



January 8, 2010

OSHA Docket Office
Docket No. OSHA-2009-0023
Technical Data Center, Room N-2625
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

RE: Combustible Dust Advance Notice of Proposed Rulemaking

Dear Sir/ Dear Madam:

The U. S. Poultry & Egg Association, the National Chicken Council, the National Turkey Federation and the Georgia Poultry Federation are non-profit trade associations representing the producers and processors of chickens, turkeys, other poultry, eggs and affiliated industry suppliers. Our associations appreciate the opportunity to comment on OSHA's efforts to develop a proposed standard for combustible dust hazards.

Our associations support OSHA's efforts to review the existing OSHA, industry and consensus standards concerning combustible dust hazards and to consider the need for a single, comprehensive standard for general industry. We welcome the opportunity to provide our comments concerning three issues:

- The definition of combustible dust in the context of any proposed standard
- The effectiveness of the Grain Handling Standard, CFR 1910.272
- Industries for which a new or revised standard would have limited applicability

Definition of Combustible Dust

We suggest that any definition of combustible dust within the context of the proposed standard address all five elements required for an explosion- fuel, oxygen, ignition, dispersal, & confinement. Many establishments including poultry further processing plants utilize combustible dust materials in limited amounts and in locations and conditions that would not be expected to create an explosion hazard. The amount of combustible dust in the poultry further processing environment is limited and is typically stored and handled in large rooms which reduce the confinement concerns. The mandatory sanitation and housekeeping requirements of our internal food safety programs and of on-site USDA Food Safety and Inspection Service personnel reduce the potential for accumulation and dispersal of dust into a cloud of the proper concentration required for an explosion.

We recognize the complexity of defining combustible dust in the context of the standard and suggest that for whatever definition is selected, an action level also be included to trigger the applicability of the standard. We suggest that language such as Section 3.1.1 of Factory Mutual

Data Sheet 7-76, **PREVENTION AND MITIGATION OF COMBUSTIBLE DUST EXPLOSION AND FIRE**, be included in the definition to provide guidance concerning when dust accumulations are unacceptable. FM recommends a housekeeping action level when dust accumulations reach 1/16 in. and when those accumulations exceed 5% of the area. These triggers consider and control the required dispersal and confinement elements which are necessary for an explosion.

Grain Handling Facilities Standard, CFR 1910.272

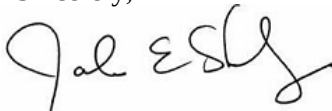
Many of our members operate feed mills and grain elevators. We believe the existing grain handling standard has proven to be effective in controlling the exposure and that feed mills and elevators should continue to be covered under CFR 1910.272.

Industries for which a new or revised standard would have limited applicability

As previously noted many establishments utilize combustible dust materials in limited amounts and in locations and conditions that would not be expected to create an explosion hazard. We encourage OSHA to consider limiting the scope of any new combustible dust standard to those industries which have experienced more frequent explosions and fires or have previously been identified as having the potential for dust explosions and fires. Directive CPL-03-00-008 (dated 3/11/08) for the Combustible Dust National Emphasis Program listed SIC codes identifying 64 industries known to or expected to have potential dust explosions. We suggest that any new standard be limited to those SIC codes identified in Directive CPL-03-00-008 and that the remainder of general industry be subject to enforcement actions under the General Duty Clause, the General Housekeeping Standard (1910.22 (a) (1) or existing industry specific standards such as CFR 1910.272.

Thank you for the opportunity to comment. If you have any questions or require additional information concerning our comments, please do not hesitate to contact Paul Pressley of the U.S. Poultry & Egg Association at 770-493-9401, Stephen Pretanik of the National Chicken Council at 202-296-2622, Hilary Thesmar of the National Turkey Federation at 202-898-0100 or Mike Giles of the Georgia Poultry Federation at 770-532-0473.

Sincerely,



John Starkey
U.S. Poultry & Egg Association



George Watts
National Chicken Council



Joel Brandenberger
National Turkey Federation



Mike Giles
Georgia Poultry Federation