

## Frequently Asked Questions about OSHA and the Beryllium Standard FAQ 313

### **I heard that OSHA has issued a new occupational health standard for beryllium. Is that true?**

Yes. On January 9, 2017, the Occupational Safety and Health Administration (OSHA) published the final Beryllium Standard for General Industry (29 CFR 1910.1024) in the Federal Register.

### **When will the new standard for beryllium become effective?**

The requirements of final Beryllium Standard were to become enforceable on March 12, 2018. However, on March 2, 2018, OSHA [announced](#) a 60-day delay in enforcement of the Beryllium Standard to allow sufficient time to complete negotiations and reach a settlement of the legal petitions filed by Materion Brush Inc. and other industry stakeholders. By May 11, 2018, OSHA expects to formally propose changes to the Beryllium Standard, including adjusting compliance schedules for some requirements of the standard beyond the 60-day delay. At a minimum, on May 11, 2018, Materion fully expects the Permissible Exposure Limits (PEL) will become enforceable, along with the requirements to have completed exposure assessments and to provide a respiratory protection program where appropriate for workers. Please note that the enforcement dates for installation of change rooms and showers, if applicable; and feasible engineering controls remain unchanged at March 11, 2019 and March 10, 2020, respectively.

### **Where can I get a copy of the final Beryllium Standard?**

A copy of the final [Beryllium Standard](#), along with the [Frequently Asked Questions](#) that provide clarification to specific elements in the final standard, is available at (<https://www.osha.gov/berylliumrule/index.html>).

### **Is Materion in support of a standard for beryllium?**

Yes. Materion believes having a Beryllium Standard should provide a measure of certainty and predictability about the safe use and handling of beryllium which will help create jobs, ensure the continuity of future beryllium supplies and improve the safety of all those who work with beryllium-containing materials.

### **Does Materion agree with the basic elements of the new standard?**

In our review of the final Beryllium Standard, we found fundamental and dramatic differences from the proposed general industry standard issued by OSHA in 2015 which seriously impact the workability of the new standard. Materion Brush Inc. and the United Steelworkers International (USW) jointly submitted a model standard to OSHA in February 2012, following an unprecedented and historic multi-year collaboration between labor and industry to better protect beryllium workers in general industry. The proposed general industry standard largely reflected the elements of this model standard. In the final standard, however, OSHA made significant changes to a number of the standard's ancillary provisions without a sound scientific basis or a reassessment of the technical and economic feasibility resulting from such changes. Additionally, these changes render portions of the standard unworkable without presenting any significant additional protection

to workers. Beryllium workers and employers alike are best served by clear, workable language that reflects the historic labor-management partnership.

As currently written, the new standards place onerous burdens, which were largely unforeseen during the rulemaking, on employers across a wide range of industries. Because of a change in the scope, the standard can now apply to naturally occurring materials such as soil and rock. Affected stakeholders in many industries have stated that they were not afforded a fair and adequate opportunity to participate in the rulemaking process. As a result, several industry groups and companies representing maritime, construction and general industries, including Materion Brush Inc., have filed legal petitions for review in the U.S. Court of Appeals for the Eighth Circuit.

Materion Brush Inc. shares the interest of both OSHA and labor in preventing adverse health effects for employees in the beryllium industry and, therefore, we remain engaged with OSHA and labor to revise the Beryllium Standard for general industry to align more closely with the agency's 2015 proposed Beryllium Standard. OSHA has indicated its willingness to work with industry and labor to make positive changes to the standards in keeping with this collaborative effort and to provide clear guidance on its changes to protect workers sooner rather than later. To that end, OSHA has met jointly with Materion Brush Inc. and the USW and has agreed that changes will need to be made to the general industry standard. According to OSHA, modifying specific sections and requirements in the general industry standard will involve regulatory actions which are expected to occur before the initial compliance date in 2018. We will keep you informed of our progress in having OSHA make the necessary changes to the general industry standard.

#### **Did the permissible exposure limit change?**

Yes. The final Beryllium Standard issued by OSHA includes the PEL of 0.2 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) as an 8-hour Time Weighted Average (TWA) and 2.0  $\mu\text{g}/\text{m}^3$  as a Short-Term Exposure Limit (STEL) determined over a 15-minute sampling period. The new PEL TWA is 10 times lower than the previous PEL TWA.

#### **What else is different?**

In addition to the change in the PELs, the final Beryllium Standard also contains ancillary provisions and requirements similar to other substance-specific OSHA standards, including exposure assessment, designated work areas, written compliance plans, engineering and work practices, personal protective equipment, hygiene practices, housekeeping, medical surveillance, medical removal, hazard communication and recordkeeping.

#### **Who will be affected by the new standard for beryllium?**

Most companies processing beryllium oxide ceramics (beryllia) that have adopted and applied the Materion Beryllium Worker Protection Model should not be required to make major changes in the practices and procedures currently utilized. The final Beryllium Standard for General Industry applies to occupational exposure to beryllium and beryllium compounds where there is potential for airborne exposure to beryllium above specified levels. This would generally include those operations and facilities processing beryllia in ways that produce airborne particulate such as, but not limited to, lapping, polishing and grinding. The proposed standard does not apply to work operations using materials or products containing 0.1% or less of beryllium by weight where there is objective data demonstrating that employee exposure to beryllium will remain below the Action Level, which is 0.1  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA.

### **Where can I get more information and assistance?**

Materion will assist companies processing beryllium and beryllium-containing materials who may be affected by providing vital information and tools to make compliance with the final Beryllium Standard simple and straightforward. An online tool, named the Guide to Compliance, is under final development and will be available for use in the next few months.

If you have any questions regarding the above information, please contact your sales representative; our sales department at +1-216-486-4200; or the Product Safety Hotline at 1-800-862-4118 (in the U.S.) or +1-216-383-4019 (outside the U.S.). This document, as well as other product specific safety data information, can be found at [www.materion.com](http://www.materion.com). Additionally, information on the Beryllium Worker Protection Model and process specific safety guidance can be found in the Interactive Guide to Working Safely with Beryllium and Beryllium-containing Materials at [www.berylliumsafety.com](http://www.berylliumsafety.com).