

Medical Requirements of the OSHA Silica Rule

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[OSHA](#), [Risk Management](#), [Safety & Loss Control](#), [Worker's Compensation](#)



The [new OSHA rule governing respirable crystalline silica](#) calls for medical surveillance screenings to allow for identification of silica exposure-related health effects in your workers. But who exactly must be surveilled, when and how often do you conduct the surveillance?

For purposes of this article, our focus is the construction industry. This new rule requires that medical surveillance be made available to employees who use respirators for 30 or more days per year in situations where those respirators are required by OSHA for protection against silica hazards.

Of course, our first question is – how do you count a day? OSHA offered some clarification of this in their enforcement guidelines issued earlier this fall. These guidelines stated that even on days that employees wear a respirator for only a portion of the day; are counted as full days towards the medical surveillance requirements. It should be noted that progression toward the 30 day rule resets with every new employer. The only exception is when you hire, release, and re-hire the same employee for several short-term assignments during a year, with a day count totaling 30 days or more.

Now, you have an employee who you know needs to be included in the medical surveillance and you ask yourself – what does that entail?

First, you must select a medical provider who is capable of providing an exam which will include the following components –

- A review of the patient's history – work and medical
- A physical examination with an emphasis on the respiratory system

- A chest x-ray interpreted and classified according to the International Labour Office (ILO) International Classification of Radiographs of Pneumoconiosis by a NIOSH-certified B Reader
- A pulmonary function test administered by a spirometry technician with a current certificate from a NIOSH-approved course
- Testing for latent tuberculosis
- Any additional tests deemed appropriate by the provider

It is your responsibility as the employer to provide the physician with –

- A copy of the exposure standards in the OSHA respirable crystalline silica rule
- A description of the employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to respirable crystalline silica
- The employee's former, current, and anticipated levels of occupational exposure to respirable crystalline silica
- A description of personal protective equipment used or to be used by the employee, including when it will be work and for how long the employee
- Information from records of employment-related medical examinations previously provided to the employee and currently within the control of the employer

Once the exam is completed, you will obtain a written medical opinion from the physician which contains:

- The date of the exam
- A statement that the exam has specifically checked for silica exposure according to the requirements of the standard
- Any recommended limitations on the employee's exposure to respirable crystalline silica

Remember, this baseline examination must be made available within 30 days of initial assignment, unless the employee can show they received an examination that meets the requirements of this section within the past three years. In addition, you must also conduct this same exam at least every three years and more frequently if recommended by your healthcare provider.