

September 28, 2026

Debra Lee
Chief, Cal/OSHA
Department of Industrial Relations
1515 Clay Street, Suite 1901
Oakland, CA 94612

Re: Support for Proposed Section 5204.1, Prohibition on the Manufacture and Fabrication of Artificial Stone Containing Crystalline Silica

Dear Ms. Lee,

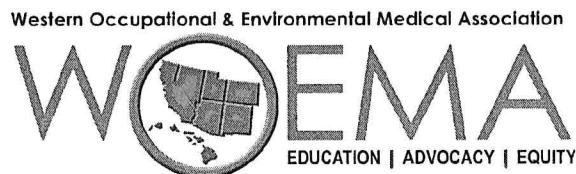
On behalf of the Western Occupational and Environmental Medical Association (WOEMA), we write in strong support of the Division of Occupational Safety and Health's proposed regulations prohibiting the manufacture and fabrication of artificial stone containing more than 1.0 percent crystalline silica by weight.

WOEMA is a professional association of physicians and other occupational and environmental health professionals dedicated to preventing work-related illness, injury, and death. Our members recognize respirable crystalline silica as a severe and preventable occupational health hazard. Workers who cut, grind, drill, route, polish, or otherwise fabricate artificial stone slabs are experiencing an extraordinarily high risk of rapidly progressive silicosis.

WOEMA commends the Division of Occupational Safety and Health for crafting a thoughtful and comprehensive proposal. The proposed prohibition appropriately recognizes that the serious hazards associated with artificial stone fabrication cannot reliably be controlled through traditional workplace measures alone.

To comply with the proposed emergency regulations, fabrication shop owners must not fabricate engineered stone (ES) products containing more than 1% crystalline silica. If the emergency regulation is passed by the OSHSB, WOEMA expects there will be manufacturers who will distribute and sell engineered stone countertops in California that contain < 1% crystalline silica (so-called "zero silica ES").

As the proposed emergency standard takes effect, fabrication shop owners will rely on manufacturers Safety Data Sheets (SDS) that list the ES ingredients based on the requirements of Title 8 § 5194. Hazard Communication. Therefore, WOEMA strongly recommends that Cal/OSHA require that manufacturers of ES products (as defined by the proposed emergency



regulation) conduct specific product testing, SDS disclosure, and product labelling. Components of this requirement should include:

- **Crystalline silica types.** All crystalline forms of silicon dioxide (quartz, cristobalite, and tridymite) should be tested.
- **Certified laboratory.** Manufacturers should be required to utilize a laboratory accredited to ISO/IEC 17025, or an equivalent laboratory accreditation standard for the analytical method used to determine the crystalline silica content of the ES product. The laboratory scope of accreditation should include crystalline silica, or utilize an equivalent method (for example, quantitative X-ray diffraction capable of measuring quartz, cristobalite, and tridymite).
- **Product variation.** WOEMA recognizes that manufacturers distribute and sell multiple color variations for the same ES product line. As these color variations have their own SDS, each should undergo testing for crystalline silica content.
- **Safety data sheets.** Consistent with the requirements of Title 8 § 5194. Hazard Communication, the manufacturer of ES should include in Section 3 or Section 15 of the SDS the statement that the product contains no more than 1.0 percent crystalline silica by weight. The SDS should also identify the certified laboratory that performed the testing, the date of the test, and the analytical method used to determine crystalline silica content.
- **Product labeling.** Where testing establishes that the ES product contains no more than 1.0 percent crystalline silica by weight, the manufacturer should ensure that a label on the product states: *"This product has been tested by a certified laboratory and contains no more than 1.0% crystalline silica by weight."* This label should be prominently displayed, is legible, and is in English and Spanish.
- **Maintenance of laboratory reports.** Manufacturers should maintain the laboratory report and make this available, upon request, to Cal/OSHA, an employer purchasing or using the product, and an employee or designated representative of an employee who may be occupationally exposed to the product. The laboratory report should include: the manufacturer and product tested; the product identifier, model number, batch number, lot number, or other information sufficient to identify the product represented by the test; the date of testing; the laboratory performing the analysis and its accreditation; the analytical method used; the crystalline silica polymorph or polymorphs analyzed; the measured crystalline silica content, expressed as percent by weight; and the method detection limit or reporting limit.
- **Retesting.** The manufacturer should conduct additional testing whenever there is a change in the formulation (including new color or variation in design), raw materials, manufacturing process, or other condition that the manufacturer or importer knows, or has reason to know, may increase the crystalline silica content of the product above 1.0 percent by weight.
- **Independent Verification.** On a random basis or upon reasonable cause Cal/OSHA should conduct independent verification via X-ray diffraction as per second bullet above to ascertain the percent crystalline silica content of ES material that is subject to fabrication.

Further delay in adopting these protections jeopardizes the health of fabrication workers throughout California. Every additional period in which workers may be exposed to dangerous

Western Occupational & Environmental Medical Association



concentrations of respirable crystalline silica creates the possibility of preventable, life-altering, and often fatal disease. California has the opportunity—and the responsibility—to act decisively to prevent these harms.

For these reasons, we urge Cal/OSHA to adopt the proposed Section 5204.1 and the related amendments to Sections 5204 and 1532.3 as quickly as possible.

Thank you for your consideration and for your continued commitment to protecting the health and safety of California workers.

Sincerely,

A handwritten signature in black ink, which appears to read "Rosalie Banasiak, MD". The signature is fluid and cursive.

Rosalie Banasiak, MD, FACOEM

Western Occupational and Environmental Medicine Association Board Chair