

OSHA RULES

Block OSHA from Implementing & Enforcing the Crystalline Silica & Injury and Illness Reporting Rules

Action Needed:

Prohibit the Department of Labor and OSHA from using funds to implement and enforce the Crystalline Silica and Injury and Illness Reporting rules. Use appropriations legislation to block these arbitrary and capricious rules.

Background:

- **Silica Rule.** OSHA issued a revised standard on occupational exposure to respirable crystalline silica. Crystalline silica is found in numerous building materials and a number of construction activities result in the release of crystalline silica. While safety is the priority of the construction industry, the approach OSHA has taken to regulate crystalline silica exposure in the construction industry could compromise safety rather than improve it.
- **Injury & Illness Reporting Rule.** OSHA issued a final rule requiring many employers to publicly and electronically report workplace injuries. The rule also suggests that the risk of retaliation against workers for reporting such injuries is so great that there must be a limitation of post-accident drug testing as a means to determine whether drugs were a factor. This could have a chilling effect on deterring employee use of drugs on the jobsite.

AGC Message on Silica Rule:

- **The Rule is Not Technologically or Economically Feasible.** OSHA's rule prescribes control methods that contradict existing safety practices and compliance. This will ultimately cost the construction industry nearly \$5 billion annually, potentially making it the most expensive OSHA regulation for construction ever. About 80 percent of the cost will be direct compliance expenditures and 20 percent will come in the form of increased prices for construction materials and building products.
- **Laboratories that are Responsible for Analyzing Air Samples Do Not Have the Ability to Measure Exposures Accurately.** Independent studies, and even OSHA's own testing, have shown that laboratories are only able to determine within a margin of error of ± 50 percent what level of silica is present at the rule's lower exposure level. This means that employers will be unable to reliably determine whether they have met the standard.

AGC Message on Injury & Illness Reporting Rule:

- **The Rule Could Enable Employee Use of Drugs on Construction Sites.** The rule suggests that post-accident drug testing could be considered a practice that would discourage employees from reporting work-related injuries or illnesses. However, nothing can be further from the truth. While OSHA states that the final rule does not ban employee drug testing, the rule creates a system where employees may be apprehensive to do so, potentially allowing workers to use drugs on the job without reasonable means of detection.
- **Construction Contractors And Unions Agree On The Need For Drug Testing Of Employees.** Construction is not office work. Even the most innocent mistake can result in serious bodily injury and death. One employee's drug use can expose many others to harm. As such, labor unions and construction contractors across the country include provisions for post-accident drug testing in their collective bargaining agreements.