

## EXPERTS: FINAL SILICA RULE MANY MONTHS AWAY AS OSHA COMBS THROUGH MOUNDS OF DATA

News

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Ed Foulke was quoted on *Inside OSHA Online* on September 9, 2014. The article "Experts: Final Silica Rule Many Months Away As OSHA Combs Through Mounds Of Data" discussed the challenges faced by OSHA to finish drafting the Final Silica Rule due to the sheer volume of data culled through the public process.

"That is going to take a little time because there's been a huge interest and impact on this especially from the business community," said Ed. "I've looked at a lot of the documents that were submitted ... and I thought particularly the business community was very focused on the economic feasibility analysis and showing why they need to keep it where the PEL is currently."

Ed said "the argument that there has been a continual reduction in the number of silicosis [cases]" on whether a lower PEL is needed. But in terms of objections to OSHA's specific proposal "the thing is going to be the economic feasibility" and calculations of the rule's impact on various industries. "The construction and foundry industries will be two of the main ones affected," he added. "I think it will take a while for OSHA to issue a final rule because of the amount of documentation that was provided."

However, despite the hurdles, "I think you'll see something come out in a final rule before the end of the administration," said Ed. The rulemaking normally takes a very long time but with silica "obviously it's a priority" for OSHA, he says, noting that officials moved their once top-priority injury and illness prevention programs to long-term actions and stalled

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**Edwin G. Foulke, Jr.**

Partner

[404.240.4273](tel:404.240.4273)

on a combustible dust rule to a certain degree. "This is on their wish list to get out. They'd have to get it to OMB I would say probably four to six months before the end of the term."

The rulemaking could push all the way to the end of Obama's term, Ed suggested, noting that at the end of Bush's term "we finished up a number of standards. That's what happens at the end of the administration."

On the topic of silica, Ed said: "The closest they could get I think to getting it to OMB is four months before the end of the term, unless somehow the White House fast-tracks it. É If you look back at the Clinton administration the same thing happened on ergonomics." But Ed noted that "even after OSHA's finishes it, it will have to go to the Solicitor's Office and get its review, and signed off by the Secretary."

Ed suggested that the agency, for example, is also intent on finalizing regulations on proposed reporting requirements for worker amputations and hospitalizations; confined spaces; and walking, working surfaces. But he says regarding all those rules, and finishing them in a roughly two-year stretch, "that's a lot to get out before then."