

## CAESARSTONE USA, INC.

1401 W. Morehead St Ste 100, Charlotte, N.C. 28208

---

September 30, 2026

*Submitted via electronic mail to RS@dir.ca.gov*

California Department of Industrial Relations  
Division of Occupational Safety and Health (Cal/OSHA), Research and Standards Branch  
Attn: Emergency Rulemaking, Crystalline Silica and Countertop Fabrication

**Re: Comments of Caesarstone USA, Inc. on the September 16, 2026 Discussion Draft, Proposed Section 5204.1 and Amendments to Sections 5204 and 1532.3**

Dear Members of the Research and Standards Branch and of the Occupational Safety and Health Standards Board:

Caesarstone USA, Inc. supplies quartz, porcelain and natural stone surfaces to the California market. Our range also includes low-silica products and crystalline silica-free products. We do not operate fabrication shops and are not the employer responsible for conditions at any California fabrication shop.

Caesarstone does not dispute the existence or the gravity of silicosis among California countertop fabrication workers. Worker protection in this industry must improve, and the Division is right to act. We make three points and ask one question. The enclosed redline implements them, and our detailed comments on the draft text appear in the notes to that redline.

**1. The failure documented in this record is a failure of compliance.**

The Division's own Initial Statement of Reasons reports that the great majority of the shops inspected under the Special Emphasis Program were cited for violations of the silica standard or the respiratory protection standard, that many of those shops had exposures above the permissible exposure limit, and that a sizable proportion of the workers sampled were well above it. Only five percent of workers reported that their employer had sent them or a co-worker for the silica medical examinations the standard requires.

Every one of those conditions was already unlawful when observed. A rule that changes the slab does not reach an employer who can order slabs independently on the global market, or from outside the state, and who chooses not to comply. The inspections were concentrated in the areas of greatest concern, yet the regulation would reach the entire industry.

The exposures these workers sustained are a function of dose. Workers cutting stone dry, without respiratory protection or effective dust suppression, for the hours and years reflected in this record will continue to develop silicosis if they continue to work at that rate and with those practices, whatever the slab on the table, so long as it contains crystalline silica. It is the dose that produces the disease, not the category of the material. That is of particular concern here, because among the most popular alternatives to engineered stone is quartzite, a natural stone containing more crystalline silica than most engineered stone on the market today.

The photos included in **Appendix A** demonstrate the unbelievable conditions that exist in some fabrication shops.

## **2. The remedy that reaches non-compliance is enforcement.**

Caesarstone urges the Division to expand inspection capacity for this sector, and recommends that California establish a registration or permit requirement for countertop fabrication. Labor Code section 6501.5 already conditions asbestos-related work on registration with the Division, certified supervisors, documented training and medical monitoring, subject to suspension and revocation. An employer can decline to install a wet saw and keep operating. It cannot decline to hold a permit and keep operating. A permit requirement closes the gap this record documents.

A shop that does not comply with the law today is unlikely to comply with a prohibition tomorrow. Caesarstone has become aware that non-compliant shops obtain material through secondary and informal channels rather than through conventional distribution. Those channels will not close because a regulation is adopted. Shops of this kind are frequently unregistered, and relocate to avoid detection. A supply-side prohibition addressed to manufacturers and distributors does not reach them. An obligation enforced at the workplace, backed by a permit that can be withdrawn, does.

## **3. A prohibition confined to one product category will leave these workers exposed.**

Caesarstone has confirmed to the Division its capacity to supply compliant alternatives to the California market on the timeline described in our July 31, 2026 comments. We remain concerned, however, that the rule as drafted will do little to reduce silicosis, because it leaves unchanged the conditions under which workers are exposed.

The most common alternative material in the market today is quartzite. In February 2026 OSHA and NIOSH jointly placed quartzite at 95 percent or more crystalline silica, well above the engineered stone it would replace. Other natural stones also carry high crystalline silica content, and granite has been reported as high as 72 percent. Every one of those materials falls outside the draft prohibition. The draft also excludes fired ceramic and porcelain on the basis of manufacturing process rather than silica content, so that a porcelain slab at 29 percent would remain lawful to fabricate while an engineered slab at 1.1 percent would not.

A shop that changes the slabs it fabricates and nothing else will believe that its compliance guarantees the safety of its workers. So will its workers. They will be cut by the same blade, in the same room, in the same dust, and they will become sick.

Caesarstone therefore asks that the prohibition, and the control requirements the draft tightens in section 5204, be keyed to crystalline silica content rather than to product category, across the countertop and related slab applications the draft already covers. The Division's one percent threshold can stand exactly as written. Only the range of materials to which it applies would change. The request does not reach quarrying, masonry, concrete, tile setting, construction or any other task.

This is the approach California has already adopted. Labor Code section 6359.1(g), effective January 1, 2026, applies the statutory dry-method prohibition to artificial stone above 0.1 percent crystalline silica "or other silica containing products, including natural stone, that contain more than 10 percent by weight crystalline silica," expressly limited to the fabrication of countertops, backsplashes, walls, flooring and waterfall edges. As drafted, this emergency regulation would prohibit fabricating an engineered slab at 1.1 percent while leaving lawful the fabrication of quartzite that the Legislature has already forbidden any employer to cut dry.

Caesarstone recognises what follows from applying the Division's own threshold consistently. A prohibition on fabricating any material above one percent crystalline silica would reach most stone countertop fabrication performed in California. That is a significant consequence, and we do not minimise it. But the alternative the draft adopts, prohibiting one category and leaving the rest, does not reduce the dust in the shops this record describes. The Division faces a choice between a prohibition broad enough to be coherent and a prohibition narrow enough to be tolerable, and the second is not protective. The way out of that dilemma is not a different prohibition. It is enforcement of the obligations that already attach to the work.

Employees exposed to the dusty conditions as shown in the photos included in [Appendix A](#) with similar work practices will remain at a huge risk of silicosis, from many other silica containing surfaces.

### **The question Caesarstone asks the Division to address on the record.**

We ask the Division to identify the evidence establishing that the workers whose illness prompted this rulemaking were fabricating only engineered stone rather than natural stone such as granite or quartzite, and the basis on which this disease burden is attributed to that material rather than to uncontrolled silica-bearing countertop fabrication generally.

We ask because the published record appears not to answer it. The case definitions in the clinical and surveillance literature identify workers by exposure to engineered stone, not by exclusive exposure to it, so that a worker who used any quantity of engineered stone qualifies. The Division has identified no population of workers who fabricate engineered stone alone, and Caesarstone is not aware that such a population exists. Shops commonly fabricate engineered stone, granite, quartzite and porcelain with the same saws and the same crews. And no validated radiographic, pathological or biological marker distinguishes silicosis arising from engineered stone from silicosis arising from natural stone.

The same limitation attaches to the characterisation of these cases as an epidemic of disease caused by one material. Asked directly, under oath, whether she was offering the opinion that there is an epidemic of silicosis in the California stone fabrication industry, the lead author of the study on which this record principally relies declined to do so, answering that she could not state that there is an epidemic. Caesarstone does not cite that testimony to minimise the illness of any worker, and it does not. We cite it because the epidemic characterisation, and its attribution to a single product category, are doing substantial work in this rulemaking, and the researcher whose published work is relied upon to establish them did not herself adopt them when asked.

Caesarstone does not raise any of this to dispute that these workers are ill, or that the fabrication of engineered stone without controls has caused disease. Neither proposition is in question. We raise it because Government Code section 11346.1 requires an emergency regulation to rest on specific facts rather than on assumption, and because a remedy aimed at the wrong variable will leave these workers where they are.

### **The conditions in which this work is performed.**

The photographs at Appendix A show fabrication shops at which Mr. Martir-Navarro was employed. They were received in evidence at the recent trial of Martir-Navarro v. Caesarstone USA, Inc. They show fabrication performed with no water suppression and no effective dust capture, in conditions in which airborne dust obscures visibility across the width of the building, with workers grinding and polishing without respiratory protection. The material on the table cannot be identified from the photographs. Neither

can the dust identify it. Whether those slabs are engineered stone, quartzite or granite, the exposure is the same, and the obligations already imposed by section 5204 were the same.

### **Terminology, and the draft text.**

Caesarstone asks the Division to adopt "engineered stone," the term used by NIOSH, by the California Department of Public Health, by Safe Work Australia and in the literature posted to the Division's own advisory page, in place of "artificial stone."

The enclosed redline also identifies several defects that should be corrected before filing, including subsections (f)(2)(D) and (h) appearing in both the mandatory and the discretionary imminent-hazard lists in proposed section 5204(g), so that the same failure both "shall" and "may" be subject to an Order Prohibiting Use. Our remaining comments on the draft text appear in the notes to the redline.

### **Conclusion.**

Caesarstone supports an enforceable California standard that ends this disease. We ask the Board to prioritise the enforcement measures that reach non-compliant employers and, if a prohibition is adopted, to apply it to the fabrication of every material above the threshold in the countertop applications the Legislature has already identified, so that the workers this rule is written to protect are not left cutting a 95 percent silica slab under a regulation that has declared the problem solved.

Respectfully submitted,

**CAESARSTONE USA, INC.**



---

Kobi Brenner, President

### **Enclosure and appendix:**

Enclosure 1. Redline of the September 16, 2026 discussion draft, with notes

Appendix A. Photographs of fabrication shops at which Mr. Martir-Navarro was employed, received in evidence in Martir-Navarro v. Caesarstone USA, Inc.

## APPENDIX A

### PHOTOGRAPHS OF FABRICATION SHOP CONDITIONS

---

The photographs that follow show fabrication shops at which Mr. Martir-Navarro was employed. They were received in evidence at the recent trial of *Martir-Navarro, et al. v. Alpha Tile & Stone, Inc., et al.*, Los Angeles County Superior Court Case No. JCCP 5378 / 30-2023-01370092-CU-TT-CXC.

The conditions they show are the conditions in which the disease documented in this rulemaking record arises, and they are conditions that the standard already in force prohibits. Nothing in these photographs identifies the material being fabricated. A prohibition directed at one category of slab would not have changed anything visible here.

Each of the practices visible in these photographs was unlawful when the photograph was taken. Section 5204 requires effective wet methods for high-exposure tasks, prohibits dry clean-up and the use of compressed air on materials that may contain crystalline silica, and requires respiratory protection. Labor Code section 6359.1.5, in force since January 1, 2026, prohibits dry methods outright for the fabrication of countertops and related products from slabs containing crystalline silica above the statutory thresholds.



Plate 1. A worker performs grinding or polishing on a countertop edge. A dust plume is visible at the tool. No water suppression and no local exhaust capture are in use at the work position. The operator has no respiratory protection. Dust has accumulated on the floor, the work surfaces and the walls.

*Received in evidence in Martir-Navarro, et al. v. Alpha Tile & Stone, Inc., et al., Los Angeles County Superior Court Case No. JCCP 5378 / 30-2023-01370092-CU-TT-CXC*



Plate 2. Dust is being cleared from a slab by blowing rather than by wet methods or a HEPA vacuum. Section 5204(f)(2)(D) prohibits the use of compressed air on materials that may contain crystalline silica, and prohibits dry clean-up of such materials.

*Received in evidence in Martir-Navarro, et al. v. Alpha Tile & Stone, Inc., et al., Los Angeles County Superior Court Case No. JCCP 5378 / 30-2023-01370092-CU-TT-CXC*



Plate 3. A general view of the shop interior. Airborne dust obscures visibility across the width of the building. Exposure at this density is not confined to the operator performing the task. Every person present is breathing it, including those performing no cutting at all.

*Received in evidence in Martir-Navarro, et al. v. Alpha Tile & Stone, Inc., et al., Los Angeles County Superior Court Case No. JCCP 5378 / 30-2023-01370092-CU-TT-CXC*



Plate 4. A second general view. Dust is generated at a work table with no water suppression and no capture at source, and has settled across the floor and the surrounding surfaces, where ordinary movement will return it to the air.

*Received in evidence in Martir-Navarro, et al. v. Alpha Tile & Stone, Inc., et al., Los Angeles County Superior Court Case No. JCCP 5378 / 30-2023-01370092-CU-TT-CXC*