10 CFR 851 Technical Amendment (Open Forum) and Update on Silica Requirements

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AU-11, Office of Worker Safety and Health Policy

August 22, 2018
Audio Considerations

• WebEx Only, no VTC
• Always Mute WebEx Phone When Not Speaking
• May Have to Mute All if Getting Interference
Participate

• Please Ask Questions or Give Comments
• Dialog is Better for Communication
Any Problems

• Speak Up Now
• Will Try to Fix
• Call Dave’s Mobile: 202-336-4489
• We are Not Recording
Contacts

10 CFR 851 Policy

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Introductions

HQ Participants:
Agenda

• 10 CFR 851 Technical Amendment, Standards Incorporated by Reference - Open Forum for questions and discussion

• Silica Requirements – Review Response Line Questions
The date of implementation compliance is January 17, 2019, one year from the effective date of January 17, 2018.
Actions

Submit an updated written Worker Safety and Health Program to the Head of DOE Field Element for review and approval at least 90 days prior to the January 17, 2019 implementation deadline.

The Office of Health and Safety has been providing support to assist the complex with implementation.
Recommended Actions

If can’t abate before January 2019, provide a written hazard abatement plan, and include in WS&H Program

See March 13, 2018 Matt Moury Memo:

Abatement Plan:
• Meet requirements of 851.22, *Hazard Prevention and Abatement*
• Justification and documentation of risk
• Interim worker protection measures
• Cost
• Implementation schedule
• Submit to head of DOE Field element for review and approval at least 90 days prior to January 17, 2019.
10 CFR 851 Resources
• Q & As are posted at EHSS WS&H website at the first bullet under: IMPLEMENTATION ASSISTANCE AND TOOLS at: https://www.energy.gov/ehss/worker-safety-and-health

• They are also at: https://orau.org/ihos/doe-worker-safety-health/10-cfr-851.html, under 10 CFR 851 Technical Amendment: Standards Incorporated by Reference, January 10, 2018 (Federal Register Publication)
10 CFR Part 851 Worker Safety and Health Program This link goes offsite. Click to read the external link disclaimer (Electronic Code of Federal Regulations – Current)

10 CFR Parts 850 and 851, Chronic Beryllium Disease Prevention Program; Worker Safety and Health Program; Final Rule, February 9, 2006 This link goes offsite. Click to read the external link disclaimer (Preamble and final rule)

10 CFR 851 Technical Amendment: Standards Incorporated by Reference, January 10, 2018 (Federal Register Publication)

Questions and Answers: 10 CFR Part 851 Technical Amendment, Standards Incorporated by Reference (Published December 18, 2017)

Questions and Answers: 10 CFR Part 851 Technical Amendment, Standards Incorporated by Reference (June 20, 2018 Presentation by Robin Keeler and David Weitzman, DOE)

10 CFR 851 Technical Amendment: Standards Incorporated by Reference, January 10, 2018 (presentation by Pat Worthington, DOE)

10 CFR 851 Technical Amendment: Standards Incorporated by Reference, January 10, 2018 (presentation by David Weitzman and Robin Keeler, DOE)

Comparisons of Former to Updated Standards

EFCOG Best Practice on NFPA 70E Including 2015 to 2018 Markup (EFCOG Best Practices)


Crosswalk 2007 x 2018 Standards Incorporated by Reference

Gaps Between Individual Contractors’ Current Implementation and New Requirements

10 CFR Technical Amendment Tracker – Gap Analysis (Collected from DOE contractors through an IH/OS SIG network information request)

10 CFR Technical Amendment GAP Analysis - 1 (Collected from DOE contractors through an IH/OS SIG network information request)

10 CFR Technical Amendment GAP Analysis - 2 (Collected from DOE contractors through an IH/OS SIG network information request)

Implementation Guide for Use with 10 CFR Part 851, Worker Safety and Health Program This link goes offsite. Click to read the external link disclaimer (Current DOE implementation guide)

10 CFR 851 Pamphlet, June 2018

Office of Environment, Health, Safety and Security
10 CFR 851 Resources

EFCOG Best Practices – NFPA 70E and NFPA 70

http://efcog.org/best-practices/

#213 – Comparison Table of NFPA 70-2014 and NFPA 70-2017

#193 – Change Description between NFPA 70E- 2015 and NFPA 70E-2012
10 CFR 851 Technical Amendment

Questions?
Implementation Challenges?
Lessons Learned?
OSHA 29 CFR 1926.1153, 
*Respirable crystalline silica*

Became effective June 23, 2016
Implement by June 23, 2017
OSHA’s Construction Silica Standard: Newly Published Resources

• Silica Standard for Construction: https://www.osha.gov/dsg/topics/silicacrystalline/construction.html

• FAQs: https://www.osha.gov/dsg/topics/silicacrystalline/construction_info_silica.html

• Videos: Controlling Silica Dust in Construction Videos for Table 1 Tasks
  Stationary Masonry Saws
  Handheld Power Saws
  Handheld and Stand-Mounted Drills
  Jackhammers or Handheld Powered Chipping Tools
  Handheld Grinders for Mortar Removal (Tuckpointing)
  Handheld Grinders for Uses Other than Mortar Removal
Overlapping Requirements

Typically for DOE: more protective also complies with less protective
10 CFR 851 Requires Both OSHA and ACGIH

**OSHA 29 CFR 1926.1153**
- **PEL:** 50 μg/m³, calculated as an 8-hour TWA
- **Action Level:** 25 μg/m³, calculated as an 8-hour TWA
- Table 1

**2016 ACGIH TLV:**
- 25 μg/m³, calculated as an 8-hour TWA
- Compliance by January 17, 2019
- Note that DOE does not have an action level
Exposure monitoring is not required if using Table 1:

Section 1153(c)(1): for each employee who is engaged in any of the 18 specific tasks that are identified in Table 1, the employer shall fully and properly implement the engineering controls, work practices, and respiratory protection specified for the tasks listed

– Unless the employer assesses and limits the exposure of employees to respirable crystalline silica in accordance with Subpart (d)
– Subpart (d) has a performance option and a scheduled monitoring option
### Table 1

<table>
<thead>
<tr>
<th>Equipment/task</th>
<th>Engineering and work practice control methods</th>
<th>Required respiratory protection and minimum assigned protection factor (APF)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>≤ 4 hours/shift</td>
</tr>
</tbody>
</table>
| (i) Stationary masonry saws | Use saw equipped with integrated water delivery system that continuously feeds water to the blade  
Operate and maintain tool in accordance with manufacturer’s instructions to minimize dust emissions | None | None |
| (ii) Handheld power saws (any blade diameter) | Use saw equipped with integrated water delivery system that continuously feeds water to the blade  
Operate and maintain tool in accordance with manufacturer’s instructions to minimize dust emissions:  
-When used outdoors | None | APF 10 |

An employer fully implements the controls in Table 1, but then also performs exposure monitoring as described in paragraph (d)(2). The results indicate the Permissible Exposure Limit (PEL) was exceeded.

Is the employer in compliance on the basis of fully implementing Table 1 or noncompliant based on the monitoring that demonstrates an exceedance of the PEL?
Prior to January 17, 2019: Employers would not be out of compliance as long as they are following and meeting requirements of Table 1.

Contractors would be expected to assess their control methods to identify why exceedance(s) occurred and implement corrective actions.
Question 1: Answer

After January 17, 2019: Contractors must comply with the ACGIH TLV of 25 $\mu g/m^3$, calculated as an 8-hour TWA. This is below the OSHA PEL of 50 $\mu g/m^3$.

Construction contractors will no longer be able to rely on Table 1 instead of obtaining exposure monitoring data and/or a combination of exposure monitoring data and objective data sufficient to accurately characterize worker exposures.
What is expected of contractors if complying with the 2016 ACGIH TLV for silica is not economically or technologically feasible?

Contractors should provide a written hazard abatement plan to the Head of the DOE Field Element that meets the requirements as specified in 10 CFR 851.22, Hazard prevention and abatement. Include:

– Justification and documentation for risk;
– Interim worker protective measures;
– Estimated cost;
– Implementation schedule for short-term and long-term abatement of the identified hazards.
– Refer to memo (see slide #10)
Are contractors implementing Table 1 required to have the written exposure control plan described in 29 CFR 1926.1153(g)?

Yes. Title 29 CFR 1926.1153 does not include a provision that removes the required written exposure control plan for employers that implement Table 1.

DOE contractors that implement 29 CFR 1926.1153(c)(1) Table 1 could reference Table 1 as a component of their written exposure control plan even after contractors can no longer rely Table 1 instead of performing exposure assessments.
Next Web Conference

- September web conference
- Will include 10 CFR 851 Technical Amendment implementation
- Schedule TBD
- Watch for web invitation
Other Questions?