



**October 15, 2019**

OSHA Docket Office  
Docket No. TBD  
U.S. Department of Labor  
200 Constitution Avenue NW.  
Washington, DC 20210

**RE: Occupational Exposure to Crystalline Silica; Revisions to Table 1 in the Standard for Construction**

Dear Director Perry:

On behalf of the National Demolition Association (NDA), we respectfully submit the following comments regarding the Occupational Safety and Health Administration's (OSHA) Request for Information (RFI) titled "Occupational Exposure to Crystalline Silica; Revisions to Table 1 in the Standard for Construction." The National Demolition Association represents nearly 500 companies that offer standard demolition services as well as a full range of demolition-related services and products. We educate members on the latest advances in equipment and services, provide educational programs and tools to stay abreast of regulatory and safety matters, help keep regulators informed about issues in our industry, and increase public awareness of the economic and societal benefits of demolition.

NDA member companies have an excellent record of providing a safe environment and work with government officials regularly to mitigate hazards. Our association is firmly committed to protecting public health along with the safety of workers at all times and takes that responsibility seriously. OSHA's final rule on Occupational Exposure to Respirable Crystalline Silica (81 FR 16286) published in 2016 is of particular importance to NDA since our member companies are subject to the rule's construction standard. This includes complying with the specified exposure control methods listed on Table 1 and the requirements for alternative exposure control methods.

Exposure to silica can occur during common construction and demolition tasks, such as using masonry saws, grinders, drills, jackhammers and handheld powered chipping tools; operating vehicle-mounted drilling rigs; milling; operating crushing machines; using heavy equipment for demolition or certain other tasks; and during abrasive blasting and tunneling operations. To this end, we have worked diligently with our members to ensure they are fully educated on the mandatory compliance requirements specified in OSHA's silica standard for construction.

**NDA's Table 1 Compliance Concerns**

In response to OSHA's request for information on potential revisions to Table 1, we would like to submit the following comments from our members as it pertains to their experiences complying with the silica standard.

As OSHA pointed out, several tasks listed on Table 1 allow for a choice of compliance methods because each "can consistently reduce exposures to the PEL or below, or are equally effective in limiting exposure."

NDA reiterates to OSHA that demolition is a unique activity within the construction industry and Table 1 fails to completely consider all of the situations, equipment and circumstances that arise in this kind of work. Specifically, Table 1 does not adequately address all construction tasks, specifically in demolition. To use an example, remote controlled demolition machines, mobile crushers and ride-on floor scraper/tile removers are a few examples of machines with open cab designs. OSHA should expand Table 1 to reflect a wider range of tasks and enable more contractors to comply with the rule.

Specifically, Table 1 does not adequately address all construction tasks, specifically in demolition. To use an example, remote controlled demolition machines do not have enclosed cabs for the operators, resulting in additional sampling to obtain data. OSHA should expand Table 1 to reflect a wider range of tasks and enable more contractors to comply with the rule.

One of the issues demolition contractors deal with is the management of dust on sites, especially in situation where other trades present. Specifically, the utilization of water to suppress silica dust can cause interference with other trades working in the same area, and even damage expensive equipment used in construction and demolition. In addition, NDA remains concerned that using a water-fed dust suppression system may not be possible in all circumstances, creating compliance challenges. The use of best management practices (BMP's) should be acceptable in certain situations and may include the use of surfactants, sweeping agents and air filtering.

For more context, water may not always available on a site, especially antiquated buildings without utilities. Furthermore, many contracts require work in less than ideal conditions, such as below freezing temperatures where water suppression systems is likely to freeze. Also, when using water to control dust on parking areas and drives, NDA members have noticed that for longer projects the heavy particles are picked up and a powder-like dust develops which is hard to mitigate. OSHA should allow for the use of negative air machines and positive pressure ventilation, when water is not available. In addition to this, OSHA should clarify how contractors should handle equipment cabs with HVAC and the positive pressure and air filters, as it appears this is subjective to an inspector.

NDA is also concerned about the availability and durability of commercially available shrouds and dust collection systems. The reality is that there is a gap between the requirements of the rule and current technology on the market. OSHA should undertake immediate and then periodic assessments of what technology can meet the requirements of the rule, and make changes accordingly.

NDA member companies have a strong and proven record of being compliant with federal regulations, including the silica standard. Still, some companies struggle with the investment needed to comply with the engineering control requirements. To assist the regulated community with compliance, OSHA should allow contractors a three year grace period to get new tools and equipment needed to fully comply.

### **NDA Recommendations to OSHA**

To provide guidance to the Agency as it explores ways to allow more companies to comply with the silica standard, below are some additional recommendations to consider for the demolition industry:

- OSHA should publish information pertaining to the latency period for silicosis and smoking.
- OSHA should more specifically define work in freezing conditions.
- OSHA should relax the “integrated” water supply requirement. Older machines are not necessarily equipped with “integrated” water supplies.

- OSHA should consider allowing for the retrofit of machinery to enable the delivery of a water suppression system, provided any aftermarket parts do not interfere with the safe operation of this machinery.
- OSHA should provide more types of equipment in Table 1 as companies and industries report their findings from field testing.
- OSHA should look at the action level and permissible exposure level (PEL) given the drastic reduction from what was deemed acceptable for the last 40 years.
- OSHA should put more emphasis on ensuring that all trades on a construction site are complying with the silica rule.

Thank you for the opportunity to provide comment on this issue. Please contact Kevin McKenney at [kmckenney@demolitionassociation.com](mailto:kmckenney@demolitionassociation.com) or 202-367-2480 with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lambert". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Lambert".

Jeff Lambert  
Chief Executive Officer