

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-117-C]

Notice of Public Meeting on Review of the Grain Handling Facilities Standard

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Notice of public meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is conducting a review of the Grain Handling Standard in order to determine, consistent with Executive Order 12866 on Regulatory Planning and Review and Section 610 of the Regulatory Flexibility Act, whether this standard should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as few burdens as possible on small employers. Any revisions to the standard must be consistent with the Occupational Safety and Health Act, which requires employers to provide employees with a safe and healthy workplace.

Written public comments on all aspects of compliance with the Grain Handling Standard are welcomed. OSHA will also hold two stakeholder meetings to provide opportunities for interested parties to comment on whether the Grain Handling Standard should be eliminated, modified, or continued without exchange to achieve the objectives described above.

DATES: There will be two public meetings. The first public meeting will be held on July 28, 1998 in Chicago, Illinois. The second public meeting will be held on July 31, 1998 in Washington, D.C. Both meetings will begin at 9:00 a.m. and are scheduled to end at 5:30 p.m. Written comments should be submitted in quadruplicate to the OSHA Docket Office at the address given below. The deadline for submitting written comments is August 31, 1998.

ADDRESSES: The first public meeting will be held in the State of Illinois Building, 160 N. LaSalle, Chicago, Illinois, and the second will be held in the Frances Perkin Building, 200 Constitution Avenue, N.W., Washington, D.C.

Requests to Appear: OSHA requests that any person wishing to speak at the public meetings notify OSHA in writing. To assure that time is provided for oral comments, the request should be received by OSHA no later than July 21 for the meeting in Chicago, Illinois, and July 24, 1998 for the Washington, D.C. meeting and should identify the person and/or organization intending to appear, desired date of appearance, address and phone/fax number, the amount of time requested, audiovisual equipment required, and a brief summary of the comments to be presented. Please send written requests to appear to Tom Mockler at the following address: Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 219-4916, extension 136, Fax (202) 219-4383. Persons making timely written requests to speak at a public meeting will be given priority for oral comments, as time permits. Other persons wishing to speak should register at the meetings from 8:30 to 9:00. OSHA will make every effort to accommodate individuals wishing to speak at the public meetings.

Written Comments: OSHA welcomes the submission of written public comments on all aspects of the Grain Handling Standard. OSHA will review written public comments as part of the process of conducting this regulatory review of the Grain Handling Standard. All comments received will be received in Docket H-117-C and will be available for public review in the Docket Office at the address given below.

Written comments on the Grain Handling Standard should be submitted in quadruplicate to Elaine Bynum, Docket Officer, Docket No. H-117-C, OSHA Docket Office, Room N2625, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 219-7894, Fax (202) 219-5046. Comments 10 pages or fewer may be faxed to (202) 219-5046 as long as paper copies are subsequently sent. The deadline for submitting written comments is August 31, 1998.

FOR FURTHER INFORMATION CONTACT: Tom Mockler, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 219-4916, extension 136, Fax (202) 219-4383.

SUPPLEMENTARY INFORMATION: In 1987, OSHA promulgated the Grain Handling Standard (29 CFR 1910.272) (52 FR 49592, December 1, 1987). The standard

applies to grain handling facilities in general industry and at marine terminals under 29 CFR Parts 1910 and 1917. It does not cover construction, shipyards, or agriculture. The standard addresses practices, procedures and equipment that are necessary to protect workers from fires, grain dust explosions, and other safety hazards associated with grain handling facilities.

The Grain Handling Standard requires that employers with grain handling operations utilize a multi-faceted approach to minimize the hazards associated with such operations. This entails the development of an emergency action plan, training for employees, permit procedures where hot work is performed, special procedures for entry into grain storage structures and flat storage structures, coordination with contractors, housekeeping requirements to minimize the accumulation of dust, requirements for filter collectors on pneumatic dust collection systems, requirements on grate openings for receiving pits, requirements for preventive maintenance, requirements for grain stream processing equipment, provisions for emergency escape, requirements for continuous-flow bulk raw grain dryers, and requirements for inside bucket elevators. These provisions are intended to minimize the possibility of igniting existing grain dust, to reduce the amount of grain dust present, or to minimize other risks such as the threat of engulfment to individuals who enter grain storage structures.

OSHA estimated in the Final Regulatory Impact Analysis for the Grain Handling Standard that the rule would prevent 18 fatalities and 394 injuries annually. OSHA also estimated that the standard would have annual costs of between \$41 and \$69 million (52 FR 49622; Dec. 1, 1987).

In a supplemental rulemaking in 1996 (61 FR 9578, March 8, 1996), the Agency modified the language of the standard to clarify its intent that certain employee protections be provided in all grain storage structures, regardless of their dimensions. This amendment was expected to have little or no impact on any grain elevators, regardless of size (61 FR 9583; March 8, 1996).

At the present time, OSHA has selected the Grain Handling Standard for review in accordance with the regulatory review provisions at Section 5 of Executive Order 12866 (58 FR 51735, 51739, Oct. 4, 1993) and Section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The purpose of the review is to determine whether the standard should be continued without

change, rescinded, or amended to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as little burden as possible on small employers. In the event the Agency determines, based on the results of this review, that the rule should be rescinded or modified, appropriate rulemaking will be initiated.

An important step in the review process involves the gathering and analysis of information from affected persons about their experience with the rule and any material changes in circumstances since issuance of the rule. This notice requests written comments and announces public meetings to provide opportunities for interested parties to comment on the continuing need for, adequacy or inadequacy of, and small business impacts of this rule. Comment concerning the following subjects would assist the Agency in determining whether to retain the standard unchanged or to initiate rulemaking for purposes of revision or rescission:

1. The benefits and utility of the rule in its current form and, if amended, in its amended form;
2. The continued need for the rule;
3. The complexity of the rule;
4. Whether and to what extent the rule overlaps, duplicates, or conflicts with other Federal, State, and local governmental rules;
5. Information of any new developments in technology, economic conditions, or other factors affecting the ability of affected firms to comply with the Grain Handling standard; and
6. Alternatives to the rule or portions of the rule that would minimize significant impacts on small businesses while achieving the objectives of the Occupational Safety and Health Act.

Authority: This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of June, 1998.

Charles N. Jeffress,
Assistant Secretary.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-052-F]

Notice of Public Meeting on Review of the Cotton Dust Standard

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Notice of public meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is conducting a review of the Cotton Dust Standard in order to determine, consistent with Executive Order 12866 on Regulatory Planning and Review and Section 610 of the Regulatory Flexibility Act, whether this standard should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as few burdens as possible on small employers.

Written public comments on all aspects of the Cotton Dust Standard are welcomed. OSHA will also hold two stakeholder meetings that will be open to the public to provide opportunities for interested parties to comment on whether the Cotton Dust Standard should be eliminated, modified, or continued without change to achieve the objectives described above.

DATES: The first public meeting will be held on July 24, 1998, in Atlanta, Georgia. The second public meeting will be held on July 30, 1998 in Washington, DC. Both meetings will begin at 9:00 a.m. and will end at approximately 5:30 p.m. Requests from members of the public to speak at these meetings should be received by OSHA no later than July 17, 1998, for the meeting in Atlanta, Georgia, and July 23, 1998, for the meeting in Washington, DC. Written comments must be postmarked by August 31, 1998.

ADDRESSES: The Atlanta meeting will be held at the Sheraton Gateway Hotel, Atlanta Airport, 1900 Sullivan Road, College Park, Georgia 30337, Telephone (770) 997-1100, Fax (770) 997-1921.

The Washington, DC meeting will be held in the Auditorium of the Frances Perkins Building at 200 Constitution Avenue, N.W., Washington, DC 20210.

Requests to speak at these public meetings should be sent to Kathryn

Condit, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627; 200 Constitution Avenue, N.W., Washington, DC 20210, Telephone (202) 219-4916, extension 145, Fax (202) 219-4383.

Written comments on the Cotton Dust Standard should be submitted in quadruplicate to Elaine Bynum, Docket Officer, Docket No. H-052-F, OSHA Docket Office, Room N2625; 200 Constitution Avenue, N.W., Washington, DC 20210, Telephone (202) 219-7894, Fax (202) 219-5046. Comments of 10 pages or fewer may be faxed to (202) 219-5046 as long as paper copies are subsequently sent.

FOR FURTHER INFORMATION CONTACT: Kathryn Condit, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627, 200 Constitution Avenue, N.W., Washington, DC 20210, Telephone (202) 219-4916, extension 145, Fax (202) 219-4383.

SUPPLEMENTARY INFORMATION:

Additional Information Concerning Public Participation

Requests to Speak at the Public Meetings. Requests should identify the person and organization intending to appear, desired date of appearance, address and phone and fax number, the amount of time requested, audiovisual equipment required, and a brief summary of the comments to be presented. Persons making timely written requests to speak at the public meetings will be given priority for oral comments, as time permits. Other persons wishing to speak should register before the meetings from 8:30 to 9:00 a.m. OSHA will make every effort to accommodate individuals wishing to speak at the public meetings.

Written Comments. OSHA will review written public comments as part of the process of conducting this regulatory review of the Cotton Dust Standard. All comments received will be included in Docket H-052-F and will be available for public review in the Docket Office.

Additional Information on the Regulatory Review

OSHA has selected the Cotton Dust Standard for review in accordance with the regulatory review provisions at Section 5 of Executive Order 12866 (58 FR 51735, 51739; Oct. 4, 1993) and Section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the event the Agency determines, based on the results of this review, that the rule should be rescinded or modified, appropriate rulemaking will be initiated.