

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
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Juliann Sum, Chief

January 11, 2018

Mike McManus  
Director of Engineering, Construction & Industry Relations  
The Associated General Contractors of America San Diego Chapter  
6212 Ferris Square  
San Diego, CA 92121

RE: October 25, 2017 inquiry about Subchapter 4. Construction Safety Orders Article 4. Dusts, Fumes, Mists, Vapors, and Gases 1532.3. Occupational Exposures to Respirable Crystalline Silica.

Dear Mr. McManus:

Below please find the questions you asked, followed by the Division's responses.

*1532.3 (c) specified exposure control methods Table 1; (xvii): Heavy equipment and utility vehicles used to abrade or fracture silica-containing materials (e.g. hoe-ramming, rock ripping). Table 1 control methods for this specified task requires; "operate equipment from within an enclosed cab. When employees outside of the cab are engaged in the task, apply water and/or dust suppressants as necessary to minimize dust emissions".*

### Question 1

When performing this Table 1 task, is the operator not required to be within an enclosed cab when employees outside the cab are engaged in the task and are applying water and/or dust control suppressants as necessary to minimize dust emissions?

**Answer:** If an employer decides to rely exclusively on section 1532.3(c) Table 1, an operator is always required to be within an enclosed cab when operating heavy equipment or utility vehicles while abrading or fracturing silica-containing materials, even when employees outside the cab are applying water and/or dust control suppressants.

Where an employer cannot or elects not to follow section 1532.3(c) Table 1, under section 1532.3(d) it may implement the controls of its choice to reduce exposures below the permissible exposure limit (PEL). If an employer decides to follow section 1532.3(d), an operator is not required to be within an enclosed cab when the employer demonstrates that the operator is not exposed to concentrations above the PEL.

**Question 2**

Is the operation from an enclosed cab only required when the equipment operator is the only employee engaged in the task?

**Answer.** No, the operation from an enclosed cab is always required whenever operating heavy equipment or utility vehicles while abrading or fracturing silica-containing materials, if the employer is relying exclusively on section 1532.3(c) Table 1, regardless of whether the operator is the only employee engaged in the task or other employees outside the vehicle are also engaged in the task.

Where an employer cannot or elects not to follow section 1532.3(c) Table 1, under section 1532.3(d) it may implement the controls of its choice to reduce exposures below the PEL. If an employer decides to follow section 1532.3(d), an operator is not required to be within an enclosed cab when the employer demonstrates that the operator is not exposed to concentrations above the PEL.

**Question 3-General**

This question has to do with the case where a contractor is developing their firm's worker protection program and specifically their air monitoring program. He may have test results (objective data) for some covered tasks, but may also have data from an equipment manufacturer which we will refer to as subjective. May the contractor use the subjective data in combination with the objective data to develop the firm's worker protection program?

**Answer:** Objective data is defined in section 1532.3 as follows:


Objective Data means information, such as air monitoring data from industry-wide surveys or calculations based on the composition of a substance, demonstrating employee exposure to respirable crystalline silica associated with a particular product or material or a specific process, task, or activity. The data must reflect workplace conditions closely resembling or with a higher exposure potential than the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

Data from manufacturers is not excluded from being objective data provided it meets the above definition. Although the definition in section 1532.3 includes specific examples of objective data, it does not limit the information that can be considered objective data only to those examples.

Data from equipment manufacturers may be combined with industry-wide surveys or calculations if, when combined, the information meets the definition of objective data.

Thank you for your interest in occupational safety and health.

Sincerely,

  
Eric Berg, Deputy Chief  
Cal/OSHA Research and Standards