

PUBLICATION

Be Aware of OSHA's New Proposed Rule on Silica

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On August 23rd, OSHA released the long awaited proposed rule on silica. The proposed regulation would split the regulation of silica into two separate standards, one affecting the general and maritime industries and the other affecting the construction industry. The silica standard has not been updated since the early 1970s. This proposed rule would significantly change the manner that silica is regulated in all industries, setting a permissible exposure limit of 50 micrograms of respirable crystalline silica per cubic meter on a time weighted average. Currently, there is no specific standard related to silica; rather it is part of all regulated air contaminants under 29 CFR 1910.1000.

Since the rule is at the proposal stage, comments from the public and industry are welcomed. Comments are accepted for ninety (90) days after the rule is published in the Federal Register. After the comment period, public hearings will be held on the proposed rule.

Because OSHA has been intently scrutinizing the oil and gas industry and silica is often used in the fracking process, it is very important that the industry as a whole pay attention to this proposed rule. Many opponents of the rule have concerns about the technological feasibility of complying with the proposed rule, especially since the rule is going to require engineering controls primarily to reduce silica exposure rather than relying upon respirators to protect workers.