30 October 2026

To: **OSHS Board Members**

From: **James Hieb, CAE – CEO - Natural Stone Institute (NSI)**

Re: **Public Comments – *10-22-2026 Discussion Draft***
Prohibition of Manufacture & Fabrication Artificial Stone with 1.0% or more Crystalline Silica

Esteemed OSHS Board Members,

The Natural Stone Institute (NSI) greatly values worker safety and the critical need to protect employees from preventable silicosis caused by airborne respirable crystalline silica (RCS). We greatly value our inclusion in past and future discussions on this topic in the effort to reduce worker illness, injuries, and fatalities. The NSI supports science-based research and data on the subject of exposures, controls, and physiological reactivity of RCS, and looks forward to inclusion of forthcoming research and data in the formation and finalization of any rulemaking.

Regarding the recent ***Prohibition of Manufacture & Fabrication Artificial Stone with 1.0% or more Crystalline Silica – 10-22-2026 Discussion Draft***, the NSI provides the following comments and recommendations:

1. In section (e) Signage we recommend removal of the words "quartz" and "cuarzo", as these can be misinterpreted to imply the mineral quartz which is used in many forms in other industries and manufacturing processes. Recommend replacing with “quartz slabs” and “losas de cuarzo”.

2. In section (g)(1)(B) we recommend replacing “SKU” with “product/color" as a single product may typically have multiple SKUs. For example, one product may have multiple SKUs to represent thickness (2cm, 3cm, etc) and/or finish (polished, honed, etc) variations. Additionally, should you proceed with the XRD testing, this will take some time given projected processing backlogs by the qualified labs.

3. In section (g)(1)(B) we recommend revising to: Documentation shall include a Safety Data Sheet (SDS) in accordance with section 5194 for each product/color that includes the following details:

    - Material composition as determined by X-Ray Diffraction (XRD) performed by qualified lab with ISO 17025:2005 accreditation or equivalent or management systems (OAL INSERT EFFECTIVE DATE OF EMERGENCY REGULATION PLUS 180 DAYS); OR

    - A formal statement from the fabricator with proof of purchase to substantiate that the material is NOT artificial stone.

4. Recommend **removing** section (g)(1) (B) 2.
   The named testing methods in 5204 Appendix A are all testing methods for analysis of collected airborne particulates and may not be applicable to bulk material compositional analysis.

5. In section (h) Exceptions to section 5204.1 we recommend adding "**distribute**" to manufacture or fabricate. Expanding "occur after" from 180 to 365 days to account for timelines that often occur in the build environment.

6. Recommend **removing** section (5)(b)(3) (revision of current Action Level):

   - A reduction of the proposed Action Level to 10 μg/m3 should be substantiated by clinical research or medical science that recognizes the new value as a documented known or predicted "safe" exposure level.

   - The concentration of 10 μg/m3 is below the allowable laboratory limit of detection outlined in 5204 Appendix A 6.3 (25% of PEL, or 12.5 μg/m3).

Thank you for your consideration and clarification.

NSI looks forward to continuing it's role to advocate for employee safety, education, and resources to support both workers and employers.

Sincerely,



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