

# OSHA's Crystalline Silica Rule Threatens Foundry Industry



In March 2016, the Occupational Safety & Health Administration (OSHA) finalized a new regulatory structure for the control of crystalline silica, including drastically reducing the silica permissible exposure limit (PEL). Silica (quartz) is one of the most common minerals on earth and found in countless products. It is essential for manufacturing, particularly for foundries, construction, brick industry, and oil and natural gas. The U.S. foundry industry uses millions of tons of silica sand per year in the production of critical metal castings.

Relying on woefully out-of-date data, this rule places undue burdens and irreparable harm on foundries. In addition, it lacks economic and technical feasibility and justification and will ultimately cost the foundry industry more than \$2.2 billion dollars annually. It will likely force some foundries to close, shift production offshore, and impact the long-term productivity, profitability and competitive structure of the our industry. American Foundry Society (AFS) members have always been committed to safe workplaces, and take pride in continuing to find ways to improve the work environment, but the current PEL is protective if enforced. This regulation is not the solution.

## AFS has the following major concerns with OSHA's Silica Rule:

- **Technologically Infeasible**
  - o Foundries will have to exhaust all feasible engineering and work practice controls to meet the new PEL and action level. It will require spending millions of dollars to retrofit or install new systems (through trial and error) and still not be able to meet the new PEL and wide variety of ancillary provisions.
  - o OSHA completely dismisses the use of personal protective equipment (PPE), as a primary approach to protecting employees; instead, relies on the outdated "hierarchy of controls" that requires engineering and work practice controls, even if ineffective.
- **Economically Infeasible: OSHA Drastically Understates the True Costs**
  - o OSHA's final cost of the silica rule for the foundry industry is \$47 million (\$38,000 for the typical foundry); however, our independent analysis shows the cost to be **more than \$2.2 billion annually, more than 50 times higher**. This represents **9.9% of the foundry industry's revenue and 276% of its profits**.
  - o OSHA vastly understates costs to comply including new HEPA vacuums, dust collectors which easily run over \$1 million, abrasive blasting units, new recordkeeping requirements and downtime for cleaning.

## Message to Congress

**AFS urges lawmakers to support the inclusion of the Sen. John Hoeven (ND) and Rep. Bill Huizenga (MI) language in the fiscal year 2017 Labor-HHS-Education Appropriations bill.**

**This language would prohibit funding to implement the crystalline silica rule until additional studies and reports are completed, including:**

- **OSHA conducts a new small business panel review under the Small Business Regulatory Enforcement Fairness Act (SBREFA).** OSHA conducted a SBREFA review related to respirable crystalline silica in 2003, more than ten years before the corresponding regulation was actually proposed. Since then, the economy and the state of the foundry industry has changed dramatically.
- **The National Academy of Sciences (NAS) conducts several studies to answer key issues that OSHA has not addressed.** NAS should study the ability of affected industries, particularly small businesses, to comply with the new standard. NAS should examine the ability of commercial laboratories to measure silica exposure accurately, consistently, and at the new OSHA exposure limit and action level. Finally, NAS should also study the level of protection provided by personal protective equipment (PPE), the costs of the different types of PPE compared with the costs of engineering, and work practice controls.

### Senate:

- **Contact Senator Roy Blunt (R-MO), Chair, Senate Appropriations Labor/HHS Subcommittee** and request the inclusion of the Hoeven/Huizenga language in the FY17 Labor/HHS Appropriations bill. Staff contact: Adam Sullivan at adam\_sullivan@appro.senate.gov or downey\_magallanes@blunt.senate.gov.

### House:

- **Contact Representative Tom Cole (R-OK), Chair, House Appropriations Labor/HHS Subcommittee** and request the inclusion of Huizenga/Hoeven silica language in the FY17 Labor/HHS Appropriations bill. Staff Contact: Justin Gibbons at justin.gibbons@mail.house.gov or holmes.whalen@mail.house.gov.

# Rep. Bill Huizenga (R-MI) Dear Colleague Letter to House Appropriations Committee on OSHA's Silica Rule

**Thank the following Members for signing the Silica Dear Colleague Letter sent to the House Appropriations Committee in support of the Huizenga Silica Language in the FY 2017 Labor/HHS Appropriations bill.**

Rep. Bill Huizenga (R-MI)	Rep. Tim Murphy (R-PA)
Rep. John Moolenaar (R-MI)	Rep. Joe Pitts (R-PA)
Rep. Sam Graves (R-MO)	Rep. Keith Rothfus (R-PA)
Rep. Adrian Smith (R-NE)	Rep. Bill Shuster (R-PA)
Rep. Crescent Hardy (R-NV)	Rep. GT Thompson (R-PA)
Rep. Frank Guinta (R-NH)	Rep. Diane Black (R-TN)
Rep. Renee Ellmers (R-NC)	Rep. Scott DesJarlais (R-TN)
Rep. Richard Hudson (R-NC)	Rep. John Duncan (R-TN)
Rep. Mark Walker (R-NC)	Rep. Joe Barton (R-TX)
Rep. Kevin Cramer (R-ND)	Rep. Bill Flores (R-TX)
Rep. Steve Chabot (R-OH)	Rep. Jeb Hensarling (R-TX)
Rep. Bob Gibbs (R-OH)	Rep. Randy Weber (R-TX)
Rep. Bob Latta (R-OH)	Rep. Roger Williams (R-TX)
Rep. Jim Renacci (R-OH)	Rep. Pete Olson (R-TX)
Rep. Steve Stivers (R-OH)	Rep. Rob Bishop (R-UT)
Rep. Brad Wenstrup (R-OH)	Rep. Dave Brat (R-VA)
Rep. Jim Bridenstine (OK)	Rep. Randy Forbes (R-VA)
Rep. Frank Lucas (R-OK)	Rep. Scott Rigell (R-VA)
Rep. Steve Russell (R-OK)	Rep. Dan Newhouse (R-WA)
Rep. Lou Barletta (R-PA)	Rep. Sean Duffy (R-WI)
Rep. Mike Kelly (R-PA)	Rep. Glenn Grothman (R-WI)
Rep. Tom Marino (R-PA)	Rep. Reid Ribble (R-WI)

**For further information, contact the American Foundry Society:**

**Washington Office:** Stephanie Salmon, Tel: 202/452-7135, [ssalmon@afsinc.org](mailto:ssalmon@afsinc.org)

**Headquarters:** 1695 N Penny Lane, Schaumburg, IL 60173, Tel: 847/824-018