



CHERIE K. BERRY
COMMISSIONER

SCOTT MABRY
ASSISTANT DEPUTY COMMISSIONER
OCCUPATIONAL SAFETY AND HEALTH DIVISION

MEMO

To: OSH Division
From: Scott Mabry, Assistant Deputy Commissioner 
Date: April 17, 2017
Re: Delay of Enforcement of the Crystalline Silica Standard for Construction under 29 CFR 1926.1153

On April 6, 2017, the Occupational Safety and Health Administration (OSHA) issued a memorandum on the "Delay of Enforcement of the Crystalline Silica Standard for Construction under 29 CFR 1926.1153." This memorandum delays enforcement of 29 CFR 1926.1153 until September 23, 2017 in order to provide the opportunity to conduct additional outreach to the regulated community and to provide additional time to train compliance officers.

Per this memorandum, the Occupational Safety and Health (OSH) Division of the North Carolina Department of Labor adopts the above mentioned OSHA enforcement procedure for use in North Carolina. The document is attached.

Please note:

OSHA is currently developing educational materials for distribution to employers subject to the requirements under 29 CFR 1926.1153. Once the materials are available, the Education, Training and Technical Assistance Bureau will review the provided materials before distribution to staff for dissemination.



Reply to the attention of:

APR 06 2017

MEMORANDUM FOR THE REGIONAL ADMINISTRATORS

Thomas Malan

FROM: *for* DOROTHY DOUGHERTY
Deputy Assistant Secretary

SUBJECT: Delay of Enforcement of the Crystalline Silica Standard for Construction
under 29 CFR 1926.1153

The final rule on Occupational Exposure to Crystalline Silica in Construction, published on March 25, 2016, established a new Permissible Exposure Limit and contained several other ancillary provisions that apply to the construction industry. This rule was codified at 29 CFR §1926.1153 and became effective on June 23, 2016. Under the standard, all obligations were to commence on June 23, 2017, except for requirements for sample analysis in paragraph (d)(2)(v), which commence on June 23, 2018.

The construction standard for crystalline silica has a number of unique features warranting development of additional guidance materials. In order to provide the opportunity to conduct additional outreach to the regulated community and to provide additional time to train compliance officers, we have decided to delay enforcement of this standard until September 23, 2017. We are currently developing educational materials for employers and enforcement guidance for your staff that will be made available shortly. Please instruct your staff to provide these materials to employers that are subject to the requirements under § 1926.1153 and to provide guidance on what steps the employers can take to ensure that they are in compliance with the new provisions when enforcement begins on September 23, 2017.