OSHA’s Respirable Crystalline Silica Rule

John Olaechea
Compliance Assistance Specialist
OSHA Region VIII
1244 Speer Blvd
Suite 551
Denver, CO 80204
720-264-6586
olaechea.john@dol.gov

Denver AO - 303-844-5285

Englewood AO
303-843-4500
Final Rule Published on March 25, 2016

Reasons for the Rule
- Current permissible exposure limits (PELs) are formulas that many find hard to understand
- Construction/shipyard PELs are obsolete particle count limits
- General industry formula PEL is about equal to 100 µg/m³; construction/shipyard formulas are about 250 µg/m³

Most Important Reason for the Rule
- Current PELs do not adequately protect workers
- Extensive epidemiologic evidence that lung cancer and silicosis occur at exposure levels below 100 µg/m³
Exposure and Health Risks

Exposure to respirable crystalline silica has been linked to:
- Silicosis;
- Lung cancer;
- Chronic obstructive pulmonary disease;
- Kidney disease; and
- Autoimmune disorders (i.e., rheumatoid arthritis)

Respiratory Diseases

- Silicosis
  - Chronic (20+ years of exposure)
  - Accelerated (5-10 years of higher exposure)
  - Acute (<1-years of extremely high exposure)

- Increased Risk of TB
- Can exacerbate other respiratory conditions...asthma, emphysema, etc

Health Benefits

OSHA estimates that once the effects of the rule are fully realized, it will prevent:
- More than 600 deaths per year
  - Lung cancer: 124
  - Silicosis and other non-cancer lung diseases: 325
  - End-stage kidney disease: 193
- More than 900 new silicosis cases per year
Scope of Coverage

- Three forms of silica: quartz, cristobalite and tridymite
- Exposures from chipping, cutting, sawing, drilling, grinding, sanding, and crushing of concrete, brick, block, rock, and stone products (such as in construction operations)
- Exposures from using sand products (such as glass manufacturing, foundries, and sand blasting)

Industries and Operations with Exposures

- Construction
- Glass manufacturing
- Pottery products
- Structural clay products
- Concrete products
- Foundries
- Dental laboratories
- Paintings and coatings
- Jewelry production
- Refractory products
- Asphalt products
- Landscaping
- Ready-mix concrete
- Cut stone and stone products
- Abrasive blasting in:
  - Maritime work
  - Construction
  - General industry
- Refractory furnace installation and repair
- Railroads
- Hydraulic fracturing for gas and oil

Workers and Industries Affected

- 2.3 million workers:
  - Construction: 2 million
  - GI/Maritime: 300,000
- 676,000 establishments
  - Construction: 600,000
  - GI/Maritime: 76,000
Respirable Crystalline Silica Rule

- Two standards:
  - One for general industry and maritime
  - One for construction
- Similar to other OSHA health standards and ASTM consensus standards

General Industry/Maritime Standard

(a) Scope
(b) Definitions
(c) Permissible exposure limit (PEL)
(d) Exposure assessment
(e) Regulated areas
(f) Methods of compliance
  (1) Engineering and work practice controls
  (2) Written exposure control plan
(g) Respiratory protection
(h) Housekeeping
(i) Medical surveillance
(j) Communication of silica hazards
(k) Recordkeeping
(l) Dates

General Industry/Maritime - Scope

- All occupational exposures to respirable crystalline silica are covered, unless objective data shows exposures remain below 25 µg/m³ as an 8-hr TWA under any foreseeable conditions.
- Agricultural operations and exposures resulting from processing of sorptive clays are not covered.
- General industry employers can follow the construction standard in some very limited circumstances.
Permissible Exposure Limit (PEL)

- PEL = 50 µg/m³ as an 8-Hour TWA
- Action Level = 25 µg/m³ as an 8-Hour TWA

Exposure Assessment

- Required if exposures are or may reasonably be expected to be at or above action level of 25 µg/m³
- Exposures assessments can be done following:
  - The performance option
  - The scheduled monitoring option.

Performance Option

- Exposures assessed using any combination of air monitoring data or objective data sufficient to accurately characterize employee exposure to respirable crystalline silica
Objective Data

- Includes air monitoring data from industry-wide surveys or calculations based on the composition of a substance;
- It demonstrates employee exposure associated with a particular product, material, or process, task, or activity.
- Must reflect workplace conditions closely resembling or with a higher exposure potential than the processes, types of material, control methods, work practices, and environmental conditions in the employer’s current operations.

Scheduled Monitoring Option

- Prescribes a schedule for performing initial and periodic personal monitoring
- If monitoring indicates:
  - Initial below the AL: no additional monitoring
  - Most recent at or above the AL: repeat within 6 months
  - Most recent above the PEL: repeat within 3 months
  - When two consecutive non-initial results, taken 7 or more days apart, are below the AL, monitoring can be discontinued
  - Reassess if circumstances change

Appendix A - Methods of Sample Analysis

- Employers must ensure that samples are analyzed by a laboratory that follows the procedures in Appendix A
- Appendix A specifies methods of sample analysis
  - Allows for use of OSHA, NIOSH, or MSHA methods
  - Analysis must be conducted by accredited laboratories that follow specified quality control procedures
General Industry/Maritime - Regulated Areas

- Required where exposures can reasonably be expected to exceed the PEL
- Must be demarcated in any manner that limits workers in the area
- Must post warning signs at entrances
- Respirator use required

Methods of Compliance - Hierarchy of Controls

- Employers can use any engineering or work practice controls to limit exposures to the PEL
- Respirators permitted where PEL cannot be achieved with engineering and work practice controls

Engineering Controls

Grinding stone without engineering controls

Polishing stone using water to control the dust
Engineering Controls

Grinding without engineering controls

Grinding using a vacuum dust collector

Engineering Controls (cont.)

Jackhammer use without engineering controls

Jackhammer use with water spray to control dust

General Industry/Maritime - Written Exposure Control Plan

- The plan must describe:
  - Tasks involving exposure to respirable crystalline silica
  - Engineering controls, work practices, and respiratory protection for each task
  - Housekeeping measures used to limit exposure
Respiratory Protection

- Must comply with 29 CFR 1910.134
- Respirators required for exposures above the PEL:
  - While installing or implementing controls or work practices
  - For tasks where controls or work practices are not feasible
  - When feasible controls cannot reduce exposures to the PEL
  - While in a regulated area (General Industry/Maritime)

Housekeeping

- When it can contribute to exposure, employers must not allow:
  - Dry sweeping or brushing
  - Use of compressed air for cleaning surfaces or clothing, unless it is used with ventilation to capture the dust
- Those methods can be used if no other methods like HEPA vacuums, wet sweeping, or use of ventilation with compressed air are feasible

General Industry/Maritime - Medical Surveillance

- Employers must offer medical examinations to workers:
  - Who will be exposed above the action level for 30 or more days a year
- Employers must offer examinations every three years to workers who continue to be exposed above the trigger
- Exam includes medical and work history, physical exam, chest X-ray, and pulmonary function test (TB test on initial exam only)
Medical Opinion

- Worker receives report with detailed medical findings
- Employer receives an opinion that only describes limitations on respirator use, and if the worker gives written consent, recommendations on:
  - Limitations on exposure to respirable crystalline silica, and/or
  - Examination by a specialist

Communication of Hazards

- Employers required to comply with hazard communication standard (HCS) (29 CFR 1910.1200)
- Address: Cancer, lung effects, immune system effects, and kidney effects as part of HCS
- Train workers on health hazards, tasks resulting in exposure, workplace protections, and medical surveillance.

Recordkeeping

- Must maintain records per 29 CFR 1910.1020 for:
  - Air monitoring data
  - Objective data
  - Medical records
**General Industry/Maritime - Compliance Dates**

- Employers must comply with all requirements of the standard by June 23, 2018, except:
  - Employers must comply with the action level trigger for medical surveillance by June 23, 2020. (The PEL is the trigger from June 23, 2018 through June 23, 2020.)
  - Hydraulic fracturing operations in the oil and gas industry must implement engineering controls to limit exposures to the new PEL by June 23, 2021.

---

**Construction**

(a) Scope
(b) Definitions
(c) Specified exposure control methods
   - PEL
   - Exposure Assessment
   - Methods of Compliance
(d) Alternative exposure control methods
   - PEL
   - Exposure Assessment
   - Methods of Compliance
(e) Respiratory protection
(f) Housekeeping
(g) Written exposure control plan
(h) Medical surveillance
(i) Communication of silica hazards
(j) Recordkeeping
(k) Dates

---

**Construction - Scope**

- All occupational exposures to respirable crystalline silica are covered, unless employee exposure will remain below 25 μg/m³ as an 8-hr TWA under any foreseeable conditions.
### Table 1 Entry

<table>
<thead>
<tr>
<th>Equipment / Task</th>
<th>Engineering and Work Practice Control Methods</th>
<th>Required Respiratory Protection and Minimum APF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handheld power saws</td>
<td>Use saw equipped with integrated water delivery system that continuously feeds water to the blade.</td>
<td>None, APF 10</td>
</tr>
<tr>
<td></td>
<td>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- When used outdoors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- When used indoors or in an enclosed area</td>
<td></td>
</tr>
</tbody>
</table>

### Example of Table 1 Entry

<table>
<thead>
<tr>
<th>Equipment / Task</th>
<th>Engineering and Work Practice Control Methods</th>
<th>Required Respiratory Protection and Minimum APF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationary masonry saws</td>
<td>Use saw equipped with integrated water delivery system that continuously feeds water to the blade.</td>
<td>None, None</td>
</tr>
<tr>
<td></td>
<td>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</td>
<td></td>
</tr>
</tbody>
</table>
Example of Table 1 Entry

<table>
<thead>
<tr>
<th>Equipment / Task</th>
<th>Engineering and Work Practice Control Methods</th>
<th>Required Respiratory Protection and Minimum APF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle-mounted drilling rigs for rock and concrete</td>
<td>Use dust collection system with close capture hood or shroud around drill bit with a low-flow water spray to wet the dust at the discharge point from the dust collector. OR Operate from within an enclosed cab and use water for dust suppression on drill bit.</td>
<td>≤ 4 hr/shift None None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&gt; 4 hr/shift None None</td>
</tr>
</tbody>
</table>

List of Table 1 Entries

- Stationary masonry saws
- Handheld power saws
- Handheld power saws for fiber cement board
- Walk-behind saws
- Dowelable saws
- Dowel drilling rigs for concrete
- Vehicle-mounted drilling rigs for rock and concrete
- Jackhammers and handheld powered chipping tools
- Handheld grinders for mortar removal (tuckpointing)
- Handheld grinders for other than mortar removal
- Walk-behind milling machines and floor grinders
- Small drivable milling machines
- Large drivable milling machines
- Crushing machines
- Heavy equipment and utility vehicles to abrade or fracture silica materials
- Heavy equipment and utility vehicles for grading and excavating

Fully and Properly Implementing Controls Specified on Table 1

- Presence of controls is not sufficient.
- Employers are required to ensure that:
  - Controls are present and maintained
  - Employees understand the proper use of those controls and use them accordingly
Employees Engaged in Table 1 Tasks

- Employees are “engaged in the task” when operating the listed equipment, assisting with the task, or have some responsibility for the completion of the task
- Employees are not “engaged in the task” if they are only in the vicinity of a task

Respiratory Protection Requirements on Table 1

- Respirators required where exposures above the PEL are likely to persist despite full and proper implementation of the specified engineering and work practice controls
- Where respirators required, must be used by all employees engaged in the task for entire duration of the task
- Provisions specify how to determine when respirators are required for an employee engaged in more than one task

Construction - Written Exposure Control Plan

- The plan must describe:
  - Tasks involving exposure to respirable crystalline silica
  - Engineering controls, work practices, and respiratory protection for each task
  - Housekeeping measures used to limit exposure
  - Procedures used to restrict access, when necessary to limit exposures
Construction – Competent Person

- Construction employers must designate a competent person to implement the written exposure control plan
- Competent person is an individual capable of identifying existing and foreseeable respirable crystalline silica hazards, who has authorization to take prompt corrective measures
- Makes frequent and regular inspection of job sites, materials, and equipment

Construction – Medical Surveillance

- Employers must offer medical examinations to workers:
  - Who will be required to wear a respirator under the standard for 30 or more days a year.
- Employers must offer examinations every three years to workers who continue to be exposed above the trigger
- Exam includes medical and work history, physical exam, chest X-ray, and pulmonary function test (TB test on initial exam only)

Construction – Compliance Dates

- Employers must comply with all requirements (except methods of sample analysis) by June 23, 2017 (*delayed to 9/23/17)
- Compliance with methods of sample analysis required by June 23, 2018
Guidance and Outreach

❖ Silica Rulemaking Webpage:
  www.osha.gov/silica
- Fact sheets
- FAQs
- Video
❖ Appendix B - Medical Surveillance Guidelines
❖ Coming soon after publication:
  - PowerPoint template
  - Small Entity Compliance Guides

*Center for Construction Research and Training (CPWR)

*E-tool to:
  * Assess silica hazards
  * Select controls
  * Create a plan

OSHA Consultation

*Free
*Confidential
*On-site audits
*Training
*Sampling/Monitoring
*Program Review

http://csu-ebecombs.colostate.edu/academics/eerhs/osha/Pages/default.aspx
This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at www.osha.gov.