



One More Step Toward Aggressive Enforcement of OSHA's Construction Silica Standard

Insights

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OSHA Publishes New Construction Industry Silica Frequently Asked Questions (FAQs).

With no fanfare whatsoever, OSHA supposedly began enforcing the new Silica Standard on July 23. Compliance with most of the Standard's requirements actually began on June 23, 2018. However, in a memo issued by OSHA's Acting Deputy Assistant Secretary, Galen Blanton, OSHA's regional administrators were informed that for the first 30 days, OSHA was to assist employers that were making good-faith efforts to meet the new standard's requirements. In other words, in those circumstances, citations were unlikely to be issued for noncompliance. And indeed, so far, we have seen minimal OSHA focus on silica.

Realistically, one assumes that OSHA is awaiting the final Silica "Directive" to replace the October 19, 2017 *Interim Enforcement Guidance for the Respirable Crystalline Silica in Construction Standard* before aggressively enforcing the new Standard.

We moved a bit closer to aggressive enforcement with OSHA's publication of the new **Silica Frequently Asked Questions (FAQ)**. Construction employers should immediately review the whopping 53 [Frequently Asked Questions \(FAQs\)](#), which provide guidance to employers and employees regarding OSHA's respirable crystalline silica standard for construction.

Through the **Construction Industry Safety Coalition (CISC)**, the Associated General Contractors of America (AGC) and other groups were heavily involved in the formulation of these FAQs. The development of the FAQs stemmed from litigation filed against OSHA by numerous construction industry trade associations challenging the legality of OSHA's rule.

OSHA has also agreed to issue a **Request for Information (RFI) on Table 1** to revise the Table to improve its utility. AGC will continue to look for ways to work with OSHA to improve the workability of this significant rule.

The FAQs are extensive and organized by topic. A short introductory paragraph is included for each group of questions and answers to provide background information about the underlying regulatory requirements. A [four-page document](#) with some of the clarifications and a [PDF version](#) of all the FAQs has also been created.

These useful FAQs follow OSHA's recent release of six [Construction Silica training videos for Table 1 Tasks](#):

Controlling Silica Dust in Construction Videos for Table 1 Tasks

- [Stationary Masonry Saws](#)
- [Handheld Power Saws](#)
- [Handheld and Stand-Mounted Drills](#)
- [Jackhammers or Handheld Powered Chipping Tools](#)
- [Handheld Grinders for Mortar Removal \(Tuckpointing\)](#).
- [Handheld Grinders for Uses Other than Mortar Removal](#) Stay tuned.

An impressive number of contractors have been proactive and have been investigating Table 1 and other tasks, and have found challenges. The key is for employers to not await OSHA citations but to build justification for its approach at each job.

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