

TOOLBOX TALK #19

A QUESTION ON SILICA – PART 3

***Question:** If an employer requires respiratory protection for employees whose documented exposures to RCS are below the PEL does such respirator use count for purposes of determining whether medical surveillance must be made available to those employees under paragraph (h) of the construction standard?*

Response: No. Employers must make medical surveillance available to each employee who will be required under the RCS standard for construction to use a respirator for 30 or more days per year. The standard requires respirator use where respirator use is specified on Table 1 (when employers are following the specified exposure control methods). A day in which a respirator is only worn because it is required by the employer (but not by the RCS standard) does not count toward the 30-day threshold for medical surveillance. Please note that employers must comply with OSHA’s respiratory protection standard whenever employees use respirators to protect against RCS exposures, regardless of whether such use is required by the RCS standard, required by the employer or voluntary by employees.

***Question:** How does OSHA consider extended workdays for purposes for counting days of respirator use? If an employee works 29 days at 14 hours a day within the year performing high-exposure silica tasks that require a respirator, would they be exempt from medical surveillance?*

Response: OSHA considers the 14-hour shift you describe to constitute a single day for the purposes of determining the number of days of respirator use under the medical surveillance provisions. Thus, if an employee works one 14-hour shift and is required to wear a respirator under the RCS standard at any time during that shift, the employee will be considered to have worn a respirator for one day. The employee described in the question, who is required to wear a respirator for 29 14-hour work shifts in a year (and is not required to wear a respirator at any other time under the RCS standard), does not meet the threshold of 30 days of respirator usage for medical surveillance purposes.

Please note that the requirement is for employers to offer an examination to employees who “will be” required to use a respirator under the RCS standard for construction for 30 or more days per year. Therefore, eligibility for medical examinations is based on expected days of respirator use.