October 28, 2026

Comment of BAC Locals 3 and 4 of California on Cal/OSHA Updated Draft Emergency Standard *Prohibition of the Manufacture and Fabrication of Artificial Stone Slabs or Panels Containing 1.0% or More Crystalline Silica*

Bricklayers and Allied Craftworkers Locals 3 and 4 of California ("BAC"), which collectively represent over 3,000 members working in the trowel trades throughout California, welcome this opportunity to offer comments generally in support of the updated draft standard proposed on October 26, 2026 by the Division of Occupational Safety and Health ("Cal/OSHA"), concerning amendments to Section 5204.

As noted in our comments on the original draft standard, BAC is a union of bricklayers, masons, tile setters, and other workers who handle silica-containing products every day. For that reason, we have long been at the forefront of the battle against the scourge of silicosis, and we support the efforts of Cal/OSHA to address the unique silicosis dangers posed by unsafe fabrication of engineered stone slabs and panels.

Our comments on the original draft standard issued on September 16, 2026 primarily concerned the unintentional ambiguity of some of the language in the proposed regulation. The emergency necessitating this rulemaking solely derives from the cutting and fabricating of engineered stone products with over 1.0% crystalline silica, and our comments sought to encourage Cal/OSHA to more clearly and uniformly define the targeted products. In its revised draft standard, Cal/OSHA has done just that. The revised draft clearly defines the "artificial stone" that is the subject of the regulation to comport with generally accepted definitions of engineered stone, and just as clearly excludes natural stone, terrazzo, sintered stone, and concrete/cast stone manufactured with cement binders from its definition of "artificial stone." We applaud Cal/OSHA's adoption of more precise terminology, as we believe these new definitions will create much-needed clarity for workers and industry stakeholders.

That said, we believe that Cal/OSHA can even better clarify its intent by eschewing the term "artificial stone" altogether in the new standard, and using "engineered stone" in its place. The definition of "artificial stone" in Section 5204.1(c)(1) of the updated draft standard:

> *any reconstituted, artificial, synthetic, composite, engineered, or manufactured stone slab or panel ... 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 or panel*

is synonymous with standard definitions of engineered stone, and does not describe other products – such as cast stone – that are frequently referred to as "artificial stone." While we believe that it is prudent and useful for the standard to explicitly exclude cast stone and the other products enumerated in Section 5204.1(c)(1)(A), we would suggest that globally replacing references to "artificial stone" with "engineered stone" would eliminate any remaining ambiguity concerning the subject of the regulation. Indeed, when the Australian government imposed its 2024 regulation prohibiting the manufacture, fabrication, and use of engineered stone, it referred exclusively to "engineered stone," and did not use the term "artificial stone" at all.[1]

In closing, we commend the Labor and Workforce Development Agency and Cal/OSHA for its openness to stakeholder input, and for the changes made in response to that input in the updated draft standard. We hope that Cal/OSHA will consider adopting one final amendment that unambiguously defines the subject of the regulation as "engineered stone."

Sincerely,

Troy Garland
President
BAC Local 3 of Northern California

Andrew Gerber
President
BAC Local 4 of Southern California

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[1] See, e.g., "Communique: Meeting of Work Health and Safety and Workers' Compensation Ministers, May 10, 2024; "Decision Regulation Impact Statement: Prohibition on the use of engineered stone," Safe Work Australia, August 2023.