



## WHY ARTBA IS SUPPORTING LITIGATION CHALLENGING THE NEW OSHA SILICA EXPOSURE REGULATION



On March 24, 2016, the Occupational Safety and Health Administration (OSHA) issued new regulations that will significantly tighten the existing federal standard for allowable worker exposure to crystalline silica dust. Work zone safety is a top industry and ARTBA priority. And that’s why, on behalf of its membership, ARTBA is financially supporting litigation to stop implementation of this unwarranted regulatory action that we believe will have the potential to increase overall safety risks to transportation construction workers.

ARTBA has been actively involved in the crystalline silica issue for 17 years as a member of the Construction Industry Safety Coalition (CISC) and independently. Our biggest concern with the new OSHA standard is that it would divert significant resources—human and financial—away from activities aimed at mitigating, if not eliminating, documented, serious hazards to our workers health and safety like runovers and backovers and work zone intrusions.

Here are the facts about the crystalline silica issue that ARTBA has repeatedly presented OSHA in written regulatory comments and testimony:

- The new rule is based on outdated health data. In setting the new standard, OSHA has relied on studies from as early as the 1930s. More recent data clearly shows silica exposure has been dramatically reduced under the existing standard. According to the Center for Disease Control (CDC), deaths due to silicosis have declined 93 percent over a 40-year period.
- The new rule is based on faulty economic data. OSHA estimates the rule will cost the construction industry \$658,971,248 per year. An ARTBA co-sponsored, independent economic analysis of the proposed standard, conducted by Environomics, Inc. for the CISC shows the new standard will cost the construction industry nearly \$2.2 billion per year.
- The new rule may be doing more harm than good by requiring workers to wear respirators in hot environments, potentially exposing them to otherwise avoidable heat stroke and stress.
- The new rule sets creates air sampling requirements that are unworkable in our industry, requiring time consuming sampling and testing procedures. By the time the results were known, the “workplace” location and conditions tested will have moved and/or changed.

Despite ARTBA’s numerous attempts to have these concerns addressed by OSHA during the rulemaking process, they have been ignored in the final rule. By helping take the matter to a federal court, ARTBA hopes to have this unnecessary rule struck down.

**Our litigation efforts are being funded through voluntary contributions to the ARTBA Transportation Makes America Work! (TMAW) program. Your financial support of this effort is crucial.**

Contributions can be sent payable to and in c/o the “ARTBA TMAW Program” and sent to:

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