:** On passage Passed by recorded vote: 247 - 165 (Roll no. 233).
- **Apr 30, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 30, 2008:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 5522.
- **Apr 29, 2008:** Rules Committee Resolution H. Res. 1157 Reported to House. Rule provides for consideration of H.R. 5522 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill.
- **Apr 22, 2008:** Reported (Amended) by the Committee on Education and Labor. H. Rept. 110-601.
- **Apr 22, 2008:** Placed on the Union Calendar, Calendar No. 374.

- Apr 17, 2008:** Referred to the Subcommittee on Workforce Protections.
- **Apr 9, 2008:** Committee Consideration and Mark-up Session Held.
 - **Apr 9, 2008:** Ordered to be Reported (Amended) by Voice Vote.
 - **Mar 12, 2008:** Committee Hearings Held.
 - **Mar 4, 2008:** Introduced in House
 - **Mar 4, 2008:** Referred to the House Committee on Education and Labor.