

Frequently Asked Questions
Respirable Crystalline Silica Rule
SC OSHA Standards Office

Question 1: Electricians will occasionally drill into pre-cast concrete walls, concrete block walls, brick, and/or tile and will not exceed a total of 4 hours of that type of drilling in a single day. Will the standard apply to employees performing these drilling procedures?

Answer 1: Compliance with the Silica regulations will depend on several factors such as:

- Power and speed of the drill being used to drill the holes,
- Ventilation,
- Size of the hole,
- Amount of dust being generated, and
- Whether the work is being performed inside or outside.

Although the work will not exceed a total of 4 hours in a single day, the above mentioned factors must be considered. If the employee is required wear a respirator, the employee must also comply with 29 CFR 1910.134, the Respiratory Protection standard.

Question 2: When is the enforcement date for Silica in South Carolina?

Answer 2: September 23, 2017 with delayed compliance dates referenced in the rule.

Question 3: Did South Carolina OSHA adopt the Silica Rule identical to the Federal Rule?

Answer 3: Yes. South Carolina OSHA adopted the Silica rule identical to the Federal Standards. There are no differences.

Question 4: With very few B-readers in South Carolina, how will employers have the roentgenograms read in a timely manner?

Answer 4: In accordance with paragraph 1910.1053(i)(2) of the general industry final standard and paragraph 1926.1153(h)(2) of the construction final standard, the initial medical examination will consist of (1) a medical and work history, (2) a physical examination with special emphasis on the respiratory system, (3) a chest

x-ray interpreted and classified according to the International Labour Office (ILO) International Classification of Radiographs of Pneumoconiosis by a NIOSH-certified B Reader, (4) a pulmonary function test administered by a spirometry technician with a current certificate from a NIOSH approved course, (5) testing for latent tuberculosis (TB) infection, and (6) any other tests deemed appropriate by the physician or licensed health care professional (PLHCP).

In the Notice of Proposed Rulemaking (NPRM), OSHA requested comment on the availability of B Readers and pulmonary specialists to enable employers to achieve compliance with the medical surveillance provisions. After carefully reviewing the comments received on this issue, the Agency retained the requirement for B Readers given the ample evidence of sufficient numbers of B Readers and the value of B Reader interpretation according to ILO methods.

The Agency also retained the requirement for examination by a specialist based on X-ray evidence of silicosis or if otherwise deemed appropriate by the Physician or Licensed Health Care Professional.

Question 5: The rule just became effective and many employers are still working hard to comply with the rule. If OSHA comes on site, will an employer be cited?

Answer 5: On Sept. 20, 2017, Federal OSHA issued a 30-Day Enforcement Policy for the Silica Standard in Construction. An excerpt from the memo states: *During the first 30 days of enforcement, OSHA will carefully evaluate good faith efforts taken by employers in their attempts to meet the new construction silica standard. OSHA will render compliance assistance and outreach to assure that covered employers are fully and properly complying with its requirements.* The [memo](#) is accessible at the provided hyperlink.

Question 6: When is a HEPA filtered vacuum required? Is that determined by the number of hours the employee is exposed to crystalline silica?

Answer 6: The respirable crystalline silica standard requires all construction employers covered by the standard, including those who fully and properly implement the control methods specified in [Table 1](#) (see provided hyperlink), to avoid certain housekeeping practices. When cleaning up dust that could contribute to employee exposure to respirable crystalline silica, employers must:

- Not allow dry brushing or dry sweeping, unless methods such as wet sweeping and HEPA-filtered vacuuming are not feasible;

■ Not allow cleaning of surfaces or clothing with compressed air, unless the compressed air is used together with a ventilation system that effectively captures the dust cloud or no other cleaning method is feasible. Cleaning methods such as dry sweeping, dry brushing, and use of compressed air can cause respirable crystalline silica dust to get into the air and be inhaled by employees. Therefore, the silica standard limits the use of these cleaning methods to prevent unnecessary exposures to employees. Employers are required to use other cleaning methods such as wet sweeping and HEPA filtered vacuums, whenever feasible, because such methods reduce employee exposures by preventing silica-containing dust from getting into the air.

This information may be found on page 41 of the [Small Entity Compliance Guide for the Respirable Crystalline Silica Standard for Construction](#).

Question 7: If a worker is drilling a hole into the concrete and he is not using any type of vacuum system or if he is using a vacuum system that does **not** have a HEPA filter system, is he not following OSHA rules?

Answer 7: If the work requires the use of HEPA filtered vacuums and the employer is not adhering to the requirements set forth by OSHA, the employer is in violation of the standard.

Question 8: Would a maintenance worker in a hospital fall under General Industry or Construction Standards for Silica?

Answer 8: It depends on the type of the work the maintenance worker is required to do.

If it is considered construction work, OSHA's regulations define construction work as *"construction, alteration, and/or repair, including painting and decorating."* Section [1910.12\(a\)](#) further provides that OSHA's construction industry standards apply "to *every employment and place of employment of every employee engaged in construction work, to include hospitals*."

Unlike construction work, there is no regulatory definition for "maintenance," nor a specified distinction between terms such as *"maintenance," "repair," or "refurbishment."* "Maintenance activities" have commonly been defined in dictionaries as making or keeping a structure, fixture or foundation (substrates) in proper condition in a routine, scheduled, or anticipated fashion. In OSHA's directive on the general industry confined space standard, the Agency stated that maintenance involves *"keeping equipment working in its existing state, i.e., preventing its failure or decline"*

Construction work is not limited to new construction, but can include the repair of existing facilities or the replacement of structures and their components. For example, the replacement of one utility pole with a new, identical pole would be maintenance; however, if it were replaced with an improved pole or equipment, it would be considered construction.

Therefore, if the maintenance workers are performing construction activities where they are exposed to Silica, **they must comply with the requirements of the Silica standard which took effect on September 23, 2017 for all public and private sector employers in South Carolina.** However, Employers are required to comply **with methods of sample analysis by June 23, 2018.**

Question 9: How do I determine if I need to comply with the standard if my equipment/task is not identified in Table 1 of the Silica Rule?

Answer 9: [Table 1](#) lists 18 common tasks using various types of tools or equipment found at construction sites. Employers that **perform tasks not listed in Table 1**, or do not fully and properly implement the engineering controls, work practices, and respiratory protection described in Table 1 of the specified exposure control methods approach must follow the alternative exposure control methods approach.

Question 10: Where can I find additional information on Silica in Construction?

Answer 10: OSHA published a [Small Entity Compliance Guide for the Respirable Crystalline Silica Standard for Construction](#) accessible at the provided hyperlink.