Respirable Crystalline Silica

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Silica Stakeholder Meeting October 4, 2016
OSHA Mandated rule

- DOSH did not have a standard addressing respirable crystalline silica in the workplace
- Partners / Players in the rulemaking process
  - OSHA
  - DOSH Standards team
  - DOSH technical services team
  - GADP – Governmental Affairs and Policy Division within L&I
  - AGO – Attorney General’s Office
  - Stakeholders
The Rulemaking Process

- OSHA issues rule
- State Plans must adopt standard
- CR-101 form package filed
- Stakeholder Meetings
- CR-102 form package will be filed
- CR-103 form package will be filed
The DOSH Rulemaking Process – CR-101

- Crystalline Silica CR-101 filed 7/19/2016
- Content – “Pre-notice Inquiry”
  - Authorizing statutes
  - Why rulemaking needed
  - How interested parties can participate
- Effect
  - gives public notice
  - solicits comments from the public
  - promotes consensus amongst interested parties
The DOSH Rulemaking Process – CR-102

- Crystalline Silica Rule CR-102 date – likely towards the end of the year
- CR-102 / Notice of Proposed Rule
- Purpose – provides public notice of proposed rulemaking + notice of public comment hearing
- Timing – filed at least 20 days before the public hearing.
The DOSH Rulemaking Process – CR-102 cont’d

- **Content of CR-102**
  - Short explanation, anticipated effect, reasons for
  - Agency comments/recommendations – if any - re: language, implementation, enforcement, and fiscal matters if applicable not in the case of this rule.
  - When, where, and how public can provide comment
  - Adoption date
CR 103 – Order Adopting Rule  

- **Respirable Crystalline Silica CR-103 date** – TBD
- **Purpose** – provides formal notice of the rule adopted by the agency (the agency’s final action on the rulemaking process)
- **Timing** – after completion of CR-102 process
- **Content**
  - Adoption date (date CR-103 filed)
  - Statutory or other rulemaking authority
  - Effective date if other than that specified by RCW 34.05.380. Rule effective 30 days after filing (adoption) unless later date is required by statute or specified in order of adoption
Highlights of Rule

- Adopted identical to OSHA -
  - Instead of 2 rules we combined it into a single rule.
- No requirements beyond the OSHA rule.
- A lot of the language between the two OSHA rules (General industry & Maritime and Construction) is identical
Differences

- **Table 1** – construction however general industry/maritime can use it where appropriate
- **Competent person** – construction requirement but not a bad idea for general industry/maritime
- **Employee notification of assessment results**
  - General industry/maritime – within 15 working days after completing an exposure assessment
  - Construction - within 5 working days after completing an exposure assessment
Differences

- **Regulated area** – general industry/maritime
  - Demarcation
  - Access
  - Provision of respirators

- **Respiratory protection**
  - Construction – as specified in Table 1
  - General industry/maritime – when employees are in a regulated area
Differences

- Written exposure control plan
  - Construction
    - Description of the procedures used to restrict access to work area, when necessary, to minimize the number of employees exposed to respirable crystalline silica and their level of exposure, including exposures generated by other employers or sole proprietors.
    - Competent person designated to make frequent and regular inspections of the job sites, materials, and equipment to implement the written exposure control plan.
Differences

- Medical surveillance
  - General industry/maritime – required when an employee is exposed at or above the action level for 30 or more days per year
  - Construction – required for employees required to use a respirator 30 or more days per year
Differences

- Communication of respirable crystalline silica hazards to employees (Hazard communication)
  - General industry/maritime - **Signs** – shall be posted at all entrances to regulated areas. Specific language required.
  - Construction – identity of the competent person
DOSH Rulemaking Information

- DOSH Rules Page
The DOSH Rulemaking Process

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If you would like to receive information related to this rule sign up at:

http://lni.wa.gov/Main/Listservs/LNI-Silica-Rulemaking.asp