ABSTRACT

Purpose: This Notice establishes and implements a Regional Emphasis Program (REP) for the purpose of conducting silica and slab handling inspections in general industry operations pursuant to the OSHA National Emphasis Program on Crystalline Silica. The goal of this REP is to reduce the rate of workplace illnesses related to silica. The REP also addresses struck-by hazards during the handling of granite, marble, limestone, slate, and other stone slabs.

Scope: This Notice applies to Cut Stone and Stone Products operations located within the jurisdiction of each Area Office in Region VIII.

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

State Impact: None

Action Offices: Billings, Bismarck, Denver and Englewood Area Offices

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By and Under the Authority of:

Gregory J. Baxter
Regional Administrator, VIII
Executive Summary

This Notice establishes a Regional Emphasis Program for silica to reduce the rate of workplace illnesses related to silica exposures in the Cut Stone and Slab Handling industry through enforcement efforts in accordance with OSHA’s National Emphasis Program CPL 03-00-007 and the OSHA Strategic Plan.
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I. **Purpose:** This Notice establishes a Regional Emphasis Program (REP) for programmed inspections of the Cut Stone and Stone Products Industry which are causing or likely to cause illness leading to death. The REP also addresses struck-by hazards during the handling of granite, marble, limestone, slate, and other stone slabs which is likely to cause injury or death.

II. **Scope:** This Notice applies to Cut Stone and Stone Products industry operations located within the jurisdiction of each Area Office in Region VIII in NAICS code 327991, Cut Stone and Stone Product Manufacturing.

III. **References:**

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

B. OSHA Instruction CPL 02-00-025 January 4, 1995 Scheduling System for Programmed Inspections.

C. OSHA Instruction CPL 02-00-51, Appendix A, May 27, 2014 Exemptions and Limitations under the Current Appropriations Act, or the most current version in effect at the time of the opening conference.

D. OSHA Instruction CPL 02-00-150 Field Operations Manual, April 22, 2011, or the most current version in effect at the time of the opening conference.

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

F. October 18, 2002, OSHA Memorandum: Annual Evaluations of Local Emphasis Programs


IV. **Expiration Date:** September 30, 2015

V. **Action Office:** Billings, Bismarck, Denver and Englewood Area Offices

VI. **Background:** In OSHA’s Strategic Plan, OSHA identified silica as a target hazard for the purpose of reducing the rate of workplace injuries and illnesses related to silica exposure.

Crystalline silica is a common substance that is the basic component of sand, quartz and granite rock. Occupational exposure to crystalline silica dust has long been known to produce silicosis, pneumoconiosis or dust disease of the lung. Activities such as
sandblasting, rock drilling, roof bolting, foundry work, stone cutting, drilling, quarrying, brick/block/concrete cutting, gunite operations, lead-based paint encapsulant applications, and tunneling through the earth’s crust can create an airborne silica exposure hazard.

The State of Colorado does not collect silicosis-tracking information through the State Department of Health, and there is no tracking mechanism in place through occupational care centers or through National Jewish Hospital, the respiratory illness specialty treatment center in Denver. After review of the available information, it was determined that the best course of action would be to target establishments which are likely to have overexposures to silica based on OSHA’s previous experience. Establishments in NAICS code 327991, Cut Stone and Stone Products Manufacturing, are primarily engaged in cutting, shaping, and finishing of granite, marble, limestone, slate and other stone products which contain quartz (silica). During the cutting, shaping, and finishing of products containing silica, employees are exposed to airborne silica dust.

According to NIOSH, at least 1.7 million U.S. workers are exposed to respirable crystalline silica in a variety of industries and occupations, including construction, sandblasting, and mining. Silicosis, an irreversible but preventable disease, is the illness most closely associated with occupational exposure to the material, which also is known as silica dust. Occupational exposures to respirable crystalline silica are associated with the development of silicosis, lung cancer, pulmonary tuberculosis, and airways diseases. These exposures may also be related to the development of autoimmune disorders, chronic renal disease, and other adverse health effects.

In addition, employees are exposed to crushing hazards while moving stone slabs on and off vehicles and throughout the shop. OSHA Safety and Health Information Bulletin (SHIB) 08-12-2008 details the hazards associated with stone slab handling. This SHIB reports the potential for serious injuries and fatalities associated with the storage and handling of stone slabs.

Based upon the widespread occurrence and use of crystalline silica across the major industrial groups (maritime, construction and general industry), and in consideration of the number of silicosis related deaths, NIOSH estimates for the number of exposed workers, and the health effects of crystalline silica dust exposure (e.g. pulmonary fibrosis, lung and stomach cancer), Region VIII is implementing a regional targeting program based on a national program to assure worker protection from overexposure to crystalline silica dust.

VII. Inspection Scheduling and Selection of Sites: The procedures outlined in the April 21, 2014 OSHA Memorandum: Generation and Randomization of Inspection Targeting Lists will be followed.

A. Establishments that have received an inspection, where employee exposures to silica have been evaluated within the previous 36 months of the creation of the current inspection cycle will be deleted from the list provided either that no serious violations
related to silica exposures were cited or that serious violations were cited but a follow-up inspection documented effective abatement of the cited conditions.

B. The Area Office may delete an establishment if it is determined that:

1. The establishment is a residence.

2. The establishment is not in the scope of the NEP (e.g., the establishment is clearly conducting business other than that covered by the REP).

3. There is no evidence that the facility exists (e.g., no phone or internet listing; no registration with the Secretary of State; Google Earth or Street View shows conclusively that the business is non-existent).

The criteria used to delete any establishment must be fully documented by the Area Office.

C. In the event a cycle is not completed on or before expiration of this Notice, the cycle will be extended into the new fiscal year, provided this Notice is renewed. The outstanding cycle will be completed by each Area Office before establishments are selected from the new master list. If the Notice is not renewed, the outstanding cycle is effectively cancelled and the Area Office is not obligated to complete inspections on the remaining establishments within the cycle.

VIII. Inspection Procedures:

A. General:

1. Inspection procedures outlined in CPL 03-00-007 National Emphasis Program—Crystalline Silica January 24, 2008 and the (OSHA Instruction CPL 02-00-150 Field Operations Manual), will be followed on silica-related inspections. Compliance officers (CSHOs) will be instructed about potential jurisdictional issues with the Mine Safety and Health Administration (MSHA) when performing these inspections. The Area Office will eliminate all establishments discovered to be under the jurisdiction of MSHA. However, CSHOs will be instructed to contact a supervisor at the Area Office if they receive new information regarding potential jurisdictional problems during an inspection conducted under this program.

2. In addition to evaluating the silica related hazards on these inspections, the CSHO will also evaluate the procedures for handling and moving slabs of stone and marble, as these tasks pose serious crushing hazards to employees.

3. The CSHO’s will also evaluate employees’ potential exposures to noise during stone fabrication activities.
4. Establishments with ten or fewer employees will be included in this program.

5. Upon arrival at the establishment, if it is determined that the company has changed ownership, but still performs work covered by SIC 3281/NAICS 327991, the inspection will be conducted.

6. Upon arrival at the facility, if the CSHO determines that the targeted business does not fall within SIC 3281/NAICS 327991, but potential silica hazards exist, then the inspection will be continued.

7. If it is determined that the business establishment is in a different physical location than that identified by the targeting list, and the CSHO is able to determine the current location of the business establishment, an inspection of the establishment will be conducted. This includes follow-up inspections of companies originally inspected under this REP.

B. **Unprogrammed inspections:**

1. If an unprogrammed inspection is conducted concurrently with an inspection pursuant to this REP, the inspection will be coded as an REP inspection.

2. A complaint or referral alleging exposure to silica hazards in an industry other than NAICS 327991 will be handled in accordance with the Complaint Directive and the National Emphasis Program for crystalline silica and will be inspected. These inspections will not be coded as REP inspections.

IX. **Outreach:** Outreach materials regarding silica and slab handling hazards will be mailed directly to all employers on the master list prior to the initiation of any inspections.

X. **Partnerships:** Partnerships may be developed with the covered employers in accordance with OSHA Instruction CSP 03-02-003, November 6, 2013, OSHA Strategic Partnerships Program for Worker Safety and Health.

XI. **OIS Coding:** Inspections conducted under this REP will be identified in the OSHA Information System (OIS) as follows:

A. The OIS Inspection Form for any programmed inspection scheduled under the procedures in this REP will be marked “Programmed Planned” in the Initiating Type block. The Local Emphasis Program block shall be coded “SILICA”. The word “SILICA” will also be recorded in the National Emphasis Program block.

B. The OIS Inspection Form for any unprogrammed inspection scheduled under the provisions of the FOM related to complaints or referrals requiring inspection, imminent danger, and fatality catastrophe investigations will be coded as normally
required under the FOM. In addition, the designation “SILICA” will be recorded in the National Emphasis Program block.

C. Additionally, for situations where crystalline silica is used as the abrasive media then “N 02 ABRASIVE” should be entered in the Additional Codes block, Add From Reference tab.

XII. Program Evaluation: No later than October 31, 2015, the Area Office will provide an evaluation of this REP to the Regional Office. The Regional Office will provide the National Office with one evaluation of this REP. At a minimum, the evaluation should respond to the requirements of CPL 04-00-001, Section D, Appendix A and Directorate of Enforcement Programs memorandum dated October 18, 2002 for Annual Evaluations of Local Emphasis Programs (LEPs).

DISTRIBUTION: Directorate of Enforcement
Regional Office of the Solicitor