

***Testimony before the House Education and Labor Committee on H.R. 5522,
"The Combustible Dust Explosion and Fire Prevention Act of 2008"
By Tammy Miser
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Congressman Miller, Ranking Member McKeon, I would like to thank you for inviting me to testify on the "Combustible Dust and Fire Protection Act of 2008".

I will start on October 28 2003, the night of the aluminum dust explosion at Hayes Lemmerz in Huntington, Indiana.

My brother Shawn Boone and a couple coworkers went in to relight a chip melt furnace. Shawn and his coworkers decided to stick around a few minutes to make sure everything was ok and then went back to gather tools. Shawn's back was toward the furnace when the first explosion occurred. Someone stated that Shawn got up and started walking toward the doors when there was a second and more intense blast. The heat from that blast was hot enough to melt copper piping.

Shawn did not die instantly. He laid on floor smoldering while the aluminum dust continued to burn through his flesh and muscle tissue. The breaths that he took burned his internal organs and the blast took his eyesight. Shawn was still conscious and asking for help when the ambulance took him.

Hayes Lemmerz never bothered to call any of my family members to let them know that there was an explosion, or that Shawn was injured. The only call we received was from a friend of my husband, Mark, who told them that Shawn was in route to a Ft. Wayne burn unit.

When Mark asked the hospital where Shawn was we found that no one even bothered to identify him. We were told that there was a "white, unidentified male" admitted to the unit. When Mark tried to describe Shawn, the nurse stopped him to say that there was an unidentified male with no body hair and no physical markings to identify. So my Shawn was ultimately identified only by his body weight and type.

We drove five hours wondering if it really was Shawn, hoping and praying that it wasn't. This still brings about guilt because I would not wish this on anyone else. We arrived only to be told that Shawn was being kept alive for us. The on site pastor stopped us and told us to prepare ourselves, adding he had not seen anything like this since the war. The doctors refused to treat Shawn, saying even if they took his limbs, his internal organs were burned beyond repair. This was apparent by the black sludge they were pumping from his body.

I went in to see my brother. Maybe someone who didn't know Shawn wouldn't recognize him, but he was still my brother and you can't spend a lifetime with someone and not know who they are. Shawn's face had been cleaned up and it was still very swollen and splitting, but he was still my Bub.

The family immediately started talking about taking Shawn off of life support. If we did all agree, I would have ultimately given up on Shawn, I would have taken his last breath, even if there was no hope and we weren't to blame. I still had to make that decision. Watch them stop the machines and watch my little brother die before my eyes.

But we did take him off and we did stay to see his last breath. The two things I remember most are Shawn's last words, "I'm in a world of hurt."

And his last breath.

I truly feel for the Imperial Sugar Plant families that have horrible injuries and who have had deaths. I know where they are, where they have been and where they are going and I am truly disgusted and, to be honest, hurt. It is the same hurt I felt after the loss of my brother, because I knew the knowledge was there that could have prevented this and saved him.

Everyone already knows what caused the explosion at the Imperial Sugar plant. But it would have been nice to prevent this from happening in the first place. We know that it's feasible to prevent these explosions. And it is beyond negligent to expect a company that knows about these hazards to voluntarily comply, instead of making it a requirement.

I believe strongly that OSHA is a necessity, but only if it is working. In this case it has failed and failed miserably. Not only have they failed these families but also the families that had lost loved ones in the dust explosions of 2003 that the CSB studied. Like many of those families, I closely followed the CSB's investigation of the explosion that killed Shawn and the CSB's dust study. I came to Washington to testify at the CSB hearing and was very happy when the CSB issued its recommendations to OSHA.

Finally, I thought, something would get done.

But there has been no response from OSHA. In essence, the heads of OSHA have told the families that their loved ones' lives were not worth developing a standard, even when most of the work had been done by the CSB and by the NFPA.

OSHA put out a bulletin on combustible dust, but at the very beginning it says "This Safety and Health Information Bulletin is not a standard or regulation, and it creates no new legal obligations." How seriously do you think companies will take it?

I remain hurt and angry at the lack of compassion and concern by the corporations and OSHA. You see no matter how much time goes by, the pain **Never Goes Away**. It never fades; the incident and the aftermath never dies! Our losses are lifelong, needless sentences because a few people couldn't or wouldn't do what was right.

I took my grief and my anger and created an organization called United Support & Memorial For Workplace Fatalities. It's a place for families to mourn the needless loss of their loved ones and a place to fight to make sure it doesn't happen to any other families like the families in Savannah. That's how I get through, that's how I continue to remind myself it was the right decision. That is also why I plan to keep in this fight until there is some safe haven for others working around combustible dust.

In conclusion I would ask that you please take in to consideration what these incidents do to families, coworkers and communities, that you not let our loved ones die in vain and help us keep other families safe from the dangers of combustible dust. Please support the combustible dust bill.

Thank you.