

Comment Info: =====

General Comment:OSHA 1910.109 Comments

It is exciting to see that OSHA has responded to requests from the explosives industry to revise 1910.109. In a cooperative relationship, the explosives industry and OSHA have an opportunity, and obligation to create a new regulation that enhances safety and accounts for the changes and advances in the field since 1971. As Director of Safety for Hanley Industries Inc., I would like to provide commentary on a variety of proposals for the new regulation on behalf of the company.

- We fully support the original request by IME and SAAMI to exclude the manufacture of explosives from the PSM requirements of 1910.119. In practice it is often difficult to apply this regulation for explosives component production. The intent and application of PSM is tailored towards a continuous process in a facility such as a refinery or chemical plant. The explosives industry is a very unique workplace that deserves language and guidance specific to it. Incorporation of revised PSM requirements within 1910.109 would be beneficial and easier to comply with. The end result of explosive specific PSM language would be a safer workplace.

- It is agreed that static electricity is a major concern for our industry, especially at Hanley Industries. The use of the term "static electricity protection systems" in the new proposal discussion does raise some questions. We suggest that the language be changed to "static electricity control measures or program". At Hanley, we employ a variety of separate but important controls and devices that in tune create a static free environment for sensitive material. With the exception of heating and cooling, we do not use active methods of environmental manipulation such as ionization. Instead we rely on atmospheric monitoring (humidity and temperature) and stop operations when conditions deteriorate to a point that static can be generated despite controls. Examples of static control measures include education and training, 90-100% cotton clothing requirements, conductive floors, conductive shoes, grounding wrist cords, static dissipative containers and surfaces, etc. If these measures are followed as outlined in our standard operating procedures, a static free, safe operation will result. It is my hope that the new rule does not require active manipulation of environments to achieve static protection. Such systems are cost prohibitive as well as maintenance intensive. The majority of components produced at Hanley Industries involves the use of primary explosives that are very sensitive to static. Since the company's creation in 1958, Hanley has instituted and refined specific static control methods and procedures. We would like to continue to have the autonomy to control what methods we use for static control in our very specific niche within the explosives industry.

- The proposed requirement for labeling of explosive materials in the workplace is of great concern to us. The requirement to use the Globally

Harmonized System (GHS) for internal labeling would create an unnecessary burden with no improvement in safety. We are currently in compliance with the labeling requirements of 1910.1200 (and Department of Defense standards) and would request that the requirements continue to focus on performance and not on the specific design and appearance of the label itself. In order to comply with the GHS, we would have to create several different types and sizes of labels that would not be as specific and informative as the system we currently use. Due to many factors such as the hazard communication standard, process safety management, safety practices, and security practices, only a small amount of people are exposed to explosives at our facility. These people are very familiar with the material and the specific hazards of it. It is difficult to see the benefit of using the GHS for in process materials in a private facility.

- Another issue discussed in the proposed rule is lightning protection systems?. Hanley has a clear and effective policy on lightning events. Operations are halted and personnel are evacuated when a lightning event approaches. In addition to a dedicated lightning detector, we monitor live radar and lightning tracker programs provided through various agencies. We would suggest that rather than require lightning protection systems, require a lightning detection and early warning program.

- Another issue involves the regulation of vehicles. The proposed rule fails to address the concept of internal use only vehicles for explosives transport. The vehicles we use have been extensively modified for the sole purpose of transporting primary explosives. These vehicles never leave the property and have right of way within our facility. To make these vehicles meet the same standards for public roadway use would be costly and reduce their protective characteristics and safety features. The primary reason these vehicles do not meet standards for use on a public road is because they are specially engineered to relieve blast pressure and protect the vehicle occupants from an explosion of energetic materials; not from a collision from another motor vehicle. We suggest that the new regulation include a section on internal use only vehicles used for explosives transport.

- Our final comment offers a suggestion in line with the new philosophy throughout the new proposed rule. We applaud OSHA for recognizing the expertise of the ATF in storage regulations. As a Department of Defense contractor, we would propose that activities subject to DoD regulation and inspection in regards to explosives safety at our facility be exempt from OSHA. The Department of Defense, Defense Contract Management Agency has dedicated safety experts that inspect our facility on a frequent basis. The DoD also provides the Contractors' Safety Manual for Ammunition and Explosives that we are required to abide by. This document is much more in depth, specific, and relevant than 1910.109 could ever hope to be. It is often difficult to please both parties (DoD and OSHA) even though safety is the goal for both. This manual,

4145.26m, is the proper document for defense contractors working with explosives. Perhaps the new rule could reference this document and adopt it for use with defense contractor facilities in lieu of 1910.109.