# MOSH INSTRUCTION:

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| **INSTRUCTION NUMBER:** 24-1 | **EFFECTIVE DATE:** January 26, 2024 |
| **SUBJECT:** National Emphasis Program (NEP) - Respirable Crystalline Silica | **ISSUANCE DATE:**  January 26, 2024 |
| **CANCELLATION:** MOSH Instruction 08-7 – National Emphasis Program (NEP) Crystalline Silica w/ Addendum | **EXPIRATION:** Effective until canceled or superseded |

**Purpose:**

# This instruction provides Operations, Regional Office, and Consultation personnel with policy and guidelines for enforcement of the National Emphasis Program to identify and reduce or eliminate worker exposures to respirable crystalline silica (RCS) in general industry, maritime, and construction. The NEP targets specific industries expected to have the highest exposures to RCS.

**Scope:**  MOSH-wide

# Reference: A. Current MOSH Field Operations Manual (FOM)

B. OSHA Directive National Emphasis Program Respirable Crystalline Silica CPL 03-00-023

C. MOSH Standard Notice 18-4 - Respirable Crystalline Silica in General Industry

D. MOSH Standard Notice 18-3 - Respirable Crystalline Silica in Construction

E. MOSH Instruction 23-7 - Instruction Procedures for Respirable Crystalline Silica Standards

F. MOSH Instruction 16-4 - Local Emphasis Program (LEP) - Health Hazards in Construction

G. Appendix A of this Instruction

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# Contact: Chief of MOSH Compliance Services.

# See MOSH Website for Current Information https://www.labor.md.gov/labor/mosh

This Instruction, National Emphasis Program - Respirable Crystalline Silica*,* establishes procedures to be used by all MOSH Compliance and Consultation staff to identify and reduce or eliminate silica hazards in workplaces.

**Action:**

1. MOSH Assistant Commissioner shall ensure that operations, compliance, outreach, and consultation personnel utilize OSHA Directive CPL 03-00-023.
2. In any circumstance where OSHA Directive CPL 03-00-023 may conflict with the current MOSH FOM or MOSH Instruction the guidance in the MOSH FOM or Instruction shall prevail, including classification of unprogrammed activity.
3. Supervisors shall ensure that this instruction is reviewed with all operations staff, compliance officers, outreach, and consultation staff involved in enforcement or outreach of this RCS NEP.
4. All enforcement activities (inspections, complaints, and referrals) and compliance assistance interventions shall be coded using NEP code “RCS-NEP.”

*Note: As of the effective date of this Instruction, silica inspections shall no longer be coded in OSHA Information System (OIS) using the Additional Code “N-02 SILICA.”*

1. Wherever the OSHA Instruction references job titles, manuals, and offices, the equivalent MOSH job title, manual, or office shall apply.
2. Industrial Hygiene Supervisor shall request inspection cycles from the Chief and shall complete the cycle before requesting additional sites.

**Inspection Scheduling:**

Inspections conducted under this NEP will focus on construction activities and general industry facilities where employees may be exposed to potential RCS hazards.

1. Inspections in the construction industry will be conducted under MOSH LEP 16-4 - Health Hazards in Construction.
2. The Chief of Compliance, or designee, will create a randomized general industry establishment inspection list by extracting the industries listed in Appendix A of this section from an establishment database. The Chief of Compliance, or designee, will maintain the randomized inspection list and shall assign cycles for completion to Regional Offices. Regional Supervisors shall request inspection cycles from the Chief or Assistant Chief of Safety, and shall complete the list before requesting additional sites. The Supervisor of Industrial Hygiene, in coordination with the Chief or designee, may pull a subset of NAICS codes and/or establishments based on prior inspection history, industry knowledge, and demographics of the particular industry in Maryland. These inspections will be scheduled in accordance with MOSH FOM Chapter 2.
3. The Chief of Compliance or designee, in conjunction with the Regional Supervisor, may delete any establishment that has received an inspection addressing RCS hazards within the previous five fiscal years, provided either that no citations were issued for RCS hazards or that a citation(s) was issued but a follow-up inspection documented tangible appropriate and effective efforts to abate the serious hazards cited or MOSH received abatement verification that the RCS hazards have been abated. An establishment with a pending contest of a citation related to RCS hazards will not be deleted, but the inspection will be deferred during the contest.
4. Any unprogrammed inspection or investigation such as a complaint, referral, fatality, etc., may be expanded to include RCS hazards for any establishment that is already included in the randomized inspection list without regard to scheduling order.
5. At least two percent of all inspections every year shall include RCS.
6. The establishment list generated under this NEP must be maintained by the Chief of Compliance or designee for a period of at least three years.

By and Under the Authority of:



Michael A. Penn CSP, SMS

Acting Assistant Commissioner

**Appendix A: Targeted Industries in General Industry**

324122 Asphalt Shingle and Coating Materials Manufacturing

325510 Paint and Coating Manufacturing

327110 Pottery, Ceramics, and Plumbing Fixture Manufacturing

327120 Clay Building Material and Refractories Manufacturing

327212 Other Pressed and Blown Glass and Glassware Manufacturing

327213 Glass Container Manufacturing

327320 Ready-Mix Concrete Manufacturing

327331 Concrete Block and Brick Manufacturing

327332 Concrete Pipe Manufacturing

327390 Other Concrete Product Manufacturing

327991 Cut Stone and Stone Product Manufacturing

327992 Ground or Treated Mineral and Earth Manufacturing

327993 Mineral Wool Manufacturing

327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

331511 Iron Foundries

331512 Steel Investment Foundries

331513 Steel Foundries (except Investment)

331524 Aluminum Foundries (except Die-Casting)

331529 Other Nonferrous Metal Foundries (except Die-Casting)

332710 Machine Shops

332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers

339114 Dental Equipment and Supplies Manufacturing

339910 Jewelry and Silverware Manufacturing

339950 Sign Manufacturing

423840 Industrial Supplies Merchant Wholesalers

561730 Landscaping Services