



September 30, 2026

Comment of BAC Locals 3 and 4 of California on Cal/OSHA Draft Standard *Prohibition of Fabrication and Manufacture of Artificial Stone with more than 1.0% Crystalline Silica*

Bricklayers and Allied Craftworkers Locals 3 and 4 of California ("BAC"), which collectively represent over 3,000 members working in the trowel trades throughout California, welcome this opportunity to offer comments generally in support of the emergency rule proposed by the Division of Occupational Safety and Health ("Cal/OSHA") concerning amendments to Section 5204.

For over 160 years, BAC has fought for better lives for our members and for all workers. Among our chief objectives is the promotion of health, welfare, and safety, and our union – which represents bricklayers, masons, tile setters, and other workers who handle silica-containing products every day – has long been at the forefront of the battle against the scourge of silicosis. We agree with Cal/OSHA that there is ample evidence that fabrication of engineered or artificial stone with high concentrations of crystalline silica without appropriate safeguards places fabrication workers at extremely high risk of developing silicosis, and there unfortunately is ample evidence that a substantial number of fabricators in the state fail to provide statutorily required safety equipment and processes to their employees. Accordingly, BAC generally supports the emergency rule proffered by Cal/OSHA, but offers the following suggested modifications.

Language of New Section 5204.1, Including the Definition of "Artificial Stone"

At the July 31, 2026 advisory meeting convened by Cal/OSHA, numerous speakers representing a wide variety of stakeholders took pains to differentiate between the unique dangers posed by the cutting and fabricating of artificial stone products with over 1.0% crystalline silica and the fabrication of safer products such as natural stone and artificial stone containing amorphous silica. Accordingly, the proposed new Section 5204.1, which is clearly aimed at regulating solely the fabrication of artificial stone containing more than 1.0% crystalline silica, should be precisely drafted to target the offending product. With that in mind, we would suggest:

- Renaming Section 5204.1 (provisionally entitled "Crystalline Silica Activities Strictly Prohibited") as "**Manufacturing and Fabricating Artificial Stone With More than 1.0 Percent Crystalline Silica Strictly Prohibited.**" This change provides a more accurate description of the purpose of the new regulation, and eliminates ambiguity.
- Amending draft Section 5204.1(a) "Scope" to read:



- *Scope. This section applies to the manufacture or fabrication of countertops, backsplashes, walls, flooring, waterfall countertop edges, and similar products made from **artificial stone** slabs or panels containing crystalline silica in any place of employment. (Our proposed addition in **bold red** text.)*
 - This change will, again, eliminate ambiguity as to the purpose and reach of the regulation.
- Amending draft Section 5204.1(c)(1) “Definitions” to read:
 - *“Artificial Stone” means any reconstituted, artificial, synthetic, composite, engineered, or manufactured stone **slab or panel**. It is commonly made by combining natural stone or other crystalline silica-containing materials with adhesives, polymers, epoxies, resins, or other binding materials to form a slab. Fired ceramic and porcelain tiles and panels **and terrazzo** are not artificial stone.*
 - This change will, again, eliminate ambiguity as to the purpose and reach of the regulation.

BAC believes that these minor, technical amendments to the proposed emergency rule will offer the fabrication and construction community much-needed clarity and certainty about the scope and purpose of the rule, and we respectfully request that Cal/OSHA incorporate our suggested changes into the final language of Section 5204.1.

Lastly, BAC believes that the implementation of 180 days is too short to use current inventory on projects that are already in contract. We would request that this be extended to one year for all fabrication shops that are currently in compliance with OSHA guidelines for the fabrication of manufactured stone.

Sincerely,

Troy Garland
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BAC Local 3 of Northern California

Andrew Gerber
President
BAC Local 4 of Southern California

CC: Members of the Cal/OSHA Board Members