VI RGI N I A OCCUPATIONAL SAFETY & HEALTH (VOSH) & FINAL SILICA RULE

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“Making VA a better place to live and work!”
Our mission is to make Virginia a better place in which to work, live, and conduct business by promoting safe and healthful workplaces.

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22 Individual States administer their own occupational safety and health programs.

- Must be at least as protective as federal OSHA standards.
- Cannot omit, but may add additional requirements.

VIRGINIA IS A STATE PLAN STATE

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VOSH- STATE PLAN

Administered by the Virginia Department of Labor and Industry.

- Virginia Occupational Safety and Health Program, or VOSH was created in 1972.
- Compliance (enforcement).
- Voluntary Programs (Consultation)
- Other DOLI programs: Registered Apprenticeship, Boiler Safety, Labor Law.
VOSH - STATE PLAN

Department of Labor and Industry
Office Locations

Manassas Regional Office
Verona Field Office
Southwest Regional Office
Abingdon Field Office
Lynchburg Field Office
Headquarters Office
Tidewater Regional Office
Central Region Office

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VOSH- STATE PLAN

http://www.doli.virginia.gov/

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VOSHI NSPECTION PRIORITY

1. Imminent Danger:
Reasonable certainty an immediate danger exists

2. Fatality/Catastrophe:
Reported to OSHA/VOSH; inspected ASAP

3. Complaints/Referrals:
Concerns about an occupational safety or health hazard

4. Programmed /Emphasis Inspections:
Cover industries and employers with high injury and illness rates, specific hazards, or other exposures.

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VOSH Inspection Process

- Presentation of credentials
- Opening Conference
- Walk-around
- Interviews
- Closing Conference
Presentation of credentials

The on-site inspection begins with the presentation of the compliance officer’s credentials, which include both a photograph and a serial number.

Employer may refuse entry but officer will obtain a warrant and return.
Opening Conference

The compliance officer will:

- Explain why OSHA selected the workplace for inspection
- Describe the scope of the inspection
- Walk-around procedures
- Conduct Employee interviews.

The employer then selects a representative to accompany the compliance officer during the inspection. Employee representatives are allowed to participate in the inspection.
Walk-around

- Compliance officer and the representatives will walk through the portions of the workplace covered by the inspection, inspecting for hazards that could lead to employee injury or illness;

- The compliance officer will also review worksite injury and illness records, safety and health programs and training; and the posting of the required posters;

- Compliance officers may point out some apparent violations that can be corrected immediately. While the law requires that these hazards must still be cited, prompt correction is a sign of good faith on the part of the employer.
Interviews

- Free and open exchange of information between the Compliance Officer and employees is essential to an effective inspection.
- Interviews are conducted in private, confidence and without repercussion.
Closing Conference

- Compliance officer holds a closing conference with the employer and the employee representatives to discuss the findings.

- The compliance officer discusses possible courses of action an employer may take following an inspection, which could include requesting an informal conference or contesting citations and proposed penalties.

- The compliance officer also discusses consultation services.
On-Site Consultation Services for Employers

➢ To help employers better understand and voluntarily comply with the Virginia Occupational Safety and Health (VOSH) standards, the Department of Labor and Industry provides On-Site Consultation services. This program helps employers identify and correct potential safety and health hazards. Priority is given to high hazard workplaces with 250 or fewer employees and less than 500 employees corporate wide.
Safety and Health Walk-Through Surveys

- At your request, a safety and/or health specialist will visit your business to explain the survey process. If you agree to participate, hazards and violation will be identified during a walk-through at your place of business. This walk-through will be similar to a VOSH compliance inspection, except no citations or penalties will be issued.
VOSH Consultation

Industrial Hygiene Monitoring

- At your request, a health consultant (Industrial Hygienist) will conduct IH sampling.
- Contaminants need to be identified well in advance of the visit.
- Sampling will be conducted using approved methods.
Abatement advice

- Any hazards or violations identified by the consultant will be discussed during the visit. A written report of the findings will be presented, including advice for eliminating existing and potential safety or health hazards.
Training

- Training will be conducted on-site and recommendations for ongoing training will be provided.

Program Assistance

- Assistance will be provided to develop safety and health programs that will prevent injuries and illnesses by eliminating and controlling hazards.
No penalty/No cost to you

- The on-site survey is conducted without citations or penalties. The Consultation Services Program is state/federally funded. These services are offered at no cost to you.

Employers requesting consultation services must:

- Appoint a designated representative to opening and closing conferences
- Correct hazards identified by the consultant
- Post the list of hazards the consultant identifies
- Submit a written report verifying hazard correction
RESPIRABLE CRYSTALLINE SILICA RULE

Effective date in VA - Dec 1, 2016

Final Federal Rule
Effective June 23, 2016

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RESPIRABLE CRYSTALLINE SILICA

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Exposure to respirable crystalline silica has been linked to:

- Silicosis;
- Lung cancer;
- Chronic obstructive pulmonary disease (COPD); and
- Kidney disease.
Permissible Exposure Limit (PEL):
- 50 µg/m³ as an 8-Hour TWA

Action Level:
- 25 µg/m³ as an 8-Hour TWA
INDUSTRIES AND OPERATIONS WITH SILICA EXPOSURES

- Construction
- Glass manufacturing
- Pottery products
- Structural clay products
- Concrete products
- Foundries
- Dental laboratories
- Paintings and coatings
- Jewelry production
- Refractory products
- **Asphalt products**

- Landscaping
- Ready-mix concrete
- Cut stone and stone products
- Abrasive blasting in:
  - Maritime work
  - Construction
  - General industry
- Refractory furnace installation and repair
- Railroads
- Hydraulic fracturing for gas and oil

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(a) Scope
(b) Definitions
(c) Permissible exposure limit (PEL)
(d) Exposure assessment
(e) Regulated areas
(f) Methods of compliance
   (1) Engineering and work practice controls
   (2) Written exposure control plan
(g) Respiratory protection
(h) Housekeeping
(i) Medical surveillance
(j) Communication of silica hazards
(k) Recordkeeping
(l) Dates

12 sections
Measure the amount of silica that employees are exposed to determine if it may be at or above the action level = 25 µg/m³ for an 8-hr TWA

Protect workers from the silica exposure above the PEL = 50 µg/m³ for an 8-hr TWA

Limit employee access to areas where they could be exposed above the PEL

Establish and implement a written exposure control plan that identifies tasks that involve exposure and methods used to protect employees

Use dust controls to protect workers from silica exposure above the PEL
**General Industry | Maritime Standards**

**Main Points**

- **Provide respirators to employees** when dust controls cannot limit exposure to the PEL

- **Restrict housekeeping practices** that expose workers to silica where feasible alternatives are available

- **Offer medical exams** – including chest x-rays and lung function test every 3 years for workers exposed at or above the action level for 30 or more days per year

- **Communication of silica hazards:** informing and training employees on work operations that result in silica exposure and ways to limit exposure

- **Keep records** of employee silica exposure and medical exams

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Employers must comply with all requirements of the standard by **June 23, 2018**, except:

- Comply with the **action level trigger for medical surveillance by June 23, 2020**. (The PEL is the trigger from June 23, 2018 through June 23, 2020.)

- **Hydraulic fracturing operations in the oil and gas industry** must implement engineering controls to limit exposures to the **new PEL by June 23, 2021**.
CONSTRUCTION STANDARD 1926.1153

(a) Scope
(b) Definitions
(c) Specified exposure control methods OR
(d) Alternative exposure control methods
  • PEL
  • Exposure Assessment
  • Methods of Compliance
(e) Respiratory protection
(f) Housekeeping
(g) Written exposure control plan
(h) Medical surveillance
(i) Communication of silica hazards
(j) Recordkeeping
(k) Dates

11 sections

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CONSTRUCTION STANDARD 1926.1153
MAIN POINTS

- Establish and implement a written exposure control plan that identifies task that involve exposure and methods used to protect employees, including procedures to restrict access to work areas where high exposures may occur.

- Designate a competent person to implement the written exposure control plan.

- Restrict housekeeping practices that expose workers to silica where feasible alternatives are available.

- Offer medical exams – including chest x-rays and lung function test – every 3 years for employees who are required by the standard to wear a respirator for 30 or more days per year.

- Communication of silica hazards: informing and training employees on work operations that result in silica exposure and ways to limit exposure.

- Keep records of employee silica exposure and medical exams.
CONSTRUCTION STANDARD 1926.1153
COMPETENT PERSON

- Capable of **identifying existing and foreseeable** respirable crystalline silica hazards;
- **Authorized to take prompt** corrective measures;
- **Knowledge and ability to implement written exposure control plan** that complies with paragraph (g).
However:

- Employers who follow TABLE 1 correctly are not required to measure employees’ exposure to silica and are not subject to the PEL.

- TABLE 1 matches common construction task with dust control methods so employers know exactly what they need to do to limit exposure to silica.
## CONSTRUCTION STANDARD 1926.1153

**TABLE 1 - EXAMPLE**

<table>
<thead>
<tr>
<th>Equipment / Task</th>
<th>Engineering and Work Practice Control Methods</th>
<th>Required Respiratory Protection and Minimum APF</th>
</tr>
</thead>
</table>
| Handheld power saws (any blade diameter) | Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturers’ instruction to minimize dust  
- When used outdoors  
- When used indoors or in an enclosed area | None  
≤ 4 hr/shift  
APF 10  
> 4 hr/shift  
APF 10 |

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### Table 1 - Example

<table>
<thead>
<tr>
<th>Equipment / Task</th>
<th>Engineering and Work Practice Control Methods</th>
<th>Required Respiratory Protection and Minimum APF</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vehicle-mounted drilling rigs for rock and concrete</strong></td>
<td>Use dust collection system with close capture hood or shroud around drill bit with a low-flow water spray to wet the dust at the discharge point from the dust collector. OR Operate from within an enclosed cab and use water for dust suppression on drill bit.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>

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**CONSTRUCTION STANDARD 1926.1153**

**TABLE 1 - ENTRIES**

<table>
<thead>
<tr>
<th>Stationary masonry saws</th>
<th>Handheld grinders for mortar removal (tuckpointing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handheld power saws</td>
<td>Handheld grinders for other than mortar removal</td>
</tr>
<tr>
<td>Handheld power saws for fiber cement board</td>
<td>Walk-behind milling machines and floor grinders</td>
</tr>
<tr>
<td>Walk-behind saws</td>
<td>Small drivable milling machines</td>
</tr>
<tr>
<td>Drivable saws</td>
<td>Large drivable milling machines</td>
</tr>
<tr>
<td>Rig-mounted core saws or drills</td>
<td>Crushing machines</td>
</tr>
<tr>
<td>Handheld and stand-mounted drills</td>
<td>Heavy equipment and utility vehicles to abrade or fracture silica materials</td>
</tr>
<tr>
<td>Dowel drilling rigs for concrete</td>
<td>Heavy equipment and utility vehicles for grading and excavating</td>
</tr>
<tr>
<td>Vehicle-mounted drilling rigs for rock and concrete</td>
<td></td>
</tr>
<tr>
<td>Jackhammers and handheld powered chipping tools</td>
<td></td>
</tr>
</tbody>
</table>

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Department of Labor and Industry
### TABLE 1 – EMPLOYER RESPONSIBILITIES

- Controls are present and maintained
- Employees understand the proper use of those controls and use them accordingly

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Employers must comply with all requirements by **June 23, 2017** (except methods of sample analysis).

Compliance with methods of sample analysis required by **June 23, 2018**.
Respirable Crystalline Silica Guidance and Outreach

- Silica Rulemaking Webpage: [www.osha.gov/silica](http://www.osha.gov/silica)
  - Fact sheets
  - FAQs
  - Video
- VA DOLI website: [www.doli.virginia.gov](http://www.doli.virginia.gov)
  - Required workplace Posters
  - Local VOSH Offices
- Small Entity Compliance Guides
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