



October 15, 2019

OSHA Docket Office  
Docket No. OSHA-2019-0034  
Occupational Safety and Health Administration  
U.S. Department of Labor  
Room N-3653  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: RIN 1218-AD18; Docket No. OSHA-2010-0034, Occupational Exposure to Respirable Crystalline Silica – Specified Exposure Control Methods, Comments of the Industrial Minerals Association - North America

Filed via the Federal eRulemaking Portal: <http://www.regulations.gov>

Dear Sir or Madam:

Please find below the comments of the Industrial Minerals Association-North America (IMA-NA) on OSHA's Request for Information on Occupational Exposure to Respirable Crystalline Silica – Specified Exposure Control Methods (RFI). IMA-NA is the representative voice of companies that extract and process a vital and beneficial group of raw materials known as industrial minerals. Industrial minerals are the ingredients for many of the products used in everyday life such as glass, ceramics, paper, plastics, paints and coatings, cosmetics, pharmaceuticals and laundry detergent. IMA-NA's companies and the people they employ are proud of their industry and the socially responsible methods they use to deliver these beneficial products. Industrial minerals include ball clay, barite, bentonite, borates, calcium carbonate, diatomite, feldspar, industrial sand, kaolin, soda ash (trona), talc and wollastonite, among others. IMA-NA also represents associate member companies that support the producers of industrial minerals. The safety and health of our employees, and workers in general, are of paramount importance to IMA-NA members. IMA-NA and its member companies welcome the opportunity to submit these comments on the RFI.

IMA-NA commends OSHA for establishing the concept of Table 1 for the construction industry in its standard on occupational exposure to respirable crystalline silica. 29 CFR 1926.1153. (See IMA-NA Attachment 1.) IMA-NA encourages OSHA to expand the use of the Table 1 concept for the construction industry. In this regard, IMA-NA supports the comments filed on the RFI by the Construction Industry Safety Coalition.

In the RFI OSHA requests information and comments on whether there are circumstances where it would be appropriate to permit employers covered by the respirable crystalline silica standards for general industry and maritime to comply with the silica standard for construction. IMA-NA concurs with OSHA's conclusion that Table 1 is the best approach for protecting employees exposed to respirable crystalline silica and that it simplifies compliance and reduces burdens on employers in the construction industry. The Table 1 approach recognizes and avoids the challenges of accurately assessing employee

exposures to respirable crystalline silica in construction work due to frequent changes in workplace conditions, such as environment and location.

OSHA recognized in the respirable crystalline silica standard for general industry that, in some circumstances, general industry activities may be indistinguishable from the construction tasks listed in Table 1 and may be performed in varied environments and conditions. To that end, OSHA included paragraph (a)(3) in the general industry and maritime standards, which permits general industry and maritime employers to follow the construction standard when the task performed is indistinguishable from a construction task listed in Table 1 and the task will not be performed regularly in the same environment and conditions. 29 CFR 1910.1053(a)(3). IMA-NA believes it is appropriate for OSHA to extend reliance on Table 1 to situations where tasks are regularly performed in general industry or maritime in a relatively stable and predictable environment and supports amending the standards for general industry and maritime to permit this.

While many of IMA-NA member companies have OSHA-regulated workplaces, the overwhelming majority of its producer member companies are regulated by the Mine Safety and Health Administration (MSHA). IMA-NA supports extending the concept of Table 1 to the mining industry as a preferred means of complying with occupational permissible exposure limits for respirable crystalline silica. An MSHA Table 1 approach may differ from the OSHA Table 1 approach, but this is entirely appropriate as the mining industry is different than the general industry, construction and maritime industries and the mining industry operates under a different statute and implementing regulations. That said, the Table 1 concept has universal merit as the best approach for protecting workers exposed to respirable crystalline silica and simplifies and avoids the challenges of accurately assessing worker exposures to respirable crystalline silica. In light of this fact, IMA-NA encourages the National Institute for Occupational Safety and Health (NIOSH) to work with OSHA, MSHA and their stakeholders to identify tasks and work practices appropriate to include in comparable “Table 1s” in their respective OSHA and MSHA regulations. In doing so, the cause of promoting occupational health will be significantly advanced.

Thank you for the opportunity to comment on the RFI. The IMA-NA looks forward to working with you further on the RFI and on other issues related to occupational exposure to respirable crystalline silica.

Sincerely,

Mark G. Ellis  
President  
Industrial Minerals Association – North America

Attachments: IMA-NA Attachment 1 (OSHA RFI on RCS – Table 1)