# AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5522, AS REPORTED OFFERED BY MR. WILSON OF SOUTH CAROLINA

Strike all after the enacting clause and insert the following:

**SECTION 1. INVESTIGATION ON COMBUSTIBLE DUST AND DETERMINATION OF ADDITIONAL ACTION.**

(a) DETERMINATION BY THE SECRETARY.—Upon completion of the Department of Labor's investigation of the accident that occurred at Imperial Sugar in Port Wentworth, Georgia on February 7, 2008, and based on the data gathered from the Combustible Dust National Emphasis Program, the Secretary of Labor shall determine—

(1) if the safety standards that are in effect as of the date of enactment of this Act do not adequately address the issue of combustible dust; and

(2) whether an occupational safety and health standard regarding combustible dust is necessary.

(b) RULEMAKING OR REPORT TO CONGRESS.—If the Secretary determines that an occupational safety and health standard regarding combustible dust is necessary, the Secretary shall promulgate a rule pursuant to section

1 6(b) of the Occupational Safety and Health Act (29
2 U.S.C. 655(b)) not later than 36 months after the comple-
3 tion of the investigation described in subsection (a). If the
4 Secretary determines that such a standard is not nec-
5 essary, the Secretary, not later than 6 months after mak-
6 ing such a determination, shall transmit a report to Con-
7 gress that specifically addresses the Secretary's reasons
8 for determining that a combustible dust standard is un-
9 necessary.