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SENATE
S. No. 3095

RECORDED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

According to studies, there is 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 address 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; and
- 3) Engineering and administrative controls, and operating procedures such as means to control fugitive dust emissions and ignition sources.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

Introduced by Senator Miriam Defensor Santiago

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

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

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

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

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

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

18 (1) Requirements for hazard assessment to identify, evaluate, and control
19 combustible dust hazards.

20 (2) Requirements for a written program that includes provisions for hazardous
21 dust inspection, testing, hot work, ignition control, and housekeeping,
22 including the frequency and method or methods used to minimize

1 accumulations of combustible dust on ledges, floors, equipment, and other
2 exposed surfaces.

3 (3) Requirements for engineering controls, administrative controls, and operating
4 procedures, including means to control fugitive dust emissions and ignition
5 sources, and the safe use and maintenance of process equipment and dust
6 collection systems and filters.

7 (4) Requirements for workplace inspection and housekeeping to prevent
8 accumulation of combustible dust in places of employment in such depths that
9 it can present explosion, deflagration, or other fire hazards, including safe
10 methods of dust removal.

11 (5) Requirements for participation of employees and their representatives in
12 hazard assessment, development of and compliance with the written program,
13 incident investigation, and other elements of hazard management.

14 (6) Requirements to provide written safety and health information and annual
15 training to managers and employees and their representatives, including
16 housekeeping procedures, hot work procedures, preventive, predictive, and
17 periodic maintenance procedures, common ignition sources, and lock-out, tag-
18 out procedures.

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

22 SECTION 3. *Final Standards on Combustible Dust.* – Not later than eighteen (18)
23 months after the issuance of the interim rules, the Secretary shall issue a proposed rule for
24 regulating combustible dust explosions that includes the major elements contained in the interim
25 rules, and shall issue a final standards three (3) years after the issuance of a proposed rule.

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

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

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

Approved,

/fldp