

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



Senate
Office of the Secretary

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SENATE
S. No. **2453**

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING THE SECRETARY OF THE DEPARTMENT OF LABOR AND
EMPLOYMENT TO ISSUE AN INTERIM OCCUPATIONAL SAFETY AND
HEALTH STANDARD REGARDING WORKER EXPOSURE TO
COMBUSTIBLE DUST

EXPLANATORY NOTE

The Constitution, Article 2, Section 18 states: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

There is reportedly a significant risk of death or severe injury to workers employed at facilities where combustible dusts are present.

In the United States, after three catastrophic dust explosions that killed 14 workers in 2003, the Chemical Safety and Hazard Investigation Board (CSB) issued a report in November 2006 identifying 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured 718. The CSB concluded that "combustible dust explosions are a serious hazard in American industry." A quarter of the explosions occurred at food industry facilities, including sugar plants.

There are no occupational safety and health standards both in the U.S. and the Philippines that comprehensively addresses combustible dust explosion hazards in general industry.

Thus, this bill mandates an interim standard for the regulation of combustible dusts to be issued within 90 days of its effectivity, to be followed within 18 months by a final standard. The Act defines three essential requirements for the interim standard:

- 1) 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.
- 3) Engineering and administrative controls, and operating procedures such as means to control fugitive dust emissions and ignition sources.¹


MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed in the U.S. House of Representatives by Mr. Miller, Mr. Barror, and Ms. Woosley (112th Congress, 1st Session).

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SENATE
S. No. 2453

RECEIVED BY: *Jr*

Introduced by Senator Miriam Defensor Santiago

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 AN ACT
2 REQUIRING THE SECRETARY OF THE DEPARTMENT OF LABOR AND
3 EMPLOYMENT TO ISSUE AN INTERIM OCCUPATIONAL SAFETY AND
4 HEALTH STANDARD REGARDING WORKER EXPOSURE TO
5 COMBUSTIBLE DUST

6 SECTION 1. *Short Title.* – This Act may be cited as the “Worker Protection
7 Against Combustible Dust Explosions and Fires Act”.

8 SECTION 2. *Issuance of Interim Occupational Safety and Health Standard on*
9 *Combustible Dust.* –

10 (a) *Application and Rulemaking.* – Not later than one year after the date of
11 effectivity of this Act, the Secretary of the Department of Labor and Employment (here
12 called the “Secretary”) shall promulgate interim standards regulating occupational
13 exposure to combustible dust hazards. The rules shall, at a minimum, apply to
14 manufacturing, processing, blending, conveying, repackaging, and handling of
15 combustible particulate solids and their dusts, including organic dusts (such as sugar,
16 candy, paper, soap, and dried blood), plastics, sulfur, wood, rubber, furniture, textiles,
17 pesticides, pharmaceuticals, fibers, dyes, coal, metals (such as aluminum, chromium,
18 iron, magnesium, and zinc), fossil fuels, and others determined by the Secretary.

19 (b) *Requirements.* – The interim standards shall include the following elements:

- 1 (1) Requirements for hazard assessment to identify, evaluate, and control
2 combustible dust hazards.
- 3 (2) Requirements for a written program that includes provisions for
4 hazardous dust inspection, testing, hot work, ignition control, and
5 housekeeping, including the frequency and method or methods used to
6 minimize accumulations of combustible dust on ledges, floors,
7 equipment, and other exposed surfaces.
- 8 (3) Requirements for engineering controls, administrative controls, and
9 operating procedures, including means to control fugitive dust
10 emissions and ignition sources, and the safe use and maintenance of
11 process equipment and dust collection systems and filters.
- 12 (4) Requirements for workplace inspection and housekeeping to prevent
13 accumulation of combustible dust in places of employment in such
14 depths that it can present explosion, deflagration, or other fire hazards,
15 including safe methods of dust removal.
- 16 (5) Requirements for participation of employees and their representatives in
17 hazard assessment, development of and compliance with the written
18 program, incident investigation, and other elements of hazard
19 management.
- 20 (6) Requirements to provide written safety and health information and
21 annual training to managers and employees and their representatives,
22 including housekeeping procedures, hot work procedures, preventive,
23 predictive, and periodic maintenance procedures, common ignition
24 sources, and lock-out, tag-out procedures.

1 (c) *Effective Date of Interim Standards.* – The interim standards shall take effect
2 30 days after issuance, except that such standard may include a reasonable phase-in
3 period for implementation of required engineering controls.

4 SECTION 3. *Final Standards on Combustible Dust.* – Not later than 18 months
5 after the issuance of the interim rules, the Secretary shall issue a proposed rule for
6 regulating combustible dust explosions that includes the major elements contained in the
7 interim rules, and shall issue a final standards three years after the issuance of a proposed
8 rule.

9 SECTION 4. *Separability Clause.* – If any provision of this Act shall be declared
10 unconstitutional, any other provision not affected thereby shall remain in full force and
11 effect.

12 SECTION 5. *Repealing Clause.* – All laws, decrees, orders, rules and regulations,
13 or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

14 SECTION 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
15 publication in at least two (2) newspapers of general circulation.

Approved,

/fldpnov2014