



Mr. William Perry
Directorate of Standards and Guidance
Occupational Safety and Health Administration
U.S. Department of Labor
Room N-3718
200 Constitution Avenue NW
Washington, DC 20210

Via electronic submission: www.regulations.gov
Docket Number: **OSHA-2010-0034**

Re: INGAA's Comments to OSHA's Notice of Proposed Rulemaking regarding Silica

Dear Mr. Perry:

The Interstate Natural Gas Association of America (INGAA) is a not-for-profit trade association representing virtually all interstate natural gas transmission pipeline companies operating in the United States. INGAA's U.S. members operate over 200,000 miles of pipeline and related facilities and account for over 90 percent of all natural gas transported and sold in interstate commerce.

To ensure the safe operation of our nation's natural gas pipeline system, INGAA's members are committed to providing a safe environment for its workers, contractors and the general public. As such, INGAA appreciates the opportunity to comment on OSHA's crystalline silica initiative. In an effort to provide clear and concise comments, we have focused on those issues that directly impact interstate natural gas pipeline operations. Nevertheless, many of the issues that apply to industry in general will indirectly affect us as well, and have been considered.¹

By its nature, natural gas transmission operations do not pose a significant risk of silica-related illnesses. Employees in the natural gas transmission industry are not exposed to silica on a regular day-in and day-out basis. On limited occasions, however, transmission operators perform abrasive blasting using silica sand (sandblasting) or grinding operations. INGAA's members have taken steps to reduce silica exposure and to protect employees when they do perform these operations. For example, INGAA's members use non-silica-containing abrasives to the extent feasible, and require their employees and contractors to utilize appropriate personal protective equipment (PPE), such as compliant respirators.

¹ For example, INGAA does not represent the interests of the hydraulic fracturing or gas production industries. Rather, INGAA's members focus on the transportation of gas through interstate transmission pipelines, which include natural gas compression stations and storage facilities.

INGAA believes that OSHA's current silica standard adequately addresses silica exposure and protects employees in the natural gas transmission industry. OSHA's proposed standard, however, is unrealistic and imposes an unreasonable burden on the transmission industry. The proposed standard is economically unreasonable, technically infeasible and unnecessary with regard to the transmission industry.

The Current Silica Standard Protects Employees in the Natural Gas Transmission Sector

Presently, the natural gas transmission industry is subject to the silica standard set forth in section 1910.1000 when performing maintenance activities, and is subject to the silica standard set forth in section 1926.55 when performing construction activities. Under section 1910.1000, the permissible exposure limit (PEL) for substances consisting mostly of crystalline silica is approximately 100 micrograms per cubic meter of air, calculated as an 8-hour time weighted average (TWA); under section 1926.55, the PEL is approximately 250 micrograms per cubic meter of air, calculated as an 8-hour TWA. To achieve compliance with the PEL, employers are required to implement administrative and engineering controls, whenever feasible. When administrative or engineering controls are not feasible, however, employers may comply with the standard by requiring employees to utilize appropriate PPE, such as compliant respirators. 29 CFR §1910.1000(e).

When performing sandblasting or grinding operations, it is generally understood that it is not feasible to implement administrative or engineering controls to achieve compliance with the silica PEL.² Therefore, transmission companies require their employees to utilize appropriate PPE on the limited occasions when they perform these operations.

To ensure that the current silica standard adequately protects employees in the natural gas transmission industry, INGAA conducted a survey of our member companies. A significant majority of our members responded. The survey questions were:

- 1) Over the last ten years, have you had any OSHA recordable illnesses related to silica exposure, such as silicosis?

Response: Every member who responded to the survey responded: No.

- 2) Over the last ten years, have you had any workers' compensation matters related to silica exposure, such as silicosis?

Response: Every member who responded to the survey responded: No.

² When performing abrasive blasting operations, it is feasible in limited applications to substitute non-silica-containing abrasives, such as fused glass. As stated, INGAA members utilize other abrasives to the extent feasible. When performing grinding operations, it is feasible in limited applications to fit grinders with hoods or other devices to capture particles, but respirators still must be worn.

- 3) While performing operations where there is a risk of silica exposure, such as sandblasting, do you require your employees to utilize PPE, such as compliant respirators?

Response: Every member who responded to the survey responded: Yes.

The survey results demonstrate several key points. First, INGAA's members operate in compliance with the current silica standard. Second, the current silica standard adequately protects employees in the natural gas transmission industry against silica-related illnesses. Third, the current standard is effective, in part, because the exposure level in this industry is relatively minimal.

The Proposed Silica Standard Imposes an Unfair Burden on the Natural Gas Transmission Sector

OSHA proposes a complete overhaul of the silica standard. If adopted, the new standard will have a major impact on virtually every industry sector, including the natural gas transmission industry. First, OSHA proposes to significantly lower the PEL to only 50 micrograms per cubic meter of air, calculated as an 8-hour TWA, and proposes a new action level of only 25 micrograms per cubic meter of air, calculated as an 8-hour TWA. The proposed PEL of 50 micrograms applies to general industry and construction. Of note, OSHA admits that a PEL of less than 50 micrograms would not be feasible to achieve, and an action level of less than 25 micrograms cannot be quantified accurately, reliably or consistently using currently approved laboratory analytical methods. By inference, therefore, OSHA admits how extraordinarily stringent the proposed standard and action level are.

In addition, OSHA proposes new requirements that would apply when exposure levels exceed the proposed action level of 25 micrograms per cubic meter of air, calculated as an 8-hour TWA. Specifically, employers will be required to conduct exposure assessments reflecting the exposure levels of employees on each shift, for each job classification, and for each work area. In light of the low action level, exposure assessments will be performed regularly and will never end, as employers will be forced to assume that employees are exposed above the action level even after conducting the required exposure assessments since the action level cannot be quantified or measured accurately. In view of the stringent sampling requirements, exposure assessments will be particularly burdensome for the transmission industry, because transmission operators have compression stations and other facilities along the entire pipeline system.

OSHA also proposes a number of new requirements that would apply when exposure levels exceed the proposed PEL of 50 micrograms per cubic meter of air, calculated as an 8-hour TWA. Specifically, employers will be required to establish regulated areas, provide PPE, implement a detailed written access control plan, institute engineering and work practice controls even if it is not feasible to reduce and maintain silica levels below the PEL, utilize new cleaning measures, establish a medical surveillance program, update the Hazard Communication program, provide training, and update recordkeeping requirements. While certain of the proposed changes are

reasonable, such as updating the Hazard Communication program and training employees, most of the proposed changes are unreasonable and unduly burdensome, particularly given the low exposure level in the natural gas transmission industry and the effectiveness of the current standard for this industry.

With regard to PPE, it is unknown what the effect will be on the perceived adequacy of the current respirators given that the protection factor for each type of respirator is based on established exposure limits. Therefore, lowering the PEL may require replacement of the respirators that are currently in use. The replacement costs will be substantial, but an even bigger concern is that this is a cost associated with replacing equipment that is adequately mitigating the hazard. In other words, this is a real cost without a tangible benefit.

Compliance with the proposed standard is also burdensome for the transmission industry given the number of facilities along the natural gas pipeline system and the nature of the operations. Representative sampling for purposes of an exposure assessment would be difficult given the varied operations. Every facility will be required to have a written access control plan for the limited occasions that silica-related operations are performed. Moreover, even though it is generally understood that it is not feasible to reduce silica exposure to levels below the PEL when performing sandblasting operations, transmission operators will still be required to implement controls that will not be effective simply to comply with the rule.

The Proposed Silica Rule Does Not Target the Natural Gas Transmission Sector

While the proposed standard is well intended, INGAA believes it will have serious unintended consequences on many industries that are not the target of the rulemaking. In the Federal Register Notice, OSHA identified those industries where the employees have the greatest potential exposure to silica. The natural gas transmission industry was not identified and is not targeted. Nonetheless, the natural gas transmission industry will still be subject to the same onerous requirements as those industries that are targeted by the proposed regulations.

On the limited occasions when transmission operators conduct silica-related operations, such as sandblasting, the operators comply with the existing standard by requiring their employees and contractors to utilize the appropriate PPE, including compliant respirators. The current standard works for this industry.

INGAA believes there should be a means of excluding an industry that has proven to pose a minimal risk of silica-related illnesses. INGAA urges OSHA to consider focusing any specific silica standard on those industries that have shown a high incidence of risk of silica-related illnesses. That said, INGAA specifically is not commenting on the economic reasonableness or technical feasibility of the proposed rule as applied to other industry sectors.

In summation, for those industries that have historically shown low risk factors to silica-related illnesses, such as the natural gas transmission industry, OSHA should

INGAA Comments

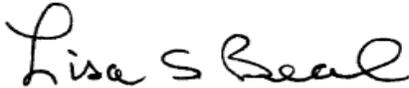
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maintain the current standard. The current standard is reasonable and effective for industries that have limited exposure. The proposed standard, on the other hand, creates an unnecessary hardship.

INGAA appreciates the opportunity to comment on OSHA's proposed silica rule. Should you have any questions, please feel free to contact me at (202) 216-5935.

Sincerely,

A handwritten signature in black ink that reads "Lisa S Beal". The signature is written in a cursive style with a large initial "L" and a distinct "S" and "B".

Lisa S. Beal

Vice-President, Environment and Construction Policy

CC: INGAA EH&S Committee