

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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February 27, 2026

The Honorable Jason Anderson
District Attorney
San Bernardino County District Attorney's
Office
303 West 3rd Street, 6th Floor
San Bernardino, CA 92415

The Honorable Diana Becton
District Attorney
Contra Costa County District Attorney's Office
900 Ward Street
Martinez, CA 94553

The Honorable Ursula Jones Dickson
District Attorney
Alameda County District Attorney's Office
1225 Fallon Street, Suite 900
Oakland, CA 94612

The Honorable Michael A. Hestrin
District Attorney
Riverside County District Attorney's Office
3960 Orange Street
Riverside, CA 92501

The Honorable Nathan J. Hochman
District Attorney
Los Angeles County District Attorney's Office
211 West Temple Street, Suite 1200
Los Angeles, CA 90012

The Honorable Todd Spitzer
District Attorney
Orange County District Attorney's Office
300 North Flower Street
Santa Ana, CA 92703

The Honorable Summer Stephan
District Attorney
San Diego County District Attorney's Office
330 West Broadway
San Diego, CA 92101

Re: Criminal Violations of Silicosis Regulation

Dear District Attorneys Anderson, Becton, Dickson, Hestrin, Hochman, Spitzer, and Stephan:

We at the California Occupational Safety and Health Standards Board are writing to urge your seven offices to strengthen your long-standing partnerships with Cal/OSHA and join us in a unified fight to stop silicosis as it grows among California workers who cut, grind, and polish stone countertops. Silicosis is a devastating, irreversible, and painful lung disease. But, we can put an end to it through a concerted multi-agency approach that takes advantage of your leadership.

By today's count, there are 519 silicosis cases in California that have resulted in 29 deaths, 55 lung transplants, and dozens more referred for transplant. As of January 1, 2026, the State is averaging more than one new case per day. The median time between diagnosis and death is just three years. Scientists widely acknowledge that these numbers are substantially understated and growing at an alarming, nearly exponential rate. The public health community is becoming increasingly concerned about the severity and startling growth of this disease.¹

Almost 95% of all silicosis cases in the State are within the seven counties you serve: Alameda, Contra Costa, Los Angeles, Orange, Riverside, San Bernardino, and San Diego.² Eighty-two percent of cases are focused in just three counties: Los Angeles (52%), Orange (21%), and San Diego (9%). While these high concentrations seem unnerving, they also offer us a great opportunity. Case clustering better allows for targeted investigation and prosecution of the employers facilitating this disease by criminally violating occupational regulations.

In 2023 and 2024, the Standards Board passed emergency and then permanent regulations to ban the use of “dry cutting” stone countertops – a practice that creates clouds of inhalable silica dust leading to the rapid onset of accelerated silicosis. Last fall, Governor Newsom signed SB 20, which is similarly aimed at halting this deadly disease by strengthening certain worker protections and employer compliance requirements in the stone fabrication industry. *Notwithstanding these efforts, 94% of the stone fabrication shops continue to violate the regulation with reckless disregard for the health of workers.* With an estimated 1,400 stone fabrication shops in the State, the regulatory bodies alone cannot feasibly enforce these regulations with the power and urgency needed to save lives. You can play an enormously important role by prosecuting and deterring the violations that are killing Californians.

Title 8 C.C.R. § 5204 is the silicosis regulation. It requires that employers use “wet methods” to polish stone, and it bans “dry cutting.” It provides, “[t]he employer shall use” “effective wet methods” for all “high-exposure trigger tasks.” (*Id.*, § 5204, subd. (f)(2)(A).) A “high exposure trigger task” means the fabrication of an artificial stone with more than 0.1% silica or of a natural stone with more than 10% silica. (*Id.*, § 5204, subd. (b)(8).) Labor Code section 6423 criminalizes conduct by one who “knowingly or negligently violates any [occupational] standard... the violation of which is deemed to be a serious violation pursuant to Section 6432.” (Labor Code § 6432, subd. (a)(1).) Section 6432 defines a “serious violation” as one that creates “a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation.” (*Id.*, § 6432, subd. (a).) The statute defines a “serious physical harm” to include an illness leading to “silicosis or silica-related lung cancer.” (*Id.*, § 6432, subd. (e)(5).)

Given this statutory framework and the known extreme risks of dry cutting, the mere act of dry cutting a qualifying stone *alone* suffices to establish criminal liability. The supporting evidence can often be readily collected. Unlike some technical occupational safety regulations, law enforcement can identify dry cutting with minimal training: the presence of airborne dust at a stone countertop fabrication shop is often observable from publicly accessible areas. Proof the stone is qualifying requires only a small sample, collectable without CSI, which the labs at

¹ See, e.g., <https://www.npr.org/2026/02/01/nx-s1-5634742/doctors-say-measures-to-control-an-incurable-lung-disease-arent-enough>

² See, <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/OHB/Pages/essdashboard.aspx>.

Cal/OSHA can analyze. Nearly 90% of all stone is covered by the regulation (only the most expensive stones, like marble, have less than 10% silica).

Please do not be misled by the misdemeanor classification of section 6423 violations – violations that have not *yet* resulted in death or serious injury.³ These are no ordinary misdemeanor cases, as the science bears out. Dry-cutting on its own will result in serious injury in a majority of cases. That means that every successful misdemeanor you prosecute will shutter a violating employer and save workers' lives.

We fully appreciate you must make difficult resource allocation decisions based on priorities particular to your county. And, we understand some of your offices are already working closely with Cal/OSHA's Investigations Unit to collaborate and increase felony enforcement. We are writing to respectfully request you join these efforts, consider a vigorous emphasis on felony *and* misdemeanor dry cutting cases, and widely publicize your successful prosecutions.

We are ready to provide you and your law enforcement partners whatever additional information, assistance, and training needed to prepare you to independently investigate and prosecute these cases.

I would welcome the opportunity to discuss this with you further and will make myself available at your convenience.

Kindest regards,



Joseph M. Alioto Jr.
Chairman
California Occupational Safety
and Health Standards Board



Nola Kennedy
Occupational Health Representative
California Occupational Safety
and Health Standards Board



Chris Laszcz-Davis
Management Representative
California Occupational Safety and Health
Standards Board



Derek Urwin
Occupational Safety Representative
California Occupational Safety and Health
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³ Labor Code § 6425 allows violations that have already resulted in death or serious injury to be charged as felonies.

Cc: The Honorable Stewart Knox
Cabinet Secretary
California Labor & Workforce
Development Agency
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