

## ACI Member Alert

### Indiana IOSHA Interpretation Pertaining to Fire Retardant Clothing

Recently, it came to our attention that the Indiana Occupation Safety and Health Administration (IOSHA) cited an ACI member on the grounds that employees – not involved in hot work - should use fire-retardant clothing while operating in a grain handling facility. This citation is being appealed by the member, but gave rise to questions about whether fire retardant clothing is a requirement for handling agricultural combustible dust in facilities such as feed mills.

ACI lobbyist, Mark Shublak, met with IOSHA Commissioner Rick Ruble and Deputy Commissioner Tim Maley, in cooperation with Jess McCluer, Vice President of Safety and Regulatory Affairs for the National Grain & Feed Association. This conversation was extremely productive. During the exchange, it was determined that the use of fire retardant clothing is not required, unless deemed appropriate by the facility.

Further, IOSHA does not enforce voluntary consensus standards but may use any relevant consensus standards to support a general duty clause violation due to the fact that a hazard has been recognized. For example, IOSHA could use the non-binding annex of a National Fire Protection Association standard to support their position. According to the non-binding annex of NFPA 61 – *Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities*,

“Facilities handling agricultural combustible dust are not typically required to use flame resistant garments under normal operating conditions. Small static charges are not sufficient to ignite agricultural combustible dust.” (Annex - A.8.6.1)

In addition, Federal OSHA Grain Handling Facilities Standard, [29 CFR 1910.272](#) states that the types of work clothing should also be considered in the training program at least to caution against using polyester clothing that easily melts and increases the severity of burns, as compared to wool or fire retardant cotton. (29 CFR 1910.272 Appendix A, Section 3, Training)

IOSHA does not exercise jurisdiction over agribusinesses with less than ten (10) employees. However, we encourage all ACI members to comply with all IOSHA rules and regulations to ensure the safety of their employees. Members may contact INSafe, a division of IOSHA, for further information on proper safety.

Free INSafe services include on-site consultation, group training and seminars, educational publications and training materials, along with pro-active voluntary health and safety programs designed to bring employers and employees together to create and maintain healthy working environments.

To learn more, call (317) 232-2655 or visit the IOSHA INSafe web page at <http://www.in.gov/dol/insafe.htm>.