

# Respirable Crystalline Silica

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Silica Stakeholder Meeting October 4, 2016



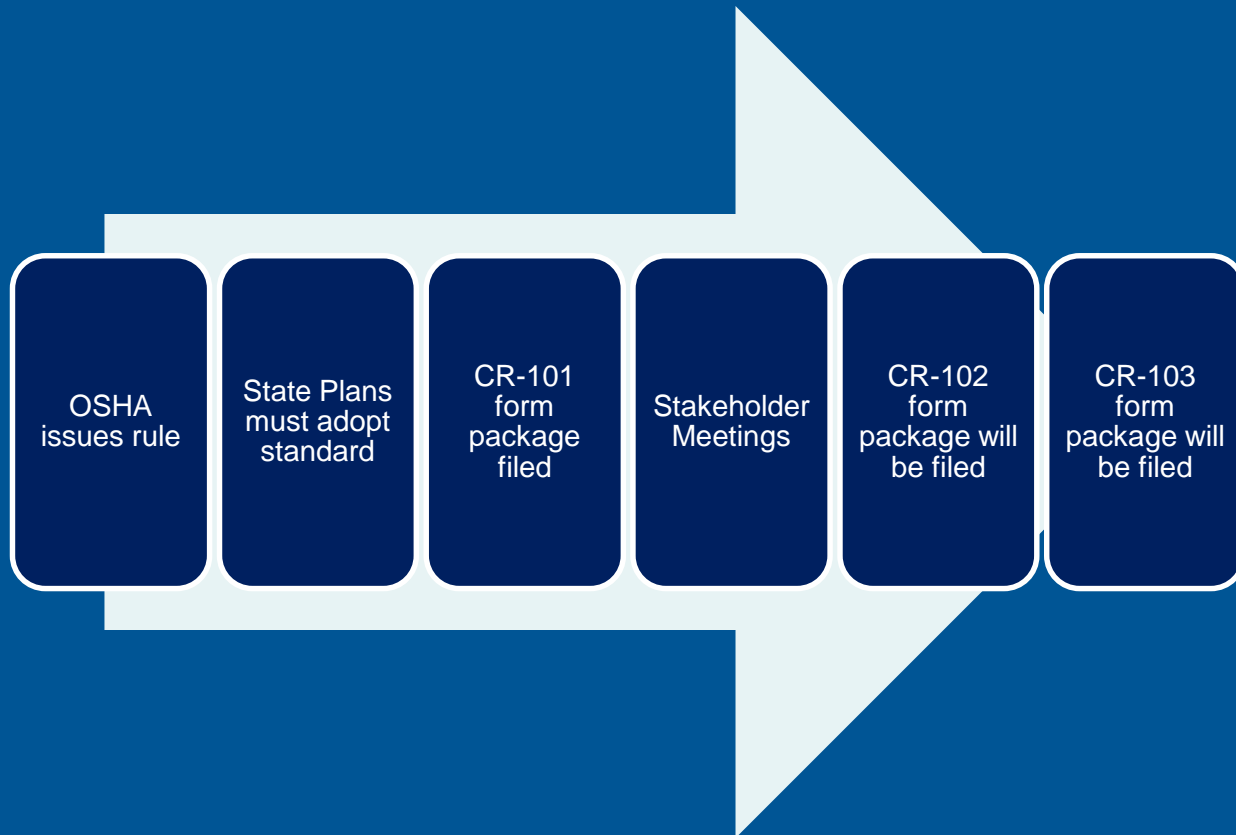


## OSHA Mandated rule

- 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





## The DOSH Rulemaking Process – CR-101 RCW 34.05.310

- **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 RCW 34.05.320

- 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 RCW 34.05.360

- **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



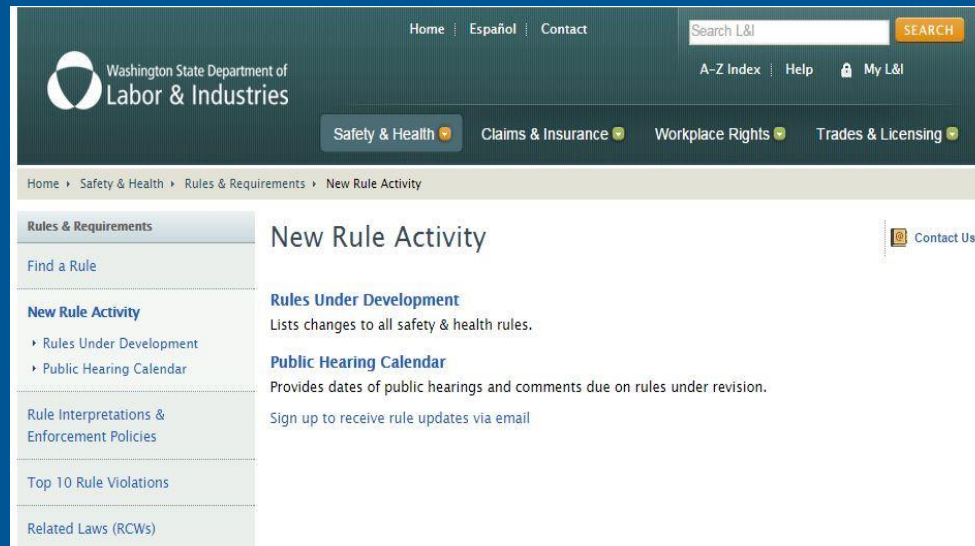
## Differences

- **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
- <http://www.lni.wa.gov/Safety/Rules/WhatsNew/>



The screenshot shows the Washington State Department of Labor & Industries website. The header includes the department logo, navigation links for Home, Español, and Contact, a search bar for L&I, and links for A-Z Index, Help, and My L&I. A main navigation bar features categories: Safety & Health (selected), Claims & Insurance, Workplace Rights, and Trades & Licensing. The breadcrumb trail reads: Home > Safety & Health > Rules & Requirements > New Rule Activity. The left sidebar contains a 'Rules & Requirements' menu with options: Find a Rule, New Rule Activity (selected), Rule Interpretations & Enforcement Policies, Top 10 Rule Violations, and Related Laws (RCWs). The main content area is titled 'New Rule Activity' and includes a 'Contact Us' link. Under 'Rules Under Development', it states 'Lists changes to all safety & health rules.' Under 'Public Hearing Calendar', it states 'Provides dates of public hearings and comments due on rules under revision.' and 'Sign up to receive rule updates via email'.



# 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>