



CBIA

CALIFORNIA BUILDING
INDUSTRY ASSOCIATION

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September 29, 2026

The Honorable Joseph Alioto, Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

RE: Comments on Emergency Rulemaking to Prohibit the Fabrication of Engineered Stone Countertops Containing More than One Percent Crystalline Silica

Dear Chair Alioto and Members of the Board:

On behalf of the California Building Industry Association (CBIA), we appreciate the opportunity to provide comments regarding the recently released draft emergency regulations addressing the manufacture and fabrication of artificial stone containing more than one percent crystalline silica.

As CBIA noted in our August 13 letter, we strongly support protecting workers from silica exposure. Worker safety is, and will continue to be, a priority for California's homebuilding industry. Having reviewed the recently released draft emergency regulations, CBIA respectfully requests several targeted revisions that would provide greater clarity for the homebuilding industry and a more workable transition.

Clarification of the Installation Exemption

CBIA appreciates that the proposed amendments to Section 1532.3 expressly provide that Section 5204.1 does not apply to the onsite installation, maintenance, or repair of artificial stone products. The draft further defines "installation" to include fitting, positioning, leveling, securing, and final onsite modification or assembly of previously fabricated artificial stone slabs, including minor onsite adjustments necessary to improve fit.

However, for clarity, the same exemption and definition should also be incorporated directly into Section 5204.1. Section 5204.1 broadly defines "fabrication" to include processing, modifying, altering, shaping, cutting, grinding, drilling, finishing, joining, or otherwise transforming a manufactured slab. Providing the exemption in this section, as well, clarifies the intent.

To avoid ambiguity and ensure consistent application of the regulation, CBIA requests that the installation definition and exemption be expressly incorporated into Sections 5204.1.

CBIA also recommends revising the proposed definition of "installation" as follows:

(1) “Installation” means fitting, positioning, leveling, securing, and final on-site modification or assembly of artificial stone slabs that were previously fabricated. This is limited to minor on-site adjustments to modify, alter, or otherwise transform to improve fit.

This clarification would better align the definition of permissible installation activity with the terminology used in the regulation’s definition of “fabrication,” while maintaining the limitation to minor onsite adjustments necessary for installation.

Provide Additional Time Before the Prohibition Takes Effect

CBIA also remains concerned that the proposed implementation timeline does not provide sufficient time for manufacturers, distributors, fabricators, builders, and their suppliers to transition to compliant alternative materials.

Under the current draft, the prohibition would take effect only 60 days after the emergency regulation becomes effective. This is an extremely compressed timeline for an industry-wide transition involving product sourcing, manufacturing, distribution, project specifications, purchasing, and construction schedules.

As outlined in our previous letter, alternative products cannot simply replace existing artificial stone products overnight. Compliant alternative products cannot immediately replace the volume of artificial stone currently used in California. The supply chain needs time to source and scale sufficient quantities of replacement materials, and builders need time to incorporate those products into existing purchasing, project specifications, customer selections, and construction schedules.

As such, CBIA requests that the effective date of the prohibition be extended from 60 days to six months following the effective date of the emergency regulation and the limited inventory exception in proposed Section 5204.1(h) be extended to 18 months.

The current draft allows employers to continue manufacturing or fabricating qualifying artificial stone that was purchased, contracted for, or in their possession before the regulation becomes effective, but prohibits all such manufacturing or fabrication after 180 days.

That period does not adequately account for the amount of material already moving through the supply chain. Some businesses have approximately a year’s worth of product already purchased, committed, or in inventory. Requiring those materials to become unusable after six months would result in substantial stranded inventory and significant financial losses, even where the materials were lawfully purchased before the regulation was adopted.

An 18-month inventory transition period would provide a more reasonable opportunity to work through existing inventories and fulfill existing commitments while the market transitions to compliant alternatives. Throughout that transition,

employers would remain subject to California's existing silica exposure requirements, including the worker protections applicable to fabrication activities.

CBIA therefore respectfully requests that the Board revise the emergency regulations to:

1. Incorporate the installation exemption and definition directly into Section 5204.1, including clarification that permissible minor onsite installation adjustments are not prohibited fabrication;
2. Provide six months before the prohibition takes effect; and
3. Allow 18 months to manufacture, fabricate, install, and otherwise work through qualifying existing inventory, subject to applicable worker-safety requirements.

CBIA appreciates the Board's consideration of these comments and Cal-OSHA's continued engagement with affected stakeholders. We look forward to continuing to work collaboratively on an implementation framework that protects workers while minimizing avoidable disruption and costs to California's housing and construction industries.

Sincerely,



Joan Huckabone Mayer
Senior Vice President and Co-General Counsel

