

## OSHA Sends Respirable Crystalline Silica Rule to OMB for Final Review

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Practices

Workplace Safety and Health

The Occupational Safety and Health Administration has sent its comprehensive rule governing worker exposure to respirable crystalline silica to the White House's Office of Management and Budget for final review.

Silicosis is a uniquely occupational lung disease resulting from employees' exposure to crystalline silica. The disease can be fatal, but data from the National Institute for Occupational Safety and Health shows a steady decline in fatalities from silicosis since 1968. Despite the decline, in 2013, OSHA published a comprehensive proposal to reduce significantly the permissible exposure limit ("PEL") for the substance, along with numerous ancillary provisions designed, in the agency's view, to further protect workers.

During a conference call with stakeholders on December 21, the day the rule went to OMB, Secretary of Labor Tom Perez noted that existing standards are more than 40 years old and are inadequate to protect workers. He added that some provisions of the final rule differ from those originally proposed. As to the proposed rule, OSHA Assistant Secretary Dr. David Michaels, who also participated in the conference call, noted the agency received more than 2,000 public comments with more than 34,000 pages in submitted materials.

The rule is expected to cover silica-exposed workers in general industry, construction, and maritime. Industry sectors expected to be particularly affected include foundries, abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities, including highway repair, masonry, concrete work, rock drilling, and tuckpointing. OSHA put the cost of the proposed rule at \$664 million per year, a figure far below the billions industry representatives have forecasted. The agency also claimed the proposed rule would prevent nearly 700 deaths and more than 1,600 cases of silicosis yearly, and bring about annual monetized benefits of \$2.8 billion to \$4.7 billion.

The Mine Safety and Health Administration also is considering a silica regulation and has stated its intention to release a proposed rule in April 2016.

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