

September 25, 2026
Via email: rs@dir.ca.gov

Mr. Eric Berg
Deputy Chief of Health
Cal/OSHA
Oakland, California

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

Dear Mr. Berg,

The California Industrial Hygiene Council (CIHC) appreciates the opportunity to comment on the Draft Standard for Comment - Prohibition of Fabrication and Manufacture of Artificial Stone with more than 1.0% Crystalline Silica. Our comments are based on the draft standard dated September 16, 2026, and CIHC offers the following comments and suggested changes.

In general, CIHC supports the Emergency Temporary Standard (ETS) approach to expedite actions for further protection of workers in the artificial stone fabrication industry. CIHC also appreciates Cal/OSHA's careful consideration of our previous written comments and verbal comments provided during Advisory Committee meetings.

CIHC has the following comments for your consideration.

§5204.1(a) – Scope of new regulation

CIHC appreciates the approach of drafting a new regulation to address banning fabrication of artificial stone with more than 1% crystalline silica. However, we note that manufacture was also included in the ban in this draft language. It seems like over reach to include manufacture as manufacture was not included in Petition 609, which prompted this ETS when the petition was granted.

§5204(g)(1) and (2) – Imminent Hazards

Given the proposed revised language in (g)(1), which is now the same language as in (g)(2), CIHC recommends combining these two subsections into one subsection; specifically, a revised (g)(1).

The suggested change would be as follows:

(g)(1) Failure to comply with any of the following shall be considered an imminent hazard and shall be subject to an Order Prohibiting Use (issued pursuant to Labor Code Section 6325) by the Division.

- (A) Subsection (f)(2)(A), Engineering Controls;
- (B) Subsection (f)(2)(D) Prohibitions;
- (C) Subsection (h) Respiratory protection;

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(D) Subsection (m) Reporting of silicosis; and/or

(E) Section 5203 Carcinogen Report of Use Requirements.

§5204(h)(3)(A) – Respiratory Protection

CIHC does not agree that the Exception 2 to this subsection should be deleted. If an employer can demonstrate <AL every 6 months, follow engineering control requirements, and the use of artificial stone (the culprit) is prohibited, why couldn't respiratory protection be reduced?

§5204(h)(3)(B) – Respiratory Protection

CIHC suggests that it is inappropriate for an employee diagnosed with confirmed silicosis or suspected silicosis to be working in an area where any respiratory protection is required. If such employees are still able to work, then they should be accommodated with work where potential exposure to respirable crystalline silica is not a concern.

§1532.3(a) – Scope and Application

CIHC does not agree that onsite installation should be exempted from the ETS requirements. Onsite installation should at a minimum require respiratory protection for the workers and dust control to minimize residual dust that could affect the property owner or occupants. Onsite installation should be separated from onsite maintenance and repair.

§1532.3(b) – Definitions

CIHC suggests adding a definition of “onsite fabrication” to this regulation. It appears that the proposed changes to this section are trying to distinguish between onsite fabrication and installation.

The CIHC, founded in 1990, represents the occupational and environmental health profession in California and is affiliated with the national American Industrial Hygiene Association (AIHA), an 8,000-member organization. The CIHC is formally comprised of occupational and environmental health and safety professionals who are members of the five California AIHA local sections represented by the CIHC Board of Directors. The CIHC's mission is to provide sound scientific and technological input to the regulatory and legislative process, and establish a legislative presence in the state Capitol through professional representation.

CIHC appreciates the opportunity to provide comments to the Division. Please let us know if there are any questions concerning the above-stated comments. On behalf of CIHC, I may be reached by telephone at 858-247-1050 or email at megan.canright@facs.com.

Very truly yours,
California Industrial Hygiene Council



Megan Canright Racicot, MPH, CIH
President, CIHC