



The Occupational Safety and Health Administration's (OSHA) new [Respirable Crystalline Silica in Construction Standard](#) went into effect on Sept. 23, 2017 (29 CFR 1926.1153). The new standard forces contractors to substantially lower employee exposure to respirable crystalline silica and imposes several additional burdens on contractors, including employer-provided medical examinations for exposed employees, new record keeping requirements, and the requirement that contractors implement certain internal policies and procedures regarding respirable crystalline silica. Crystalline silica is a common mineral used on construction sites and in many industrial products. Materials such as sand, concrete, stone, and mortar contain crystalline silica. Crystalline silica is also used in products like glass, pottery, ceramics, bricks, concrete and artificial stone. Industrial sand containing crystalline silica is also used in certain foundry work and hydraulic fracturing (fracking) operations. The new standard significantly impacts contractors who engage in activities that create silica dust (respirable crystalline silica) by cutting, grinding, or blasting materials like concrete, stone and brick. Contractors must adapt to the standard's sweeping changes by becoming fully aware of the new requirements and developing a plan to implement necessary changes within their organizations.

EFFECTIVE DATE AND PHASE IN PERIOD

The new silica standard went into effect on Sept. 23, 2017. OSHA, however, issued a standard interpretation letter for the [Launch of Enforcement of the Respirable Crystalline Silica in Construction Standard](#), which provides a 30-day phase in period of the new regulations. The standard will be fully effective on Monday, Oct. 23, 2017. Specifically, the interpretation letter provides that during the first 30 days, OSHA will evaluate good faith efforts to comply and take steps to assist employers in implementing the required controls rather than strictly enforce the new standard. However, employers that are found to not be making efforts to comply will still be subject to citation.

This phase in period provides little additional time to come into compliance with the new standard.

SUMMARY OF THE NEW STANDARD

The standard applies to all occupational exposures to respirable crystalline silica in construction work and *significantly* lowers the Permissible Exposure Limit (PEL). Common construction tasks that can generate silica dust exposures include cutting, sanding, grinding, fracturing, or abrading silica containing materials, including using masonry saws, grinders, drills, jackhammers, powered chipping tools, operating vehicle mounted drilling rigs, milling, operating crushing machines, and using heavy equipment for demolition or earthmoving. Sanding of drywall has been determined to be an activity that generates silica exposure levels typically below the PEL. However, contractors may nonetheless want to conduct exposure assessments to ensure compliance with the standard.

SPECIFIC EXPOSURE CONTROL METHODS

The standard provides a safe harbor for the construction industry in [Table 1](#), which lists 18 common construction tasks that have the potential to generate exposures to silica above the new PEL. By ensuring compliance with the requirements of Table 1, contractors can avoid the additional costs of implementing alternative exposure methods required by the Standard. Table 1 provides, for example, that an individual using a concrete wet saw for less than four hours per day does not have to use a respirator. If that same individual uses the wet saw for more than four hours, however, the individual must use a respirator with an assigned protection factor of at least 10. Contractors who follow the identified controls listed in Table 1 are not required to conduct exposure monitoring and will be deemed in compliance.

ALTERNATIVE EXPOSURE CONTROL METHODS

For tasks not listed in Table 1, or where a contractor does not fully and properly implement the requirements listed for tasks in Table 1, OSHA has established alternate exposure control methods. First, OSHA requires exposure assessments of employees who are (or are reasonably expected to become) exposed to silica at or above a certain level. A reassessment of exposure is required when there is a change in production, process, control equipment, personnel, or work practices that may result in new or additional exposures. Employees must have the opportunity to observe the monitoring and must be notified of the results. Depending on the results, the notification may need to include the steps taken to reduce exposures.

RESPIRATORY PROTECTION

Table 1 specifies when respirators are required. When respiratory protection is required by the standard, contractors must provide each affected employee with complying respirators and develop and implement a written respirator program.

HOUSEKEEPING STANDARDS

The standard prohibits contractors from dry sweeping or dry brushing when such activities could contribute to employee exposure to silica unless wet sweeping, HEPA-filtered vacuuming or other methods that reduce the likelihood of exposure are not feasible. The standard also prohibits the use of compressed air to clean clothing or surfaces where doing so could contribute to employee exposure to silica, unless the compressed air is used in conjunction with a ventilation system that can effectively capture any dust created or when no alternative method is feasible.

OSHA's new silica safety standard imposes additional burdens on contractors

WRITTEN EXPOSURE CONTROL PLAN

The standard requires contractors to establish and implement a written exposure control plan and designate a competent person to make frequent and regular inspections.

MEDICAL SURVEILLANCE

The standard further requires contractors to offer medical surveillance for employees who are required to wear a respirator for 30 or more days per year.

COMMUNICATION OF RESPIRABLE CRYSTALLINE SILICA HAZARDS TO EMPLOYEES

The standard requires contractors to include respirable crystalline silica in the contractor's hazard communications program, including access to labels on containers and safety data sheets. The employees must also be trained on health hazards associated with silica exposure.

RECORDKEEPING

The standard requires contractors to make and maintain accurate records of all data collected under the standard in the same manner the contractor maintains its other OSHA records.

For additional information regarding OSHA's new silica rule, please contact one of the attorneys below.



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