

September 30, 2026

Division of Occupational Safety and Health California Department of Industrial Relations

RE: Draft Standard for Comment – Prohibition of Fabrication and Manufacture of Artificial Stone with More than 1.0% Crystalline Silica

Dear Division of Occupational Safety and Health,

The Bay Area Air District represents 101 cities and 9 counties with a mission to protect public health and reduce historic and current environmental inequities for our 8 million constituents.

We appreciate the opportunity to comment on the proposed new Section 5204.1 and proposed amendments to Sections 5204 and 1532.3 addressing the manufacture and fabrication of artificial stone containing more than 1.0 percent crystalline silica. The Bay Area Air District staff supports the proposed prohibition and urges Cal/OSHA to strengthen the regulation to ensure that it is effectively implemented and enforced.

The proposed regulation is necessary to protect California workers from a serious and preventable occupational health hazard. Silicosis is a severe and incurable lung disease caused by inhalation of silica dust, and cases among California workers exposed during artificial stone fabrication continue to increase and are likely underreported. As a board-certified family physician, I have cared for several patients who suffered from this condition, the majority of whom were young Latino men. As the former Chief Equity Officer for the California Department of Public Health, I believe this proposed prohibition would help advance health equity for a distinct group of workers.

California has taken important steps to reduce occupational silica exposure, including prohibiting dry cutting, requiring worker training, strengthening disease reporting, and establishing respiratory protection requirements. However, these existing protections have not been sufficient to prevent continued exposure and disease. Cal/OSHA's evaluation of Petition 609 similarly found that existing protections have not adequately addressed the risks associated with artificial stone fabrication. The proposed prohibition is therefore necessary because it directly addresses the hazardous activity rather than relying solely on exposure controls and respiratory protection to manage an activity that continues to result in serious occupational disease. This could also benefit nearby residents who may be impacted by dust from fabrication shops or outdoor cutting activities.

The Bay Area Air District staff recommends that Cal/OSHA strengthen the proposed regulation by requiring the immediate cessation of prohibited activities when a violation is identified. Section 5204.1(f) provides that the manufacture or fabrication of artificial stone containing more than 1.0 percent crystalline silica shall be considered an imminent hazard and shall be subject to an Order Prohibiting Use from the Division. Because the proposed regulation expressly establishes these activities as an imminent hazard, issuance of an Order Prohibiting Use should be mandatory upon a violation rather than left to enforcement discretion. A clear and mandatory cessation requirement would provide consistent enforcement ensuring workers are not permitted to remain exposed to a prohibited activity.

The Bay Area Air District staff also recommends meaningful penalties for violations of the prohibition, including misdemeanor penalties where authorized by law. The proposed regulation establishes that the manufacture and fabrication of covered artificial stone is sufficiently hazardous to warrant prohibition. The enforcement framework should likewise provide consequences sufficient to deter employers from continuing prohibited activities and reinforce the seriousness of the prohibition. Meaningful penalties are important where an employer knowingly continues an activity that has been expressly prohibited to protect worker health. Particularly in cases of repeat violations of the rule, in addition to orders prohibiting use, Cal/OSHA should consider these cases as willful violations with commensurate fines and referral to the Bureau of Investigations.

Based on our regulatory experience, the Bay Area Air District staff recommends that Cal/OSHA ensure adequate staffing and resources to enforce the proposed regulation. Effective implementation will require the Division to identify violations promptly and apply the regulation consistently across affected workplaces. Adequate enforcement resources are therefore necessary to ensure that the proposed prohibition achieves its intended purpose of preventing further occupational silica exposure and disease that leads to premature disability and death and are largely preventable. We appreciate Cal/OSHA's prompt action following Petition 609 and support the proposed prohibition on the manufacture and fabrication of artificial stone containing more than 1.0 percent crystalline silica. We respectfully urge Cal/OSHA to incorporate our recommendations to ensure that the regulation provides clear, consistent, and effective protection for California workers.

Sincerely,



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