

LOCAL 675
Philip Baker
President
Gary F. Holloway
Secretary-Treasurer

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,

United Steelworkers Local 675 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. We represent oil refinery workers who, by the nature of their work, are keenly interested in workplace safety. And we also represent Carwash workers, many of whom are immigrant workers as are many silica workers, all of whom are often unconscionably exploited. No one should have pay with their life to put food on their families' table and a roof over their heads.

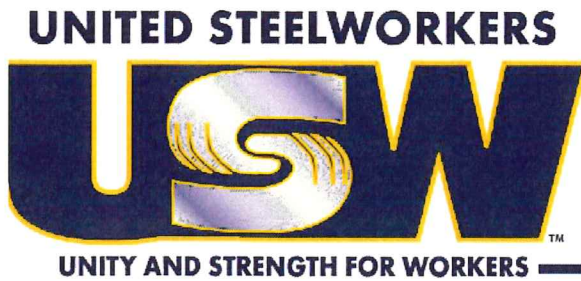
I. Complete the emergency rulemaking without delay.

Silicosis is an incurable, progressive lung disease caused by inhaling crystalline silica dust. 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. As of September 24, 2026 the dashboard shows 657 confirmed cases and 35 deaths. 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.

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



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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. 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.

III. Add a testing and verification program.

The draft requires employers to keep documentation showing that a material contains 1.0% crystalline silica, or is not artificial stone. But the draft does not say what documentation is enough or how silica content must be measured. Without a standard, "documentation" could be a supplier's statement that no one has checked. A prohibition tied to a 1.0% threshold works only if someone can reliably tell which side of the threshold a slab falls on. We therefore recommend that Cal/OSHA require that silica content be determined by independent laboratory testing, using a method the Division specifies. We also ask that employers keep the results and make them available to the Division and to employees upon request.

IV. Conclusion.

For these reasons, we respectfully urge Cal/OSHA to adopt section 5204.1 promptly, maintain the prohibition, and add a testing and verification program. Thank you for your consideration.

Sincerely,

Gary F. Holloway
Secretary-Treasurer