

# KENTUCKY OSHA JOURNAL

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## OSHA Puts Combustible Dust Standard on the "Back Burner"

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The Charleston Gazette (December 9, 2014) reported that OSHA is apparently further delaying issuance of a combustible dust standard, noting that in 2008, then-Sen. Barack Obama said that it was "long past time" for OSHA to issue a combustible dust rule.

After Mr. Obama was elected President, OSHA was reportedly moving (in April 2009) towards writing such a rule. However, OSHA has never issued a proposed rule and has subsequently delayed the next step — a public meeting to collect information about the potential impacts on small businesses.

In November, 2014, the White House released its most recent regulatory agenda, indicating that OSHA had moved the dust rule to its "long-term actions" category. This means, according to an OSHA spokesman, "A rule on combustible dust remains a concern, and we continue to work on it, but we moved that effort into our long-term plan while we continue our enforcement efforts."

On February 20, 2003, powerful dust explosions tore through the CTA Acoustics plant in Corbin, Kentucky where fiberglass insulation was manufactured. Seven workers were killed and there were scores of injuries, making it one of the deadliest in Kentucky history.

Subsequently there have been several major explosions at other factories around the country killing more workers.

Citing these deadly accidents, the U.S. Chemical Safety Board (CSB) has called OSHA's inaction in a combustible dust rule "unacceptable and made issuance of an OSHA combustible dust standard the first of the board's 'most wanted actions to improve worker safety around the country.'"

However, the CSB, an independent federal agency, has no power to issue citations, levy fines, or write new rules. It can only investigate accidents and recommend actions to prevent recurrences of such accidents.

Recently, CSB Chairman Rafael Moure-Eraso stated, "[a]bsent a combustible dust standard, workers will continue to be killed or injured unnecessarily in fires and explosions, and productive businesses will be destroyed."

### CITATIONS & FINES

**LIBERTY HARDWARE CO.**  
930 Riffe Creed Road, Dunnville  
Inspection site: 930 Riffe Creed Road, Dunnville  
8-1-2014 **\$126,000**

#### Failure to Abate

- Failed to establish a lockout/tagout program to protect employees from unexpected startup or release of stored energy. \$126,000

**JUDY CONSTRUCTION CO.**  
103 S. Church St., Cynthiana  
Inspection site: 705 Glen Garry Road, Glasgow  
8-25-2014 **\$27,000**

#### Repeat Serious

- Employee was working at least eight feet above ground with no fall protection. \$8,500

#### Serious

- Employees used wire to rig concrete forms to the crane hook for lifting, and the wire was not marked to indicate safe working load. \$7,000
- Employees were working in excavation at least 18 feet deep with no cave-in protection \$7,000
- Ladder had broken lock assembly, bent rung and missing rope not removed; ladder not marked "do not use." \$4,500

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