

Waiting for the dust to settle

We are seeing some buzz in the industry that OSHA may pull back on the Silica regulation requirement. Yeah, there have been a few big fines, but in general, the feedback is that OSHA has not been aggressively enforcing this. Will it get repealed?

We think, NO, and here's why.

What is the silica rule all about? Providing a structure and process to ensure workers do not get silicosis from prolonged exposure. Follow some basic practices and you are clear, right? Maybe.

Let's take a step back and think this through. The hardest part about the revised silica requirements is often the administrative process. Air monitoring for tasks outside of [Table 1](#), written [exposure control plans](#), competent person training, medical exam requirements, and record keeping. Why does this matter?

This isn't the same as fall protection requirements. "Don't wear your harness, and as long as you don't fall, and OSHA doesn't catch you, no harm, right?" (We disagree, but we've heard this argument before.)

I think we can all agree that construction dust is seldom a good thing. Grinding, sanding, and mixing materials are never kind to our bodies when ingested, inhaled or absorbed in any way. I have a close family member that has worked in plaster, stucco and masonry for over 40 years. He's terrified to go see his doc because he knows there will be a resulting diagnosis of mesothelioma. He can feel it when he breathes.

The fact is, if you don't follow the requirements of the [Silica Rule](#), years from now, a sick worker may file claims. If you can't prove that all the requirements were met, you may have some exposure to liability. What other rule does that sound like? RRP, and Asbestos abatement, right?

We've seen some news about [fines](#) for non-compliance of the Silica Rule at the top end between \$100K and \$300K (just 4 months ago). That hurts. The average settlement of an asbestos-related case is \$2.4 million - and the average cost of actually litigating an Asbestos case is in the \$6 million range. That would put a lot of contractors out of business, regardless of any OSHA involvement.

The current silica issue, in many ways, parallels past programs and regulations around lead and asbestos exposure. Compliance laws and violation enforcement on these and other toxic materials will always exist, for one underlying reason - the worker.

OSHA isn't there to levy fines, It's there as an advocate for worker safety, period. Follow the process and protect your workers, and your business, at the same time.

We can lobby and get involved in regulatory controversies, but ultimately OSHA will do what they need to - to ensure worker safety.

digging deeper

Check out these links for more detailed information about silica news and regulations.

[General Silica Info and Products](#)

<https://www.businessinsurance.com/article/20181022/NEWS08/912324701/OSHA-mulling-silica-stan>

[dard-revisions-record-keeping-changes](#)

<https://www.constructiondive.com/news/osha-considers-silica-rule-changes/540449/>

<https://www.assp.org/news-and-articles/2018/06/27/osha-silica-enforcement-behind-the-statistics>

<https://www.asbestos.com/mesothelioma-lawyer/settlements/>

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