



March 10, 2017

Mr. Edward C. Hugler
Acting Secretary of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Mr. Hugler:

On behalf of the Construction Industry Safety Coalition (“CISC” or the “Coalition”), we write to request that the Occupational Safety and Health Administration (“OSHA” or the



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Employers in the construction industry must comply with the standard by June of this year, whereas general industry employers are required to meet the standard by June 23, 2018. One of the

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One common construction task that OSHA suggested in the preamble to the rule would not be covered by the standard is mortar mixing, as OSHA speculated that exposures when performing this task would be under the action level in all foreseeable instances. This task is also not included in Table 1. Despite OSHA's claims about exposures when mixing mortar falling below the action level, it did not exempt the task from the standard. And, because the task is not included in Table 1, mason contractors are almost universally having to conduct exposure monitoring for this task to determine whether, and to what extent, this activity will be covered by the rule.

Many construction employers continue to be confused by the requirement in the rule that employers follow manufacturer's instructions to minimize dust emissions for certain tasks on Table 1. It is unclear how OSHA would enforce this and there are numerous examples of manufacturer's instructions for operation and maintenance that are included in manuals for reasons unrelated to worker safety and health. As just one example, we have been informed that handheld grinders with a shroud and dust collection system cannot be used flush against the work surface for many common tasks, such as finishing concrete columns. This can run afoul of manufacturer recommendations for use of the tool to minimize dust emissions and would potentially be a violation of Table 1 if that method of control were utilized.

Indeed, many construction employers have realized the limitations of Table 1 and are now having to monitor numerous tasks in different environments to start to understand how to comply with the silica rule. One member hired an industrial hygienist to conduct exposure monitoring for a particular job/task at the end of January of this year. It took 35 days for the hygienist to return the results from the sampling performed, an extraordinarily long period of time. The sampling process and expected delays are further complicating any hope of compliance with the standard.

These difficulties filter through to the other ancillary requirements of the rule, as many requirements are triggered by exposures and controls implemented. For example, the rule requires construction employers to implement a written exposure control plan for workplaces with exposure to crystalline silica. This plan must include, among other things, "[a] description of the engineering

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Natural Stone Council
The Association of Union Constructors
Tile Roofing Institute

cc: Dorothy Dougherty
Nicholas Geale
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