



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

Summary of MSHA Silica Rule

Effective date: The compliance date for the new Part 60 is April 8, 2026. The provisions that follow are in the new Part 60:

Permissible exposure limit (PEL): The PEL for respirable crystalline silica (RCS) is 50 ug/m³ for a full shift exposure, calculated as an eight-hour time-weighted average.

Action level (AL): The rule establishes an AL for RCS of 25 ug/m³ for a full shift, calculated as an 8-hour time-weighted average.

RCS Sampling:

Mine operators shall begin sampling for RCS by the compliance date; mine operators shall sample again within three months of the first sample.

If the “baseline” and 2nd sample are below the AL, the mine operator can stop sampling.

If the 2nd sample is above the AL and below the PEL, the miner operator is required to sample every three months. If two consecutive samples are below the AL, the mine operator can stop sampling.

If any sample exceeds the PEL, the mine operator must take corrective action and sample until the sampling results are below the PEL. The mine operator must immediately report all RCS sample results above the PEL to MSHA.

The mine operator must prepare a record for each sample. The mine operator must post the sampling record and the corresponding lab report on the mine bulletin board for 31 days.

Periodic Evaluation:

At least every six months after sampling begins, and after any changes at the mine operations, the mine operator must evaluate whether there are new or increased RCS exposures and prepare a written record of the evaluation. The mine operator must post the written record of the evaluation on the mine bulletin board for 31 days.



Methods of Compliance:

Mine operators must use engineering controls, supplemented by administrative controls, to keep exposures below the PEL. The rotation of employees as an administrative control is prohibited.

Respirators:

Respirators can be used as a temporary measure if exposures are above PEL, but only when engineering controls are being evaluated and implemented, or if required by “nature of the work involved”, which includes investigation and maintenance.

Miners who may need to wear respirators must be provided with a NIOSH approved atmosphere supplying respirator or a NISOH approved air purifying respirator, with 100 series or HEPA filtration.

If respirators are used, mine operator must have a written respiratory protection program that meets the requirements of ASTM F3387-19.

Medical Surveillance:

Voluntary program: Mine operators shall provide the opportunity to all miners employed at the mine to have medical exams in the 12-month period after April 8, 2026, and periodic medical exams every five years thereafter. Participation by miners is voluntary.

Mandatory program: Mine operators shall provide mandatory medical exams for miners that are new to the mining industry within 60 days of the miner beginning employment. A mandatory follow-up medical exam shall be offered to these miners within three years of the first medical exam. If there is *no* evidence of decreased lung function or chest X-ray changes consistent with pneumoconiosis, then the miner will be eligible for the voluntary five-year exam. If there *is* evidence of decreased lung function or chest X-ray changes consistent with pneumoconiosis, then the miner must be provided a follow-up exam with a specialist within two years.

Medical examinations shall include a medical and work history, physical exam, chest x-ray, and pulmonary function test. The chest x-ray shall be classified per the ILO system by a B-reader.

The medical exams shall be conducted by a physician or licensed health care professional. The physician or LHCP shall provide the results of the medical exams to the miners within 30 days of the exam. The mine operator can receive a report stating the date of the exam, the exam complied with the MSHA rule, and any limitation on the miners’ use of respirators.

The results of all chest x-ray classifications done in connection with the medical surveillance requirements of the rule shall be reported to NIOSH.



Posting/Record Keeping:

Sampling records and lab reports must be retained for five years.

Periodic evaluations reports must be retained for five years.

Corrective action reports must be retained for five years.

Medical surveillance records must be retained for the tenure of the miner, plus six months.

