



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

<b>DIRECTIVE NUMBER:</b> CPL 04-00-021F	<b>EFFECTIVE DATE:</b> October 1, 2016
<b>SUBJECT:</b> Regional Local Emphasis Program on Crystalline Silica Exposure in Construction	
<b>REGIONAL IDENTIFIER:</b> Region I	

## ABSTRACT

- Purpose:** This notice renews a Regional Local Emphasis Program (LEP) for the inspection of commercial and residential construction operations having potential crystalline silica exposures in accordance with the provisions of CPL 03-00-007, National Emphasis Program – Crystalline Silica.
- References:**
1. OSHA Instruction CPL 03-00-007, National Emphasis Program – Crystalline Silica, January 24, 2008.
  2. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.
  3. Federal Register, Department of Labor, Occupational Safety and Health Administration, 29 CFR Parts 1910, 1915, and 1926, Occupational Exposure to Respirable Crystalline Silica; Final Rule (Vol. 81 Friday, No. 58 March 25, 2016)
- State Impact:** All state OSHA 21(d) Consultation Program offices in Region I will be invited to participate in the outreach associated with this instruction.
- Action Offices:** All Federal OSHA offices, Region I.
- Originating Office:** Boston Regional Office.
- Contact:** Ameer Bhatt, Assistant Regional Administrator  
Enforcement Programs & Technical Support  
John F. Kennedy Federal Building, Room E-340  
Boston, MA 02203

By and Under the Authority of

Jeffery A Erskine  
Acting Regional Administrator

## **Executive Summary**

This notice renews Regional Notice CPL 04-00-021, Regional Emphasis Program on Crystalline Silica Exposure Hazards in Construction to minimize employee exposures to crystalline silica hazards associated with commercial and residential construction through an outreach, compliance assistance, and enforcement program.

## **Significant Changes**

None

## TABLE OF CONTENTS

I.	Purpose.....	1
II.	Scope.....	1
III.	References.....	1
IV.	Effective Date .....	1
V.	Expiration.....	1
VI.	Background.....	1
VII.	Program Procedures .....	3
VIII.	Inspection Procedures .....	4
IX.	OIS Coding .....	4
X.	Program Evaluation .....	5
	Index.....	Index-1

**I. Purpose:**

This notice renews a Regional Local Emphasis Program (LEP) for outreach and compliance assistance and for inspections of commercial and residential construction operations that may be engaged in work giving rise to crystalline silica exposures to their employees. This LEP is in accordance with the provisions of OSHA Instruction CPL 03-00-007, National Emphasis Program – Crystalline Silica, dated January 24, 2008.

**II. Scope:**

This notice applies to commercial and residential construction operations whose work may expose their employees to crystalline silica. The operations covered by this LEP are located within the jurisdictional boundaries of the Federal OSHA states in Region I.

**III. References:**

OSHA Instruction CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEPs).

OSHA Instruction CPL 03-00-007, January 24, 2008, National Emphasis Program – Crystalline Silica.

OSHA Instruction CPL 02-00-141, July 14, 2006, Inspection Scheduling for Construction.

OSHA Instruction CPL 02-00-160, August 2, 2016; Field Operations Manual (FOM).

**IV. Effective Date:** This notice renewal becomes effective on October 1, 2016. Initial outreach and compliance assistance activities to inform employers, employees and other identified stakeholders of the existence and purpose of this program was completed by February 15, 2009. The enforcement element of this LEP commenced on February 15, 2009.

**V. Expiration:** Unless extended by the Regional Administrator, this notice will expire on September 30, 2017.

**VI. Background:**

A. The term “silica” refers broadly to the mineral compound silicon dioxide (SiO<sub>2</sub>). Silica can be crystalline or amorphous. Crystalline silica is significantly more hazardous to employees than amorphous silica. In addition to causing the disabling and irreversible lung disease silicosis, crystalline silica has been classified as a Group I carcinogen - Carcinogenic to Humans - by the International Agency for Research on Cancer (IARC) [IARC, 1997]. The term “silica” as it is used in this directive refers specifically to crystalline silica.

Crystalline silica is an important industrial material, and occupational exposure occurs in a variety of workplace settings, including mining, manufacturing, construction, maritime, and agriculture. Processes historically associated with high rates of silicosis include sandblasting, sand-casting foundry operations, mining, tunneling, cement cutting and demolition, masonry work, and granite cutting.

- B. Reducing and ultimately eliminating the incidence of occupational silicosis has been a primary goal of the Agency since its inception. In 1972, OSHA issued guidelines for conducting inspections in workplaces with significant crystalline silica exposure. In the early 1980s, the Agency placed a special emphasis on the prevention of silicosis in foundry personnel, and in 1996 OSHA implemented a Special Emphasis Program (SEP) to reduce the workplace incidence of silicosis. On January 24, 2008, a National Emphasis Program (OSHA Instruction CPL 03-00-007) was established that expands and builds upon the SEP.
- C. On March 25, 2016, OSHA published a Final Rule for Occupational exposure to Crystalline Silica. OSHA estimates these standards will save the lives of more than 600 workers each year and prevent more than 900 cases of silicosis each year once the full effects of the rule are realized.

This LEP is being implemented to direct inspection efforts of the CSHOs within Region 1 to address elevated silica exposures in the construction industry. Construction industries that have a potential for overexposure to crystalline silica based on OSHA inspection data (1996-2007) include the following entries from Appendix B of CPL 03-00-007:

1987 SIC Code	1987 SIC INDUSTRY TITLE	2002 NAICS Code
1521	General Contractors-Single Family Houses	236115, 236118
1522	General Contractors – Residential Buildings Other Than Single-Family	236115, 236118
1541	General Contractors - Industrial Buildings and Warehouses	236210, 236220
1611	Highway and Street Construction, Except Elevated Highways	237310
1622	Bridge, Tunnel, and Elevated Highway Construction	237310, 237990
1623	Water, Sewer, Pipeline, and Communications and Power Line Construction	237110, 237120, 237130
1629	Heavy Construction, n.e.c.	236210, 237110, 237120, 237130, 237990
1721	Painting and Paper Hanging	237310, 238320
1741	Masonry, Stone Setting and Other Stone Work	238140
1742	Plastering, Drywall, Acoustical, and Insulation Work	238310
1761	Roofing, Siding, and Sheet Metal Work	238160, 238170, 238390
1771	Concrete Work	238110, 238140, 238990
1794	Excavation Work	238910
1795	Wrecking and Demolition Work	238910
1799	Special Trade Contractors, n.e.c.	236220, 237990, 238150, 238190, 238290

## VII. Program Procedures

A. Outreach and Compliance Activities. The OSHA Area Offices and the respective State 21(d) Consultation Programs will continue to conduct compliance assistance and outreach activities intended to reach as many stakeholders in New England potentially affected by this LEP as is practicable. Compliance assistance activities will be conducted to inform interested parties of the existence, purpose and objectives of this regional emphasis program, as well as to promote employer and employee awareness of silica hazards associated with construction operations. It is expected that compliance assistance and outreach activities will continue throughout the duration of the LEP.

B. Inspection Scheduling:

1. Inspections shall be scheduled from a list of construction work sites rather than of construction employers, pursuant to CPL 02-00-025 and CPL 03-00-007. The list shall be developed primarily through the use of the OSHA Construction Inspection Targeting System. If, during the course of any construction inspection, a CSHO encounters a site that falls within any of the SIC/NAICS codes listed in Section VI.B. above, that inspection shall also focus on any activity(s) that potentially exposes employees to silica.
2. Cycle Generation: Each establishment on the corrected list will be assigned a sequential number, starting at the top of the list with number one.

A random number table will then be applied to create the first inspection cycle of five or more establishments. Subsequent cycles will be created in the same way until the expiration of the LEP or until all establishments on the list have been assigned to a cycle. Cycles may be created all at once or as needed, and need not be of the same size.

3. All compliance personnel shall be instructed to be observant of both commercial and residential construction operations having potential crystalline silica exposure hazards. Every observation of such operations shall be handled as follows:
  - a. Whenever a Compliance Safety and Health Officer (CSHO) observes or receives any other notice of a construction operation with potential crystalline silica exposure hazards (including non-formal complaints, other government agency referrals, media referrals and reports from members of the public) the CSHO shall:
    - (1) Make note of the state and condition of the work operation in so far as it is known, including any apparent serious hazards.
    - (2) Note the name and address or location of the worksite and the contractor performing the operation, if known.
    - (3) Consult with the Area Office Team Leader for further direction regarding inspection scheduling pursuant to this LEP.

**VIII. Inspection Procedures:**

- A. Scope: The scope of the inspections conducted under this LEP shall generally be limited to crystalline silica exposure hazards and to other hazards related to crystalline silica, such as respiratory protection and hazard communication. Any other potentially serious hazard(s) in plain view shall also be appropriately addressed.
- B. Safety and Health Considerations for CSHOs: Inspections under this LEP are to be conducted by CSHOs who have received the necessary training on the LEP and the hazards associated with crystalline silica. Each Area Director shall enter a project for this LEP into the Region I Performance Planning Application (PPA) or equivalent. The PPA and the PPA narrative section shall be updated each month with action taken under this LEP. The Area Director will ensure that appropriate training is provided to the Area Office staff. Compliance Officers shall anticipate and recognize the presence of crystalline silica prior to initiating the walk-around portion of the inspection, relying on previous inspection histories, material safety data sheets, and/or previous monitoring surveys. CSHO personal protective equipment such as respirators, gloves, eye-protection, hearing protection, steel-toed shoes, etc., will be selected based on the above information and will be worn during the course of the inspection. The CSHO shall be prepared to perform personal air monitoring at the onset of the inspection, and is strongly encouraged to monitor his/her exposure to crystalline silica.
- C. Further guidance for conducting inspections and preparing citations for silica-related violations may be found in CPL 03-00-007, Section XI.B.

**IX. OIS Coding:** Inspections conducted under this LEP will be identified in the OSHA OIS System as follows:

Recording silica-related inspections will be done on each OSHA form for tracking purposes. For each form that has an NEP/LEP or Strategic Plan field, “SILICA” will be entered in that field. Optional Information “ABRASIVE” is to be entered on all forms for situations where crystalline silica is used as the abrasive media when abrasive blasting is conducted, as shown in the table below.

OIS Form	NEP/LEP Fields	Additional Codes Field			Strategic Plan Activity
	Value	Type	I.D.	Value	Value
Inspection Report	SILICA	N	02	ABRASIVE	SILICA
UPA	SILICA	N	02	ABRASIVE	SILICA
Investigation	SILICA	N	02	ABRASIVE	SILICA
Compliance Assistance Form	SILICA	N	02	ABRASIVE	SILICA
Health Sampling Forms	SILICA	N	02	ABRASIVE	SILICA

**X. Program Evaluation:**

The Regional office will complete a composite evaluation report for the Area Office and submit it to the EPTS ARA no later than November 15 of each year that the LEP is in effect. The evaluation will include a description of inspections conducted (construction vs. general industry), the number of programmed and unprogrammed inspections conducted, the number of employers sent informational materials concerning silica hazards, an evaluation of the program in general and a recommendation for continuing or discontinuing the LEP.

The Area Director will submit a local evaluation report on the LEP to supplement the Region Office program assessment. The report will contain the following:

- Number of sites where engineering controls for crystalline silica were implemented
- Number of sites where crystalline silica was substituted with an alternative abrasive blasting agent