CBIA
CALIFORNIA BUILDING INDUSTRY ASSOCIATION

1215 K Street, Suite 1200
Sacramento, CA 95814
(916) 443-7933
www.cbia.org

2026 OFFICERS

Chair
SARAH SHEEHY
KB Home

Vice Chair
NICHOLAS KOSLA
Toll Brothers

Treasurer
CHRIS AUSTIN
DPFG

President/CEO
DAN DUNMOYER

MEMBER ASSOCIATIONS

Building Industry Association of the Bay Area

Building Industry Association of Fresno/Madera Counties

Building Industry Association of the Greater Valley

Building Industry Association of San Diego County

Building Industry Association of Southern California

Building Industry Association of Tulare & Kings Counties

Home Builders Association of the Central Coast

Home Builders Association of Kern County

North State Building Industry Association

October 30, 2026

The Honorable Joseph Alioto, Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

RE: Comments on Updated Draft Emergency Rulemaking to Prohibit the Manufacture and Fabrication of Artificial Stone Containing One Percent or More Crystalline Silica

Dear Chair Alioto and Members of the Board:

On behalf of the California Building Industry Association (CBIA), we appreciate the opportunity to provide additional comments regarding the recently released October 22, 2026 discussion draft of the proposed emergency regulations addressing artificial stone containing one percent or more crystalline silica. As CBIA has noted in our previous comments, we strongly support protecting workers from silica exposure. Worker safety is, and will continue to be, a priority for California's homebuilding industry.

However, we remain concerned about several provisions that could create significant implementation challenges for the homebuilding industry in the latest draft of the regulations. In particular, we are concerned that the newly added language defining which activities constitute "fabrication" could unintentionally prevent installers from making the minor on-site adjustments that are routinely necessary to properly install a previously fabricated slab.

Clarify That Minor On-Site Adjustments Remain Permissible During Installation

CBIA appreciates that the updated draft continues to recognize that installation may require "minor on-site adjustments to improve fit." However, the draft now immediately follows that language with a specific list of activities that are considered fabrication and not installation, including cutting or enlarging openings; creating or modifying edge profiles; polishing, grinding, honing, sanding, resurfacing, refinishing, or laminating; routing, coring, drilling, shaping or contouring; and creating, modifying, or finishing waterfall edges.

This language appears in both the definition of "installation" in proposed Section 5204.1(c)(2) and the definition in proposed Section 1532.3(b)(2). As currently drafted, the specificity of this list creates a conflict with the regulation's express allowance for minor on-site adjustments. For example, an installer may need to make a very small adjustment to an opening, edge, or other portion of a previously fabricated slab simply to accommodate field conditions and achieve a proper fit. Under the proposed language, however, those activities could be considered prohibited fabrication regardless of how minor the adjustment may be.

We do not believe the intent of the installation exemption should be to prevent installers from making the limited field adjustments necessary to complete an otherwise permissible installation. Rather, the regulations should clearly distinguish between fabrication of a slab and minor adjustments to a previously fabricated slab that are necessary to complete installation.

To address this issue, we respectfully request that a qualifier be added to the list of activities identified as fabrication in both Section 5204.1(c)(2) and Section 1532.3(b)(2), such as:

"The following activities are considered fabrication and not installation, unless performed solely for purposes of the minor on-site adjustments permitted by this subsection:"

This clarification would preserve the distinction the Board is seeking to establish between fabrication and installation while ensuring that installers can make limited adjustments necessary to properly fit and install an already-fabricated product.

Adequate Transition Period

CBIA also continues to be concerned that the proposed implementation timeline does not provide sufficient time for manufacturers, distributors, fabricators, builders, and their suppliers to transition to compliant alternative materials.

Under the October 22 discussion draft, the prohibition on manufacture and fabrication would still take effect only 60 days after the emergency regulation becomes effective, while the limited exception for qualifying existing inventory would expire after 180 days. The updated draft also proposes to prohibit installation of artificial stone containing one percent or more crystalline silica 360 days after the regulation becomes effective.

As outlined in our previous comments, alternative products cannot simply replace existing artificial stone products overnight. Compliant alternative products cannot immediately replace the volume of artificial stone currently used in California. The supply chain needs time to source and scale sufficient quantities of replacement materials, and builders need time to incorporate those products into existing purchasing, project specifications, customer selections, and construction schedules.

For these reasons, we continue to request that the effective date of the manufacture and fabrication prohibition be extended from 60 days to six months following the effective date of the emergency regulation and that the existing inventory transition period be extended to 18 months. An 18-month transition period would provide a more reasonable opportunity to work through existing inventories and fulfill existing commitments while the market transitions to compliant alternatives.

CBIA therefore respectfully requests that the Board revise the emergency regulations to:

- Clarify in both Section 5204.1(c)(2) and Section 1532.3(b)(2) that the specifically listed fabrication activities may be performed when they are

solely necessary for the minor on-site adjustments expressly permitted as part of installation;

- Provide six months before the manufacture and fabrication prohibition takes effect; and
- Allow 18 months to manufacture, fabricate, install, and otherwise work through qualifying existing inventory, subject to applicable worker-safety requirements.

CBIA appreciates the Board's consideration of these comments. We look forward to continuing to work collaboratively on an implementation framework that protects workers while providing sufficient clarity and transition time to minimize avoidable disruption and costs to California's housing and construction industries.

Sincerely,



Joan Huckabone Mayer
Senior Vice President and Co-General Counsel