

Chapter 15

OSHA’s Proposed Rule on Respirable Crystalline Silica and Its Impact on MSHA

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§ 15.01. Introduction.

This chapter examines the Occupational Safety and Health Administration’s (OSHA) proposed rule on respirable crystalline silica. The rule can potentially have profound impacts on Energy and Mineral Law Foundation members. Members involved in oil and gas exploration or well services, particularly hydraulic fracturing, will be among the most impacted by the rule. More commonly known as “fracking,” the hydraulic fracturing process involves the use of significant amounts of sand, which contains silica. Members involved in mining operations should follow the OSHA rulemaking process as well. Mining work obviously implicates potential exposure to silica; silica is the world’s second-most-common element. The Mine Safety and Health Administration (MSHA) is monitoring OSHA’s rulemaking, and will likely propose a rule substantially similar to OSHA’s final rule.

§ 15.02. Respirable Crystalline Silica.

Silica is a compound composed of the elements silicon and oxygen (chemical formula SiO₂). It exists in crystalline and amorphous states. It is odorless, has no vapor pressure, and creates non-explosive dusts when