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January 19, 2010

ELECTRONIC SUBMISSION

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

**RE: Comments on OSHA Docket No. OSHA–2009–0023 – Advanced Notice of Proposed Rule Making (ANOPR) regarding Combustible Dust**

To Whom It May Concern:

Thank you for the opportunity to provide comments and answers to OSHA’s questions on their Advanced Notice of Proposed Rule Making (OSHA Docket No. OSHA–2009–0023) regarding Combustible Dust. The Pellet Fuels Institute (PFI) is a non-profit trade association that serves the pellet industry, which is comprised of pellet mills, pellet appliance manufacturers and industry suppliers. We are writing specifically on behalf of pellet mills. PFI has answered the questions in the ANOPR related to our industry as thoroughly as possible. They are completed below and numbered in accordance with the ANOPR. PFI is willing and able to work with OSHA in its efforts to ensure the safety of employees.

1. Pellet Mills are covered under NAICS 321999 (All Other Miscellaneous Wood Product Manufacturing) and 321219 (Reconstituted Wood Manufacturing).
2. There are approximately 100 pellet mills in operation which employ approximately 2000 people.
4. Pellet mills have wood dust (some have agricultural dust) present in their facilities.
5. All pellet mills have similar combustible dusts in their facilities.

**14 to 17. Hazard Assessment –** Safety is always first in the minds of mill operators and employees. Most pellet mills have some form of a hazard assessment done on their

facility. These are also incorporated into their safety programs for their employees. Some pellet mills have hired outside experts/consultants to perform their hazard assessments while others have in-house employees that perform this duty.

**18 to 21.** Hazard Communication and Training – The pellet industry wants to make its employees as safe as possible. As with any safety program or equipment, they are only as effective at keeping people safe as the people using them are trained and disciplined to use them. To be effective, safety procedures and equipment must be designed specifically to fit the required application. Training is also a critical component of any program to control combustible dust and prevent fires and explosions. The pellet industry strives to communicate with its employees about the different hazards they may encounter, how to deal with them, and what procedures to follow if an incident does occur. Training is a continual practice in the pellet industry.

**22.** NFPA Standards 654, 664, 61, 68, 69, and 70 are primarily used in the pellet industry. The pellet industry finds it difficult to implement all aspects of these standards due to the varying references and requirements in these standards. Portions of NFPA standards are welcomed and embraced in the industry, but they have to be limited to those that can be reasonably implemented. NFPA Standards should not be used wholesale as the OSHA standard.

**26.** Most pellet mills are inspected by local/state inspectors and local fire chiefs.

**28 to 32.** Different types of engineering controls are used throughout the pellet industry. These controls are designed to remove certain hazards (e.g. fires in and around the drying process) or to minimize the effects of an incident after it has happened. Pellet mills make every effort to eliminate as many of the threats as they can at the commencement of operations and put in controls for other hazards that cannot be eliminated. These controls range from spark detection and extinguishing equipment, water sprayers for dryers, dust controller systems, explosion venting systems, fire suppression systems, grounded duct work and piping, emergency shut down controls, and proper personal safety equipment, among others.

**33 to 41.** Administrative Controls – Pellet mills continuously focus on administrative controls. Proper housekeeping is a standard work practice that occurs around the clock and is a necessity to safely operate a pellet mill. The accumulation of dust is constantly monitored, and dust is removed with the proper equipment without delay. Nearly all pellet mills have designated employees for housekeeping duties, but many employees are also used for other jobs in the facility. Moreover, it is common practice for employees to keep their areas clean for the safety of others. Another essential practice for pellet mills is equipment maintenance. Preventive maintenance helps mitigate hazards throughout the facility. All pellet mills also have a variety of personal protective equipment to

further protect their employees. Administrative controls are a must and are common practice for pellet mills.

**42 to 43.** Emergency Response – Pellet mills consult with local fire departments on how to address fire hazards within their facilities. In addition, employees are trained on fire safety measures specific to their facilities.

**51 to 53.** Standards need to be developed specific to the pellet industry. Standards which are applied in a generic, one-size-fits-all fashion from other product categories could add unnecessary levels of expense as well as hazard and *still* not achieve acceptable levels of safety in the pellet industry. There are different hazards for different industries and hazards inherent to the pellet industry must be considered before any standard can be adapted. PFI is strongly in favor of practical standards that will make our workplaces safer – and be reasonably implemented. Portions of NFPA standards are welcomed and embraced in the industry, but they have to be limited to those that are practical and can be reasonably implemented.

**54.** PFI has the same concerns that OSHA referenced in its ANOPR on combustible dust. NFPA standards should not be used wholesale as the standard that OSHA is working on. A main concern with PFI is that, to our knowledge, NFPA standards did not factor in a cost benefit analysis when these standards were made. Another issue with the NFPA standards is that they are updated periodically. Pellet mills would have a difficult time adhering to a continuously changing standard. At best, NFPA standards can be a compliance alternative, but should not be made the OSHA standard.

**57.** Mandatory retrofitting of existing facilities should be avoided. New engineering controls can be more costly and may not make pellet mill employees safer. Further, NFPA standards, if used as the OSHA standard and used in their entirety, will have a significant impact on numerous pellet mills, most of which are small, rural businesses. Pellet mills have applied many engineering controls that are working properly and safely. Worker safety is the first priority in the pellet industry, but excessive additional controls are not prudent.

**61.** An OSHA combustible dust standard should address the hazards of fighting fires in combustible dust producing facilities. Fire departments must be involved in this aspect of the standard.

**62 to 66.** The pellet industry strives to protect its employees against all hazards. Safety is the industry's first priority and always will be. However, these new standards can potentially put an unnecessary financial burden on pellet mills which are mainly small, rural businesses. Portions of NFPA standards are welcomed and embraced in the industry, but they have to be limited to those that are practical and can be reasonably



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implemented. However, if NFPA standards are adopted wholesale as the OSHA standard, and mandatory retrofits are included in them, it will put further stress on the already dire economic circumstances of the pellet industry and will result in the closing of many mills due to the upfront costs of implementing certain overreaching provisions in the NFPA standards. For example, there is difficulty in sourcing equipment to Class II Division 2 standards. In numerous cases, the only solution is to purchase the highly expensive equipment that meets Class II Division 1 standards which is an economic burden pellet mills should not have to bear. Alternative solutions need to be made available. Again, the pellet industry strives to protect its employees against all hazards, but economic factors have to be considered for the industry to survive.

Thank you for your consideration of these comments. PFI offers these comments and answers to OSHA's questions regarding combustible dust to ensure that the pellet industry is doing all it can to protect its employees. Please contact me or Seth Voyles, Manager of Government Affairs, at 703-522-6778 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Kaiser", is positioned above the typed name.

Don Kaiser  
Executive Director  
Pellet Fuels Institute