

From: [Nate Kolenski](#)
To: [DIR_RS](#)
Cc: [DIR_OSHSB](#)
Subject: Public comment Discussion Draft Posted 9/16/26 Fabrication of Engineered Quartz
Date: Wednesday, September 30, 2026 3:11:51 PM
Attachments: [Block_Tops_CalOSHA_Comments_September 30th feedback.docx](#)

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8382 Rovana Cir, Sacramento, CA 95828 | (916) 383-4505

September 30, 2026

California Division of Occupational Safety and Health

Research and Standards Health Unit

Re: September 16, 2026 discussion draft for Sections 5204.1, 5204 and 1532.3

Submitted via: RS@dir.ca.gov and cc'd OSHSB@DIR.CA.GOV

To Whom It May Concern:

I am Nate Kolenski, Chief Executive Officer of Block Tops Countertop Surfaces, a countertop fabricator in California. I have worked with Cal/OSHA, CDPH, and State Legislature on this issue since 2018. We have put real money into wet fabrication, engineering controls, respirators, air monitoring and employee training so that we comply with the state's crystalline silica rules. We support the goal of preventing silicosis. But parts of the September 16 discussion draft won't work as written for shops like ours, and I'm concerned the prohibition will push work into shops that are harder to regulate. I'm asking Cal/OSHA to revise it and for the Board to vote against it as written.

Cal/OSHA's own evaluation says the current standard has been difficult to enforce and has taken a lot of resources. A fabrication ban might make inspections at known shops easier, since an inspector would only have to check whether the shop is cutting a prohibited product. It does nothing about underground shops and informal operators, though. A complete product ban would be more effective, but has not been pursued by Commerce and is out of the jurisdiction of Cal/OSHA. The only true solution is a licensing program similar to what is proposed by ISFA and the ACMC. The supply chain must be controlled from the source to keep any product needing specialized equipment out of the hands of unregulated, non-compliant operators.

There is also a gap in who the rule covers. A self-employed fabricator with no employees is generally outside Cal/OSHA's jurisdiction as an employer. If that person can still buy and cut conventional quartz, they can keep using a product that a shop with employees could not. Right now, products with 1% or less crystalline silica cost Block Tops roughly two to three times what standard quartz does. Bidding a job against someone who can still use the cheaper product, we would start out well behind.

It affects worker safety too. Orders could shift away from employers who have paid for exposure controls and toward operators outside Cal/OSHA's jurisdiction. If those operators later bring on workers informally or use subcontract labor without the required protections, more of the cutting will happen where exposure is hardest to monitor. Cal/OSHA should look at this before adopting the prohibition and say how it plans to deal with it. We would also like to see enforcement aimed at shops that aren't following the current rules now, including underground and nontraditional operations.

1. Exposure requirements during the transition

If the prohibition on artificial stone above 1% crystalline silica goes forward, the draft gives employers 180 days to fabricate material they purchased, contracted for or possessed before the effective date. During those same 180 days, they would have to meet tighter exposure-control requirements.

So a shop that already meets the current action level and permissible exposure limit would have to rework its industrial hygiene program for a product it can only cut for another six months. For employers who can show they are in compliance, we ask that the existing requirements stay in place



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through the transition. If Cal/OSHA believes more is needed, it should explain why, and how a shop is supposed to get there in the time allowed.

2. Measuring exposure at 3 $\mu\text{g}/\text{m}^3$

The draft sets an Artificial Stone Action Level of 3.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), measured as an eight-hour time-weighted average. We are not sure the sampling methods and labs fabricators use today can reliably measure down to that level.

Our industrial hygiene reports usually list low results as "<5," meaning below about 5 $\mu\text{g}/\text{m}^3$. That doesn't tell us whether we are under 3. If a lab's reporting or quantitation limit sits above the proposed action level, a shop could have very low exposure and still have no way to show it is below the threshold.

Before adopting this number, Cal/OSHA needs to spell out the sampling method, air volume, analytical method and detection limit employers are expected to use, and confirm that enough labs can actually deliver those results. Unless Cal/OSHA can show that employers can routinely measure at 3 $\mu\text{g}/\text{m}^3$, the level should be reconsidered. We would also like guidance on how to treat a result reported as "<5 $\mu\text{g}/\text{m}^3$," or any other reporting limit above 3 $\mu\text{g}/\text{m}^3$.

3. Slabs and remnants already in inventory

At the July 31 advisory meeting, I said that Block Tops by itself has about two years of inventory, worth as much as \$1 million. We keep full slabs and remnants on hand for builders, kitchen and bath dealers, remodelers and warranty work.

Under a 180-day deadline, much of that material would still be perfectly usable, and we couldn't fabricate it. Other established shops in California are in the same position, so statewide the loss could run into the hundreds of millions of dollars. We are asking for a much longer window for material purchased, contracted for or possessed before the effective date, and we'd suggest Cal/OSHA base it on actual inventory-turn numbers from California fabricators.

Remnants should get their own deadline. We build them up over years and use them for vanities, laundry rooms, small tops and warranty replacements, so they turn over far more slowly than full slabs. The remnant deadline should reflect how they are actually used.

4. Time for dealers and builders to change their programs

The kitchen and bath dealers, designers, builders, remodelers and retail partners who sell and specify our countertops also need time. Their samples, showroom displays, model-home selections and customer contracts are built around the quartz products they carry today. Replacing all of that across California will take more than six months.

An alternative material existing on the market doesn't mean manufacturers and distributors can supply it in the colors, thicknesses and price ranges these programs need. Manufacturers have to reformulate and distributors have to stock the new products. We have to test how the replacements machine and install. After that, dealers need new samples and displays, and builders have to revise specifications and get customer approvals. The transition period should allow for all of it.



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5. Which tasks the new action level covers

Proposed Section 5204(b)(2) applies the 3.0 $\mu\text{g}/\text{m}^3$ Artificial Stone Action Level to "high-exposure trigger tasks performed on artificial stone or high exposure trigger tasks performed on a variety of materials that include artificial stone."

We need to know what "a variety of materials that include artificial stone" means in practice. In one shift, an employee might work on natural stone, porcelain, sintered material and artificial stone. Would the lower action level then apply to that employee's entire exposure? If the intent is to cover exposure from artificial stone containing crystalline silica, the regulation should say so.

The language should also separate the product category Section 5204.1 defines as artificial stone from the crystalline silica content of a given material, and both of those from the respirable crystalline silica a particular task generates. It should explain how the action level works when an employee handles several materials in a day. The proposed definition of artificial stone includes reconstituted, synthetic, composite, engineered and manufactured stone but excludes fired ceramic and porcelain products, so employers will need to know which requirements apply before they assign the work.

We ask that Cal/OSHA answer these questions before it adopts the emergency regulation. As is, the proposal needs to be voted down in its entirety.

Thank you for considering our comments.

Sincerely,

Nate Kolenski
Chief Executive Officer
Block Tops Countertop Surfaces