

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Date: November 15, 2016

Dear: Advisory Committee Member

Subject: Proposed Amendments for Title 8, California Code of Regulations, Construction Safety Orders, Section 1532.3, Respirable Crystalline Silica in Construction

You are invited to participate in an advisory committee to be convened by the Occupational Safety and Health Standards Board staff. The advisory committee will consider proposed amendments to recently adopted Section 1532.3, regarding the control of respirable crystalline silica in construction.

To fulfill Labor Code requirements that California regulations be at least as protective as corresponding federal regulations, the Occupational Safety and Health Standards Board adopted the federal final rule for respirable crystalline silica, which was published on March 25, 2016. During public hearing on the federal regulation, employers from the construction industry raised concerns about some of the requirements for dust control and their effects on the industry. The purpose of the committee will be to discuss the following topics to determine if workable solutions can be proposed that will maintain equivalency to the requirements of the federal rule:

1. Inclusion of exceptions 1-7 to the scope and application of Section 1530.1 "Control of Employee Exposures from Dust-Generating Operations Conducted on Concrete or Masonry Materials" into Section 1532.3. Exceptions for emergency response, drywall or wallboard materials, and the mixing of mortar, concrete, or similar materials will also be discussed.
2. Addition of vacuum controls to the list of approved methods for controlling respirable crystalline silica dust exposures in Table 1 of Section 1532.3, in some instances where wet methods are currently the only option for dust control.
3. An exception to the requirement for dust control in rooftop operations while cutting roofing tile, roofing pavers, or similar materials.

Attendees are encouraged to provide sampling and objective data or other documentation to support their positions for or against the above topics. Please submit information by December 7, 2016, so that it can be emailed to attendees for review prior to the meeting.

The advisory committee will be held at the following time and location:

Wednesday, December 14, 2016, 9:30 a.m. – 4:00 p.m. (or until adjournment)  
Operating Engineers Local 3  
Suite 110  
3920 Lennane Drive  
Sacramento, CA 95834

Enclosed are the agenda, advisory committee roster, draft proposal, and industry comments in support of the proposed amendments. Rulemaking documents for the adoption of the federal final rule can be found here: <http://www.dir.ca.gov/OSHSB/Respirable-Crystalline-Silica-HORCHER.html>. Minutes detailing the public comments on the final rule can be found in the August 18, 2016, and September 15, 2016, Board meetings: <http://www.dir.ca.gov/OSHSB/mtgsch.html>. The link to the federal register with the silica update is here: <https://www.gpo.gov/fdsys/pkg/FR-2016-03-25/pdf/2016-04800.pdf>.

Please be prepared to discuss any costs or economic impact to employers or affected industries that may result from the proposed amendments. If you cannot attend the meeting, please send an alternate, if possible, or submit your written comments by December 7, 2016, so that the committee can consider them.

Your assistance is appreciated, and we look forward to seeing you at the advisory committee meeting. If you have any questions or would like to discuss any items prior to the meeting, please contact me at (916) 274-5730, or at [dkernazitskas@dir.ca.gov](mailto:dkernazitskas@dir.ca.gov).

Sincerely,

David Kernazitskas, MSPH, CIH, CSP  
Senior Engineer-Standards

Attachments:

Agenda  
Advisory committee roster  
Regulatory text (draft proposal)  
Justification from Industry Coalition

cc: All Standards Board Members  
Marley Hart, Executive Officer, OSHSB  
Michael Manieri, Principal Engineer, OSHSB  
Juliann Sum, Chief, DOSH  
Eric Berg, Deputy Chief of Health, DOSH Research & Standards Unit  
Amber Rose, Area Director, Region IX, Federal OSHA  
Kevin Thompson, Cal/OSHA Reporter