



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: September 23, 2017
Re: Launch of Enforcement of the Respirable Crystalline Silica in Construction Standard, 29 CFR 1926.1153

On September 20, 2017 the Occupational Safety and Health Administration (OSHA) issued a memorandum on the launch of enforcement of the standard on Respirable Crystalline Silica in Construction, 29 CFR 1926.1153.

This memorandum establishes OSHA's approach to the first 30 days of enforcement and good faith efforts taken by employers in their attempts to meet requirements of the new construction silica standard. 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. Each inspection conducted during this time period involving employee exposure to respirable crystalline silica will be discussed with the district supervisor and compliance bureau chief. Any proposed citations related to inspections conducted during this time period will require case file review by the OSH Director's Office.

The referenced memorandum is attached.



Reply to the attention of:

SEP 20 2017

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

FROM:


THOMAS GALASSI
Acting Deputy Assistant Secretary

SUBJECT:

Launch of Enforcement of the Respirable Crystalline Silica in
Construction Standard, 29 CFR § 1926.1153

The Respirable Crystalline Silica construction standard, 29 CFR § 1926.1153, becomes enforceable on September 23, 2017. The standard establishes a new 8-hour time-weighted average (TWA) Permissible Exposure Limit (PEL) of 50 $\mu\text{g}/\text{m}^3$, an action level (AL) of 25 $\mu\text{g}/\text{m}^3$, and a host of ancillary requirements.

During the first 30 days of enforcement, OSHA will carefully evaluate good faith efforts taken by employers in their attempts to meet the new construction silica standard. OSHA will render compliance assistance and outreach to assure that covered employers are fully and properly complying with its requirements. Given the novelty of the Table 1 approach, OSHA will pay particular attention to assisting employers in fully and properly implementing the controls in the table. OSHA will assist employers who are making good faith efforts to meet the new requirements to assure understanding and compliance.

If, upon inspection, it appears an employer is not making any efforts to comply, OSHA's inspection will not only include collection of exposure air monitoring performed in accordance with Agency procedures, but those employers may also be considered for citation. Any proposed citations related to inspections conducted in this time period will require National Office review.

To ensure effective implementation of the new standard, OSHA has developed interim inspection and citation guidance to be released prior to termination of this memorandum. The compliance directive will be finalized thereafter.

Regional offices are advised to contact the Office of Health Enforcement at 202-693-2190 with questions regarding enforcement of the new silica rule.