



VIRGINIA OCCUPATIONAL SAFETY & HEALTH (VOSH) & FINAL SILICA RULE

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VOSH MISSION

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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VOSH- STATE PLAN

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.

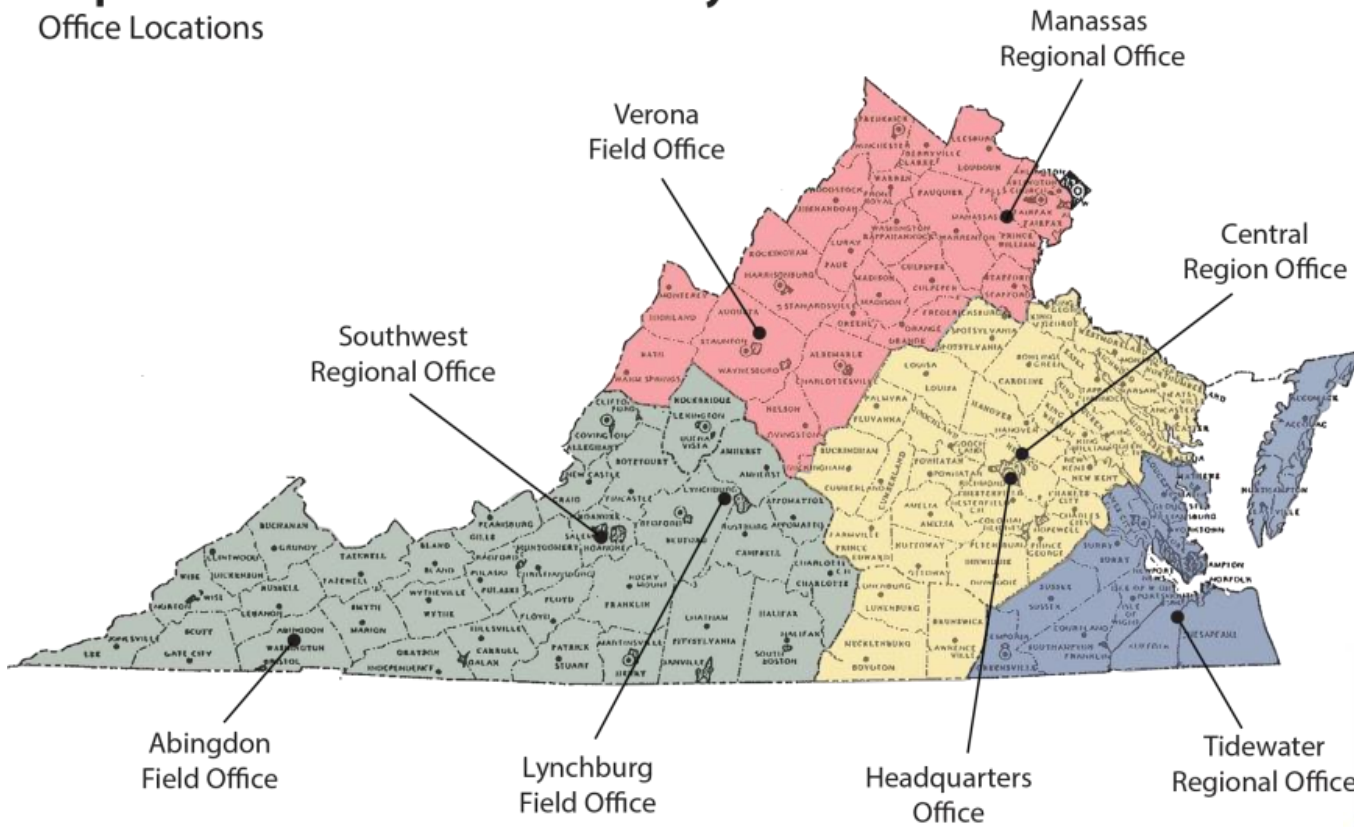
- **Virginia Occupational Safety and Health Program, or VOSH was created in 1972.**
- **Compliance (enforcement).**
- **Voluntary Programs (Consultation)**
- **Other DOLI programs: Registered Apprenticeship, Boiler Safety, Labor Law.**



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VOSH- STATE PLAN

Department of Labor and Industry Office Locations



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VOSH- STATE PLAN

The screenshot shows the homepage of the Virginia Department of Labor and Industry (DOLI). At the top, there is a navigation bar with "Virginia.gov", "Agencies | Governor", and "Search Virginia.Gov". Below this is a blue banner with the text "THE VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY". A secondary navigation bar includes "Home |", "Contact Us |", "Search this Site", and a "GO" button. The main content area features a large image of construction workers in hard hats, with the text "VOSH Compliance" overlaid. To the left of the main image is a "Services" menu with links for Search Apprenticeship, Report a Workplace Fatality, File a VOSH Complaint, Request a Permit, VOSH/OSHA Standards Lookup, File a Payment of Wage Claim, Find a Contract Boiler Inspector, Consultation/Training Classes, and Request a Poster. Below the services menu is an "About DOLI" section with links for Agency Programs, Administration, and Information Center. In the center, under "News/Announcements", there are three items: "Payment of Wage - Download a claim form here to review your options.", "New! Winter Weather Hazards- There are many winter weather related hazards that workers may be exposed to when performing tasks such as driving in the snow, removing snow from rooftops, and working near downed or damaged power lines. For more information on how to avoid these hazards click on the link above to visit the Winter Weather planning page at OSHA .gov", and "Governor McAuliffe Signs Executive Order advancing Apprenticeships in Virginia - Governor Terry McAuliffe signed Executive Order Number 49 on expanding registered apprenticeships in Virginia at the Virginia Chamber of Commerce's 2015 Workforce Conference in Richmond,". To the right of the main content is a "Feature Links" section with categories: "New! Electronic Youth Employment Certificates", "Hurricane Preparedness", "Report an Inpatient Hospitalization, Amputation or Loss of an Eye", "Advisory", "New! Drainfield Safety Facts", "Workers and the Ebola Virus", "Carbon Monoxide Alert", "Weather/Emergencies", and "Quick Links" including "Regional and Field Offices", "Employment at DOLI", "Agency Public Service Videos", and "Agency Organization Chart".

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



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VOSH OVERSEES



29 CFR 1910 – General Industry



29 CFR 1926 - Construction



29 CFR 1928 - Agriculture



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VOSH INSPECTION 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



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VOSH INSPECTION PROCESS

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.



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VOSH INSPECTION PROCESS

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.



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VOSH INSPECTION PROCESS

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.



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VOSH INSPECTION PROCESS

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.



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VOSH INSPECTION PROCESS

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.



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VOSH CONSULTATION

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.



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VOSH CONSULTATION

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.



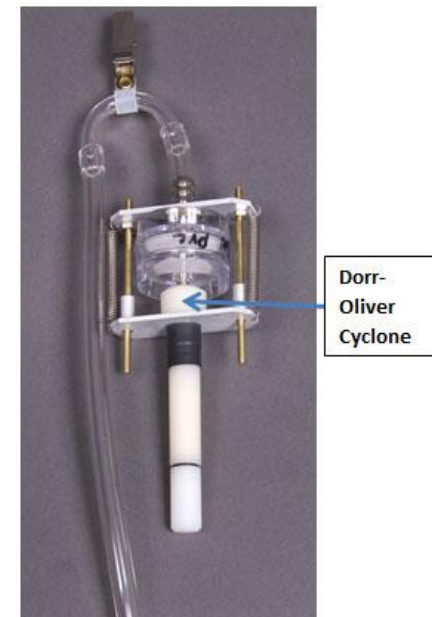
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VOSH CONSULTATION

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



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VOSH CONSULTATION

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.



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VOSH CONSULTATION

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.



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VOSH CONSULTATION

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:

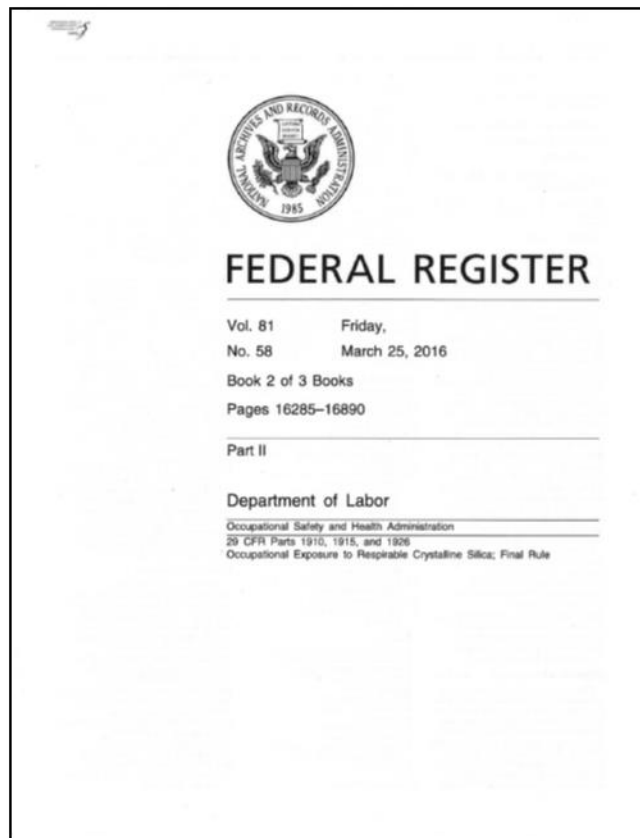
- Appoint a designated representative to opening and closing conferences
- Correct hazards identified by the consultant
- Post the list of hazards the consultant identifies
- Submit a written report verifying hazard correction



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RESPIRABLE CRYSTALLINE SILICA RULE

Effective date in VA - Dec 1, 2016

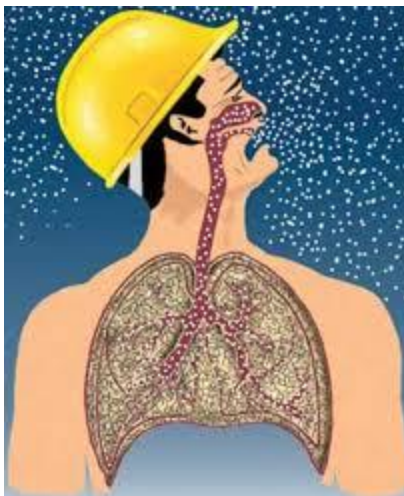


Final Federal Rule
Effective June 23, 2016



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RESPIRABLE CRYSTALLINE SILICA



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HEALTH HAZARDS

RESPIRABLE CRYSTALLINE SILICA

Exposure to respirable crystalline silica has been linked to:

- Silicosis;
- Lung cancer;
- Chronic obstructive pulmonary disease (COPD); and
- Kidney disease.

Healthy Lung



Silicotic Lung



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EXPOSURE LIMITS

RESPIRABLE CRYSTALLINE SILICA RULE

Permissible Exposure Limit (PEL):

- 50 $\mu\text{g}/\text{m}^3$ as an 8-Hour TWA

Action Level:

- 25 $\mu\text{g}/\text{m}^3$ as an 8-Hour TWA



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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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GENERAL INDUSTRY | MARITIME STANDARDS

- (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



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GENERAL INDUSTRY | MARITIME STANDARDS

MAIN POINTS

- **Measure the amount of silica that employees are exposed** to determine if it may be at or above the **action level = 25 $\mu\text{g}/\text{m}^3$ for an 8-hr TWA**
- Protect workers from the silica exposure above the **PEL = 50 $\mu\text{g}/\text{m}^3$ 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



GENERAL INDUSTRY | MARITIME STANDARDS

COMPLIANCE DATES

➤ **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**



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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).



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CONSTRUCTION STANDARD 1926.1153

TABLE 1

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.



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CONSTRUCTION STANDARD 1926.1153

TABLE 1 - EXAMPLE

Equipment / Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum APF	
		≤ 4 hr/shift	> 4 hr/shift
Handheld power saws (any blade diameter)	<p>Use saw equipped with integrated water delivery system that continuously feeds water to the blade.</p> <p>Operate and maintain tool in accordance with manufacturers' instruction to minimize dust</p> <ul style="list-style-type: none"> - When used outdoors - When used indoors or in an enclosed area 	<p>None</p> <p>APF 10</p>	<p>APF 10</p> <p>APF 10</p>



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CONSTRUCTION STANDARD 1926.1153

TABLE 1 - EXAMPLE

Equipment / Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum APF	
		≤ 4 hr/shift	> 4 hr/shift
Vehicle-mounted drilling rigs for rock and concrete	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.	None	None
	<p>OR</p> <p>Operate from within an enclosed cab and use water for dust suppression on drill bit.</p>	None	None

CONSTRUCTION STANDARD 1926.1153

TABLE 1 - ENTRIES

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



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CONSTRUCTION STANDARD 1926.1153

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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CONSTRUCTION STANDARD 1926.1153

COMPLIANCE DATES

- 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**



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RESPIRABLE CRYSTALLINE SILICA GUIDANCE AND OUTREACH

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



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RESPIRABLE CRYSTALLINE SILICA GUIDANCE AND OUTREACH

OSHA[®] Occupational
Safety and Health
Administration
www.osha.gov

Small Entity Compliance Guide

for the Respirable Crystalline
Silica Standard for Construction



OSHA 3902-11 2016



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QUESTIONS?



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