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ALERT

OSHA'S NEW SILICA RULES FOR CONSTRUCTION EFFECTIVE 9/23/17

This is a reminder that those employers subject to OSHA's Construction Standards must be in compliance with the new silica dust standard on September 23. Are you prepared?

Revised standard 1926.1153 dramatically restricts worker exposure to respirable crystalline silica – a common component of concrete, brick, mortar, sand, and stone. Activities controlled include such things as sawing, jackhammering, drilling, cutting, and handling stone products, and operations using sand products such as sandblasting. Almost all construction employers are affected by these new and burdensome requirements and most employers have neglected to put their compliance program in place – hoping that the pending court litigation or President Trump would stop implementation.

Each employer exposing workers to silica dust must, among other things:

- Create a Written Exposure Control Plan
- Train workers on operations causing exposures and how to limit
- Offer medical exams for employees required to wear respirators
- Maintain records pertaining to various aspects of the standard
- Designate a competent person to carry out the Exposure Control Plan

Employers have two options for compliance:

1. Follow OSHA's pre-set exposure control methods for job tasks set out in Table 1 of the standard; or

2. Create their own control methods after measuring exposure.

Employers electing option 2 must:

- Measure employees' exposure to silica
- Protect employees from silica exposure above the PEL of 50 micrograms per cubic meter of air (TWA)
- Do engineering controls to protect employees exposed over the PEL
- Provide respirators when engineering controls are insufficient

Table 1 matches common construction tasks with OSHA designated dust control methods. If Table 1 is followed, the employer need not measure workers' exposure to silica. Review the standard at https://www.ecfr.gov/cgi-bin/text-idx?SID=032cc409282e4339a12c30f13095d4e4&mc=true&node=se29.8.1926_11153&rgn=div8

Employers dealing with silica need to review these rules immediately and take action to come into compliance now. For further information, contact Bob Dunlevey, Board Certified Specialist in Labor and Employment Law, at Taft Law (937) 641-1743.

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