

More Information from NAM Regarding its study of OSHA's Proposed Silica Rule

It is critical that we understand the impact on the manufacturing sector of OSHA's planned reliance on the approach known as the "hierarchy of controls" in structuring this rule. Under this approach, employers would be required to adopt the OSHA-preferred control measures -- feasible product substitution, feasible engineering controls and feasible administrative controls.

If, despite the use of all feasible "OSHA-preferred" control measures, an employer was unable to reduce exposure levels down to the proposed PEL, the employer would then be required to provide respiratory protection to reduce exposure.

The employer would be required to reduce exposure levels by adopting OSHA-preferred control measures, even though the respiratory protection, by itself, would have been adequate to reduce exposure.

Employers and employees will be obligated to bear the burden of potentially substantial costs of implementing the OSHA-preferred control measures when they are only partially effective.

In addition to reducing the permissible exposure level (PEL) and establishing an action level, the proposed rule would establish requirements for periodic exposure monitoring, medical surveillance for workers exposed above the PEL for at least 30 days per year, work zones with limited access, limitations on job rotation and use of respirators for exposure control.

OSHA's proposed rule is premised upon its preliminary conclusions regarding the justification for the standard, the feasibility of achieving compliance, the costs of compliance, and the impact of the proposed rule on the operations and viability of the affected businesses. OSHA's conclusions regarding technical feasibility and economic impact are based on limited and decade-old data, and it is unclear how effectively OSHA took into account the great diversity among employers that perform the same operations or activities.

These are the issues we intend to address in our comments.

We encourage you to work with the appropriate personnel responsible for workplace safety at your company to complete this [survey](#).

We understand that many companies many not be able to answer every question, but we do encourage you to respond to as many as possible. The survey is lengthy because the issues are complex and varied.

We assume that if you complete the survey, there is the potential for your employees to be exposed to respirable crystalline silica (RCS).

Should you have any questions, or wish to send us more comprehensive responses via e-mail instead of using the form, please feel free to contact the NAM's Amanda Wood at (202) 637-3128 or awood@nam.org.