

Summary of Comments and Agency Decisions

Title: Silica- Medical Evaluation Clarification and Timeline Clarification

Administrative Order Number: 4-2018

Adopted Date: July 5, 2018

Effective Date: July 13, 2018

Background:

Oregon OSHA adopted the rules for Silica Sept. 23, 2016, with an effective date of July 1, 2018. At that time, Oregon OSHA decided to incorporate the General Industry standard and the Construction standard into one rule. Oregon OSHA was notified that the criteria requiring medical monitoring in the new Oregon standard (OAR 437-002-1062) could be read to require construction workers who were exposed to the action level for 30 or more days per year to have medical monitoring done. This was not Oregon OSHA's intent, as that requirement does not exist in the federal OSHA requirements. This rulemaking clarified the criteria for medical monitoring for the construction industry. Additionally, there are certain delayed provisions that affect the medical monitoring requirements, and language was included to help employers understand when those deferrals apply and when they end.

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After evaluating the rulemaking record, Oregon OSHA decided to adopt these changes to the Silica rule. Oregon OSHA held one public hearing on this rulemaking on June 18th 2018 in Portland, and received no comments at that hearing. The division also received no written comments concerning this rulemaking through the comment period ending June 29th 2018.

Commenters:

None