

State Building and Construction Trades Council of California

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October 1, 2026

The Honorable Joseph M. Alioto Jr.
Chair, Cal/OSHA Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

RE: Comment on Cal/OSHA Draft Standard Prohibition of Fabrication and Manufacture of Artificial Stone with more than 1.0% Crystalline Silica

On behalf of the State Building and Construction Trades Council of California, AFL-CIO, representing over 450,000 working women and men in the construction industry, including over 65,000 enrolled in our state-of-the-art apprenticeship programs around the state, I welcome this opportunity to offer comments generally in support of the emergency rule proposed by the Division of Occupational Safety and Health (Cal/OSHA) concerning amendments to Section 5204.

The SBCTC and our affiliates, the Bricklayers and Allied Crafts (BAC), represent bricklayers, masons, tile setters, and other workers who handle silica-containing products every day, and we have long been at the forefront of the battle against the scourge of silicosis. We have fought for better lives for our members and all workers for over a century. Our objectives are the promotion of health, welfare, and safety, and our union.

We appreciate the Cal/OSHA Standards Board for considering emergency regulations and public hearings to address California's growing silicosis epidemic. We agree with Cal/OSHA that there is ample evidence that fabrication of engineered or artificial stone with high concentrations of crystalline silica without appropriate safeguards places fabrication workers at extremely high risk of developing silicosis. Unfortunately, ample evidence shows that a substantial number of fabricators in the state fail to provide statutorily required safety equipment and processes to their employees. The SBCTC generally supports the emergency rule offered by Cal/OSHA; however, we offer the following suggested amendments.

Language of New Section 5204.1, Including the Definition of "Artificial Stone"

At the July 31, 2026, advisory meeting convened by Cal/OSHA, numerous speakers representing a wide variety of stakeholders took pains to differentiate between the unique dangers posed by the cutting and fabricating of artificial stone products with over 1.0% crystalline silica and the fabrication of safer products such as natural stone and artificial stone containing amorphous silica. Accordingly, the proposed new Section 5204.1, which clearly aims to regulate only the fabrication of artificial stone containing more than 1.0% crystalline silica, should be drafted precisely to target the offending product. With that in mind, we would recommend the following amendments, bolded in red:

- Renaming Section 5204.1 (provisionally entitled “Crystalline Silica Activities Strictly Prohibited”) as “**Manufacturing and Fabricating Artificial Stone With More than 1.0 Percent Crystalline Silica Strictly Prohibited.**”
 - This change more accurately describes the purpose of the new regulation and eliminates ambiguity.
- Amending draft Section 5204.1(a) “Scope” to read:
 - *Scope. This section applies to the manufacture or fabrication of countertops, backsplashes, walls, flooring, waterfall countertop edges, and similar products made from **artificial stone** slabs or panels containing crystalline silica in any place of employment.*
 - This change will remove ambiguity about the regulation's purpose and scope.
- Amending draft Section 5204.1(c)(1) “Definitions” to read:
 - *“Artificial Stone” means any reconstituted, artificial, synthetic, composite, engineered, or manufactured stone **slab or panel**. It is commonly made by combining natural stone or other crystalline silica-containing materials with adhesives, polymers, epoxies, resins, or other binding materials to form a slab. Fired ceramic and porcelain tiles and panels **and terrazzo** are not artificial stone.*
 - This change will eliminate ambiguity about the purpose and reach of the regulation.

Additionally, we believe that the implementation of 180 days is too short to use current inventory on projects that are already under contract. We request that this be extended to one year for all fabrication shops currently in compliance with OSHA guidelines for the fabrication of manufactured stone.

The SBCTC believes these amendments to the proposed emergency rule will provide the fabrication and construction community with much-needed clarity and certainty about the rule’s scope and purpose. For these reasons, we respectfully request that Cal/OSHA incorporate our suggested changes into the final language of Section 5204.1.

Respectfully,



CHRIS HANNAN
President

cc: Members, Cal/OSHA Standards Board