

## The New Respirable Crystalline Silica Rule – Are You in Compliance?

1910.1053 establishes a new permissible exposure limit of 50 micrograms of respirable crystalline silica per cubic meter of air (50 mg/m<sup>3</sup>) as an 8-hour time-weighted average in all industries covered by the rule.

The rule does not apply where the employer has objective data demonstrating that employee exposure to respirable crystalline silica will remain below 25 µg/m<sup>3</sup> as an 8-hour TWA under any foreseeable conditions. The rule does not apply if an employer complies with 29 CFR 1926.1153 (Construction Regulation) and Table 1 in the construction regulation.

The employer shall assess the exposure of each employee in accordance with either the performance option or the scheduled monitoring option in paragraph of this section.

If initial monitoring indicates that employee exposures are below the action level, monitoring may be discontinued for those employees. Where the most recent exposure monitoring indicates that employee exposures are at or above the action level but at or below the PEL, the monitoring shall be repeated within six months of the most recent monitoring. If the exposure assessment indicates that employee exposure is above the PEL, a written notification shall describe the corrective action being taken to reduce employee exposure to or below the PEL.

A regulated area shall be established wherever an employee's exposure to airborne concentrations of respirable crystalline silica is, or can reasonably be expected to be, in excess of the PEL. Access shall be limited to regulated areas.

Engineering and work practice controls shall be used to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL, unless you can demonstrate that such controls are not feasible. If such feasible engineering and work practice controls are not sufficient to reduce exposure to or below the PEL, the employer shall nonetheless use them to reduce employee exposure to the lowest feasible level and shall supplement them with the use of respiratory protection that complies with the requirements of paragraph (g) of this section.

The employer shall establish and implement a written exposure control plan that contains at least the following elements:

- A description of the tasks in the workplace that involve exposure to respirable crystalline silica;
- A description of the engineering controls, work practices, and respiratory protection used to limit employee exposure to respirable crystalline silica for each task
- A description of the housekeeping measures used to limit employee exposure to respirable crystalline silica.
- The employer shall review and evaluate the effectiveness of the written exposure control plan at least annually and update it as necessary.
- The employer shall make the written exposure control plan readily available for examination and copying, upon request, to each employee covered by this section, their designated representatives, the Assistant Secretary and the Director.

Dry sweeping or dry brushing shall not be allowed where such activity could contribute to employee exposure to respirable crystalline silica unless wet sweeping, HEPA-filtered vacuuming or other methods that minimize the likelihood of exposure are not feasible.

Medical surveillance shall be available at no cost to the employee, and at a reasonable time and place, for each employee who will be occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year.

The employer shall include respirable crystalline silica in the program established to comply with the hazard communication standard (HCS) (29 CFR 1910.1200). The employer shall post signs at all entrances to regulated areas.

Compliance Dates:

June 23, 2016 – This section is effective

June 23, 2018 – All obligations of this section except sections (13, 14)

June 23, 2018 – Medical surveillance obligations (i)1(i) if exposed above PEL for 30 or more days per year

June 23, 2020 – Medical surveillance obligations (i)1(i) If exposed at or above action level for 30 or more days per year



More coming from The Redstone Group on this topic in September.