



LX Hausys America, Inc.

3480 Preston Ridge Rd, Suite 350
Alpharetta, GA 30005
www.lxhausys.com/us

Dear Cal/OSHA Research and Standards Branch,

On behalf of LX Hausys America, a manufacturer of engineered quartz surfaces, we respectfully submit these comments regarding the proposed emergency regulation prohibiting the manufacture, fabrication, and installation of artificial stone containing more than 1% crystalline silica.

Worker health and safety must remain the highest priority. We recognize the seriousness of the cases identified in California and support strong, effective measures to ensure that all fabrication operations comply with applicable safety requirements.

At the same time, worker protection must be comprehensive and material-neutral. Laborers should be vigorously protected not only from the risks associated with engineered stone, but also from any and all surface materials—including natural stone and other composite alternatives—that can generate hazardous respirable dust during the fabrication process. Occupational risks arise from the inhalation of harmful respirable dust particles, not from the brand, composition, or classification of the slab. Therefore, to truly safeguard workers, any regulatory framework should encompass all materials that pose equivalent respiratory hazards, ensuring an industry-wide safety standard that leaves no worker unprotected.

While we fully support enhanced worker protections, we respectfully oppose the proposed prohibition and urge Cal/OSHA to pursue a licensing, compliance-verification, and enforcement framework rather than an outright ban. The underlying issue is not the existence of engineered stone products, but ensuring that fabrication facilities operate safely and consistently comply with existing silica-control requirements. California already maintains comprehensive silica standards governing exposure monitoring, engineering controls, respiratory protection, medical surveillance, and employee training. A regulatory approach focused on strict enforcement, independent compliance verification, facility licensing, and accountability would more directly address worker exposure risks while preserving responsible manufacturing and fabrication operations.

We believe that a mandatory licensing and compliance-verification program for fabrication facilities, coupled with rigorous enforcement of existing silica standards, would provide a more effective and sustainable solution than a product ban. Such a framework would target the source of workplace exposures, encourage continuous compliance, and ensure that all workers are protected regardless of the material being fabricated.

For these reasons, LX Hausys America respectfully requests that Cal/OSHA reconsider the proposed prohibition and evaluate alternative regulatory solutions that prioritize worker safety through

compliance, accountability, and exposure control rather than through a categorical ban on engineered stone products. We stand ready to work collaboratively with regulators, industry stakeholders, and worker advocates to develop practical and effective measures that achieve the shared goal of preserving safe, well-regulated manufacturing and fabrication operations.

The Problem Is Noncompliance, Not the Product Itself

The record underlying Petition 609 demonstrates that California faces a significant enforcement challenge. According to information cited in the recently submitted licensing petition, Cal/OSHA inspections found violations at 120 of 127 fabrication shops inspected, while approximately 1,342 fabrication operations are estimated to exist statewide. Thus, only a small percentage of facilities have been inspected.

These findings suggest that the primary problem is not the existence of engineered stone products, but the widespread failure of certain fabrication operations to comply with existing health and safety requirements.

An outright ban on engineered stone does not directly address this compliance gap. Instead, it removes a product category while leaving unresolved the broader challenge of ensuring that fabrication businesses operate safely and in accordance with California law.

Existing Regulations Already Provide the Necessary Safety Framework

California already maintains extensive silica regulations through Section 5204 and related requirements addressing:

- Engineering controls;
- Wet fabrication methods;
- Respiratory protection;
- Exposure monitoring;
- Medical surveillance; and
- Employee training

The critical issue is ensuring that these requirements are consistently implemented and enforced.

A Licensing and Independent Audit Program Is a Better Alternative

The recently filed petition from the International Surface Fabricators Association (ISFA) proposes a Verified Compliance Pathway requiring fabrication shops to:

- Obtain a fabrication license;
- Undergo annual independent third-party safety audits;
- Conduct routine exposure monitoring;

- Maintain workers' compensation coverage;
- Provide mandatory employee training;
- Participate in medical surveillance programs; and
- Immediately lose operating eligibility when serious violations occur.

This framework directly targets the facilities where worker exposures occur and creates continuous accountability rather than relying solely on periodic government inspections.

Importantly, it would apply not only to engineered stone but also to other countertop and surface materials, ensuring consistent worker protections across the entire fabrication industry.

The Proposed 1% Threshold Raises Significant Questions

The proposed regulation would effectively prohibit nearly all engineered quartz products regardless of an individual employer's compliance status or actual employee exposure levels. Yet exposure risk is influenced by fabrication practices, engineering controls, ventilation systems, housekeeping, respiratory protection, and monitoring programs rather than by material composition alone.

The ISFA petition appropriately asks whether a 1% crystalline silica threshold is scientifically supported and whether worker exposures can be effectively controlled through verified compliance programs and engineering controls. These questions warrant further evaluation before California adopts an irreversible statewide ban.

Protecting Workers While Preserving Responsible Manufacturing

Many manufacturers and fabricators have invested heavily in:

- Wet-cutting technologies;
- Dust collection systems;
- Industrial hygiene monitoring;
- Medical surveillance programs;
- Employee training; and
- Safety management systems.

A regulatory framework that rewards compliance and eliminates noncompliant operators would both protect workers and encourage continued investment in workplace safety.

Request

Accordingly, we respectfully request that Cal/OSHA:

1. Withdraw the proposed emergency prohibition on engineered stone containing more than 1% crystalline silica;

2. Fully evaluate the proposed licensing and Verified Compliance Pathway as a reasonable regulatory alternative;
3. Focus regulatory efforts on compliance verification, enforcement, and accountability at fabrication facilities; and
4. Allow the ongoing feasibility studies, public comment process, and scientific review to be completed before adopting a statewide prohibition.

We appreciate the opportunity to provide comments and would welcome further discussion regarding practical, enforceable measures that improve worker safety while preserving responsible manufacturing and fabrication operations.

Respectfully,

A stylized, handwritten signature in black ink, appearing to be the name 'Gerald Choi'.

Gerald Choi
President
LX Hausys America Inc.