

Advocacy Supports OSHA's Proposal to Eliminate Ancillary Provisions of Beryllium Rule for Construction and Shipyards; Recommends Further Study of Health Effects

On August 28, 2017, the U.S. Small Business Administration's Office of Advocacy (Advocacy) submitted comments to the Occupational Safety and Health Administration (OSHA) on OSHA's *Proposed Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors Rule*. [82 Fed. Reg. 3562 (June 27, 2017)]. OSHA's proposed deregulatory action would remove the ancillary provisions for construction and shipyards from OSHA's final beryllium rule that was issued on January 9, 2017, but would retain the new lower permissible exposure limit (PEL) of 0.2 mg/m³ (measured as an eight-hour time-weighted average (TWA)) and the short term exposure limit (STEL) of 2.0 mg/m³ (over a 15-minute sampling period) for each sector.

In order to obtain input about OSHA's proposed rule from small businesses and their representatives, Advocacy discussed OSHA's proposed rule at its regular small business labor safety roundtable on July 21, 2017 and conducted a follow-up teleconference to discuss the proposed rule on August 22, 2017. Representatives from both OSHA and the Department of Labor were present for both discussions. Advocacy's comments are reflective of the issues raised in these and other discussions with small business.

- Small businesses and their representatives complained that construction and shipyards (except abrasive blasting) were not represented in OSHA's SBREFA panel for the draft rule and that many were unaware that the final rule would cover their sectors. Advocacy recommended that OSHA convene a new SBREFA panel for construction and shipyard sectors prior to including them in any new final rule.
- Small businesses and their representatives complained that OSHA lacks sufficient information about the health risks from naturally-occurring beryllium exposures in materials used in the construction and shipyard sectors. Advocacy recommended that OSHA consider suspending the PEL and STEL while it develops a more complete record of the health effects of naturally-occurring beryllium exposures in the construction and shipyard sectors before proceeding with a final rule.
- Advocacy also recommended that OSHA consider significant alternatives to the proposed rule that achieve its statutory objectives while minimizing any significant economic impacts on small business, including a rule that would apply only to abrasive blasting and welding.

A complete copy of Advocacy's letter to OSHA is available at: <http://www.sba.gov/advocacy>. For more information please contact Bruce Lundegren, Assistant Chief Counsel, at bruce.lundegren@sba.gov or (202) 205-6144.