



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2022-01

EFFECTIVE DATE: February 8, 2022

SUBJECT: Regional Emphasis Program on Silica in Cut Stone and Slab Handling

REGIONAL IDENTIFIER: Region VIII

ABSTRACT

Purpose: The purpose of this Notice is to establish a Regional Emphasis Program (REP) to reduce incidents of workplace illness related to silica. It targets a specific industry expected to have high exposures to Respirable Crystalline Silica (RCS) and focuses on enforcement of the new RCS Standard, 29 CFR § 1910.1053.

The REP also addresses struck-by and crushing hazards during the handling of granite, marble, limestone, slate, and other stone slabs.

Scope: This Notice applies to Cut Stone and Stone Products operations, NAICS code 327991, 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.

Cancellations: None

State Impact: None

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

Originating Office: Denver Regional Office

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By and Under the Authority of:

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Regional Administrator – Region VIII

Executive Summary

This Notice describes policies and procedures for implementing a Regional Emphasis Program (REP) to reduce the incidents of workplace illness related to silica. It targets a specific industry expected to have high exposures to Respirable Crystalline Silica (RCS) and focuses on enforcement of the RCS Standard, 29 CFR § 1910.1053.

The REP also addresses struck-by and crushing hazards during the handling of granite, marble, limestone, slate, and other stone slabs.

TABLE OF CONTENTS

I. Purpose 4

II. Scope 4

III. References 4

IV. Expiration Date 5

V. Action Office..... 5

VI. Background 5

VII. Inspection Scheduling 6

VIII. Inspection Procedures 6

IX. Outreach 8

X. Partnerships/Alliances..... 8

XI. OIS Coding 8

XII. Program Evaluation 9

I. Purpose: This Notice establishes a Regional Emphasis Program (REP) for programmed inspections of the Cut Stone and Stone Products Industry, NAICS code 327991. It focuses on enforcement of the RCS Standard, 29 CFR § 1910.1053. Workplaces operating within the NAICS code of 327991 include businesses where workers are currently at risk of RCS exposure above the PEL of 50 µg/m³ as an 8-hour TWA and the Action Level of 25 µg/m³. The REP also addresses struck-by and crushing hazards during the handling of granite, marble, limestone, slate, and other stone slabs, which are likely to cause serious 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 02-00-164, Field Operations Manual (FOM), April 14, 2020, or the most recent version at the time of the inspection opening conference.
- B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.
- C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- D. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.
- E. October 18, 2002, OSHA Memorandum: Annual Evaluation of Local Emphasis Programs.
- F. November 12, 2014, OSHA Memorandum: Establishments – Targeting Lists for Emphasis Programs.
- G. Title 29 Code of Federal Regulations, Part 1910.
- H. December 3, 2014, OSHA Memorandum: Procedures for Local and Regional Emphasis Programs.
- I. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, January 29, 2016, or the most recent version at date of inspection opening conference.
- J. OSHA Instruction CPL 03-00-007, National Emphasis Program on Crystalline Silica, February 4, 2020.

IV. **Expiration Date:** February 8, 2027

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

VI. **Background:** In OSHA's FY 22 Agency Management 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 mineral found in many naturally occurring materials and used in many industrial products. Materials including sand, concrete, stone, and mortar contain crystalline silica.

RCS consists of very small silica particles, typically at least 100 times smaller than ordinary sand found on beaches or playgrounds. RCS is generated by high-energy operations like cutting, sawing, grinding, drilling and crushing stone, rock, concrete, brick, block, and mortar, and when abrasive blasting with sand. In particular, silica exposure during the fabrication of artificial stone countertops is an emerging hazard that has been associated with several recent outbreaks of severe accelerated silicosis in young workers in the U.S.

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. Inhalation of elevated levels of RCS particles poses a health hazard and can cause multiple diseases, including silicosis, an incurable, but preventable, lung disease that can lead to disability and death. Exposure to RCS can also cause lung cancer, chronic obstructive pulmonary disease (COPD), and kidney disease. When specific activities generate respirable dust, silica is then released into the air, which creates inhalation hazards.

Establishments in NAICS code 327991, Cut Stone and Stone Products Manufacturing, are primarily engaged in the cutting, shaping, and finishing of granite, marble, limestone, slate and other stone products which contain silica. During these activities, employees are exposed to airborne silica dust.

In addition, employees are exposed to struck-by and crushing hazards while moving stone slabs on and off vehicles and throughout the fabrication 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.

VII. **Inspection Scheduling and Selection of Sites:** The procedures outlined in the November 12, 2014, OSHA Memorandum: Establishments-Targeting Lists for Emphasis Programs

will be followed.

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 February 4, 2020 and the (OSHA Instruction CPL 02-00-150 Field Operations Manual), will be followed on silica-related inspections.
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 artificial as well as natural stone and marble, as these tasks pose serious struck-by and 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 or legal name, but still performs work covered by 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 NAICS 327991, but potential silica hazards exist, then the inspection will be conducted.
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.
8. CSHOs shall protect themselves against all hazards during an inspection. They shall wear appropriate respiratory protection inside an RCS-regulated area or other areas where exposures are likely to exceed the PEL. Respirators

shall be selected in accordance with the respirator selection procedures in CPL-02-02-054, Respiratory Protection Program Guidelines.

9. If an employer cited under the provisions of this Instruction has not reduced exposures to at or below the PEL within the time period specified on the citation, then a follow-up inspection shall be conducted based on available resources.
10. Follow-up inspections should also be conducted if there any unabated violations of other provisions of the standard.
11. A follow-up inspection is not required when the Area Office has specific knowledge and documentation indicating there are no workers exposed to RCS.

B. Unprogrammed inspections:

1. If an unprogrammed inspection is conducted concurrently with an inspection pursuant to this REP, the inspection will not be coded as an REP inspection.
2. Complaints and referrals alleging potential worker exposures to RCS or involving workers with symptoms of exposure to RCS (e.g., dry chronic cough, sputum production, shortness of breath, and reduced pulmonary function) shall be treated as having priority and a health inspection shall be conducted. These inspections will not be coded as REP inspections.
3. Employers participating in cooperative programs may be exempt from programmed inspections. After inspection lists are generated, the Area Office should contact the Cooperative and State Programs Unit in their Regional Office to determine if any company on the list should be exempted.
4. If an establishment selected for inspection under this REP is also selected under the current SST plan, then, whenever possible, REP and SST plan inspections should be conducted concurrently.

- IX. Outreach:** The Regional Office and Area Offices will be responsible for developing and implementing a robust and comprehensive outreach program relating to the hazards of silica exposure and slab handling to minimize or eliminate exposures to employees. The regional and area offices will focus outreach efforts on employers, trade associations, insurance carriers, and other organizations associated with the NAICS code covered by this instruction. These outreach activities may include presentations, webinars, mass mailing of letters and/or e-mails about the REP and silica hazards, and distribution of the

Region VIII compliance assistance newsletter. Outreach efforts will take place at least 90 days prior to conducting inspections and on an ongoing basis thereafter.

X. Partnerships/Alliances: Partnerships/Alliances may be developed with the covered employers in accordance with the pertinent OSHA Instruction.

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 *Regional Emphasis Program* block shall be coded “SILICA”.
- B. Unprogrammed inspections should include coding to indicate the REP as a secondary reason for the inspection.

XII. Program Evaluation: The Area Director shall ensure that a report is submitted to the Assistant Regional Administrator – Enforcement Programs by October 30th of each year that the REP is active for a program review and evaluation. Where necessary, minor corrections or amendments shall be made as necessary to ensure the goals of the REP are being met.

- A. The program report must, at a minimum, address the REP’s role in meeting OSHA’s goals and initiatives, such as:
 - The number of employees covered;
 - Abatement measures implemented;
 - The number of violations related to slab handling hazards;
 - The number of violations related to silica hazards.

DISTRIBUTION: Directorate of Enforcement
Regional Office of the Solicitor