### Background:

### On August 23, 2013, the Occupational Safety and Health Administration (OSHA) proposed a rule to reduce the permissible exposure limit (PEL) to airborne crystalline silica in general/maritime industry and construction industry in half to 50 micrograms/m3. OSHA estimates that the proposed rule will impact 477,000 establishments, 1.85 million workers, and carry an annualized compliance cost of $511 million dollars for the construction industry. We believe it to be much higher but need you to provide us with data to prove that.

### Other provisions that will add costs:

* Require employers to conduct initial and periodic exposure assessments (air samples) for respirable crystalline silica as often as every three months.
* Require employers to conduct air sampling for each shift, job classification and work area.
* Require employers to establish regulated areas or written access controls plans which could impact scheduling.
* Require employers to offer no cost medical surveillance for employees exposed to levels above the PEL for 30 or more days per year and provide the results to employees no later than 45 days post-examination.
* Require employers to implement engineering and work practice controls to reduce exposures below the PEL before providing respirators.

### How do these examples from OSHA’s cost estimate compare to what you believe the compliance costs for your company will be?

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| **Item**  | **Description** | **Capital Cost** | **Operating Cost** | **Annualized Cost Estimated by Contractors** |
| Training instructor cost per hour | Training provided to every employee who could be potentially exposed to silica above the new PEL which could range from 1 – 5 hours. | N/A | $43.12 |  |
| Value of worker time spent in class | Average rate of pay for employees attending the required training. | N/A | $22.22 |  |
| Warning signs (3 per regulated area) | $25.30 per sign to designate/demarcate regulated areas | OSHA estimates no capital costs but employers will be required to purchase multiple signs for each project. | $75.90 |  |
| Physical exam by health care professional | Evaluation and office consultation including detailed examination of any employee who could be exposed above the new PEL for 30 days or more | OSHA estimates no capital costs but employers could potentially be required to establish onsite medical facilities to conduct physical examinations including chest x-rays. | $100.00 |  |
| Industrial hygiene fees (personal samples) | Consulting technician ($500.00/day) to visit jobsites to collect personal air samples of every employee whose task(s) could generate silica exposures above the new PEL  | OSHA estimates no capital costs but employers could be potentially required to purchase their own air monitoring/sampling equipment. | $500.00 |  |
| Exposure assessment lab fees and shipping costs | Costs associated with the laboratory analysis of air monitoring/exposure assessments including shipping costs. | N/A | $133.38 |  |

###  AGC Recommendation:

* Support AGC’s efforts to submit a comprehensive response to the proposed rule by providing as much specific data and information as possible to assist the Agency in its deliberative process.