

TOOLBOX TALK #18

A QUESTION ON SILICA – PART 2

Question: *With respect to the OSHA silica standard, “Employee Notification of Assessment Results”, when does OSHA consider an exposure assessment to be completed, and when does the five-working-day period for notification start? Does this notification start time change if the employer uses a third party to perform the exposure assessment, rather than conducting the exposure assessment internally?*

Response: The preamble to the RCS standard states that, for employers following the performance option (paragraph (d) of the construction standard), the five day period for employee notification “commences when the employer completes an assessment of employee exposure levels”. The exposure assessment under the performance option is considered completed when the employer has characterized an employee’s 8-hour time-weighted average (TWA) exposure to RCS based on air monitoring data, objective data or a combination of the two.

For employers following the scheduled monitoring option in paragraph (d) of the construction industry standard, the five-day period for notification “commences when monitoring results are received by the employer”. If the employer is using a third party to perform the exposure assessment, the employer is considered to have “received” the monitoring results when the consultant communicates the results to the employer. However, employers should exercise due diligence to avoid unreasonable delay in receiving results from the consultant or the laboratory. In addition, employers should note that the standard does not provide employers with extra time to study the results, meet with employees to discuss them, perform quality assurance checks on the results, draft a formal report or complete similar actions.