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Barrow Testifies before House Education and Labor Committee on Combustible Dust Standards

Washington, DC – Congressman John Barrow (GA-12) testified before the House Education and Labor Committee on the need for new rules to help prevent worksite explosions like the one at the Imperial Sugar refinery in Port Wentworth, Georgia, in early February that killed 12 workers and critically injured 11 others.

The Combustible Dust Explosion and Fire Prevention Act (H.R. 5522), introduced by Barrow and Committee Chairman George Miller, would force the U.S. Occupational Safety and Health Administration to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode. While OSHA already has the authority to issue such a rule without Congress passing new legislation, the agency has failed to act despite the fact that the dangers of combustible dust have been well known for years.

“[T]here are lots and lots of other industrial dusts that can cause massive explosions like this, and have been causing explosions like this, for as long as manufacturing plants have been generating dust on an industrial scale...the experts in the field have known about this problem for decades,” said Barrow.

“So, here we are again, and once again the cry goes up to fix this problem that’s been around for so long. Only this time, we’re not going to forget about what happened, and we’re not going to stop until we do what we can to cut down this risk as much possible.

“The time to act is now,” concluded Barrow. “We owe it to the victims of last month’s tragedy – and to all the other victims before that – to do what we can to prevent this sort of thing from ever happening again.”

“The loss of lives in workplace incidents is always a tragedy,” said Miller. “But what’s particularly troubling about the Imperial Sugar explosion is that, not only was it preventable, but OSHA had been specifically warned about dust hazards and provided with guidance on how to address them.”

Congressman Barrow’s testimony, in its entirety, is below.

**Testimony of Congressman John Barrow Before
U.S. House of Representatives Committee on Education and Labor**

March 12, 2008
Washington, D.C.

Mr. Chairman, thank you for calling this hearing on H.R. 5522, the “Combustible Dust Explosion and Fire Prevention Act of 2008.”

Just over a month ago, on February 7, the Imperial Sugar Refinery in Port Wentworth, just outside of my home of Savannah, was destroyed by a massive explosion. The explosion killed 12 people, maimed dozens more, and shut down the economic engine that drove an entire community.

I’ve visited with the families of the dead and dying, I’ve attended the meetings, and I’ve attended the memorial services. And the question I’ve heard over and over again is, Why? Why did this happen? And what can we do to prevent this from happening again? It turns out that the cause was something that most folks don’t know is the least bit dangerous: too much sugar dust all over the place.

It also turns out that there are lots and lots of other industrial dusts that can cause massive explosions like this, and have been causing explosions like this, for as long as manufacturing plants have been generating dust on an industrial scale.

What we’ve learned in my community since this disaster hit us is that the experts in the field have known about this problem for decades. There’ve been voluntary standards that effectively deal with this problem, but not enough people know about the problem, much less the solutions, and even those who do know about the solutions aren’t required to adopt them. We’ve also learned that the only standards that ARE mandatory really aren’t designed with this problem in mind, and they aren’t working. And so we have good standards that aren’t mandatory, and inadequate standards that are mandatory.

So, here we are again, and once again the cry goes up to fix this problem that’s been around for so long. Only this time, we’re not going to forget about what happened, and we’re not going to stop until we do what we can to cut down this risk as much possible.

Up until now the argument has been between those who say that we shouldn’t go too fast in developing a national standard, and those who argue that we’re going too slow. There are those who argue that the costs of a comprehensive solution outweigh the benefits. We’ve even had some argue that we should go slow in adopting a national standard because we run the risk of encouraging employers to take our jobs to some other country where they don’t care as much about worker safety as we do.

I disagree. I say if we can prevent just one of these disasters from happening, if we can prevent just one family from going through what the families of Imperial Sugar are going through, it'd be worth it.

Meanwhile, something's happened which sheds a whole new light on the debate, and gives us a whole a new reason for adopting a national standard as soon as we can. Because Georgia isn't waiting for Congress to act. The Georgia Insurance Commissioner, John Oxendine, has exercised his authority under Georgia law to adopt the voluntary standards promulgated by the people who know best how to prevent these disasters from happening – the NFPA – and make them mandatory. In Georgia.

I commend him for his prompt action, but I want to emphasize that his action gives a new and compelling reason for national action. Because it's no longer an issue about losing American jobs to foreign markets where they don't care about worker safety as much as we do. We now have to worry about Americans losing jobs to other Americans, just because they happen to live in states where they haven't learned the lessons of Imperial Sugar yet. Unsafe competition is unfair competition, and the specter of unsafe competition from abroad is bad enough. But the reality of unsafe competition right here at home is even worse.

If we really want to do what we can to prevent this from happening, we need to act. And we need to act now.

The bill that Chairman Miller and I have introduced essentially does two major things:

First, it directs OSHA to issue a rule within 90 days which would, as a general matter, require manufacturers to comply with the NFPA standards that right now are purely voluntary. Basic safety would no longer be an employer option, nor would it be a local option. It would be a common obligation and a common right.

Second, our bill would give OSHA the opportunity to modify or revise the rule before it becomes final, IF they think they can make it better. But it shifts to OSHA the burden of showing how those standards can be made better. And we don't leave workers at risk for as long as that can take.

I commend members of this Committee, especially Chairman Miller and Congresswoman Woolsey, for trying to do something about this for a long time. The time to act is now. We owe it to the victims of last month's tragedy – and to all the other victims before that – to do what we can to prevent this sort of thing from ever happening again.

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