

OSHA TODAY Begins Full Enforcement of the Silica in Construction Standard

Today, October 23, 2017, the U.S. Occupational Safety and Health Administration (OSHA) begins [full enforcement](#) of its respirable crystalline standard for construction. [If your construction company operates under OSHA state-plans in one of 26 states or two territories](#), it is important that you check to see if your OSHA state-plan agency is following the federal OSHA's lead with this enforcement policy.

Although AGC remains engaged in litigation against the rule in federal court, a final decision is not expected until 2018 at the earliest. As such, AGC continues to engage the Trump administration.

In the meantime, AGC recognizes that construction companies must abide by the silica regulation, because it is the law. That is why we developed the ["Respirable Crystalline Silica in Construction"](#) webpage with a host of resources—sample forms, webinars, flowcharts, FAQs, and more—to help AGC members understand their compliance responsibilities. Please take advantage of those resources.

Details on Latest OSHA Enforcement Guidance

Late last week, OSHA issued a [memorandum](#) to OSHA Regional Administrators providing interim enforcement guidance for Compliance Safety and Health Officers (CSHOs) commencing enforcement on October 23. The memorandum serves as interim enforcement guidance and expires when the standard's companion compliance directive becomes effective and available to the field.

It is important to note, however, that the memorandum does not provide specific enforcement guidance on all the standard's provisions. In addition, due to the new requirements in 29 CFR 1926.1153, OSHA has revoked their *National Emphasis Program on Crystalline Silica* which provided guidance to CSHOs for targeting inspections of jobsites with the potential to generate elevated exposures to crystalline silica.

The memorandum outlines inspection guidance for CSHOs for both methods of compliance – Specified Exposure Control Methods (Table 1) and Alternative Exposure Control Methods (Performance and Scheduled Monitoring Options). During an inspection/investigation, CSHOs will:

- Collect personal breathing zone samples when controls for tasks list in Table 1 are not being fully and properly implemented or when alternative exposure control methods are not being properly implemented;
- Review the employer's written silica Exposure Control Plan (ECP) and other relevant programs (Respiratory Protection Program, Hazard Communication Program, etc.). If the employer conducted an exposure assessment, those records will also be reviewed; and
- Interview affected employees, including the competent person, as part of the overall assessment of the employer's implementation of its ECP.

The memorandum also approves the use of sweeping compounds (e.g., non-grit, oil- or waxed-based) as a housekeeping method; clarifies that the 30-day trigger to make medical examinations available to employees who will be required to wear a respirator for 30 or more days a year applies *per employer* (exposures with previous employers do not count toward the 30-day total); and outlines how exposure variability will be taken into consideration when comparing the results of employer and CSHO samples.

Although the memorandum does not include specific guidance on required employee information and training (paragraph (i)(2) of the standard), AGC encourages contractors to continue to ensure that

employees covered by the standard are trained in accordance with the provisions outlined in the standard.

For more information, please contact Kevin Cannon at (703) 837-5410 or cannonk@agc.org or Nazia Shah at (703) 837-5409 or nazia.shah@agc.org.