



Safety Update

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OSHA 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 any 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 of America 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.

Silica Compliance Resources

- **CEA Silica Program:** Several AGC divisions in Ohio are participating as "Contributing Associations" in a [silica program](#) developed by the Construction Employers Association (CEA) to assist contractors. Members would receive: significant discounts on sampling services (through SGS Galson laboratories); silica sampling kits provide free pump loans and discounted monitoring; test reports include all three forms of silica as well as respirable dust; data to help members develop exposure plans; allow members to evaluate samples to determine employees' exposure using the performance option of the new code; employer-controlled objective, searchable database of sampling results (once a sufficient number of samples are collected); and access to silica resources and information to help make decisions related to silica safety and compliance. It is all managed through a website to create easy access to order sampling equipment, submit results, and access the database and silica-related information. Contact your local AGC division to see if the association is participating. Learn more at: www.ceacisp.org/safety/silica-sampling-objective-data-program.
- **AGC of America Silica Webpage:** AGC 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..

Details on Enforcement Guidelines

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.

ENTER AGC'S CONSTRUCTION SAFETY EXCELLENCE AWARDS PROGRAM - www.agc.org/csea

Construction Safety Excellence Awards (CSEA) recognize AGC members for their overall safety programs. AGC of Ohio members can enter both the national and Ohio CSEA by filling out one application.

CSEA closely examines each candidate's commitment to safety and occupational health management and risk control. The comprehensive selection process considers evidence of company management commitment, active employee participation, safety training, work site hazard identification and control, and safety program innovation. The award entry categories include:

- **National:** Building (GC Only), Highway, Heavy, Utility Infrastructure, Specialty Contractor, Vendor and Supplier, and Construction Management.
- **Ohio:** Building (GC Only), Heavy, Specialty Contractor, and Construction Management

Instructions and application link to the national CSEA awards are available [here](#). Contractors interested in entering the Ohio CSEA program should fill out that form, and forward it to AGC of Ohio along with a \$50 entry fee. The entry deadline for both CSEA programs is December 15.

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