

# Oregon OSHA – Proposed Silica Medical Evaluation Clarification and Timeline Clarification

June 2018

Text proposed to be removed is in ~~[brackets with line through]~~.

Text proposed to be added is in **bold and underline**.

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## DIVISION 2, GENERAL INDUSTRY

### Division 2/Z, Toxic and Hazardous Substances

437-002-1062 Medical surveillance

This rule describes the medical monitoring requirements of this subdivision.

(1) Make medical surveillance available to each employee who:

~~(a) Will be occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year; or~~ **Is engaged in construction (or construction-like) activity and will be required under this subdivision to use a respirator for 30 or more days per year.**

~~(b) Will be required under this subdivision to use a respirator for 30 or more days per year.~~ **Is not engaged in construction activity and will be occupationally exposed to respirable crystalline silica at or above the permissible exposure limit for 30 or more days per year. This requirement, in accordance with 437-002-1065, is applicable between July 1, 2018 and June 30, 2020.**

**(c) Is not engaged in construction activity and will be occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year. This requirement, in accordance with 437-002-1065, is applicable as of July 1, 2020.**

NOTE: The medical evaluation requirements of the respiratory protection rule, 1910.134, still apply for employees wearing respiratory protection.

- (2) Medical surveillance must be provided at no cost to the employee and at a reasonable time and place.
- (3) Ensure that all medical examinations and procedures required by this rule are performed by a PLHCP as defined in 437-002-1054.

- (4) Make an initial (baseline) medical examination available within 30 days after initial assignment, unless the employee has received a medical examination that meets the requirements of this rule within the last three years. The examination must consist of:
  - (a) A medical and work history, with emphasis on: Past, present, and anticipated exposure to respirable crystalline silica, dust, and other agents affecting the respiratory system; any history of respiratory system dysfunction, including signs and symptoms of respiratory disease (e.g., shortness of breath, cough, wheezing); history of tuberculosis; and smoking status and history;
  - (b) A physical examination with special emphasis on the respiratory system;
  - (c) A chest X-ray (a single posteroanterior radiographic projection or radiograph of the chest at full inspiration recorded on either film (no less than 14 x 17 inches and no more than 16 x 17 inches) or digital radiography systems), interpreted and classified according to the International Labour Office (ILO) International Classification of Radiographs of Pneumoconioses by a NIOSH-certified B Reader;
  - (d) A pulmonary function test to include forced vital capacity (FVC) and forced expiratory volume in one second (FEV1) and FEV1/FVC ratio, administered by a spirometry technician with a current certificate from a NIOSH approved spirometry course;
  - (e) Testing for latent tuberculosis infection; and
  - (f) Any other tests deemed appropriate by the PLHCP.
- (5) Make medical examinations available that include the procedures described in 437-002-1062(4) (except 437-002-1062(4)(e)) at least every three years, or more frequently if recommended by the PLHCP.
- (6) Ensure that the examining PLHCP has a copy of this rule, and provide the PLHCP with the following information:
  - (a) A description of the employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to respirable crystalline silica;
  - (b) The employee's former, current, and anticipated levels of occupational exposure to respirable crystalline silica;
  - (c) A description of any personal protective equipment used or to be used by the employee, including when and for how long the employee has used or will use that equipment; and
  - (d) Information from records of employment-related medical examinations previously provided to the employee and currently within the control of the employer.
- (7) Ensure that the PLHCP explains to the employee the results of the medical examination and provides each employee with a written medical report within 30 days of each medical examination performed. Ensure the written report contains:
  - (a) A statement indicating the results of the medical examination, including any medical condition(s) that would place the employee at increased risk of material impairment to health from exposure to respirable crystalline silica and any medical conditions that require further evaluation or treatment;
  - (b) Any recommended limitations on the employee's use of respirators;
  - (c) Any recommended limitations on the employee's exposure to respirable crystalline silica; and
  - (d) A statement that the employee should be examined by a specialist (pursuant to 437-002-1062(9)) if the chest X-ray provided in accordance with this rule is classified as 1/0 or

higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.

- (8) Obtain a written medical opinion from the PLHCP within 30 days of the medical examination. The written opinion must contain only the following:
  - (a) The date of the examination;
  - (b) A statement that the examination has met the requirements of this rule; and
  - (c) Any recommended limitations on the employee's use of respirators.
- (9) If the employee provides written authorization, the written opinion must also contain either or both of the following:
  - (a) Any recommended limitations on the employee's exposure to respirable crystalline silica;
  - (b) A statement that the employee should be examined by a specialist (pursuant to 437-002-1062(11)) if the chest X-ray provided in accordance with this rule is classified as 1/0 or higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.
- (10) Ensure that each employee receives a copy of the written medical opinion within 30 days of each medical examination performed.
- (11) If the PLHCP's written medical opinion indicates that an employee should be examined by a specialist, make a medical examination by a specialist available within 30 days after receiving the PLHCP's written opinion.
  - (a) Ensure that the examining specialist is provided with all of the information that the employer is obligated to provide to the PLHCP in accordance with this rule.
  - (b) Ensure that the specialist explains to the employee the results of the medical examination and provides each employee with a written medical report within 30 days of the examination. The written report must meet the requirements this rule.
  - (c) Obtain a written opinion from the specialist within 30 days of the medical examination. The written opinion must meet the requirements of this rule.

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2016, f. 9/23/16, ef. 7/1/18.

**OR-OSHA Admin. Order X-2018, f. XX/XX/XX, ef. XX/XX/XX.**