

# KENTUCKY OSHA JOURNAL

Citations for July 2013

Vol. 16, No 7

## OSHA issues proposed new rule on silica exposure

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After some two and one-half years of review by the Office of Management and Budget at the White House, the Occupational Safety and Health Administration recently released its proposed new rule regarding silica exposure in general industry, construction, and shipyards. It does not include agricultural operations.

The proposed rule sets the permissible exposure limit (PEL) at 50 micrograms of respirable crystalline silica per cubic meter of air. The current PEL has not been updated by OSHA since they were adopted in 1971.

The PEL now in effect for general industry is approximately 100 micrograms per cubic meter of air. In the case of construction and shipyards, the PEL is about 250 micrograms per cubic meter of air. The current OSHA standard uses equations to determine the exposure limits. Under the proposed new rule, the equations would be scrapped.

The proposed new rule also includes provisions for the measurement of silica exposure, utilizing various methods to reduce exposure, provide medical examinations of employees with high exposures to silica, and training employees concerning silica hazards.

Industries have opposed a new standard contending that OSHA should instead focus on enforcement of the current limits. However, OSHA Administrator David Michaels has stated that it is absolutely necessary to go below the current PEL, since OSHA has estimated that the new standard would save some 700 lives per year and prevent 1,600 new cases of silicosis per year.

OSHA estimates also that over 2 million employees are exposed to respirable silica, with some 1.85 million of that number employed in construction.

The notice of proposed rulemaking consists of about 700 pages. OSHA has estimated that the new standard would result in \$2.8 billion to \$4.7 billion in average net benefits per year.

It has also estimated the new standard's cost at \$637 million annually. However, some industry groups opposed to the new standard have much higher estimated costs. For instance, the American Chemistry Council estimated back in 2011 that lowering the PEL and adding the other provisions to the silica standard would cost \$5.1 billion per year.

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Publication of the new standard in the *Federal Register* has opened a 90-day comment period. Moreover, OSHA plans to hold a public hearing in March 2014.

### Training deadline for businesses handling chemicals is Dec. 1

The Kentucky Labor Cabinets issued a news release Oct. 23 reminding employers: "By Dec. 1, all employees who could be exposed to chemicals are required by law to be trained on the label elements and safety data sheet format of the Globally

Harmonized System of Classification and Labeling of Chemicals (GHS). The system is an international approach to hazard communication involving businesses that regularly handle, store and use hazardous chemicals."

This requirement affects nearly all industries in Kentucky. Cabinet Secretary Larry Roberts said, "If there are chemicals in the workplace, it's almost certain that employees in that workplace will need to be trained under the new requirement by Dec. 1."

Kentucky OSH revised its Hazard Communication Standard last year, aligning it with the United Nations' global chemical labeling system. The federal OSHA estimates that the new standard will prevent about 40 deaths and 585 injuries and illnesses a year in the United States.