Oregon OSHA – Adopted Changes to Occupational Exposure to Respirable Silica in General Industry, Construction, and Maritime

On March 25, 2016, federal OSHA adopted final rules for crystalline silica for general industry, construction, and maritime. Before these rules, the only specific rule for crystalline silica was an airborne permissible exposure limit (PEL) of 100 micrograms per cubic meter of air (µg/m3). With the adoption of these rules, federal OSHA lowered the PEL from 100 µg/m3 to 50 µg/m3, and instituted an action level of 25 µg/m3. These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information. The construction rule also lists specific tasks with engineering controls, work practice controls, and respiratory protection for specific tasks that do not require an exposure assessment, and requires that a competent person ensure that the written program and specific tasks are followed.

On July 15, 2016 Oregon OSHA proposed to combine the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-1053 through 437-002-1065. These Oregon-initiated rules provide the same options for construction employers to use certain specified methods in lieu of an exposure assessment as the federal rules, and a note was added at Table 1 in 437-002-1057 Specified exposure control methods, to remind employers that the rest of the rules still apply.

Oregon OSHA amended the compliance dates to July 1, 2018 for both general industry and construction. The one effective date, paired with education and outreach, will help increase employer understanding and compliance with the new silica standard. The effective date for medical evaluations for employees exposed to airborne levels above the action level but below the PEL is July 1, 2020.

This is Oregon OSHA Administrative Order 5-2016, adopted September 23, 2016, and effective July 1, 2018.

Oregon OSHA contact: Dave McLaughlin, Central Office @ 503-947-7457, or email at dave.mclaughlin@oregon.gov

Please visit our website osha.oregon.gov Click ‘Rule and laws’ in the Topics, rules, guidelines column; and view/print our proposed rules, adopted, or final rules.

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Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on September 23, 2016 by the

Department of Consumer & Business Services/Oregon Occupational Safety & Health Division 437
Agency and Division
Sue Joye 350 Winter Street NE, Salem OR 97301-3882 503-947-7449
Rules Coordinator Address Telephone

to become effective July 1, 2018, as Oregon OSHA Administrative Order 4-2016.
Date upon filing or later

Rulemaking Notice was published in the August 2016 Oregon Bulletin.**
Month and Year

RULE CAPTION

Not more than 15 words that reasonably identifies the subject matter of the agency’s intended action.

RULEMAKING ACTION


ORS 654.025(2), 656.726(4)
ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

On March 25, 2016, federal OSHA adopted final rules for crystalline silica for general industry, construction, and maritime. Before these rules, the only specific rule for crystalline silica was an airborne permissible exposure limit (PEL) of 100 micrograms per cubic meter of air (µg/m³). With the adoption of these rules, federal OSHA lowered the PEL from 100 µg/m³ to 50 µg/m³, and instituted an action level of 25 µg/m³. These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information. The construction rule also lists specific tasks with engineering controls, work practice controls, and respiratory protection for specific tasks that do not require an exposure assessment, and requires that a competent person ensure that the written program and specific tasks are followed.

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Please visit our web site osha.oregon.gov. Click ‘Rule changes’ in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

Authorized Signer: [Signature]
Printed name: Renée M. Stapleton
Date: 9/23/10

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.
**The Oregon Bulletin is published on the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday. ARC 030-2005
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<th>Email Address</th>
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<tbody>
<tr>
<td>Sue C. Joye</td>
<td><a href="mailto:Sue.C.Joye@state.or.us">Sue.C.Joye@state.or.us</a></td>
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