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September 25, 2026

Cal/OSHA Research and Standards Branch
Attn: Emergency Silica Rulemaking, Petition 609
1515 Clay Street, Suite 1901
Oakland, CA 94612

**RE: Comments on the September 16, 2026 Discussion Draft—Proposed
Emergency Silica Regulation, Title 8, sections 5204, 5204.1, and 1532.3**

Dear Research and Standards Branch Staff:

The Health Officers Association of California (HOAC), which represents the physician health officers in California's sixty-one city and county jurisdictions, appreciates the opportunity to comment on the proposed new Section 5204.1 and proposed amendments to Sections 5204 and 1532.3 addressing the manufacture and fabrication of artificial stone containing more than 1.0 percent crystalline silica. HOAC supports the proposed prohibition and urges Cal/OSHA to strengthen the regulation to ensure that it is effectively implemented and enforced.

The proposed regulation is necessary to protect California workers from a serious and preventable occupational health hazard. Silicosis is a severe and incurable lung disease caused by inhalation of silica dust, and cases among California workers exposed during artificial stone fabrication continue to increase and are likely underreported. California has taken important steps to reduce occupational silica exposure, including prohibiting dry cutting, requiring worker training, strengthening disease reporting, and establishing respiratory protection requirements. However, these existing protections have not been sufficient to prevent continued exposure and disease. Cal/OSHA's evaluation of Petition 609 similarly found that existing protections have not adequately addressed the risks associated with artificial stone fabrication. The proposed prohibition is therefore necessary because it addresses the hazardous activity itself rather than relying solely on exposure controls and respiratory protection to manage an activity that continues to result in serious occupational disease.

HOAC recommends that Cal/OSHA strengthen the proposed regulation by requiring the immediate cessation of prohibited activities when a violation is identified. Section 5204.1(f) provides that the manufacture or fabrication of artificial stone containing more than 1.0 percent crystalline silica shall be considered an imminent hazard and shall be subject to an Order Prohibiting Use from the Division. Because the proposed regulation expressly establishes these activities as an imminent hazard, issuance of an Order Prohibiting Use should be mandatory upon a violation rather than left to enforcement discretion. A clear and mandatory cessation requirement would provide consistent enforcement and ensure that workers are not permitted to remain exposed to a prohibited activity.

HOAC also recommends meaningful penalties for violations of the prohibition, including

misdeemeanor penalties where authorized by law. The proposed regulation establishes that the manufacture and fabrication of covered artificial stone is sufficiently hazardous to warrant prohibition. The enforcement framework should likewise provide consequences sufficient to deter employers from continuing prohibited activities and reinforce the seriousness of the prohibition. Meaningful penalties are important where an employer knowingly continues an activity that has been expressly prohibited to protect worker health. Particularly in cases of repeat violations of the rule, in addition to orders prohibiting use, Cal/OSHA should be considering these cases as willful violations with commensurate large fines and referral to the Bureau of Investigations.

Finally, HOAC recommends that Cal/OSHA ensure adequate staffing and resources to enforce the proposed regulation. Effective implementation will require the Division to identify violations promptly and apply the regulation consistently across affected workplaces. Adequate enforcement resources are therefore necessary to ensure that the proposed prohibition achieves its intended purpose of preventing further occupational silica exposure and disease.

Many health officers have become aware of local cases of silicosis in their jurisdictions, many times affecting young patients. These often lead to premature disability and death and are largely preventable. HOAC sincerely appreciates Cal/OSHA's prompt action following Petition 609 and supports the proposed prohibition on the manufacture and fabrication of artificial stone containing more than 1.0 percent crystalline silica. We respectfully urge Cal/OSHA to incorporate these recommendations to ensure that the regulation provides clear, consistent, and effective protection for California workers.

Sincerely,

A handwritten signature in black ink, reading "Isabella Argueta". The signature is fluid and cursive, with the first name "Isabella" and last name "Argueta" clearly distinguishable.

Isabella Argueta
Director of Legislation
Health Officers Association of California