



# Challenges Implementing the OSHA Silica Standard

**INTRODUCTION:** In late 2017, OSHA began rolling out the new respirable crystalline silica standard, which is to be fully implemented by mid-2021. While meant to protect workers, many of the new characteristics of the silica standard create uncertainty and confusion for employers, employees and medical professionals.

Examinetics has already conducted more than 2,000 silica exams on workers in the U.S. Through our extensive experience, we see first hand the complexity of staying compliant with OSHA's silica standard. Our team outlined some of the top challenges to consider in keeping your workforce safe from silica and we've provided solutions to meeting these complications.

## 1 Understanding of silica regulations



Safety managers frequently express confusion with OSHA's new silica standard, as it differs significantly from prior standards. Areas of confusion include:

- Which employees need silica medical exams (e.g., part-time contractors)
- The information needed for the exam and the specific tests to be performed
- Specific examination results the employer may and may not receive
- Chest x-ray, B-Reading and TB skin test interpretation
- Appropriate employee follow-up, especially with designated specialists
- Payment for follow-up exams

To understand and interpret the new standard, employers should seek the guidance of experts who have experience in silica medical exams and respiratory protection. Medical experts at Examinetics can provide professional assistance and expert insight to navigate the new rules.

## 2 Employee refuses any part of exam

While a silica medical examination must be offered, employees can choose not to have the exam or any component of it. An employee can decline to complete the work and medical history, pulmonary function test, chest x-ray with B-Read, physical exam, TB skin test or referral to a broad-certified specialist for follow-up.



Although employees can refuse any OSHA-mandated test, it is important to note that employers have the option to make medical exams a mandatory "condition of employment."

When looking for a medical partner for silica exams, seek a company that aims to teach workers the value of each component of the silica medical exam and the benefit to their health.

### 3 Training of licensed health care professionals



Given the confusion surrounding the new silica standard, it is difficult to find competent and knowledgeable silica examiners. Unfortunately, not all medical examiners understand OSHA regulations and fully comprehend their role in the process. In fact, many simply review history, perform physicals and complete forms. Examiners need better guidance on potential hazards, what to search for in work and medical history, how to focus their physical exams and knowledge of the required tests.

It is the responsibility of the employer to ensure the proper training of health care professionals conducting exams. Examinetics' Chief Medical Officer, Kent Peterson, MD, FACOEM, FACPM, is currently constructing web-based examiner silica-training that can provide for 1 hour of CME (Continuing Medical Education) credit. The module will prepare examiners on:

- The adverse effects of silica
- The questions to address on the medical history
- Areas of focus on physical exams
- How to advise workers about results
- The need for specialist referral
- Advising employees regarding the release of medical information to the employer

### 4 Assistance finding qualified medical specialists

After the silica medical examination, employers must “make available within 30 days an evaluation by a board-certified specialist in pulmonary disease or occupational medicine” for employees with work-related silica health issues.



Locating properly qualified medical specialists presents difficulties. Employers should work with a partner who can provide assistance in finding suitable specialists when needed. Examinetics offers guidance to employers when finding specialists in pulmonary disease and occupational medicine.

### 5 Employee does not authorize release of information to employer



Only with a signed release can employers access the critical employee information from the initial medical examinations. Information includes recommended limitations on employee exposure to respirable crystalline silica and a statement directing an examination by a board-certified specialist in pulmonary disease or occupational medicine for the employee.

Look for a partner that guides workers to understand the best options for their health. Health professionals should discuss with employees the implications of not authorizing their employer to receive vital information.

### 6 B-Reader licensing



There is confusion about the credentialing needed for B-Readers to review silica x-rays. OSHA has not provided guidance on whether B-Readers must hold licenses in each state they conduct B-Reads. Some B-Readers are attempting to distinguish comprehensive “clinical review” from occupational “pneumoconiosis consultations.”

Examinetics' B-Readers are NIOSH-Certified and have performed thousands of evaluations. We have a panel of additional certified B-Readers who can provide further insight on any case at the request of an employer or to meet special requirements of the Mine Safety and Health Administration (MSHA).

## 7 Confusion about what medical information the employer may receive



Employers usually receive medical exam results relevant to occupational exposures. However, the silica standard excludes employers from receiving: 1) medical test results, 2) medical conditions that would place employee at increased risk from silica exposure and 3) medical conditions that require further evaluation or treatment.

Only with employee authorization may an employer receive a statement that a board-certified specialist in pulmonology disease or occupational medicine should examine the employee.

Employers must understand how significantly the silica rules differ from other OSHA standards.

**CONCLUSION:** Navigating the complex landscape of OSHA regulations can be tricky. The new silica standards complicate this further. In fact, they can be more difficult to understand than previous rules. Employers should look for a compliance partner who has the experience, knowledge and insight that can help them keep their workforce productive, safe and healthy. Examinetics offers comprehensive medical exams to keep you compliant with OSHA standards. Visit [www.examinetics.com](http://www.examinetics.com) to learn more about silica health screenings and other compliance and wellness services.



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