



CRYSTALLINE SILICIA SAFETY

BACKGROUND

Silica is a natural substance found in most rocks, sand and clay, and in products such as bricks and concrete. Three common forms of silica are quartz, cristobalite and tridymite. Work processes such as cutting, sanding, grinding, blasting or polishing materials containing silica can generate respirable crystalline silica (RCS). The Department of Labor (through OSHA) regulates workers exposure to RCS.

On June 23, 2016, the Occupational Safety and Health Administration (OSHA) issued final crystalline silica rules for OSHA- regulated facilities, significantly reducing the level at which employees may be exposed to respirable crystalline silica and imposing more burdensome operational, medical surveillance, and record keeping requirements.

The OSHA rule set various effective dates for compliance with the standards:

- Cement terminals, concrete products, and ready mix operations are subject to the industry standard, which took effect in June 2018;
- general business and maritime industries is June 2018;
- Construction activities and industry; September 2017
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STATUS

Recognizing the implications the OSHA rule would have for cement terminals and other member operations, and the precedential impact of the rule for future regulation of cement manufacturing facilities, several industry stakeholders challenged the OSHA rule. But, in December 2017 the DC Circuit Court upheld the OSHA rule.

Notably, most cement manufacturing facilities fall within the Mine Safety and Health Administration's (MSHA) jurisdiction, and are not directly regulated under this rule. The Department of Labor has sent mixed signals as to whether and when it may initiate formal rulemaking proceedings governing MSHA- regulated facilities. The OSHA rule may prompt this or future administrations to evaluate regulatory options in the foreseeable future.