

Respirable Crystalline Silica

Larry Gore, Industrial Hygienist
Josefina Magana, Administrative Regulations Analyst
Standards and Technical & Lab Services
Silica Stakeholder Meeting June 8, 2017





Tentative Timeline

- Preproposal was filed June 21, 2016 (CR101)
- Proposal will be filed in the summer (CR102)
- Hold public hearings early in the fall
- Adoption early winter- CR103
- Effective date end of the year



Highlights of Rule

- Adopted identical to OSHA -
 - Instead of 2 rules we combined it into a single rule.
- No requirements beyond the OSHA rule.
- Tuberculosis risk tool to help with medical surveillance assessment, it does not impose additional requirements.



Differences

- **Table 1** – construction however general industry/maritime can use is appropriate
- **Competent person** – construction requirement
- **Employee notification of assessment results**
 - General industry/maritime – within 15 working days after completing an exposure assessment
 - Construction - within 5 working days after completing an exposure assessment



Regulated area – general industry/maritime

- Where exposure can reasonably be expected to exceed the PEL
- Demarcation
- Post signs at entrances
- Limit Access
- Provide appropriate respirators
- Not required for construction work



Respiratory protection

- As specified in Table 1
- Where exposure exceeds the PEL
- When employees are in a regulated area



Written exposure control plan

Written Exposure Control Plan

- Description of task in the workplace that involve exposure to respirable crystalline silica.
- Description of engineering controls, work practices and respiratory protection used to limit exposure
- Description of housekeeping measures used to limit exposure



Written exposure control plan

- For construction
- Description of the procedures used to restrict access to work area, when necessary, to minimize the number of employees exposed to respirable crystalline silica and their level of exposure, including exposures generated by other employers or sole proprietors.
- Competent person designated to make frequent and regular inspections of the job sites, materials, and equipment to implement the written exposure control plan



Medical surveillance

- **Medical surveillance**
 - General industry/maritime – required when an employee is exposed at or above the action level for 30 or more days per year
 - Construction – required for employees required to use a respirator 30 or more days per year



Communication of respirable crystalline silica hazards to employees (Hazard communication)

- Must be included to comply with the HazCom standard (296-901)
- General industry/maritime - Signs – shall be posted at all entrances to regulated areas. Specific language required.
- Construction – identity of the competent person



Questions # 1

- What happens with the questions received through the website, are they reviewed and considered for the Silica rulemaking?



Questions #2

- Is there going to be a Q&A on the website of questions already asked from this meeting?
- We do not have a Q&A section but will respond to questions.
- OSHA has a “Frequently Asked Questions: Respirable Crystalline Silica Rule” at https://www.osha.gov/silica/Silica_FAQs_2016-3-22.pdf



Questions #3

- If engineering controls from table 1 are used, does air quality still need to be monitored for exposure and documented for record keeping?
- NO



Questions #4

- Same question for medical surveillance. If engineering controls from table 1 are used will it be required to have medical surveillance for each employee?
 - Construction - Medical surveillance must be offered when employee(s) are required to wear a respirator for 30 or more days per year.
 - Employees may be required to wear a respirator in accordance with Table 1 requirements.
 - Or when exposed to respirable crystalline silica above the PEL of 50 ug/m³.
 - General Industry and Maritime - medical surveillance must be offered to employees who will be exposed at or above the action level (25 ug/m³) for 30 or more days per year.



Questions #5

- For example, finishers. It's possible that they mix grout almost every day. If they use water as an engineering control and it's effective, does medical surveillance, monitored air quality and record keeping still required?
 - The rule applies to all occupational exposures to respirable crystalline silica except for the following
 - Processing of sorptive clays
 - Where documented objective data demonstrates that employee exposure to respirable crystalline silica will remain below the action level of 25ug/m³ as an 8-hr TWA.
 - If the rule applies then medical surveillance, air monitoring, and record keeping are required.



Questions #6

- Is the competent person required on site during all shifts, if your testing proves that your practices keep your workers below the PEL?
 - A competent person is required for construction work
 - Task include
 - Make frequent and regular inspections of the job sites, materials, and equipment to implement the written exposure control plan.
 - Restrict access to the work area



Questions #7

- Is the competent person required on site during all shifts, if your testing proves that your practices keep your workers below the action level?
- No



Questions #8

- If you completed testing prior to the rule change, and you were below the new PEL and action level and your practices have not changed, are you required to perform new testing? Or is your previous testing considered sufficient objective data?



Questions #9

- In the WAC 296-840-102 Alternative exposure control methods the rule added the term occupational exposures. I feel that this term needs to be defined. It brings the following questions to mind: Is the employer responsible for exposures the employee may encounter at another site governed by another contractor?
 - Exposed or exposure: The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.
 - YES



Questions #10

- Are we required to do assessments of all the job sites our employee may be contracted to do jobs on?
 - DEPENDS



Questions #11

- What are some examples of occupational exposures that we need to train our employees to be aware of?
- Construction – Common construction tasks include using masonry saws, grinders, drills, jackhammers and handheld powered chipping tools; operating vehicle-mounted drilling rigs; milling; operating crushing machines; and using heavy equipment for demolition or certain other tasks.
- General industry and maritime silica exposures can be found in asphalt roofing materials, concrete products, ready-mix concrete, stone cutting, dental laboratories, foundries, jewelry.



Questions #12

- Are the periodic examinations only required if you are at or above the PEL? Or are they required if you are at or above the action level but below the PEL?
- Construction - Medical surveillance must be offered to each employee required to wear a respirator for 30 or more days per year.
 - Employees may be required to wear a respirator in accordance with Table 1 requirements and/or
 - Respirator use may be required when exposed to respirable crystalline silica above the PEL of 50 ug/m³.
- General Industry and Maritime - Medical surveillance must be offered to each employee that is exposed to respirable crystalline silica at or above the action level for 30 or more days per year.



Questions #13

- In the WAC 296-840-110 Communication of Respirable Crystalline Silica Hazards to employees section (2) about signs it lists six phrases that must be posted at the entrance of the regulated area. Are all these phrases required? Can a combination of these phrases be used? If not all phrases are required what phrases must be included?
 - Sign requirements are now in 296-840-150 Communication of Respirable Crystalline Silica Hazards to Employees.
 - Signs are required to be posted at all entrances to a regulated area.
 - The sign must include the language in the regulation.



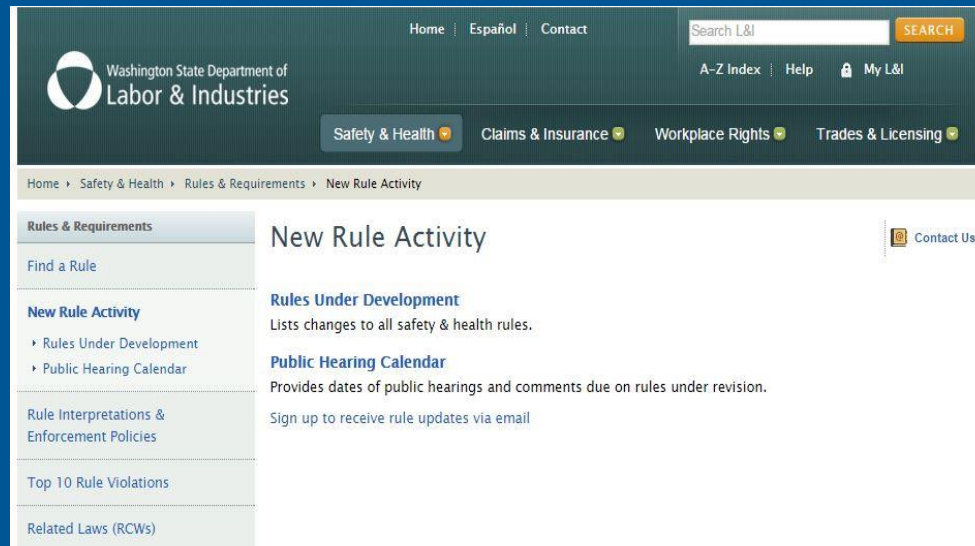
Questions #14

- What if we are using Table 1 but there is still a lot of dust created?



DOSH Rulemaking Information

- DOSH Rules Page
- <http://www.lni.wa.gov/Safety/Rules/WhatsNew/>



The screenshot shows the Washington State Department of Labor & Industries website. The header includes the department's logo and name, a search bar, and navigation links for Home, Español, Contact, A-Z Index, Help, My L&I, and a menu with Safety & Health, Claims & Insurance, Workplace Rights, and Trades & Licensing. The main content area is titled 'New Rule Activity' and includes a 'Contact Us' link. Below the title, there are sections for 'Rules Under Development' (listing changes to all safety & health rules), 'Public Hearing Calendar' (providing dates of public hearings and comments due on rules under revision), and a sign-up option to receive rule updates via email. A sidebar on the left contains links for 'Rules & Requirements', 'Find a Rule', 'New Rule Activity' (with sub-links for Rules Under Development and Public Hearing Calendar), 'Rule Interpretations & Enforcement Policies', 'Top 10 Rule Violations', and 'Related Laws (RCWs)'.



The DOSH Rulemaking Process

Larry Gore, Industrial Hygienist

gore235@lni.wa.gov

Josefina Magana, Administrative Regulations Analyst
for Respirable Crystalline Silica

magk235@lni.wa.gov

If you would like to receive information related to this rule sign up at:

<http://lni.wa.gov/Main/Listservs/LNI-Silica-Rulemaking.asp>