

# What Construction Employers Need to Know About the Increased Silica Compliance Focus

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## Meet the Authors



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The Occupational Safety and Health Administration's (OSHA) Denver Regional Office has [announced](#) the rollout of a "Regional Emphasis Program" dedicated to the reduction of incidents of workplace illness related to silica.

An emphasis program such as this is an enforcement strategy implemented at the regional level intended to address a specific hazard that poses a particular risk to workers within that region (here, covering Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming). As nearly all silica exposure occurs within the construction industry, employers in the industry should be aware of this new program, which began in May 2022.

Crystalline silica is a common mineral found in sand, concrete, natural and artificial stone, and other materials. Very fine particulates that can be inhaled can be generated by high-energy operations such as cutting, sawing, and grinding. According to OSHA, when these activities generate respirable dust, silica is released into the air, which can create inhalation hazards. In particular, the fabrication of artificial stone countertops can lead to exposure. Silica inhalation poses a health hazard that can cause several diseases, including silicosis (an incurable but preventable lung disease), as well as increased risk for lung cancer and kidney disease.

Silica exposure remains a point of emphasis for OSHA. The agency implemented a final rule in 2016 on regulating occupational exposure to silica in the construction industry (*see* 29 C.F.R. § 1926.1153). OSHA's 2022 Agency Management Plan has identified silica as a target hazard. Following up on that emphasis, the Region's program will seek to reduce incidents of silica-related workplace illness through increased inspections of employers in the Cut Stone and Stone Products Manufacturing Industries. As a result, employers that regularly engage in cutting, shaping, and finishing of stone products should proactively consider their compliance with OSHA standards, including by evaluating what protective measures (such as respirators) may be necessary in the workplace, depending on the specific tasks in each workplace.

Finally, construction employers should be aware that the Regional Emphasis Program also focuses on the potential struck-by and crushing hazards for those who handle stone slabs. During silica inspections, OSHA personnel will also evaluate a company's procedures for handling and moving slabs to ensure that care is taken to mitigate the risk of injury caused by these activities.

For additional guidance on this issue, please contact a Jackson Lewis attorney.

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