



OSHA Announces 30-Day Enforcement Policy for the Silica Standard in Construction

No. 1708

September 25, 2017

On Tuesday, September 20, 2017 the Occupational Safety and Health Administration (OSHA) issued a memorandum (attached) to OSHA Regional Administrators announcing how the Agency will handle enforcement of the new silica standard for the construction industry, which took effect on September 23, 2017.

The memorandum states that during the first thirty (30) days of enforcement OSHA will not issue citations to contractors who are putting forth good faith efforts in their attempt to comply with the requirements of the new standard. For those contractors attempting to comply, OSHA will offer compliance assistance and outreach with a focus on full and proper implementation of the controls listed in Table 1. However, if during an inspection it appears that a contractor is not making any effort to comply with the requirements of the silica standard, OSHA's inspection will include air monitoring for exposures and the contractors may also be considered for citations. During this time period, any proposed citations are required to be reviewed by the National Office.

The memorandum also notes that OSHA has developed interim inspection and citation guidance to be released prior to the termination of the memorandum and that a compliance directive will be issued at a later date. While OSHA has yet to create a compliance directive for the rule, there is a [Small Entity Compliance Guide](#) available on OSHA's website.

Additionally, if you are still trying to get your program off the ground, the [Silica Safe](#) website is a good place to start. This site, created by the CPWR - Center for Construction Research and Training, is a free resource, and has a page dedicated to helping employers create a plan that they can customize and download. If you would like additional assistance in developing a "Company Specific Silica Exposure Plan" or onsite respirable crystalline silica air sampling please contact one of the following Builders' Association Safety, Health and Environmental Professionals:

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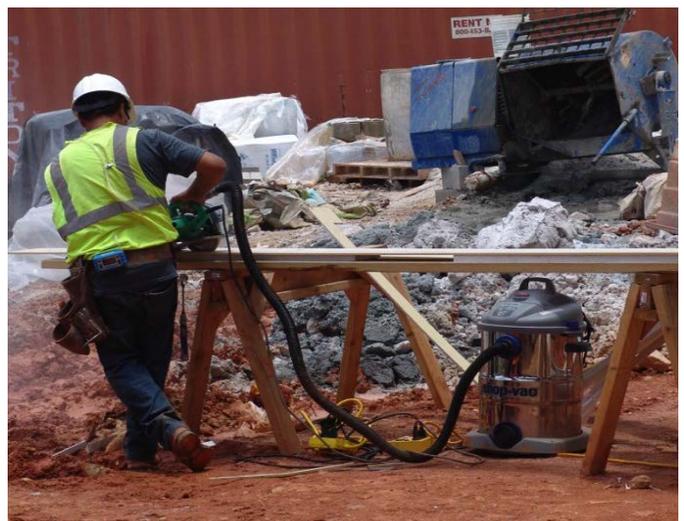


Photo courtesy of NIOSH

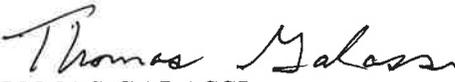


Reply to the attention of:

SEP 20 2017

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

FROM:


THOMAS GALASSI
Acting Deputy Assistant Secretary

SUBJECT:

Launch of Enforcement of the Respirable Crystalline Silica in
Construction Standard, 29 CFR § 1926.1153

The Respirable Crystalline Silica construction standard, 29 CFR § 1926.1153, becomes enforceable on September 23, 2017. The standard establishes a new 8-hour time-weighted average (TWA) Permissible Exposure Limit (PEL) of 50 $\mu\text{g}/\text{m}^3$, an action level (AL) of 25 $\mu\text{g}/\text{m}^3$, and a host of ancillary requirements.

During the first 30 days of enforcement, OSHA will carefully evaluate good faith efforts taken by employers in their attempts to meet the new construction silica standard. OSHA will render compliance assistance and outreach to assure that covered employers are fully and properly complying with its requirements. Given the novelty of the Table 1 approach, OSHA will pay particular attention to assisting employers in fully and properly implementing the controls in the table. OSHA will assist employers who are making good faith efforts to meet the new requirements to assure understanding and compliance.

If, upon inspection, it appears an employer is not making any efforts to comply, OSHA's inspection will not only include collection of exposure air monitoring performed in accordance with Agency procedures, but those employers may also be considered for citation. Any proposed citations related to inspections conducted in this time period will require National Office review.

To ensure effective implementation of the new standard, OSHA has developed interim inspection and citation guidance to be released prior to termination of this memorandum. The compliance directive will be finalized thereafter.

Regional offices are advised to contact the Office of Health Enforcement at 202-693-2190 with questions regarding enforcement of the new silica rule.