

Recording Information: Respirable Silica Task Force Meeting WEB EX LOGIN 8:00am
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Dr. David Michaels Remarks: Respirable Crystalline Silica Proposed Rule

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*Companion Talking Points for Presentation to STEPS Network on the Proposed Rule
on Crystalline Silica and the Hydraulic Fracturing Industry*

[Slide 1]

- Thank you for having me. I am honored to be here with this hardworking group.
- We have worked together in efforts on the safety stand downs, to address causes of fatalities in oil and gas operations, and to work together on issues related to silica exposure in hydraulic fracturing. Thank you for helping OSHA save lives.

[Slide 2] Background on Proposed Rule:

- I am pleased to announce OSHA's recently released proposal that would improve protection against crystalline silica for over two million workers.
- On August 23, OSHA released its Notice of Proposed Rulemaking (NPRM) on Occupational Exposure to Crystalline Silica at www.osha.gov/silica

- The official notice will be published in the *Federal Register* in the coming days.
- The public comment period will be open for 90 days after publication.
- This is a proposed rule – not a final rule. This proposal invites the public to participate in the process of developing a final rule that is based on the best available evidence, adequately protects workers and is feasible for employers. We strongly encourage the public to submit written comments and participate in the public hearing.

[Slide 3] Reasons for the Proposed Rule

- Silicosis is a progressive, incurable, and potentially disabling lung disease.
- Occupational exposure to crystalline silica also puts workers at great risk for developing lung cancer, chronic obstructive pulmonary disease (COPD), kidney disease and diseases of the immune system.
- OSHA's current permissible exposure limits (PELs) for crystalline silica were adopted in 1971 and have not been updated since that time. They do not adequately protect workers; they are outdated, inconsistent and hard to understand.
- Once the full effects are realized, this proposed rule would save close to 700 workers' lives each year and would prevent more than 1,600 cases of silicosis each year, across all industries.

[Slide 4] Silica Exposure in Hydraulic Fracturing

- OSHA estimates that roughly 25,000 workers in 444 establishments in hydraulic fracturing would be benefit from the proposed standard.
- Over 60% of these workers in hydraulic fracturing are exposed to silica above OSHA's proposed PEL.
- At the proposed 50 $\mu\text{g}/\text{m}^3$ PEL, this proposal is expected to prevent 12 deaths — from lung cancer, non-cancer respiratory illness, and kidney failure — and prevent over 40 cases of silicosis each year in workers in the hydraulic fracturing industry.
- OSHA developed an analysis of silica exposure in hydraulic fracturing for the proposed rule. This analysis is presented in Appendix A of the Preliminary Economic Analysis (PEA), currently accessible on our silica rulemaking web page: www.osha.gov/silica and in the docket at www.regulations.gov

[Slide 5] OSHA Proposed Rule

- The proposed rule details two separate standards in order to provide employers with effective solutions that are focused on their own industries and operations – one for construction and one for general industry and maritime. The proposal specifically addresses the rapidly growing industry of hydraulic fracturing under the standard tailored to general industry.
- This proposed PEL is based on current and sound science, and it brings silica protection into the 21st Century: It would update OSHA's current crystalline silica exposure limits that were developed over 40 years ago, and add new protections for workers.

- Under the proposed rule, we are asking employers to:
 - Measure the amount of silica that workers are exposed to if it may be at or above an **action level of 25 µg/m³** (micrograms of silica per cubic meter of air), averaged over an 8-hour day;
 - Protect workers from respirable crystalline silica exposures above the **permissible exposure limit (PEL) of 50 µg/m³**, averaged over an 8-hour day;
 - **Limit workers' access** to areas where they could be exposed above the PEL;
 - Use **dust controls** to protect workers from silica exposures above the PEL;
 - Provide **respirators** to workers when dust controls cannot limit exposures to the PEL;
 - Offer **medical exams** every three years for workers exposed above the PEL for 30 or more days per year;
 - **Train workers** on work operations that result in silica exposure and ways to limit exposure; and
 - **Keep records** of workers' silica exposure and medical exams.

[Slide 6] OSHA Proposed Rule (cont.)

- The proposed requirements take into account industry consensus standards that many responsible employers have been using for years.
- Provisions of the proposed rule are also consistent with the approach followed by STEPS to control silica exposure.

(STEPS Silica Focus Group mission: A combination of engineering controls, work practice, protective equipment, and product substitution where feasible, along with worker training, is needed to protect workers who are exposed to silica during hydraulic fracturing operations.)
- The proposed rule would be consistent with the International Organization for Standards (ISO) definition for respirable dust.
- The proposal would allow workplace sampling for respirable crystalline silica exposures to be conducted using any particulate sampling device that conforms to the ISO definition.

[Slide 7] Closing and Resources

- In June of last year, working together with NIOSH and through the STEPS Network, we developed and released a joint hazard alert on protecting workers from airborne silica during hydraulic fracturing operations.
- As everyone here is aware, exposure to silica can be deadly, and limiting that exposure is essential. Every year, many exposed workers not only lose their ability to work, but also to breathe. This proposal is expected to prevent thousands of deaths from preventable illnesses. We're looking forward to public comment on the proposal.
- For more information, you can view our NPRM on crystalline silica at our silica rulemaking website, www.osha.gov/silica and related and supporting materials in the silica docket at www.regulations.gov (Docket # OSHA-2010-0034). We strongly encourage you to submit written feedback and participate in the public hearing in March.
- Thank you again for your continued hard work in improving protections among this vital workforce.