



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

## Silica/OSHA: Eight Trade Associations (Including Mississippi Road Builders' Association/Louisiana General Contractors) File Federal Court of Appeals Challenge to New Rule

### Arkansas Environmental, Energy, and Water Law Blog

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The Louisiana Associated General Contractors, Mississippi Road Builders' Association and six other trade associations filed a Petition for Review ("Petition") on April 4<sup>th</sup> challenging the final rule recently promulgated by the United States Occupational Safety and Health Administration ("OSHA") revising the occupational exposure standards for crystalline silica.

OSHA promulgated the rule on March 25<sup>th</sup>. 81 Fed. Reg. 16285. See <http://www.mitchellwilliamslaw.com/silica-United-States-Occupational-Safety-and-Health-Administration-amends-existing-standard-for-occupational-exposure>.

The other organizations challenging the rule include:

- Associated Masonry Contractors of Texas DBA Texas Masonry Council
- Associated Subcontractors Association of Texas, Inc.
- Distribution Contractors Association
- Mechanical Contractors Association of Texas, Inc.
- Pelican Chapter, Associated Builder and Contractors, Inc.
- Texas Association of Builders

Crystalline silica is a component of dust from soil, sand, granite and other minerals associated with construction activity.

The Associated General Contractors of America ("AGC") noted its Louisiana chapter's court filing and stated:

... we have significant concerns about whether this new rule is technically feasible, given that the agency's final permissible exposure limit is beyond the capacity of existing dust filtration and removal technology.

The AGC news release acknowledges changes that OSHA made to the final rule such as dropping requirements for contractors to establish regulated areas that would block access to parts of construction sites where dust is being generated. However, AGC states that it "continues to feel that this final rule is not acceptable."

The final rule sets a limit of 50 micrograms per cubic meter of air, averaged over an 8-hour shift. The previous standard was 250 micrograms for the construction industry.

[Click here to download a copy of the AGC news release and the Petition.](#)