



September 30, 2026

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

Dear Research and Standards Branch,

The Instituto de Educacion Popular del Sur de California (IDEPSCA) writes in support of proposed emergency regulation section 5204.1, which would prohibit the manufacture and fabrication of artificial stone containing more than 1.0% crystalline silica. We also urge Cal/OSHA to complete this rulemaking without delay. As the largest worker center serving Day Laborers in California, our Workers' Health Outreach staff have seen first-hand the impacts of the use of this material on a workforce that is already one of the least protected.

Complete the emergency rulemaking without delay.

Silicosis is an incurable, progressive lung disease caused by inhaling crystalline silica dust.¹ From January 2019 through June 2026, the California Department of Public Health identified 592 silicosis cases among engineered stone countertop workers, including 65 lung transplants and 31 deaths.² As of September 24, 2026 the dashboard shows 657 confirmed cases and 35 deaths.³ Because silicosis cannot be reversed, exposure that continues during a delay cannot be undone. Therefore, we ask Cal/OSHA to finalize section 5204.1 on the current emergency as quickly as possible. Further, we ask that the limited exception in the draft, allowing employers to keep fabricating stone they already own for up to 180 days, not be lengthened. Every added day extends the exposure the regulation seeks to end.

I. Keep the prohibition rather than replacing it with additional controls.

Industry continues to argue that enforcing the existing controls protects workers as effectively as prohibition. That position is unsupported by the record and contrary to the hierarchy of controls.

While it is true that California adopted an emergency standard for this industry in December 2023, it is evident that workers continue to be exposed to hazardous levels of respirable crystalline silica. OSHA guidance directs employers to choose controls according to a hierarchy

¹ CDPH Occupational Health Branch, *Occupational Health Watch* (Mar. 2025), <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/OHB/Pages/March2025.aspx>.

² *Silicosis among Workers Fabricating Engineered Stone (Quartz) Countertops in California, 2019–2026*, NEJM Evidence (Aug. 2026), <https://evidence.nejm.org/doi/full/10.1056/EVIDpha2600187>.

³ CDPH Engineered Stone Silicosis Surveillance Dashboard, <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/OHB/Pages/essdashboard.aspx>.

that ranks them by effectiveness.⁴ Elimination sits at the top. It removes the hazard at its source, and NIOSH calls it the preferred solution because no exposure can occur.⁵ Each lower tier leaves the hazard in the workplace. Administrative controls and protective equipment also require significant and ongoing effort by workers and supervisors.⁶ OSHA's own guidance acknowledges that higher-level controls are not always feasible, and the lower tiers exist for those cases.⁷

California's silica standard operates in those lower tiers. It requires wet methods, which are an engineering control, and respirators, which are personal protective equipment.⁸ Those measures were a necessary first step in December 2023. Yet workers continue to be exposed to hazardous levels of respirable crystalline silica. The lower tiers have not ended the exposure.

Section 5204.1 moves to the top tier. By prohibiting work on the material that contains the hazard, it removes the hazard at its source. The hierarchy reserves the lower tiers for cases where elimination is not possible. Here, elimination is possible, and section 5204.1 achieves it. We therefore ask Cal/OSHA to keep the prohibition and not to replace it with additional controls. It is the only reasonable and necessary route to protecting workers' lives.

II. Add Signage That Uses Imagery as Well as Text

Section 5204.1 (e) adds a text-based signage alert regarding the prohibition. Given the fact that most workers at risk and diagnosed with silicosis are Latino migrants, some may not read English or Spanish. We urge the inclusion of the use of an image (such as an no symbol, "do not" sign, circle-backslash) in addition to text-based signage.

III. Question re: Phase Down

We do have a question regarding how the phase out of existing product be monitored. Will there be some sort of inventory or will this be self-reported?

IV. Conclusion.

For these reasons, we respectfully urge Cal/OSHA to adopt section 5204.1 promptly, maintain the prohibition, and add visual image-based signage. We also urge you to look at additional ways to ensure out of compliance products. Thank you for your consideration.

⁴ OSHA, *Safety Management: Hazard Prevention and Control*, <https://www.osha.gov/safety-management/hazard-prevention>.

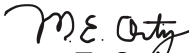
⁵ NIOSH, *Hierarchy of Controls*, <https://www.cdc.gov/niosh/hierarchy-of-controls/about/index.html>.

⁶ *Id.*

⁷ OSHA, *Identifying Hazard Control Options: The Hierarchy of Controls*, https://www.osha.gov/sites/default/files/Hierarchy_of_Controls_02.01.23_form_508_2.pdf.

⁸ Cal. Code Regs., tit. 8, § 5204(f)(2)(A), (h)(3).

Sincerely,


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