

Department of Labor delays crystalline silica standard in construction



Ryan Neumeyer | Tuesday, April 11, 2017

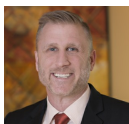
The Occupational Safety and Health Administration (OSHA) recently announced a delay in the enforcement of its crystalline silica standard that applies to the construction industry to conduct additional outreach and provide further guidance to construction employers. Originally, enforcement was to begin on June 23, 2017. Enforcement will now begin on September 23, 2017.

The new rule lowers the Permissible Exposure Level (PEL) from 250 to 50 for the construction industry. This exposure level is averaged over an eight hour day. The rule does provide a “Safe Harbor” for the construction industry in [Table 1](#). According to OSHA, Table 1 “identifies 18 common construction tasks that generate high exposures to respirable crystalline silica and for each task, specifies engineering controls, work practices, and respiratory protection that effectively protect workers. Employers who fully and properly implement the engineering controls, work practices, and respiratory protection specified for a task on Table 1 are not required to measure respirable crystalline silica exposures to verify that levels are at or below the PEL for workers engaged in the Table 1 task.”

Table 1 provides, for example, that an individual using a concrete wet saw for less than four hours per day would not have to use a respirator. If that same individual uses the wet saw for more than four hours, the individual would need to use a respirator with an assigned protection factor of at least 10. If these controls are implemented, the company would not be required to implement measuring procedures in relation to dust exposure to verify that levels are below the permissible exposure level.

Although enforcement has been delayed, construction employers should prepare for the standard to be enacted. Construction employers will be required to designate an individual capable of identifying silica hazards who has authority to implement corrective procedures and to develop a written exposure control plan. Written exposure control plans must be reviewed and updated, if need be, annually. Under the rule, employees will need to be trained regarding the health hazards related to silica, the tasks where silica is present, the measures implemented to protect, and the rule itself, among other topics.

If you have any questions regarding the new silica rule please contact the attorney listed below.



Ryan Neumeyer

