

**Comments on Discussion Draft for Proposed New Emergency Rulemaking:
Prohibition of Fabrication and Manufacture of Artificial stone with more than 1.0%
Crystalline Silica**

RS@dir.ca.gov

Dear California Division of Occupational Safety and Health,

I am the former Chief of Staff and Senior Policy Director of Federal OSHA, and have directed worker safety and health programs for unions and non-profit organizations over the last forty years. I am currently a Fellow at the Kalmanovitz Initiative for Labor and the Working Poor at Georgetown University, but I am writing these comments in my personal capacity. I am writing in support of the Proposed Emergency Rulemaking Discussion Draft prohibiting the fabrication and manufacture of artificial stone with more than 1.0% crystalline silica. I support the proposed new section 5204.1 and proposed changes to sections 5204 and 1532.3. I urge the California standards board to implement the proposed changes as soon as possible; with one additional protective measure I discuss at the end of these comments.

According to the California Department of Public Health **there are currently 652 silicosis cases, with 35 deaths**—and the number of cases and deaths is rising very fast. **In just the last 8 months, the Department added over 200 cases and ten additional deaths.** Those that are sick, are very sick. Twenty percent of the cases in CA have undergone or are awaiting lung transplants, a very brutal procedure that adds only a few years of life. This is a preventable epidemic that will clearly continue to grow in CA and needlessly destroy hard working Californian's lives unless something is done to protect workers. This level of disease and death in the state is a total worker safety and health emergency.

These numbers will continue to increase unless CA moves quickly. The facts are clear that an emergency standard that prohibits the fabrication and manufacture of artificial stone with more than 1.0% crystalline silica is the only response that is reasonable and necessary to protect workers lives.

As the [WOEMA petition](#) to the Ca Standards Board states:

“The evidence is now clear that engineered stone containing crystalline silica is too toxic to fabricate and install safely, and education and enforcement alone will not be sufficient to curtail the escalating occupational health emergency caused by this product.”

It is stunning to note that since the Petition was filed with the Standards Board in December 2025 (when there were 447 cases of Silicosis in California and 25 deaths) there are now 200 more cases and ten more deaths. In just 8 months!!

Australia prohibited the use of artificial stone countertops years ago. When Australia's Queensland set out to test its fabricators, it found that close to [1 in 5 had silicosis](#). Within a few years, Australia [banned the use of artificial stone slabs](#), effective in 2024. And, as the Petition to the California Standards Board for this emergency rulemaking states, there are many safer substitutes currently available that can be used as alternatives to engineered stone containing crystalline silica. A recent Australian government evaluation confirmed that the prohibition is largely working as expected, creating a rapid change in the market and new opportunities for safer products, while protecting workers from exposure to respirable crystalline silica.

The industry that makes these dangerous products will no doubt submit comments to fight this ban. They have made all sorts of claims about how safe their product really is. I am including the recently published [article in Business Week](#), that contains an abundance of evidence to refute these claims. The article focuses on one manufacturer Cambria, who produces these engineered stone countertops. According to the article, this company “has blamed afflictions like Jordan’s [a young countertop worker from California with silicosis – who’s health has been totally assaulted by the disease] on small businesses like his parents’, arguing that the track records of its in-house shops show the slabs can be safely fabricated. Part of the basis for that claim, Cambria research chief Jon Grzeskowiak testified during Jordan’s trial this spring, is that sampling of the air in Cambria’s own shops shows silica levels lower than the “action level” set by the Occupational Safety and Health Administration. “We have air monitoring results that confirm that all the dust levels are below the action level in our shops,” Grzeskowiak testified.”

The article goes on to say:” But ***an investigation by Bloomberg Businessweek shows that over the past decade, that has frequently not been the case. Confidential company records reviewed by Businessweek detail dozens of instances of dust levels above that threshold in Cambria shops — in some cases, far above it. Thousands more pages of company documents, court filings and transcripts complicate the company’s narrative further, as do interviews with scientists, doctors, attorneys, enforcers, fab shop owners and the workers whose lives have been upended by the dust.***”

Please see attached article.

There is one additional protection I recommend be added \ prior to finalizing this emergency rule. The regulation needs a testing and verification program, so employers and workers can confirm, not just assume, that a slab falls at or below the 1.0% threshold.

I urge the California Division of Occupational Safety and Health to finalize and implement this proposed emergency rule as soon as possible.

Sincerely,

Debbie Berkowitz

(Practitioner Fellow, Kalmanovitz Initiative for Labor and the Working Poor,
Georgetown University – Listed for identification purposes only)

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See attached article from Business Week: “Death Sentences: Crafting America’s Favorite Countertops is Killing Workers”

Businessweek | The Big Take

'Death Sentences': Crafting America's Favorite Countertops Is Killing Workers

Hundreds of workers who've contracted silicosis are suing the artificial stone industry for billions. While California weighs a ban on fabricating the product, the manufacturers' defenders in Congress are trying to ban the lawsuits.

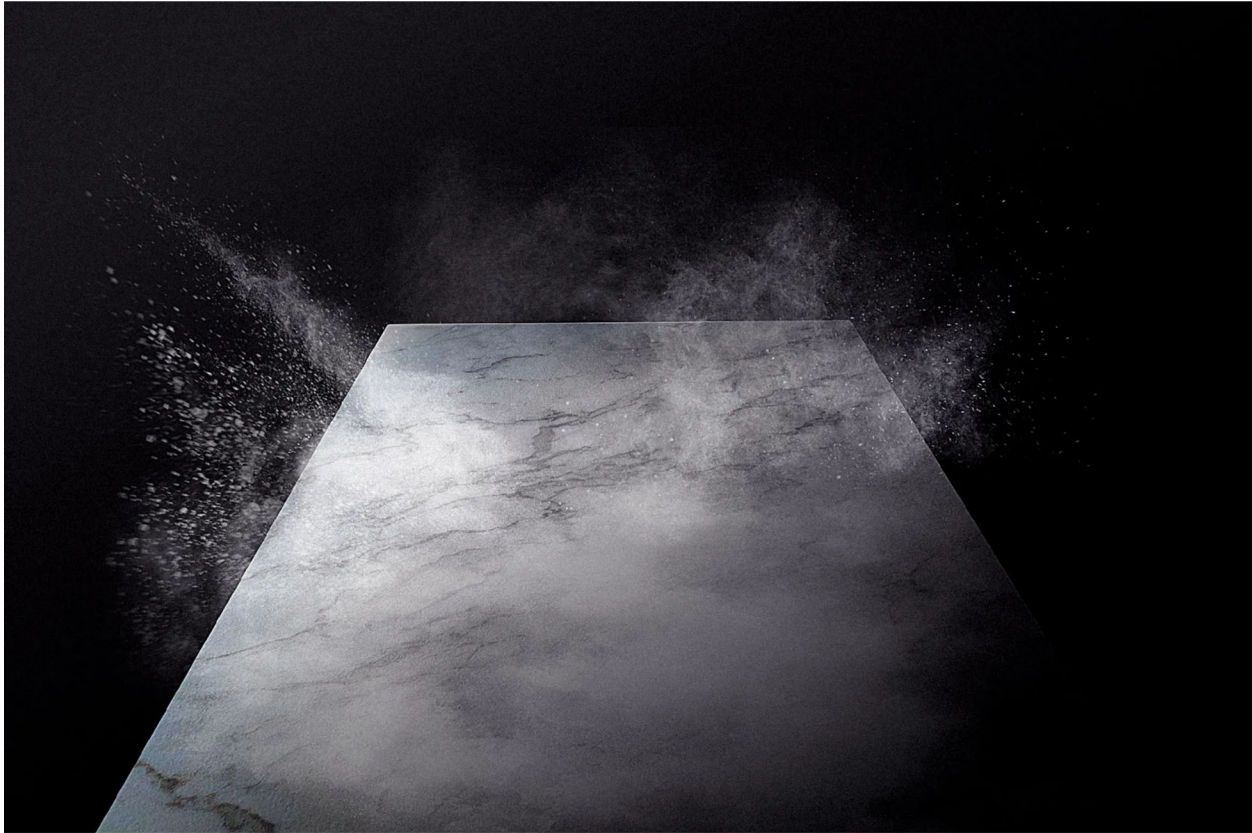


Photo Illustration by 731; Photos: Getty Images



By Josh Eidelson

September 14, 2026 at 5:00 PM EDT



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Silicosis is a killer that's been at large for millennia. It's an incurable workplace disease caused by breathing in dust with tiny, jagged particles of respirable crystalline silica, which is released by cutting or crushing objects like stone or gravel. These invaders, each less than one-tenth the width of a human hair, are difficult to keep out of your body; mucus is no match for them. As they pile up, RCS particles gradually destroy your lungs, inflaming them, scarring them,

In recent history, silicosis has typically been associated with decades of intense work around harmful dust. Doctors were used to diagnosing miners in their 60s and 70s. But the wave of patients whom Fazio and others are studying has started to look a bit more like 32-year-old Tyler Jordan. Once an athletic stonecutter, Jordan found in 2022 he could no longer take a full, deep breath, and he hasn't since.

Jordan felt unwell for weeks before he first met with doctors, cycling through fevers and chills. His wife, Caitlin, made him go in after he collapsed from shooting pain in his back. A physician told him he was far too young to have silicosis, until results came back from a biopsy of the lung that was stuck to the wall of his chest. A specialist concluded that Jordan had contracted the disease by breathing in silica dust from slabs of trendy artificial quartz, while working for his father turning them into countertops. What followed was chemo, dialysis, depression, renal failure, a kidney transplant and a more sensitive surgery to mitigate the brutal side effects on his reproductive anatomy.



Tyler Jordan outside his home in Urbana, Missouri, in August. *Photographer: Neeta Satam for Bloomberg Businessweek*

A father of three, Jordan used to mountain bike, snowboard and play hockey. These days, basic activities are exhausting or dangerous. And organ transplants tend not to last more than a decade or two, so he's likely to need several kidney or lung transplants if he's lucky. "Right now, it's just focusing on my kids," he says. "I can do frisbee with them, but I stand in one spot, and if they miss me, then they have to go get the frisbee." His daughter Faith, the oldest, is 11.

The family of five have moved from Colorado to Missouri, for the cheaper cost of living and greater help from his in-laws. “It’s hard to be a great role model, and I can’t be a hard worker – show them hard work, like my dad,” Jordan says. He’d always wanted to inherit Jordan Marble & Granite, the countertop business owned by his parents, Jimmy and Tina. Instead, he got his father’s kidney.

Jordan is one of hundreds of workers across the US who've recently sued the manufacturers of artificial quartz slabs, accusing them of peddling a needless toxic product and misrepresenting its risks. California's Department of Public Health, the agency tracking these cases the most systematically, has identified more than 600 silicosis diagnoses in-state that are linked to artificial (sometimes called "engineered") stone, which contains far greater concentrations of silica than the natural marble and granite products it's displaced. Most of those patients are Latino; almost all are men. Their median age of diagnosis is 46, and 35 of those Californians have died of the disease, at a median age of 52.

Over 6,000 workers with artificial stone silicosis have been identified worldwide, and many more could be at risk. Scientists project there will be thousands of cases a year among the fabrication workers grinding, polishing, cutting and customizing manufacturers' slabs to create the countertops consumers want. Those slabs increasingly consist of artificial quartz, which in recent decades has surged in popularity. When Australia's Queensland set out to test its fabricators, it found that close to 1 in 5 had silicosis. Within a few years, Australia banned the use of artificial stone slabs, effective in 2024. In the US, some officials are pushing to do the same. Others are moving to protect the manufacturers against lawsuits instead.

Artificial stone manufacturers, led by Cambria Co., have insisted that their products aren't the problem. Cambria, which didn't respond to detailed inquiries, has blamed afflictions like Jordan's on small businesses like his parents', arguing that the track records of its in-house shops show the slabs can be safely fabricated. Part of the basis for that claim, Cambria research chief Jon Grzeskowiak testified during Jordan's trial this spring, is that sampling of the air in Cambria's own shops shows silica levels lower than the "action level set by the Occupational Safety and Health Administration. "We have air monitoring results that confirm that all the dust levels are below the action level in our shops," Grzeskowiak testified.

But an investigation by *Bloomberg Businessweek* shows that over the past decade, that has frequently not been the case. Confidential company records reviewed by *Businessweek* detail dozens of instances of dust levels above that threshold in Cambria shops – in some cases, far above it. Thousands more pages of company documents, court filings and transcripts complicate the company's narrative further, as do interviews with scientists, doctors, attorneys, enforcers, fab shop owners and the workers whose lives have been upended by the dust.



Stone countertop material at Artistic Granite & Marble's workshop in Nicholasville, Kentucky, in July. *Photographer: Luke Sharrett for Bloomberg Businessweek*

SILICA IS THE NICKNAME FOR SILICON DIOXIDE, ONE OF THE MOST ABUNDANT materials on Earth. It's found in sand and glass as well as all sorts of rocks, and it's safe when it's just sitting inert in a slab in your kitchen. The crystalline type is the one to worry about. And studies from the National Institute for Occupational Safety and Health, the workplace-research team at the Centers for Disease Control and Prevention, have found that fabricating artificial quartz releases a lot more RCS than its old-school counterparts.

That's not surprising. While marble contains 5% or less crystalline silica and granite tops out around 45%, the number for artificial quartz can be as high as 93%. The other ingredients include resin binders with toxic components and carcinogens that can make the product even more dangerous to workers, according to a staff report from California's safety agency Cal/OSHA. The particles that artificial quartz releases are also smaller, making it easier for them to "penetrate deeply into the respiratory tract," wrote Cal/OSHA's standards board, deeming artificial quartz fabrication "highly toxic." Cal/OSHA is taking steps toward banning the fabrication of such products, and NIOSH has said the safest approach for shops is to use slabs with little or no crystalline silica.

In interviews with *Businessweek*, more than a dozen fabrication workers with silicosis who are now suing various manufacturers say they had no idea how dangerous artificial stone was to their lungs when they started grinding it. “Our concern was more getting crushed” if a slab tipped over, says Florida fabricator Wade Hanicker. He and others say representatives from the slab manufacturers visited often to promote product lines or give out swag without voicing safety concerns. Owners of fab shops, which tend to be small, often mom-and-pop operations, say much the same. “We were misled to believe from the get-go that it was just like natural stone, to fabricate it like natural stone, treat it like natural stone,” Tina Jordan says. “Totally duped.”



Fabricators at Artistic Granite & Marble. *Photographer: Luke Sharrett for Bloomberg Businessweek*

Fab workers say they never would've gone into that line of work if they'd understood what it could cost them. Silicosis has left some living in shame, feeling helpless, useless, futureless. One says he feels like a piece of furniture. Another compares himself to an avocado that looks good on the outside but is rotten under the skin.

Some workers spoke on condition of anonymity for fear of retaliation, either from the manufacturers or President Donald Trump’s immigration authorities. Attorney Raphael Metzger, who represents many undocumented fab workers suing manufacturers, alleged in January in a California court filing that defendants were illegally intimidating his clients about their immigration status, including by pressing them for ID during depositions. He also said in an affidavit that one plaintiff, the wife of a worker with silicosis, had recently been assaulted outside her house by a masked man who addressed her by name, “told her that if she and her husband didn’t stop talking to lawyers, he would kill them,” and struck her in the head with a blunt instrument.

The defendants in these cases have denied wrongdoing. They include a slew of companies in the countertop supply chain, among them retailers such as

Costco, Home Depot, Ikea and Lowe's; distribution middlemen; as well as foreign manufacturers like Caesarstone, Cosentino and Hyundai L&C, whose products include slabs of artificial quartz. But no defendant has more at stake than Cambria, the largest domestic producer of the artificial stuff. Cambria, a family-owned firm in Minnesota, produces artificial slabs with quartz from its own mines. Chief Executive Officer Marty Davis is a prolific Trump donor who's hosted the president at his home, visited him in the Oval Office, lent \$5 million to help launch his social media site Truth Social, and encouraged his efforts to overturn the 2020 election. (Asked later about text messages in which he made comments like "I told Potus there was extensive cheating in Minnesota," Davis said, "I gave information or input to what I thought they needed to do to investigate," *Talking Points Memo* reported in 2022.)



Davis at a Cambria quartz processing plant and rail center in Randolph, Minnesota, in 2025. Photographer: Richard Tsong-Taatarii/The Minnesota Star Tribune/Getty Images

In response to inquiries, Cosentino said that it wouldn't comment on ongoing litigation, but that it "stands by the safety of its products and the use of appropriate safety protocols" and that "silica-based materials," including its slabs, can endanger workers "if handled improperly." Home Depot said in a statement that it wants everyone in its supply chain to be safe and expects fabricators "to comply with applicable laws and regulations." Caesarstone and

Ikea declined to comment, citing ongoing litigation; Costco and Lowe's didn't respond to inquiries, nor did Hyundai L&C (not the one that makes cars). In a Los Angeles courtroom this winter, after a back-and-forth with a judge about estimating the number of people likely to die from exposure to silica, Hyundai lawyer Rey Yang mused, "You could live life without any risk, and then where would you be?"

In a 2023 email to trade association and company leaders including Cambria's Davis, a Home Depot senior director for government relations strategized about how to forestall a California ban of artificial stone. In the email, later viewed by *Businessweek*, he wrote that the retailer's lobbying firm agreed that "the creation of a stakeholder advisory committee is a good way to slow things down a little bit and a productive alternative."

Cambria's chief lawyer, Rebecca Shult, has testified that those with questions are welcome to come see its facilities firsthand. Cambria declined *Businessweek*'s requests for a tour and for interviews with its leadership; its spokespeople, in-house and outside attorneys, and CEO didn't respond to subsequent detailed inquiries. In court, the companies have argued they were forthright about the need to fabricate their slabs with care, and that the blame for workers' illnesses lies with third-party fab shops that cut corners figuratively as well as literally. "The problem is the process, not the product," Shult told lawmakers in January. Because other stone products also contain silica, she told Cal/OSHA at a March hearing, banning products like Cambria's "may provide a dangerous false sense of security."

While Cal/OSHA takes steps toward enacting a ban similar to Australia's, the U.S. Congress is cooking up a different sort of restriction. A bill that cleared committee in June would immunize manufacturers from lawsuits over their slabs, which the proposed legislation says "are not inherently dangerous." If passed and signed into law by President Trump, the legislation would mandate dismissal of hundreds of pending cases by countertop workers, attributing fault instead to those mom-and-pop shops, where enforcers have frequently found safety violations.

"I would have given him anything"

Cambria has often touted its success at containing RCS levels in its own in-house fab shops, arguing that it's proved its products can be safely fabricated when in full compliance with Occupational Safety and Health Administration standards. "We know that workers can be protected by following OSHA's regulation and controlling silica exposure to below the permissible exposure limit," Shult testified at a congressional hearing in January. "And in fact, at our shops, we control exposures below the action level, which is half of the PEL."

Corporate records reviewed by *Businessweek*, however, paint a different picture. Since the current OSHA requirements kicked in about eight years ago, air sampling commissioned by Cambria has dozens of times found RCS exposures above the threshold that the company insists it's staying below. Of 65 batches of air testing Cambria ordered among its own US fab facilities, 30 showed concentrations of RCS in some areas exceeded OSHA's action level. Six documented RCS levels that were also above the permissible exposure limit.

The records, which were discovered in ongoing litigation and shared with California regulators, cover testing conducted for Cambria at in-house fab shops in California, Indiana, Minnesota and Ohio. What they show is "alarming," says Deborah Berkowitz, who served as OSHA's chief of staff under President Barack Obama, "and clearly contradicts their testimony at the hearing when they wanted Congress to provide them a get-out-of-jail-free card."

The litigation poses an existential threat to the artificial stone industry, especially for Cambria, which only makes artificial quartz slabs. "The enormous resources required to defend against these lawsuits, coupled with the potential risk of nuclear verdicts, place an enormous burden on us," Shult told lawmakers. "The legal fees for just one trial can be millions of dollars, and we are currently defending against 400 of them." (It's now over 600, with more in the works, according to attorney James Nevin, whose firm represents many of the plaintiffs.) Juries have ruled against Cambria in two of the three cases that have reached verdicts, including Jordan's, in which the manufacturer owes about \$7.7 million to Jordan and his wife. The company has settled several others on undisclosed terms.

Cambria has urged jurors to see its product not as a threat to workers' safety but as a boon for the health of their children. "We all cut chicken on our

countertops, and we all have kids who eat off the countertops sometimes,” company attorney Lindsay Weiss said during a 2024 trial. Because Cambria’s product is less porous, she argued, it’s more hygienic: “It’s safer for us.”



“I never imagined that the very work I dedicated my life to would leave me with a permanent, progressive lung disease,” Artistic’s co-owner wrote in a letter to Trump. *Photographer: Luke*

Sharrett for Bloomberg Businessweek

TURNING NATURAL ROCK INTO ARTIFICIAL STONE IS SOMEWHAT LIKE TURNING potatoes into Pringles. Rocks get quarried from mines, then pulverized into a mash; mixed with resins, dyes and sometimes metal; poured into molds; deaerated; baked in an oven; then polished and packaged for fab shops to turn into countertops. This process, invented in Italy half a century ago, was popularized in the US in the past couple decades by the Davis family in Minnesota, who previously made a fortune from cheese and whey products. Mom-and-pops sourcing artificial stone from companies like Cambria, as well as their yuppie customers, quickly observed the product's perks. "What they want is marble that holds up like granite," Jimmy Jordan says. Compared with some natural stone, the artificial stuff is easier to work with (less chipping), to keep clean (less absorption) and to customize (it can be dyed whatever color you want).

Tyler Jordan started hanging around his parents' shop, a colleague would later testify, when he was "knee high to a French fry." By age 8, they stuck him on the payroll for some hours doing office work. He was doing part-time fab work in high school, then full-time for most of the decade after he graduated in 2012. (Two brief breaks: when Jimmy temporarily fired him for rolling in late too often, and when he temporarily quit out of frustration that Jimmy wasn't giving him enough responsibility.) When he was 18, Jordan met Caitlin, then 20, who a friend had lured to a hangout with the false promise of guacamole. They married a few years later and had three kids by the time he was 26.



Jordan in his yard. These days, running across it wipes him out. *Photographer: Neeta Satam for Bloomberg Businessweek*

It wasn't all Norman Rockwell, as Cambria's lawyers would later point out. In 2019, Jordan and Caitlin went through a brief separation, which he testified at trial may have been related to his alcohol use. A couple of years earlier, he received inpatient treatment after a mix of booze and prescription ADHD medication led to a mental-health episode. But he had a good life, anchored by the family business.

Not least, Jordan adored the shop. "He was always smiling, even when his dad was chewing his butt," a former co-worker testified earlier this year. The world was active enough to be a good fit for his ADHD, Jordan says, "almost like a zen state." Turning big slabs into beautiful counters while listening to Toby Keith or My Chemical Romance on his headphones was a great vibe. He felt proud seeing satisfied customers during installations and helping turn their houses into homes. And he loved working with his father, watching the business thrive. "We were, pardon the pun, rock stars," Jimmy testified in April, recalling his early days in the industry. "Granite countertops, those were showstoppers."

But the business was changing. Fabricating artificial stone, primarily from Cambria, would become the majority of the Jordan family's work by the early days of the first Trump administration. Across the US, demand grew about eightfold over the course of a decade. Jordan remembers how strikingly blue the first slab was, and also how various corporate reps said to handle it: "The told us to treat it like natural stone. Nobody ever told us that it was far, far worse." Jimmy brought him along on a trip to Minnesota to watch artificial stone being made at Cambria headquarters, with a stop at the nearby pizza shop that honors the Davis family's dairy legacy – served at artificial stone counters that represented its future. "Family-owned, American-made, I thought was the coolest thing," Jordan recalls.

By that time, however, *Chest*, the journal of the American College of Chest Physicians, had published an article now titled "Artificial Stone Silicosis: Disease Resurgence Among Artificial Stone Workers," describing an outbreak of cases in Israel. The initial title of that 2012 article, walked back after Caesarstone threatened to sue, called it "CaesarStone Silicosis." (According to the *New York Times*, the journal's then-editor said the change was made not due to legal threats, but because the issue was broader than one manufacturer.) Similar studies followed. By 2020, when the global market for artificial stone was estimated around \$21 billion, more than 500 total cases had been documented in countries including China, Canada, Italy and Spain.

In 2023, Cosentino owner and chairman Francisco Martinez reached a plea deal with Spanish authorities in which he was convicted of five counts of serious injury due to gross negligence and accepted a six-month suspended sentence. In emailed statements, Cosentino said the settlement was about five workers at one fab shop "who claimed they did not receive sufficient health warnings and experienced adverse health effects," that in fact "Cosentino did not conceal information about risks associated with its surfaces that could endanger the health of any professional worker," and that the matter "doesn't set a precedent for any future cases." The judge's ruling in the case said Martinez for years didn't provide fab shops with any information about his product's risks, even though he was aware of them and some of his own employees had silicosis.

Later that year, Australian authorities approved an industrywide ban, a move the country's worker-safety agency had deemed "the only way to ensure that another generation of Australian workers do not contract silicosis." By then, it was clear America hadn't been spared. A paper published by Fazio, the UCLA pulmonologist, and several colleagues reported 52 cases of silicosis associated with fabricating engineered stone in California. Ten of those 52 people had already died.

Another [worker] compares himself to an avocado that looks good on the outside but is rotten under the skin

When Jordan was diagnosed with silicosis, he took his doctor's advice and quit working, but within months, his symptoms got worse anyway. Rashes covered his legs. Vasculitis swelled his legs and feet until his shoes didn't fit, and chemotherapy was little help. Worse, his kidney function was declining. "When Tyler got sick," Caitlin would later testify, "I explain it as a light switch turning on and off."

After that came the thousands of hours of dialysis, first at the hospital and an outpatient clinic, then overnights at home. His weight fluctuated by 65 pounds, leaving stretch marks. His kids watched him have a seizure during a car ride. His 2-year-old son learned to say "dialysis" and his 9-year-old daughter helped set up the machine. He thought about death. "There were days I broke down, saying there's no way I can keep doing dialysis, it's just too much," he recalls. Relief came when his father was approved as his kidney donor. "I would have given him anything," Jimmy says. "I would have told the doctors, if you see anything in me that he needs, take it."

"Knowing that he helped me was pretty great," says Jordan. After the transplant, he got some of his vigor back. But complications from a stent required a penile surgery that left him a mess in both the bedroom and the bathroom. "I'm not the same down there anymore," he says. He can only use the toilet sitting down. "It sucks," he says, citing the innocent but painful questions from his kids. "That's pretty hard. But yeah, that's—" He pauses. "I guess that's life now."

Running across the yard wipes Jordan out. While the medical bills drove the family into debt, a chat with his doctor about future jobs was a bust: "All of the

ones I brought up, she was like, ‘You can’t do that.’” Welding means fumes. Carpentry means dust.

Jordan and his wife sued 20 companies, alleging negligence and deceptive business practices. They accused Cambria and other slab manufacturers of peddling defective products that were too dangerous to use, misrepresenting those products and failing to properly warn of their hazards. They also sued manufacturers of equipment used with the slabs or to protect fabricators from them, arguing they misrepresented how their products would work with silic rich artificial quartz. Like other plaintiffs, Jordan says he’s hoping his lawsuit will help force manufacturers to abandon artificial stone. He rejects their claims that Jordan Marble & Granite is to blame for his condition. “Not at all,” he says. “My dad was quite the stickler with safety stuff.”

At a deposition last year in Jordan’s case, one of the defendants’ lawyers asked his father if he’d done “any retrospective thinking about what maybe Tyler did differently, that he would be the unfortunate one to come down with silicosis and not others in the shop?”

“I constantly think of it,” Jimmy testified, after bursting into tears at an earlier version of the same question. “But there is nothing that he did more or differently than anybody else.”

“Is there anything you wish you would have done differently?” a company lawyer asked him. “No,” Jimmy answered. “I did everything I thought I could do. I did more than I thought we needed.”

Jimmy described the phalanx of dust fans, the 3-foot exhaust fan, the wet floors and the \$500,000 cutting machinery he bought to try to keep his guys safe. When pressed, he said he might regret not getting medical exams done on his half-dozen employees and going more than a decade without doing the periodic air sampling that OSHA mandated. But he voiced no regrets about working with artificial stone, as his shop still does.

“I would not fabricate it if I didn’t think we could do it safely,” he said during the deposition. The reason to use it is simple, he would testify at trial: “Customers, that’s what they want.”



A robotic cutting saw at the Artistic workshop in Kentucky. *Photographer: Luke Sharrett for Bloomberg Businessweek*

A YEAR LATER, WHEN ASKED BY *BUSINESSWEEK* WHETHER HE BELIEVES THERE a way to safely fabricate artificial quartz countertops, 10 seconds go by before Jimmy speaks. “The experts, they’re saying no. We’re doing everything we can to do it as safe as we can. So I don’t, I mean—” He pauses, and his wife finishes his sentence: “I mean, we still don’t know.” Both Jimmy and Tina say that after getting satisfactory results when OSHA itself tested the air in 2011, they thought further testing wasn’t needed, because they didn’t know about the greater danger of artificial stone.

In a separate interview, Tyler Jordan says it bothers him that his father testified artificial stone can be safely fabricated, but that he understands why the matter isn’t so simple for his parents. “If they stopped working with it right now, they’d go out of business.”

During the trial in April, Jordan’s lawyers presented a series of warning labels and safety guides in which the manufacturers had suggested to fabricators that their artificial stone was akin to natural rock – or was one itself. Instructions that Cambria disseminated read, in part, “Cambria is a natural stone product” “One must treat Cambria slabs like granite,” and “Cambria is pure natural quartz.”

At trial, Cambria said much the same thing. The manufacturer’s lawyers bristled at its slabs being called anything other than natural and urged the jury to think of them like grated Parmesan cheese – still very much Parmesan. “It’s a product the company is very proud about,” Cambria attorney Claire Weglar said in her opening statement. “The risk does not come from the presence of silica in these materials.” After one of the plaintiffs’ scientific experts testified that it was “difficult, if not impossible, to reduce the exposures to an adequately low level for engineered stone,” Weglar said to him, “If we’re going to eliminate silica in quartz, we are eliminating basically almost all the rocks on earth?” (“No, that’s not correct,” said the expert, industrial hygienist Michael Ellenbecker.)

Cambria dismissed the phrase “artificial stone” as an “artificial term,” and behind the scenes, also tried to keep the phrase “engineered stone” out of the jury instructions. That term, attorney Ryan Hebert argued, “has become synonymous in the minds of the jury with the concept of toxicity.” He added, “We are concerned such a characterization risks eliciting a Pavlovian response

Frank Sinatra, but they did it their way. But their way was not the right way.” The defendants repeatedly quoted a line from Jordan’s deposition about his visits to the shop as a kid: “Everything was dusty, there was – it was impossible to not play in the dust.”



A saw used for cutting countertops in the Kentucky workshop. *Photographer: Luke Sharrett for Bloomberg Businessweek*

Jordan testified at trial that though he sometimes skateboarded through the fabrication floor as a child, or came in to fetch his dad for lunch, or sat in the office watching movies, he wasn't actually playing with dust. (He says he got some things wrong during his deposition while heavily medicated, brain-fogged, and drained by dialysis treatment.)

His lawyers noted that Cambria has received its own OSHA citations, for violations that, like some of the fab shop's, the government deemed "serious. (Cambria's citations, issued last year, involved non-silica concerns such as insufficient emergency shutdown procedures for the manufacturer's giant resin mixing tanks, according to documents *Businessweek* obtained via public records request.) They called former co-workers to the stand who described Jimmy's business as a safe shop, and they showed the deposition of a former Caesarstone rep who said, based on his many visits, Jimmy "was one of the best fabricators in northern Colorado" and his operations "always looked clean and always in order."

Cecile Rose, one of Jordan's doctors, rejected the theory that childhood exposure was what got him sick. The onset of his symptoms was consistent with the "accelerated forms of silicosis" caused by artificial stone, testified Rose, a pulmonologist and the author of several peer-reviewed studies on the topic. Although exposure to natural stone dust contributed, it wouldn't have been enough to cause his condition, she said, noting that there's never been a documented case of silicosis from a countertop worker just fabricating natural stone. Jordan's symptoms were all consistent, she said, with "engineered stone silicosis." The companies' lawyers then asked Rose if she had told Jordan to lay off the vaping ("yes") and pushed again on whether the evidence pointed to his childhood fab shop visits as the real culprit. Rose said "No," and "I'd be happy to explain." The lawyers didn't ask her to.

Instead, during cross-examination, company lawyers asked Jordan about his history with alcohol; his use of cigarettes, vapes and THC gummies; his brief separation from his wife; his wife's relationship with his parents; and his parents' ongoing use of artificial stone. Later, when an economist testified about the millions of dollars of damages Jordan had suffered, an attorney for defendant Pental Granite & Marble LLC suggested considering the upsides of career pivot: "Let's say he got into computer programming. He would make

more money than he was making as a fabricator, fair?” (Pental, now known as Architectural Surfaces, didn’t respond to inquiries.)

While mocking the Jordan fab shop’s safety record, Cambria talked up the standards in its own facilities. When asked why masks aren’t worn in Cambria fab shops, Grzeskowiak, the company’s research chief, said such personal protective equipment wasn’t required “because our air monitoring results confirm that our wet cutting engineering controls and wet cleaning have kept our values below the action level.” (The next month, in California litigation, Grzeskowiak would file an affidavit attesting that “the air monitoring results produced by Cambria,” the ones showing the company had frequently exceeded the OSHA action level over the prior eight years, were “true and complete copies” of Cambria records.)

Grzeskowiak emphasized that zero of Cambria’s own in-house fab shop employees had reported contracting silicosis. Under cross-examination, he acknowledged he wasn’t aware of the company offering X-rays to check for the disease, or checking with current or former employees about whether they were having silica-related health issues.

In closing arguments, Cambria stressed that even Jimmy was still fabricating engineered stone. “He said he thinks they can fabricate it safely – that’s Tyler’s father,” Taqi-Eddin said. Jordan’s lawyers argued that if the defendants were allowed to stress this point, the plaintiffs should be permitted to tell the jury that such slabs are banned in Australia. The judge still didn’t let them, on the grounds that that would be prejudicial.

After a day of deliberation, the jury reached a mixed verdict. They found several companies, including Caesarstone, not liable, and rejected claims that the artificial stone slabs were defective products. But they found Cambria and Hyundai liable for misrepresenting the facts about those slabs. In the peculiar math of tort verdicts, they deemed Jordan’s parents’ business (which wasn’t a defendant in the case) to be 63% at fault for his injuries, Cambria 32%, Hyundai 3% and Jordan himself 2% to blame. The jury valued Tyler and Caitlin’s total damages at about \$17.5 million, which put Cambria on the hook to pay roughly \$7.7 million once interest was factored in. (Under Colorado tort law, while the nondefendants don’t pay for their portion of the verdict, it can reduce how much the liable parties owe.)

While lobbying Congress to halt such trials, Cambria has asked the judge to overturn the verdict against the company, arguing that there wasn't enough evidence to support it and that the jury's judgments were "irreconcilably inconsistent" with each other. "This case is just as important to us as it is to plaintiffs," Taqi-Eddin told the jury at the end of Jordan's trial. The manufacturer has also sent demand letters to Jordan's parents, arguing that under an indemnification clause they accepted to work with its slabs, their business should be the one to pay for Cambria's portion of any verdict.



A worker fabricates countertop material at Artistic. *Photographer: Luke Sharrett for Bloomberg Businessweek*

US REPRESENTATIVE DARRELL ISSA OPENED A JANUARY HEARING BY HOLDING up a tile of artificial quartz and intoning to his colleagues, "I'll be touching it, I'll be holding it, and I will have no fear."

The California Republican's hearing was dubbed "Between a Rock and a Hard Place: Protecting the US Stone Slab Industry From Lawfare." Company reps and conservative Congress members there made the case for the bill introduced by Representative Tom McClintock, which would shut down all civil actions against slab manufacturers for workers' illness related to fabrication by "third parties."

The cases “are very difficult to defend,” Cambria lawyer Shult testified: “These workers are very injured and very sympathetic. And so when they go to a jury it’s a perfect case for a product liability lawyer to have the opportunity to show a very endangered worker.” She noted that Congress had previously acted to shield airlines from liability for the Sept. 11 terrorist attacks. Gary Talwar, the vice president of Natural Stone Resources, a family-owned slab distributor, told the lawmakers he’s facing 65 silica lawsuits. He echoed Shult’s message with a metaphorical flourish of his own: “We’re fighting for our lives,” he said.

Republicans at the hearing argued that the silicosis problem was really about California’s failure to crack down on fabrication sweatshops exploiting illegal labor, that the lawsuits were endangering US manufacturing jobs and that Cambria, in particular, was being picked on because of its owner’s support for Trump. McClintock suggested Democrats were aligning themselves with sketchy fab shop bosses out of ire at the president. “Do you get the impression that a lot of this is political, and that some of our members are missing the big picture of what this is doing to the livelihoods and safety of tens of thousands of American workers?” he asked Shult.

“I’m afraid so,” she replied. “We should prioritize worker safety over politics. After talking up Cambria’s record of keeping its fab facilities below the OSHA action level, she said, “Workers are protected when we follow OSHA’s regulations and requirements, which we do. And our workers are safe and protected, and in fact, our CEO’s own children work on the floor of our fab shops.” Along with dozens of other times its fab shops exceeded OSHA’s action levels, the air-monitoring records Cambria released in discovery a few months later showed levels at a facility in Ohio that were quintuple OSHA’s permissible exposure limit at one point in 2020, and more than quadruple it during a test in 2023.

House Democrats’ sole witness at the hearing was David Michaels, a public-health professor at George Washington University who ran OSHA under Obama. “Australia has not banned lawsuits – after careful study, Australia banned the deadly product,” Michaels told the committee. That change forced manufacturers to switch to a safer alternative, he said: Recycled glass with virtually no crystalline silica is now fabricated into countertops by the same

Australian workers who were previously handling the dangerous artificial quartz.

Like Jordan's trial, the hearing was a metaphor derby. Michaels compared the slabs to cigarettes, dangerous when used for their intended purpose (fabrication). Issa said they're more like cars, whose manufacturers aren't blamed for drunk driving. As he closed the hearing, he held up the tile again and, sticking out his tongue as he lifted it to his mouth, said it was "something that I could lick, and it isn't going to hurt me."

One of the workers suing the companies, 56-year-old Jeff Rose, recently wrote a letter to Trump, urging him to oppose the McClintock bill. "I want my story to mean something," he wrote. Rose is part owner of Artistic Granite & Marble, a fab shop in Kentucky. He's tried to limit his time on the fabrication floor since his diagnosis, but he still drags himself each day to the shop, where his son works and contracted silicosis too. The best-case scenario, he says, is that the disease shaves only a decade off each of their lives. Already, he can no longer carry his grandkids up the stairs. Pulling a Christmas tree made him lose his breath and worry he was about to die. "I was never afraid of anything and now I'm afraid of everything," he says.



Rose at his workshop. *Photographer: Luke Sharrett for Bloomberg Businessweek*

Rose, who voted for Trump in the past three presidential elections, says signing the bill likely wouldn't cost the president his support. "If he swayed the way of the manufacturers and decided that he wasn't going to let them get sued or anything like that, I would probably still vote for him if he ran again."

This spring, workers and advocates flooded into the Ronald Reagan state building in Los Angeles for hours of public testimony, the culmination of months of Cal/OSHA standards board hearings and deliberations. Some carried white carnations to honor those already dead. A drab PowerPoint from the agency's in-house doctors and engineers presented the team's findings: "Rising counts of artificial stone silicosis is an occupational health emergency," with 3,000 new cases expected in the year 2030. A worker testified while hooked up to an oxygen tank, pleading for action. Doctors, including the president of the California Medical Association, joined the assembled fab workers in urging a ban; one said she wanted to stop "giving out death sentences."

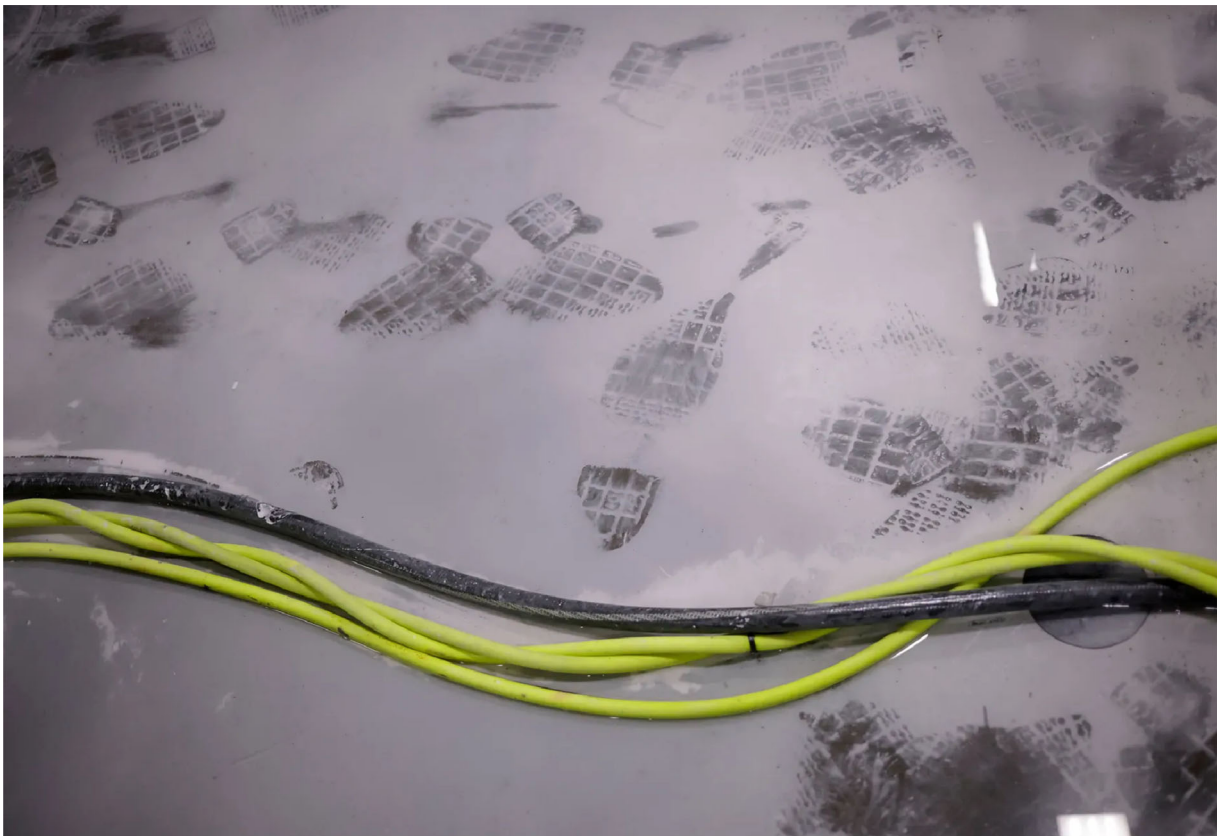
After a gusher of testimony, as the hearing neared the time at which security was obliged to close the building for the night, one of the board's members addressed the workers present with regret: "Your society owes you an apology," industrial hygienist Nola Kennedy told them. "We have failed you." She and her colleagues then voted to ask the agency to start drafting an emergency regulation, a step toward banning fabrication of the product. Two weeks later, the US House Judiciary Committee voted along party lines to advance McClintock's ban on silicosis lawsuits.

For now, the lawsuit ban's prospects depend on whether House Speaker Mike Johnson brings it to the floor. The California ban on artificial stone fabrication would require a future standards board vote to approve and is sure to draw legal challenges if it goes forward. Either proposal could help dictate whether manufacturers ease away from, or double down on, artificial quartz.

In the meantime, Trump just delivered Cambria a different sort of victory. This summer, the president issued heavy new tariffs on foreign slabs, including less hazardous glass as well as artificial stone, sought by manufacturers. Trump's tariffs exceed those recommended by the members of the US International Trade Commission. Despite the pleas of the American Public Health Association, they don't include exceptions for products less likely to cause silicosis. Asked about the tariffs' safety impacts, the White House directed

Businessweek to the president's proclamation announcing them, which said they would “provide greater economic and social benefits than costs.”

Many workers have come to see different trade-offs from the slabs. One artificial stone countertop worker with silicosis says he's constantly exhausted but loses sleep at night thinking about death. Another can't put on his socks without taking a break in between, but he can't qualify for a lung transplant because of a brain infection. A third was traumatized by a hellish transplant: Hallucinating because of his meds, he tried to tear out the tubes that were stitched into his skin to help clean his blood. The hospital tied him down and then, when that wasn't enough, tied gloves to his hands to restrain his fingers. He tried to scream, but no sound came out because of the hole doctors had cut for a breathing tube in his neck. Like many of his counterparts, he lives with an artificial stone countertop he fabricated himself. It sits at his home under images of the Last Supper and the Virgin Mary. He says he knows it can't hurt him anymore.



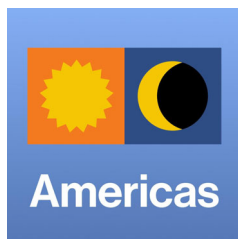
Footprints left in the dust at Artistic. *Photographer: Luke Sharrett for Bloomberg Businessweek*

In Oregon, plaintiff Frankie Evans says a manufacturer's lawyer implied he was to blame for his own silicosis during a deposition, then put a hand on his shoulder in the hallway afterward and told him everything was going to be OK.

Evans is a 46-year-old father of six who turned his life around after a few years of prison time in his youth. He's agonizing less over his physical pain, which can be intense, than the knowledge that he can't support his family.

"Everyone's telling you, work hard and it'll pay off," he says, sitting at a Portland coffee shop. "I did that, and I didn't get shit from it but a disease that's going to kill me." Eventually, he calls his girlfriend to pick him up and drive him the three blocks back to his house.

While Tyler Jordan's parents worry about him, he worries about them. Over the summer, Jimmy, too, was diagnosed with silicosis. But they've got bills to pay (he and Tina are only in their 50s) and customers are still demanding artificial stone, so he's still in the shop, fabricating it himself. "That's just who you are," Tina says to Jimmy during a September evening phone call with *Businessweek*, and he agrees. "I've always been in the shop," he says. "The alternative is to quit the business, but then what do you do?"



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Had they known the hazards, Jordan's parents say, they never would've brought artificial stone into their shop and their family in the first place. "It's just so dangerous," Jimmy says. "If we can get away from it, we would get away and just do natural stone again. But it's hard to do that." They're hoping a ban takes the issue out of their hands, and their customers'. "If it's not there," Jimmy says, "then we don't have to worry about it."

"And people are safe," Tina adds. During that Issa hearing, Democrats placed in the congressional record a letter she wrote saying that her son's ordeal shows the product is the problem. For now, she and her husband have been doing air monitoring, reminding other fab shop owners they know to be as safe as they can, and hoping customers pick natural stone.

Later in the conversation, Tina says she wishes she could get her kids' childhood back. "I miss them little," she says. "If we could rewrite Tyler's—"

“Rewrite his story,” Jimmy says.

“If we had all of the knowledge regarding engineered stone, to fabricate it or not, prior to it being introduced to us, if we could have made a more informed decision,” Tina says through tears, “things could have been different for him.”

Their son says if the federal lawsuit ban goes forward, there will be many more people like him, because the companies would have no reason to switch to safer products. “Nobody would care anymore,” Jordan says. Does he wish his family had never gotten into the stone business in the first place? “I mean, in a way I do,” he says. “But I just more so wish that the products were safe.”

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