Ask OSHA: Compliance with 29 CFR 1926.1153 – Respirable Crystalline Silica in Construction

October 20, 2026

Welcome: **Brian Rizzo,** Acting Director, Directorate of Construction, OSHA

Moderator: **Chris Trahan Cain, CIH**, Executive Director, CPWR

Panelists:

- **Jennifer M. Kim, MPH, CIH**, Director, Office of Health Enforcement, DEP, U.S. Dept. of Labor, OSHA
- **Stephen Schayer, PhD, CIH**, Director, Office of Physical Hazards, DSG, U.S. Dept. of Labor, OSHA
- **Minda Nieblas, MD, MPH**, Director, Office of Occupational Medicine and Nursing, DTSEM, U.S. Dept. of Labor, OSHA

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Housekeeping

- Today's webinar will be recorded and automatically shared via follow-up email.
- The recording and slides will also be posted on cpwr.com/webinars.
- Attendees are automatically muted! Please submit panelist questions via the chat or Q&A box.
- Spanish audio is available via simultaneous interpretation

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Simultaneous Interpretation
Interpretación simultánea

WINDOWS - MAC (Navegador web/*Browser*)

1. En los controles del seminario web, haga clic en **Interpretación**
2. Haga clic en el idioma que desee escuchar.
3. (Opcional) Para escuchar solo el idioma interpretado, haga clic en **Silenciar audio original**.

Nota: Hay que unirse al audio del seminario web a través de audio o VoIP de la computadora. No podrá escuchar la interpretación de idiomas si utiliza las funciones de audio de teléfono llamada directa o recibir llamada.

1. *In your webinar controls, click **Interpretation***
2. *Click the language that you would like to hear.*
3. *(Optional) To hear the interpreted language only, click **Mute Original Audio**.*

***Note**: You must join the webinar audio through your computer audio/VoIP. You cannot listen to language interpretation if you use the dial-in or call me phone audio features.*

ANDROID - iOS (Aplicación móvil/*Mobile App*)

1. En los controles del seminario web, toque los puntos suspensivos •••
2. Toque **Interpretación de idiomas.**
3. Toque el idioma que desee escuchar.
4. (Opcional) Toque el botón de alternancia **Silenciar audio original**.
5. Haga clic en **Finalizado**.

Nota: No podrá escuchar la interpretación de idiomas si utiliza las funciones de audio de teléfono llamada directa o recibir llamada.

1. *In your webinar controls, tap the ellipses •••*
2. *Tap **Language Interpretation**.*
3. *Tap the language you want to hear.*
4. *(Optional) Tap the toggle to **Mute Original Audio**.*
5. *Click **Done**.*

Note: *You cannot listen to language interpretation if you use the dial-in or call me phone audio features.*

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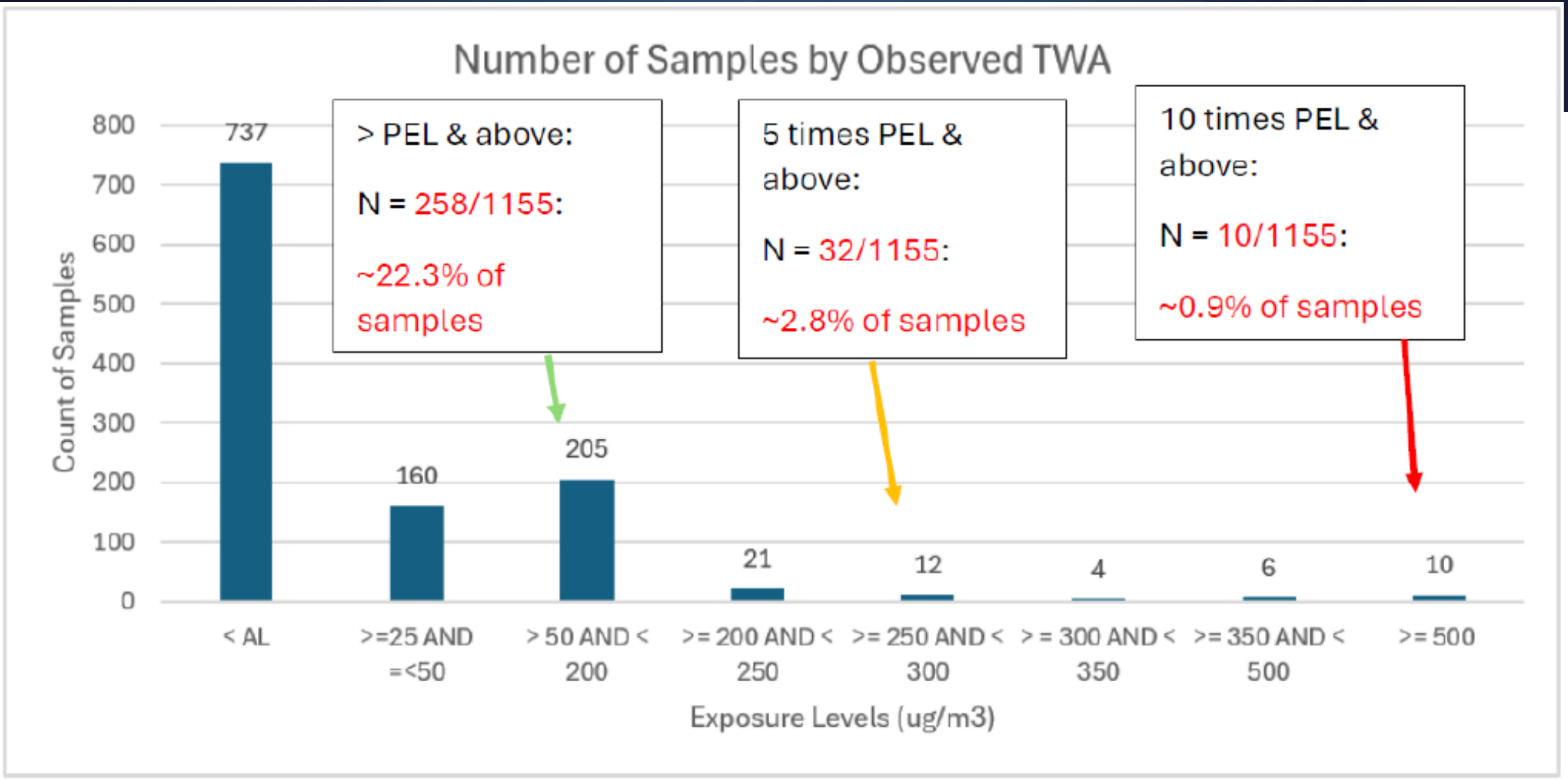
MOST FREQUENTLY CITED IN CONSTRUCTION: FY 2026: DATA FROM 10/1/2025 TO 9/30/2026:

- All inspections:
  - 1926.501- Duty to have fall protection
- RCS NEP:
  - 1926.1153(c)(1)- Did not implement controls in Table 1.
- Engineered Stone Initiative:
  - 1910.1200(e)(1)- did not develop a written hazard communication program
  - 1910.1053(f)(2)(1)- did not develop written exposure control plan

RESPIRABLE CRYSTALLINE SILICA NATIONAL EMPHASIS PROGRAM (NEP)

National Emphasis Program – Respirable Crystalline Silica, February 4, 2020, is still in effect (no expiration date).

- This NEP already includes the two NAICS covered by the focused engineered stone initiative, however, does not prioritize them for programmed inspections.
- **Focused Inspection Initiative in the Engineered Stone Fabrication and Installation Industries**, 9/22/2023, prioritized OSHA programmed inspections under the 2020 Silica (RCS) NEP within two high-risk NAICS:
  - 327991 - Cut Stone and Stone Product Manufacturing
  - 423320 - Brick, Stone Wholesalers


Number of Samples by Observed TWA
Count of Samples
800
700
600
500
400
300
200
100
0
737
160
205
21
12
4
6
10
< AL
>=25 AND =<50
> 50 AND < 200
>= 200 AND < 250
>= 250 AND < 300
> = 300 AND < 350
>= 350 AND < 500
>= 500
Exposure Levels (ug/m3)
> PEL & above:
N = 258/1155:
~22.3% of samples
5 times PEL & above:
N = 32/1155:
~2.8% of samples
10 times PEL & above:
N = 10/1155:
~0.9% of samples


water spray nozzle
sheet-wetting

RESPIRABLE CRYSTALLINE SILICA MEDICAL SURVEILLANCE 1910.1053(i); 1926.1153(h); 1915.1053

- Baseline/Preplacement
- Periodic every 3 years or more frequently (PLHCP recommendation)
- Exam: Focus on respiratory system
- Work History
- Medical history – symptoms, history of TB and Smoking
- CXR – Must be interpreted by NIOSH-certified B-reader
  - If classified as 1/0 or higher, must offer examination by board Certified Pulmonologist or Occupational Medicine physician
- Pulmonary Function Testing (PFT)/Spirometry
  - Administered by tech or provider with a current certificate from a NIOSH-approved spirometry course
- TB test at Preplacement/baseline exam
- Medical clearance for respirator use
- Employee Written Medical Counseling
  - All findings explained in writing
  - Medical Referral – required for 1/0 CXR but may be due to other findings too
- Employer Written Medical Opinion –
  - within 30 days to employer from PLHCP and, if applicable, the specialist;
  - extent of information dependent on written employee authorization
  - Required:
    - date of exam
    - all components required by standard met
    - recommendation for respirator use