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# CEC 2023

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## NEWS

### NGFA publishes 'Update on Proposed Amendments to NFPA 660 Standard for Combustible Dust – Dust Hazard Analysis'

*By Jess McCluer, Vice President, Safety and Regulatory Affairs*

[This article is reprinted from the September/October [edition of Grain Journal](#) as a follow-up to a presentation on dust hazard analysis and the consolidation of the National Fire Protection Association's (NFPA) combustible dust standards. The presentation – from CONVEY '23 in late July – was given by Tim Meyer, Exponent, who serves as Chair of the NFPA Technical Committee on Agricultural Dusts.]

For well over the past two years, the NFPA has been working through the intricate process of making major changes to the current combustible dust standards. The purpose is to clarify and consolidate multiple standards into a single, all-encompassing standard, which is designated as NFPA 660 *Standard for Combustible Dusts*. NFPA has its origins in the 1920s with some of the first NFPA combustible dust standards addressing sugar, cocoa, flour and feed mills, and terminal grain elevators.

NGFA and other industry groups are concerned about the potential for federal regulators to adopt this new standard.

Representatives from several organizations in the grain, feed and processing industry serve on the NFPA 61 committee, including NGFA, the American Feed Industry Association (AFIA), the Grain Elevator and Processing Society (GEAPS), the National Oilseed and Processing Association (NOPA), the

North American Millers Association (NAMA), the U.S. Beet Sugar Association (USBA) and the U.S. Poultry and Egg Association (USPEA).

The Occupational Safety and Health Administration (OSHA) can cite a facility under the General Duty Clause for a variety of things, including excessive dust concentrations. But the NFPA standards, at least with regard to combustible dust, currently are voluntary and compliance is not required under the OSHA Grain Handling Standard, §29CFR1910.272, which was promulgated in 1988 principally to address fires and explosions. Since the standard was implemented, the NGFA has worked with OSHA officials to clarify compliance requirements and convey this information to the industry.

Instead, NFPA standards only apply to facilities if local authorities have adopted the standards within their jurisdiction (e.g., fire marshals or building code inspectors may adopt the standards and rely on them for enforcement purposes). The NFPA standards specifically focus on mitigation and prevention and management systems. While OSHA has not formally adopted them many insurance companies have adopted them as part of their policies to mitigate risks.

However, many believe that the primary reason NFPA 660 is being prepared is to make it easier for OSHA to adopt a single such standard -- through direct adoption or incorporation by reference -- since OSHA does not have any plans to publish its own combustible dust standard. NGFA, AFIA, GEAPS, NOPA, NAMA, USBA and USPEA are particularly concerned about this prospect.

One problem is that the drafters of such so-called “voluntary” standards do not calculate their economic burdens, which is a requirement when drafting OSHA standards. Another danger is that OSHA might treat NFPA 660 as replacing the Grain Handling Standard. At this time, NFPA 660 has not yet been finally adopted. The entire consolidation process will likely not be completed until sometime in 2024, which would make NFPA 660 a 2025 publication. In the meantime, the existing NFPA committees, as described above, will continue to meet to cover their chapters' inclusion in the new standard.

NFPA 660 has 10 general chapters, followed by industry- or commodity-specific chapters for agricultural dusts, combustible metals, combustible solids, sulfur and wood dust. The current configuration of the new standard (subject to modifications) will be as follows:

#### **Background on NFPA Standards:**

The new NFPA 660 will consolidate the following NFPA standards:

- NFPA 61 *Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities (2020 latest version)*
- NFPA 91 *Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Particulate Solids (2020 latest version)*
- NFPA 484 *Standard for Combustible Metals (2022 latest version)*
- NFPA 652 *Standard on the Fundamentals of Combustible Dust (2019 latest version)*
- NFPA 654 *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids (2020 latest version)*
- NFPA 655 *Standard for the Prevention of Sulfur Fires and Explosion (2017 latest version)*
- NFPA 664 *Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities (2020 latest version).*

- Chapters 1 through 9 will cover the fundamentals of combustible dust.
- Chapters 10 through 14 will cover what are currently commodity-specific standards. However, these chapters will not include the requirements covered in Chapters 1 through 9, only the information necessary to cover any conflicts between the fundamentals and commodity-specific requirements.
- The remaining chapters are subject to revision but will include:
  - The appendix information for the fundamental chapters and individual commodity-specific chapters. How this will be logistically covered has not been determined.
  - Additional appendix information to provide users with extensive data on typical explosivity characteristics of various materials, examples of dust hazard analyses (DHAs) and other topics to assist the reader in understanding the combustible dust compliance requirements.

### **Burdensome Requirements:**

The requirements for dust hazard analysis (DHA) and management-of-change (MOC) procedures that originated in the chemical industry are of primary concern to the grain, feed and processing industry.

Both the DHA and MOC are very burdensome (for example, they will require company capital to purchase new equipment) and yet have no justifiable application to the agricultural sector. The standard is also 881 pages long. The DHA requirement in NFPA 660 was modeled after the process hazard analysis requirement that OSHA imposed on the chemical industry. It would require that every owner of a facility with combustible dust write a “systematic” evaluation of every scenario in which a dust ignition could occur and how it will be prevented. The requirement is not justified in the agricultural sector.

- The chemical industry often uses novel chemicals, and has varied and complex chemical processes, the behavior of which can often be difficult to predict. By contrast, the ignition behavior of agricultural dusts and their handling equipment and processes are not complex, have long been known, and have remained essentially unchanged for centuries,
- The DHA provision in NFPA 660 will impose onerous costs in equipment and employee time. Many small entities will be forced to hire expensive consultants to review processes that are already well understood.
- The chemical industry’s experience indicates that the dust hazard analysis requirement will be an enforcement nightmare. When an injury occurs, OSHA asks for a copy of the analysis.
  - If the analysis did not anticipate the accident, a citation is issued for an incomplete analysis—no matter how conscientiously it was prepared. If the analysis did anticipate the accident, a “willful” citation and massive penalty are issued for not preventing it.
- Some might think that the language permitting the use of a “checklist” form in the annex will relieve users of the burden of the provision. It will not. The annex form—containing 12 pages of fine print—essentially regurgitates every requirement of the dust hazard analysis provisions.
- Some might rely on the statement in NFPA 660’s annex that: “It is not the intent of this standard to require users to apply the Process Hazard Analysis provisions of OSHA regulations in 29 CFR

1910.119, ‘Process Safety Management of Highly Hazardous Chemicals,’ in developing a [dust hazard analysis].” The statement is illusory. NFPA 660’s dust hazard analysis provisions are just as onerous as the process hazard analysis provisions in OSHA’s standard. The management-of-change requirements (MOC) in NFPA 660 were modeled after the MOC requirement that OSHA imposed on the chemical industry. They would require that every owner of a facility with combustible dust conduct a formal evaluation of every single change (other than a replacement in kind) to the facility or its equipment. Every change, no matter how minor, must be evaluated. OSHA has even taken the position that staffing and budget changes must undergo an MOC if it would affect the safety of the process. Unions have taken advantage of this to prevent downsizing of workforces in chemical plants. The requirement is not justified in the agricultural sector. Again, the reasons for this pertain only to the chemical industry, which can have such complex and novel chemicals and processes that the slightest change might unpredictably cause a catastrophic accident.

- The NFPA 660 draft is too long and complex to be usable by ordinary people who will be expected to comply with it. It is not only 881 pages long but much of the material is irrelevant to those in the agricultural sector and those using wood dust, sulfur dust and combustible metallic dusts. Today, the specialized user can purchase only the short standard applicable to their industry or dust. But if NFPA 660 is adopted, then every user would be required to purchase the 881-page-long publication, which NGFA would consider economically wasteful and oppressive.

The first draft of NFPA 660 was made available to the public for review and comment. The NFPA 61 committee met in February to review and provide feedback on the proposed changes to the standards. The revised draft will be available for public comment this fall so the committee can once again review the proposed changes and make their final recommendations when they meet again in early 2024.

## USDA enrolls 23 million acres in CRP

The U.S. Department of Agriculture announced on Oct. 16 that it paid landowners more than \$1.77 billion in 2023 for the more than 23 million acres of private land in the Conservation Reserve Program (CRP).

CRP has grown by 21 percent in terms of acres enrolled since 2021, USDA said, but the program remains below the cap of 27 million acres set for this fiscal year in the 2018 farm bill.

According to USDA data, the increase can be attributed to growth in the Grassland CRP. [CRP includes the General Program, Conservation Reserve Enhancement Program (CREP), Continuous CRP (non-CREP), Farmable Wetland and Grassland].

General CRP acres have declined by 3 million acres overall since 2021, according to statistics on CRP from [July 2023](#) and [January 2021](#) available on the USDA website. General CRP acres declined from 11 million to 8 million acres, while the Grassland CRP has grown from under 2 million acres in January 2021 to 6 million acres now. USDA noted that it increased the Grassland CRP minimum rental rate for more than 1,000 counties, causing the average Grassland rental rate to go from \$13 an acre to \$16 an acre. The overall rental rate for all CRP programs has declined since 2021 from \$83 per acre to \$78.

More information on CRP is outlined in this relevant [DTN article](#).

In USDA's announcements, the agency cited the following new incentives it has implemented since 2021:

- A new climate-smart practice incentive for CRP general and continuous signups designed to reward participants who implement conservation practices that increase carbon sequestration and reduce greenhouse gas emissions.
- Soil rental rate adjustments.
- Increased payments for practice incentives from 20 percent to 50 percent.
- Increased payments for water quality practices rates from 10 percent to 20 percent.
- An increase in Grassland CRP minimum rental rate for more than 1,000 counties.

FSA also made changes to the Conservation Reserve Enhancement Program (CREP) to include the flexibility for partners to provide matching funds.

The top five states for CRP participant payments are Iowa, Illinois, Minnesota, South Dakota, and Missouri.

**CRP advocacy:** NGFA supports capping the CRP at 24 million acres in the next farm bill. The CRP Reform Act, sponsored by Sens. Cory Booker, D-N.J., and Chuck Grassley, R-Iowa, would reform the CRP to focus future enrollments on marginal farmland rather than prime farmland. Among its provisions, the bill maintains CRP's overall acreage cap at 24 million acres for fiscal years 2024-2028; reduces the rental rate for general sign-ups to 75 percent; and provides incentives for enrolling marginal land into CRP continuous categories. NGFA's advocacy email campaign and a one-page summary of the bill can [be found here](#).

## Indiana senator releases report on aging farmers

Sen. Mike Braun, R-Ind., the ranking member of the Senate's Special Committee on Aging, issued a report this month on the challenges of attracting new people to farming, an industry currently run by "the oldest workforce in the country."

Braun, who is running for governor of Indiana, released the [Feeding the Future](#) report this month, outlining policy solutions he supports that he said would address three major challenges: attracting and retaining farmers; increasing agricultural innovation; and streamlining regulations and protecting domestic agriculture.

One out of three farmers is over the age of 65. As these farmers retire over the next 20 years, it is expected that around 350 million acres of farmland will change hands. In addition to training and regulatory burdens, Braun said healthcare is a significant concern for the agricultural workforce.

"The prohibitive cost of healthcare represents a barrier to entry for new people, and a burden for farming families who are forced to work second jobs just to obtain healthcare," Braun noted in the report. "We must do more to support the healthcare needs of these farmers and reduce healthcare costs overall to make farming a viable profession for those who want to enter."

In addition to addressing healthcare costs, he said the government should support apprenticeships to train the next generation of farmers. "The food supply, select manufacturing industries, and even national security hinge on the future of farming," the report states.

Earlier this year, Braun and Sen. Tim Kaine, D-Va., introduced the Jumpstarting Our Businesses by Supporting Students (JOBS) Act, which would expand Pell Grant eligibility to short-term job training programs like agriculture certificate programs, welding, diesel mechanics and CDL training. In addition, the Training America's Workforce Act (S.1213) would make it easier for the agriculture industry to provide employees with industry-specific credentialing through apprenticeship programs, he said.

Also on his list of suggested legislation is the Protecting America's Agricultural Land from Foreign Harm Act (S.926), which would prohibit China, Russia, Iran and North Korea from leasing or purchasing both public and private agricultural land on U.S. soil.

## EVENTS

### Agri-Pulse to provide DC update at CEC

During the NGFA's 52nd annual Country Elevator Conference and Trade Show (CEC), join Sara Wyant, founder and editor-in-chief of Agri-Pulse Communications, for a "DC Policy Update."

With no shortage of excitement and unpredictability in the nation's capital this year, Wyant's presentation will provide a timely and insightful perspective of "what's next" for the farm bill, trade and environmental policy.

NGFA's flagship conference for grain merchants, elevator operators, feed manufacturers, processors, and grain industry suppliers will also include sessions on artificial intelligence, insurance and labor issues affecting grain handling companies, the state of U.S. transportation, and the agricultural economy. Review the full agenda and speaker list at [ngfa.org/cec](http://ngfa.org/cec).



This year's CEC tradeshow will have 90 booth spaces and serve as the location of all meals and receptions.

NGFA members receive a 20 percent discount on registration. [Register now.](#)

### Submit your entries to the 2023 Grain and Feed Photo Contest

NGFA is accepting entries for its [annual photo contest](#). Winners of \$500, \$300 and \$200 are announced during the Country Elevator Conference and Trade Show in December. Deadline for entries is **Nov. 21, 2023**.

The contest theme is "**A Day in the Life**." (What's happening day-to-day at your NGFA member location?) One photo per participant will be accepted. Email photos as an attachment to [sgonzalez@ngfa.org](mailto:sgonzalez@ngfa.org). The body of the email must include the photographer's name and contact information. Full rules are available [here](#).

*Pictured right: First place photo in the 2022 Grain and Feed Photo Contest with theme: "In Action." By Alyssa Barrett, Michigan Agricultural Commodities.*



# SUPPLEMENTS

## October is Cybersecurity Awareness Month

There is still time to recognize and participate in Cybersecurity Awareness Month. Founded in 2004, [Cybersecurity Awareness Month](#), held each October, is an online safety awareness and education initiative co-managed by the Cybersecurity and Infrastructure Security Agency and the National Cybersecurity Alliance. CISA highlights four key cybersecurity best practices:

- Understanding the benefits of using a password manager and dispelling existing myths around password manager security and ease of use.
- Turning on multifactor authentication on personal devices and business networks.
- Recognizing and reporting phishing – still one of the primary threat actions used by cybercriminals today.
- Installing updates on a regular basis and turning on automated updates.

For more information about Cybersecurity Awareness Month 2023 and how to participate in a wide variety of activities, visit [cisa.gov/cybersecurity-awareness-month](https://cisa.gov/cybersecurity-awareness-month) and [staysafeonline.org/cybersecurity-awareness-month/](https://staysafeonline.org/cybersecurity-awareness-month/). You can also follow and use the hashtag #CybersecurityAwarenessMonth and #SecureOurWorld on social media.

## Extra Supplements

NGFA in the news:

Feed & Grain: [How to catch phishing scams, prevent harvest season cyberattacks](#)

Grain Journal: [Progressive Safety Services LLC Takes Consulting Role with NGFA](#)

Other news:

Agri-Pulse: [Groups, lawmakers scramble to save Affordable Connectivity Program before it runs out of money](#)

Reuters: [Chinese-owned pork producer Smithfield prepares for US listing](#)

KGAN: [Sen. Grassley expects farm bill to be extended another year despite needed changes](#)

Bloomberg: [US Sets New Colorado River Drought Plan to Take Effect in 2027](#)

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