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

February 12, 2010

RE: Combustible Dust – Docket No. OSHA-2009-0023

Dear Sir / Madam:

The Wood Machinery Manufacturers of America (WMMA) wishes to provide the following comments to the U.S. Occupational Safety and Health Administration (OSHA) on the Advanced Notice of Proposed Rulemaking regarding issues related to the hazards of combustible dust in the workplace. (74 Federal Register 54334 (October 21, 2009)).

WMMA has created a task force to work on this issue and we support the establishment of fair and reasonable safety standards. We are concerned about the impact on the very small businesses that are among our customer base. These small shops do not have the resources to comply with mandatory regulations that will impose significant new burdens upon them. We know OSHA is aware of the Regulatory Flexibility Act (RFA) and the Small Business Enforcement Regulatory Fairness Act (SBREFA). We are certain that this rulemaking will trigger OSHA's obligations under the provisions of the RFA and SBREFA. At the end of the day, the critical outcome of the process is that if the agency proceeds with promulgation of standards, that it identifies alternatives that mitigate the impact on small business and the final requirements are reasonable and fair to small business.

We are wary of simply adopting the current voluntary National Fire Protection Association's (NFPA) standards as mandatory standards. While they represent laudable goals, we do not think that all aspects of the NFPA standards make sense as specific regulatory requirements. Also, while we respect the proprietary efforts of the NFPA, we believe small businesses need access to any mandatory standard set by the federal government without having to pay a fee. Finally, the NFPA standards may simply not be compatible with an enforcement regime and could cause confusion among those who are trying to comply with the various standards.

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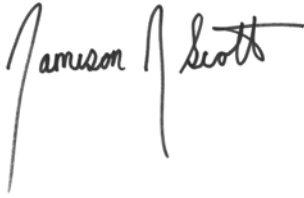
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In response to your questions specifically on Material Safety Data Sheets (MSDS), we are not clear how any of the requirements of the MSDS program could be applied to wood dust.

Thank you for the opportunity to comment. We stand ready to work with OSHA as this rulemaking proceeds.

A handwritten signature in black ink that reads "Jamison Scott". The signature is written in a cursive style with a long, sweeping underline.

Jamison Scott
Chairman,
WMMA Task Force on Combustible Dust

Founded in 1899, the Wood Machinery Manufacturers of America is a professional trade association composed of over 200 U.S. manufacturers of woodworking equipment, cutting tools, and supplies and whose purpose is to promote the interests of its members serving the woodworking industry. Distributors, suppliers and consultants to the industry also belong to the association as Associate Members. Manufacturer members design, build and sell equipment, tooling, supplies, and components used in the manufacture of all types of wood products. Members' products are used in furniture, door and window, flooring, and kitchen cabinet manufacturing plants; plywood and particleboard mills; lumber mills; shipyards; mobile home and pallet manufacturing plants; home workshops; plus a wide variety of associated wood processing operations. Many members also serve the plastics, ceramics, stone, solid surfaces, and non-ferrous metals market machining aluminum, brass, copper, and other non-ferrous metals. WMMA members' equipment is sold worldwide.