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Dear Cal/OSHA Research and Standards Branch:

LX Hausys America respectfully submits this supplemental comment regarding the proposed prohibition of artificial stone containing 1% or more crystalline silica.

While LX Hausys America supports Cal/OSHA's objective of protecting workers from exposure to respirable crystalline silica, we are concerned that the proposed regulation, as currently drafted, may not effectively achieve that objective.

As currently drafted, prohibiting only engineered stone products will not eliminate, and is unlikely to substantially reduce, worker exposure to respirable crystalline silica. Workers in fabrication facilities routinely process natural stone and other materials expressly excluded under Section 5204.2, using the same equipment and fabrication methods that generate respirable crystalline silica dust, metal dust, stone dust, and other airborne contaminants. Consequently, worker exposure risks may continue even after the proposed prohibition takes effect.

If a fabrication shop fails to implement adequate dust-control measures, ventilation systems, wet-cutting practices, respiratory protection, or other required workplace safeguards, workers may continue to be exposed not only to respirable crystalline silica, but also to natural stone dust, metal dust, and other airborne particulates generated during fabrication activities, regardless of whether the material being fabricated is engineered stone or natural stone.

Accordingly, the proposed prohibition is likely to shift fabrication activity from one material category to another while leaving the underlying silica exposure risks largely unchanged. If the same workplace conditions, fabrication methods, and safety practices remain in place, the proposed regulation cannot reasonably be expected to materially improve worker safety because the underlying source of respirable crystalline silica exposure remains unaddressed.

In many fabrication shops, engineered stone and natural stone are fabricated side-by-side by the same employees, using the same fabrication equipment, dust-control systems, and workplace practices. As a result, the key occupational safety issue is not whether a particular material is categorized as engineered stone or natural stone, but whether effective workplace controls are in place to prevent the spread and inhalation of respirable crystalline silica dust.

The occupational hazard at issue is worker exposure to airborne contaminants generated during fabrication activities, including respirable crystalline silica dust and other occupational dusts, rather than product classification itself. Worker exposure is driven primarily by fabrication methods, ventilation, dust-suppression measures, respiratory protection, and overall compliance with workplace safety requirements. From an occupational health perspective, these factors are significantly more important than whether a material falls within a particular product category.

This concern is further compounded by the fact that the proposed rule imposes a categorical prohibition on engineered stone while expressly excluding a number of other material categories from the definition of "artificial stone," including natural stone products and other materials identified in Section 5204.2 of the proposed regulation. Some of these excluded materials contain comparable or, in certain circumstances, higher levels of crystalline silica and are often fabricated in the same workplace environments using the same equipment, fabrication methods, and work practices. A regulatory framework that prohibits one category of material while permitting another material presenting similar silica-related exposure characteristics raises concerns regarding consistency, fairness, and scientific grounding.

If the objective of the regulation is to reduce worker exposure to respirable crystalline silica, similarly situated materials should be evaluated under a uniform, exposure-based framework rather than under differing standards based solely on product classification. A regulatory approach focused on actual exposure risk and effective workplace controls would more directly advance worker health and safety objectives than a categorical prohibition limited to a single product category.

Accordingly, LX Hausys America respectfully requests that Cal/OSHA reconsider the proposed 1% threshold and evaluate all relevant materials under a consistent, risk-based, and exposure-based framework. Such an approach would more effectively address worker exposure while ensuring that materials presenting similar workplace risks are treated consistently and equitably.

Thank you for your consideration.

Respectfully,



Gerald Choi
President
LX Hausys America Inc.