BEFORE THE

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

STATE OF CALIFORNIA

Petition to adopt a new section of Title 8, California Code of Regulations — proposed Section 5204.2 — establishing fabrication shop licensing and a Verified Compliance Pathway for countertop and surface materials	Petition under Labor Code Section 142.2 Petition File No.: [to be assigned by the Board] Related matter: Petition File No. 609 Date submitted: September 28, 2026

PETITION OF THE INTERNATIONAL SURFACE FABRICATORS ASSOCIATION

Submitted to: Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833; oshsb@dir.ca.gov

Petitioner: International Surface Fabricators Association (ISFA)

Contact: Laurie Weber, Chief Executive Officer • 1520 Clay Street Ste B1 • laurie@isfanow.org • 888.599.4732

I. Introduction and Summary of Request

The International Surface Fabricators Association (ISFA) respectfully petitions the Occupational Safety and Health Standards Board (Board) under Labor Code Section 142.2 to adopt a new section of Title 8, California Code of Regulations — proposed as Section 5204.2 — establishing a fabrication shop license and a Verified Compliance Pathway for employers that fabricate countertop and surface materials. The proposed section stands alongside Section 5204 and does not amend it.

ISFA shares the Board's goal: no California worker should develop silicosis from cutting a countertop. The record before the Board in Petition 609 shows why urgent action is needed. It also shows that the central failure is noncompliance at scale. Cal/OSHA cited 120 of the 127 fabrication shops in its closed inspections, has inspected only about 10% of the estimated 1,342 fabrication operations in the state, and expects that most of the rest are operating with multiple violations.

A prohibition removes one product but leaves the enforcement gap in place for every other stone and surface material, and it risks pushing work into settings regulators cannot see. ISFA asks the Board to close that gap directly: allow artificial stone, and every other countertop and surface material, to be fabricated only by employers that hold a license to fabricate, pass an independent third-party compliance audit, report exposure monitoring to the Division, and lose eligibility immediately when they fall out of compliance.

ISFA brings this petition as one voice in a larger process. It is not intended to harm, disadvantage or single out any manufacturer, importer, distributor or association representing engineered stone, natural stone or any other surface material. ISFA's goal is industry consensus, and it is actively seeking it: the petition text is open for public comment, and ISFA is collecting scientific evidence, including evidence that contradicts ISFA's position, so that the Board can make an informed decision on a complete record (Section X).

The Board is asked to:

1. Adopt the Verified Compliance Pathway in Section IV as a new, free-standing section of Title 8, California Code of Regulations — proposed as Section 5204.2 — rather than as an amendment to Section 5204.
2. In the rulemaking initiated on Petition 609, consider the Verified Compliance Pathway as a reasonable alternative to prohibition under Government Code Sections 11346.2(b)(4) and 11346.5(a)(13), and direct the Division to evaluate it.
3. Refer this petition to the Emergency Silica Advisory Committee and any related advisory committee and include fabrication shop employers and workers among their members.
4. If the Board adopts any prohibition, provide that employers participating in a Director-approved experiment under the Verified Compliance Pathway may continue fabrication under a variance pursuant to Labor Code Section 143(c) while the experiment is completed.
5. Coordinate the Pathway with the duties established by SB 20 (Chapter 734, Statutes of 2025), including the training attestation submitted to the Division under Labor Code Section 6359.2 and the silicosis case reporting between the State Department of Public Health and the Division under Labor Code Section 6359.4.
6. Determine, in consultation with the Division and with Legislative Counsel, whether Labor Code Section 6359.1 et seq. requires amendment to accommodate a fabrication shop license, and advise the Legislature accordingly. ISFA does not ask the Board to legislate; it asks the Board to identify what statutory change, if any, the proposed section requires.
7. Accept into the record of this petition, of Petition 609 and of any related advisory committee the public comments and scientific submissions ISFA has collected, delivered unaltered with a neutral summary (Section X), and schedule a scientific review within the Petition 609 rulemaking so that this evidence is considered before any final action.
8. Encourage the Division, when its Alliance Program resumes, to act on ISFA's pending Alliance request, so that the Pathway and the feasibility study can be developed with the Division (Section II).

II. The Petitioner

ISFA is a nonprofit trade association, organized under Section 501(c)(6) of the Internal Revenue Code, representing countertop and surface fabrication shops. Its members are employers directly subject to Section 5204 and to SB 20. Through its Fabricator Safety Initiative, ISFA provides weekly silica awareness training in English and Spanish, free to members, has developed a fabrication shop licensing framework and a Fabrication Shop Compliance Audit Program (FSCAP), and has partnered with more than 1,100 ISO 45001 auditors to support independent verification of shop compliance. ISFA also participates in international standards development for the materials its members fabricate. ISFA is a technical committee member of ISO/TC 328, Engineered stones — the

same technical committee that developed ISO 19947, Engineered stone — Vocabulary, published March 18, 2026.

ISFA's safety work is not confined to its own membership. ISFA holds Alliances with the federal Occupational Safety and Health Administration through [two] regional offices and produces work product for them, including good housekeeping materials and the fabrication shop audit and inspection checklist reproduced in part at Appendix B to Section 5204.2. Through these official Alliances, OSHA representatives from other regions attend and speak at ISFA events, and ISFA has supported checklists, guidance and other documents that give shop compliance teams practical tools.

ISFA has also asked for a broader cooperative relationship with regulators. It requested an Alliance with Cal/OSHA under the Cal/OSHA Alliance Program and a national Alliance with federal OSHA. ISFA was told that both requests have been put on hold until further notice and understands that Cal/OSHA is restructuring its Alliance Program. ISFA renews both requests here: the association would rather build this program with the Division than argue about it before the Board.

III. Background

A. The disease burden

According to Cal/OSHA's April 10, 2026 evaluation of Petition 609, the number of silicosis cases among California artificial stone workers has increased from the 52 originally identified to 531, and the California Department of Public Health (CDPH) reports that 29 men, with an average age of 49, have died. The workforce is overwhelmingly Latino men. ISFA does not dispute these facts.

B. The enforcement record

Findings in Cal/OSHA's Petition 609 evaluation	What it shows
120 of 127 fabrication shops in closed inspections were cited for violations	Noncompliance is the norm among inspected shops
At 25 of 127 shops (20%), conditions required an Order Prohibiting Use	Many shops are operating with imminent hazards
Inspected shops represent about 10% of 1,342 estimated operations; the rate is about one inspection per week	Enforcement capacity cannot reach most shops
A compliant small shop costs at least $250,000 to set up; a noncompliant shop about $30,000; the average penalty is about $14,000	Noncompliant shops have a cost advantage over compliant ones
Among workers who used only wet methods, 51% of 63 had exposures at or above the federal PEL	Wet methods alone are not enough; the full hierarchy of controls and monitoring is required

ISFA reads this record as showing a system in which compliance is expensive, noncompliance is cheap and rarely detected, and a single control such as water is sometimes treated as sufficient. Each of those problems can be addressed through verification and accountability, without assuming that compliant fabrication is impossible.

C. Related law and proceedings

- **Section 5204** (permanent since February 5, 2025) already requires, for high-exposure trigger tasks on artificial stone, engineering controls and work practices (subsection (f)(2)), respiratory protection (subsection (h)(3)), medical surveillance (subsection (j)) and reporting of silicosis (subsection (m)).
- **SB 20** (Labor Code Section 6359.1 et seq.) prohibits dry methods, requires training, and as introduced contemplated a three-year CDPH fabrication shop certification with applications beginning January 1, 2027, and a restriction on the supply of slab products to certified fabricators.
- **Scope note.** SB 20 defines "high-exposure trigger task" in Labor Code Section 6359.1(g) to reach artificial stone containing more than 0.1 percent crystalline silica by weight and other silica-containing products, including natural stone, containing more than 10 percent by weight. This petition uses the term defined in Section 5204. The license and Verified Compliance Pathway proposed here apply to every covered material, including artificial stone and natural stone. ISFA does not propose to narrow SB 20's scope, and Section V.D explains why the proposed section reaches every material from the day it takes effect.
- **Petition 609** (Western Occupational and Environmental Medicine Association, December 12, 2025) asks the Board to prohibit fabrication and installation of artificial stone containing more than 1% crystalline silica. In May 2026 the Board voted to begin emergency rulemaking, and the Division convened the Emergency Silica Advisory Committee on July 31, 2026.

IV. Proposed Regulatory Text

ISFA proposes the following new, free-standing section of Title 8. It is not an amendment to Section 5204 and does not alter any existing requirement of that section. A separate section is proposed because the licensing and verification requirements below apply to every countertop and surface material, not only to materials containing respirable crystalline silica, and because the Board and the Division should not have to reopen Section 5204 to administer them. All text is new and is shown underlined. Values in [brackets] are proposals for the Board's and Division's consideration. ISFA will work with Board staff on final form and numbering.

Each term is defined once, in subsection (b), and subsection (b)(3) governs how defined terms are read. The standards for each material category are listed once, in Appendix A.

For engineered stone, subsection (b)(2) relies on ISO 19947, Engineered stone — Vocabulary, developed through ISO/TC 328 and approved by national standards bodies. As of this writing there is no corresponding ANSI standard. ISFA proposes ISO 19947 because it was not written by this industry alone. Later ISO and ANSI standards enter the audit under subsection (b)(7), and subsection (a)(4) keeps every reference current without further action by the Board.

Section 5204.2. Occupational Exposures in the Fabrication of Countertop and Surface Materials; Fabrication Shop Licensing and Verified Compliance Pathway.

(a) Purpose; relationship to other sections. This section is new. It does not amend Section 5204.

(1) This section establishes a license to fabricate covered material in California and a verified compliance pathway by which a licensed employer demonstrates, through independent third-party audit, that it meets the requirements of this division.

(2) This section supplements, and does not amend, replace, narrow or weaken, Sections 3203, 3204, 3395, 5144, 5204 and 1532.3, or any obligation under federal, state or local law, including 29 CFR 1910.1053 and 29 CFR 1926.1153. Where covered material contains respirable crystalline silica, Section 5204 continues to apply in full, regardless of material category, to every employer, whether or not that employer is licensed under this section.

(3) Nothing in this section relieves an employer of any duty imposed by Chapter 2.2 (commencing with Section 6359.1) of Part 1 of Division 5 of the Labor Code, or by any successor provision.

(4) Where any statute, regulation or consensus standard referenced in this section is amended, renumbered, superseded or replaced, the reference is to that provision or standard as amended, renumbered, superseded or replaced, and the requirements of this section apply to it without further action by the Board.

(b) Definitions. For purposes of this section:

(1) "Covered material" means any slab, panel or comparable dimension product fabricated into a countertop, backsplash, wall, floor, waterfall edge or similar surface product, without regard to crystalline silica content. The material categories within this definition are those identified in paragraph (8) of this subsection and listed in Appendix A to this section, together with any material later introduced for the same use.

(2) "Engineered stone" and "natural stone" have the meanings given in the terminology standards identified for those materials in Appendix A to this section, in the edition in effect at the time of fabrication.

(3) Construction of defined terms. A term defined in this subsection has that meaning wherever it appears in this section, and every requirement of this section shall be read as though the definition were set out in full at that place. Where a defined term appears in more than one subsection, the repetition is for clarity and does not create a separate, narrower or additional requirement. Where a provision of this section can be read consistently with a definition in this subsection, it shall be so read.

(4) "Fabrication shop" has the meaning given in Labor Code Section 6359.1(f) and, in addition, includes any place of employment where covered material that contains no crystalline silica is fabricated.

(5) "Licensed fabrication shop" means a fabrication shop holding a current license issued by the State of California under subsection (c).

(6) "Qualified person" means an individual holding certification as a Certified Industrial Hygienist, a Certified Safety Professional or a Certified Hazardous Materials Manager, or licensure as a Professional Engineer in this state, in each case with documented

competency in respirable dust sampling and in the analytical methods referenced by Section 5204.

(7) Where an ISO standard or an American National Standard applicable to covered material or to its fabrication is published after the effective date of this section, that standard becomes a constituent part of the compliance audit required by subsection (f) on a date set by the Division allowing a reasonable period for implementation, and without further action by the Board.

(8) "Countertop and surface fabrication business" means a business that provides manufacturing services for any material used in countertops, including but not limited to natural stone (granite, marble, quartzite, soapstone, slate, limestone and travertine); engineered stone (quartz, terrazzo, solid surface and recycled glass composites); sintered stone; cultured marble; mineral surfaces; porcelain slabs; wood (butcher block and bamboo); metal (stainless steel, copper and zinc); concrete; laminate; recycled and sustainable materials; and emerging materials used in countertop and surface manufacturing. Countertops are horizontal work or decorative surfaces installed in residential, commercial, industrial or specialty environments, including kitchens, bathrooms, offices, retail, hospitality, schools, restaurants, laboratories and custom applications.

(9) "Competent person" means an individual who is capable of identifying existing and foreseeable respirable crystalline silica and other dust hazards in the workplace and who has authorization to take prompt corrective measures to eliminate or minimize them, as that term is defined in 29 CFR 1926.1153(b) and in Section 1532.3(b).

(10) Covered material, and the fabrication of covered material, shall meet the applicable recognized consensus standards in effect at the time of fabrication, including standards published by ASTM International, the American National Standards Institute (ANSI) and its accredited standards developers, the International Organization for Standardization (ISO) and NSF International. Appendix A to this section lists the standards generally applicable to each material category and is informational; the operative requirement is the applicable recognized consensus standard in effect at the time of fabrication.

(11) For any covered material not listed in Appendix A to this section, including emerging, hybrid, recycled or newly developed materials, and for any covered material for which no recognized consensus standard exists, the employer shall rely on the manufacturer's published technical specifications, safety data sheet and fabrication instructions, and shall obtain documentation of the material's composition, including its crystalline silica content by weight. When a recognized consensus standard for that material is later adopted, it applies from its effective date.

(c) License required.

(1) Effective [DATE], no employer shall fabricate covered material at a place of employment in California unless that place of employment is a licensed fabrication shop.

(2) A license is specific to a fixed place of employment and is not transferable.

(3) The Division shall maintain a public register of licensed fabrication shops, updated not less than monthly, showing license status, issue date, expiry date and any current suspension.

(d) Eligibility for a license. An employer may fabricate covered material only while the employer:

(A) Holds a valid fabrication shop certification issued under Labor Code Section 6359.1 et seq. when the certification program is available, or has a pending application in good standing;

(B) Has received a passing result on an independent compliance audit of each establishment conducted within the previous [12] months by a Recognized Audit Provider under subsection (h);

(C) Maintains workers' compensation coverage as required by Labor Code Section 3700, without regard to the number of persons it employs and regardless of whether a person performing or supporting fabrication is classified as an employee, an independent contractor, a subcontractor, a day laborer, a family member or an owner;

(D) Has ensured that every employee who performs or supervises fabrication of covered material has completed the training required by Section 5204 and by Labor Code Section 6359.1 et seq.;

(E) Is not subject to an unabated Order Prohibiting Use or an unabated serious violation of this division; and

(F) Operates lawfully within the meaning of subsection (e).

(e) Lawful operation of a fabrication shop.

(1) A fabrication shop shall not be declared to operate without employees unless the owner demonstrates to the Recognized Audit Provider that every task associated with receipt, handling, cutting, finishing, loading and installation of covered material at that shop is performed by the owner alone.

(2) The Recognized Audit Provider shall record the number of persons observed performing or supporting fabrication, the equipment present and the shop's production capacity, and shall report to the Division any shop whose declared employment is inconsistent with its observed operations.

(3) A shop reported under paragraph (2) is ineligible for a license until the inconsistency is resolved to the satisfaction of the Division.

(f) Minimum conditions verified by the audit. The audit shall verify, at a minimum, that the employer:

(A) Uses no dry methods for any high-exposure trigger task and uses effective wet methods as required by Labor Code Section 6359.1.5 and defined in Labor Code Section 6359.1(i), together with the engineering controls and work practices required by Section 5204(f)(2). Local exhaust ventilation or enclosure shall be provided in addition to, and not in substitution for, effective wet methods where wet methods alone do not keep exposures below the PEL;

(B) Has a written exposure control plan and an effective Injury and Illness Prevention Program under Section 3203;

(C) Conducts exposure air monitoring, performed by or under the direction of a qualified person, for each high-exposure trigger task at least every [6] months and whenever processes, materials or controls change;

(D) Provides respiratory protection under Section 5204(h)(3) and Section 5144;

(E) Provides medical surveillance meeting subsection (g);

(F) Maintains a current safety data sheet and crystalline silica content for every material processed;

(G) Has corrected all prior audit findings within the time required by subsection (i);

(H) Designates not less than two competent persons at each establishment, present during fabrication, each authorized to take prompt corrective measures. Their duties shall include frequent and regular inspections of the workplace, materials and equipment, verification of housekeeping, and prompt remediation of any accumulation, release or visible emission of dust. This requirement follows the competent person requirement of 29 CFR 1926.1153(b) and (g)(4), and its California analogue at Section 1532.3(b) and (g)(4), and extends it to the fabrication shop; and

(I) Maintains housekeeping meeting Section 5204(i), permitting no dry sweeping, dry brushing or use of compressed air where those practices could contribute to employee exposure, and documents the competent person's housekeeping verification for each shift.

The audit instrument shall address, at a minimum, the subject matter listed in Appendix B to this section. A Recognized Audit Provider may use any instrument that covers that subject matter. Appendix B is informational as to form; the obligations it reflects arise under this division and under the Labor Code.

(g) Medical surveillance.

(1) A licensee shall provide medical surveillance at no cost to the employee and during working hours to every employee who fabricates covered material.

(2) Where covered material contains respirable crystalline silica, medical surveillance shall meet Section 5204(j) in full.

(3) For all covered material, medical surveillance shall include a baseline evaluation and periodic evaluation at intervals not exceeding [three] years, by or under the direction of a physician competent in occupational lung disease, including spirometry and chest imaging interpreted by a qualified reader.

(4) Demonstrated participation of not less than [95] percent of eligible employees in each surveillance cycle is a condition of licensure. Non-participation shall be documented individually with the employee's written declination.

(5) Every case of silicosis and every case of suspected silicosis shall be reported as required by Section 5204(m) and Labor Code Section 6359.4.

(6) An employee with confirmed or suspected silicosis shall be removed from exposure under Section 5204(k), with wage and benefit retention.

(7) No license shall be denied, suspended or revoked, and no term of licensure made less favorable, solely because a licensee's medical surveillance program has identified a case.

(h) Recognized Audit Providers. The Division shall publish criteria for, and a list of, Recognized Audit Providers. At a minimum, a Recognized Audit Provider shall:

(A) Use auditors who hold an ISO 45001 Lead Auditor credential and have completed training on this section approved by the Division;

(B) Have no ownership, employment or consulting relationship with the audited employer within the previous three years;

(C) Be organizationally separate from any trade association's membership and advocacy functions, offer audits to all employers on identical terms, separate audit evaluation from the pass/fail decision, and provide an appeal process;

(D) Report to the Division within [5] working days any failing result, any imminent hazard observed, and any employer that declines an audit after enrollment; and

(E) Report to the Division any shop operating without a license, any inconsistency identified under subsection (e)(2), and any unlawful business practice observed in the course of an audit.

(i) Corrective action and loss of eligibility. An employer that does not receive a passing result shall stop fabricating covered material until the Recognized Audit Provider verifies correction. Findings that are not critical shall be corrected within [30] days. An employer loses eligibility immediately upon an Order Prohibiting Use or a failing audit result.

(j) Reporting and records. The employer shall submit exposure air monitoring results to the Division [semiannually] in a format the Division prescribes, post its current audit attestation at each establishment, and make audit reports available to the Division on request. Reporting under this subsection is in addition to, and does not satisfy, the annual training attestation required by Labor Code Section 6359.2(a)(2)(A). The public register required by subsection (c)(3) shall show whether each licensee meets subsection (d).

(k) Renewal of eligibility.

(A) A license issued by the State of California as a condition of eligibility under subsection (d) is valid for [three] years from the date of issue.

(B) The licensee shall submit a renewal request to the State not less than [90] days before the license expires. A renewal request triggers a new independent third-party compliance audit and attestation under subsections (f) and (h).

(C) The license term does not alter the requirement of subsection (d)(B) that the employer hold a passing audit result obtained within the previous [12] months.

(D) A license that expires without renewal ends eligibility under subsection (d). The employer shall stop fabricating covered material until the State issues a renewed license, and shall notify the Division within [5] working days.

(l) Future restrictions on covered material. If this division, or any statute, later prohibits or restricts the fabrication of a particular covered material, this section continues to apply to every covered material that is not prohibited, and a licensee may continue to fabricate non-prohibited covered material under this section. A prohibition on one covered material does not suspend, narrow or terminate this section.

(m) Review. The Division shall report to the Board within [24] months after the effective date of this section on exposure results, audit outcomes, enforcement actions and silicosis case reports for employers under this section, with recommendations.

NOTE: Authority cited: Sections 142.3 and 144.6, Labor Code. Reference: Sections 142.3, 144.6, 3700, 6400, 6401, 6401.7 and 6359.1 et seq., Labor Code.

Appendix A to Section 5204.2 — Standards Generally Applicable by Material Category

This appendix is informational. It lists the recognized consensus standards generally applicable to each category of covered material. The operative requirement is subsection (b)(10): the applicable recognized consensus standard in effect at the time of fabrication. The reference list was developed by the American Countertop Manufacturers Council (ACMC), a standing body of the International Surface Fabricators Association. The definitions used are part of ACMC's policies and procedures. Where no recognized consensus standard exists for a material, subsection (b)(11) applies.

Material	Referenced standards
Natural stone (granite, marble, quartzite, soapstone, slate, limestone, travertine)	ASTM C119 (terminology); ASTM C615 (granite), C503 (marble), C616 (quartz-based stone, including quartzite), C629 (slate), C568 (limestone), C1527 (travertine); ANSI/NSC 373 (sustainable production). Soapstone: manufacturer and supplier specifications.
Engineered stone (quartz and recycled glass composites)	ISO 19947; EN 14617 and EN 15388 where applicable
Terrazzo	National Terrazzo & Mosaic Association guidelines; manufacturer specifications
Solid surface and mineral surfaces	ANSI/ICPA SS-1; ISO 19712
Cultured marble	ANSI Z124.3 and Z124.6, as harmonized with CSA B45.5/IAPMO
Porcelain slabs	ANSI A137.3; ISO 13006 and ISO 10545 test methods
Sintered stone	ANSI A137.3 or ISO 13006, as applicable; manufacturer specifications
Wood (butcher block, bamboo)	Architectural Woodwork Standards (AWI/AWMAC/WI); TSCA Title VI formaldehyde emission requirements for composite and laminated products
Metal (stainless steel, copper, zinc)	ASTM A240 (stainless steel), ASTM B152 (copper), ASTM B69 (zinc)
Concrete	ASTM C150 (cement) and ASTM C33 (aggregates) for constituent materials; manufacturer specifications
Laminate	NEMA LD 3; ISO 4586
Recycled and sustainable materials	Standard for the base material category; otherwise manufacturer specifications
All materials, where applicable	NSF/ANSI 51 (food-zone materials); ASTM E84 (surface burning characteristics); UL 2818 (chemical emissions)

Appendix B to Section 5204.2 — Subject Matter of the Fabrication Shop Compliance Audit

This appendix states the subject matter a compliance audit under subsection (f) shall address. It is informational as to form; every obligation it reflects arises under this division or under the Labor Code, and nothing in this appendix creates a requirement that those authorities do not already impose. The items were developed by ISFA as a fabrication shop audit and inspection instrument and have been in use in the field. They were produced under an Alliance with the federal Occupational Safety and Health Administration Region 6 and do not necessarily reflect the official views of that agency or of the United States Department of Labor. ISFA offers them to the Board and the Division as a working instrument, restated against California authority, and not as any form of federal endorsement of this petition. A Recognized Audit Provider may use a different instrument that covers this subject matter.

B.1 Respirable crystalline silica

(1) Wet methods and other engineering controls are used for cutting, grinding, polishing and drilling wherever feasible to minimize airborne respirable crystalline silica.

(2) Local exhaust ventilation or equivalent dust controls are installed, maintained and operating effectively at dust-generating equipment.

(3) Dry methods are not used for any high-exposure trigger task, as required by Labor Code Section 6359.1.5.

(4) Preventive maintenance systems cover dust collection systems, water delivery systems, filtration equipment and ventilation systems, and these are routinely inspected and serviced.

(5) Housekeeping uses wet methods or filtered vacuuming meeting Section 5204(i); dry sweeping, dry brushing and compressed air are not used to clean silica-containing dust from clothing, surfaces, equipment or floors.

(6) Recent exposure monitoring or objective data is available, is representative of current equipment, materials, processes and production methods, and supports the shop’s control decisions.

(7) A written exposure control plan identifies tasks, controls, housekeeping methods and restricted access where needed.

(8) Employees understand the health effects of respirable crystalline silica, including the symptoms of silicosis, recognize work practices that increase exposure, and understand the controls in place.

(9) Medical surveillance is provided as required by Section 5204(j) and by subsection (g) of this section.

B.2 Respiratory protection

(1) A written respiratory protection program meeting Section 5144 is current and implemented.

(2) Employees are clean shaven where tight-fitting air-purifying respirators require an effective face seal.

(3) Workers required to wear respirators have medical evaluations, fit tests and documented training.

(4) Respirators are appropriate for the hazard and are stored, cleaned and maintained correctly.

(5) Voluntary and mandatory respirator use are clearly distinguished and documented.

B.3 Machine guarding

(1) Saws, routers, polishers, conveyors and other machines have guards that protect employees from point-of-operation hazards, rotating parts, nip points and flying fragments.

(2) Guards are inspected routinely for damage, proper adjustment and functionality.

(3) Guards are in place and are not bypassed, removed or defeated during production.

(4) Emergency stops and control functions are accessible and functional where required.

(5) Blade changes, maintenance and jam-clearing tasks are addressed through safe shutdown procedures.

B.4 Control of hazardous energy

(1) Energy control procedures exist for servicing and maintenance on saws, polishers, dust collectors, compressors and similar equipment.

(2) Authorized employees are trained, and affected employees understand the purpose and use of lockout and tagout controls.

(3) Locks, tags and zero-energy verification are applied consistently before servicing or maintenance begins.

B.5 Slab storage and material handling

(1) Slabs are stored on racks designed for the load and maintained in sound condition.

(2) Slab storage racks are inspected regularly for damage, corrosion or structural deficiencies.

(3) Employees are trained in safe slab movement, communication and spotter responsibilities.

(4) Employees are kept out of pinch points and fall-shadow zones when moving or staging slabs.

(5) A-frames, carts, clamps, lifters and rigging devices are inspected and used within rated capacity.

(6) Traffic routes and staging areas are organized to reduce crushed-by and struck-by hazards.

B.6 Forklifts, cranes and lifting equipment

(1) Forklift operators are trained, evaluated and authorized.

(2) Daily or pre-use inspections are completed for forklifts and defects are corrected promptly.

(3) Capacity plates, warning labels and manufacturer markings are present and legible on forklifts and lifting equipment.

(4) Overhead cranes, hoists and attachments are used within their rated loads and are inspected as required.

(5) Appropriate head protection is provided and worn where employees are exposed to falling-object hazards in accordance with the facility hazard assessment.

(6) Slab-handling attachments are appropriate for the load and compatible with the equipment being used.

(7) Lifting devices such as vacuum lifters, clamps, slings and below-the-hook attachments are inspected before use and removed from service when damaged.

B.7 Hazard communication

(1) A written hazard communication program meeting Section 5194 is available and current.

(2) Safety data sheets are accessible for adhesives, epoxies, sealers, cleaners, fuels and maintenance chemicals.

(3) Secondary containers are labeled properly.

(4) Chemical containers are closed when not in use.

(5) Employees are trained in chemical hazards, label elements and protective measures.

B.8 Personal protective equipment and hygiene

(1) Personal protective equipment is selected based on documented hazard assessments.

(2) Eye and face protection is available and used for cutting, grinding and flying-particle hazards.

(3) Hearing protection is provided where noise exposure warrants it, and a hearing conservation program is in place where required.

(4) Gloves, foot protection and task-appropriate clothing are provided for sharp edges, heavy material and wet processes.

(5) Handwashing and cleanup practices are managed to minimize the migration of silica-containing dust into clean areas, break areas and vehicles.

B.9 Electrical safety in a wet fabrication environment — equipment and installation

(1) Electrical equipment and conductors that may be exposed to moisture are identified and approved for use in damp or wet locations.

(2) Ground-fault circuit interrupter protection is provided where required by the Electrical Safety Orders, including receptacles in wet or damp shop areas; portable protection is used where permanent protection is not installed.

(3) Equipment listed for wet or damp locations is used where water is present, such as weatherproof enclosures, sealed switches and corrosion-resistant fittings.

(4) Cords, plugs and connections are kept off wet floors and away from standing water, sinks and wash-down zones, using drip loops, cord covers or elevated racks.

(5) Extension cords, receptacles and equipment wiring are in serviceable condition and are not used in place of permanent wiring.

(6) Damaged cords and cracked or broken plugs are removed from service and discarded rather than repaired with tape.

(7) Electrical boxes, panels and enclosures have covers in place, with no open boxes or missing covers.

(8) Equipment grounding is intact, and ground pins are not removed, bypassed or defeated.

(9) Panels and disconnects are accessible and legibly labeled, and the required working clearance in front of them is kept free of stored material.

B.10 Electrical safety — work practices, training and protective equipment

(1) Equipment that has been submerged or significantly wetted is inspected by a qualified electrician before being re-energized, and is replaced when its condition cannot be verified.

(2) Cords, plugs, ground-fault protection and equipment are visually checked before use in wet locations, and defective items are removed from service immediately.

(3) Employees do not handle plugs, switches or breakers with wet hands or while standing on a wet floor.

(4) Qualified employees use the one-hand rule when resetting breakers or working near energized parts in damp conditions, and stand on a dry, insulated surface.

(5) Signage is posted where it applies, such as directions not to operate electrical equipment while standing in water and to have wet equipment inspected before use.

(6) Wet-location electrical safety is included in new-hire orientation and periodic refresher training, using examples from the shop's own layout such as sinks and wash stations.

(7) Insulated tools are used for work on or near energized parts.

(8) Rubber-insulated gloves appropriate to the task and voltage are available and used.

(9) Rubber mats or other insulating floor protection are provided where electrical work is performed in damp areas.

B.11 General shop safety

(1) Walking and working surfaces are kept clear of slurry, scrap, cords and trip hazards.

(2) Exit routes, emergency lighting and fire extinguishers are available and unobstructed.

B.12 Records, training and accountability

(1) Injury and illness records required by Sections 14300 et seq. are completed and posted when required.

(2) Near misses, incidents and corrective and preventive actions are documented and reviewed for continuous improvement.

(3) Training records are available for silica, respirators, hazard communication, powered industrial trucks, control of hazardous energy, personal protective equipment and emergency procedures.

(4) Supervisors can explain how the shop enforces safety rules in daily operations.

(5) An effective Injury and Illness Prevention Program meeting Section 3203 is established, implemented and maintained.

V. Reasons for the Request

A. It addresses the documented cause: unverified, unenforced compliance

The Petition 609 evaluation shows that about 90% of fabrication operations have never been inspected and that most inspected shops were out of compliance. The Verified Compliance Pathway requires every employer that fabricates covered material to be examined by an independent auditor every year, not only the small share Cal/OSHA can reach. It turns the Division's limited inspection time toward the shops that fail or decline audits.

B. It removes the economic advantage of noncompliance

A compliant small shop costs at least $250,000 to set up, while a noncompliant shop can open for about $30,000 and faces an average penalty of about $14,000. Tying eligibility to fabricate to a passing independent audit removes that advantage: a shop that will not be audited cannot lawfully perform high-exposure trigger tasks, and the Division's public register under subsection (c)(3) makes its status visible to suppliers, general contractors and customers. That protects workers and the employers who have already invested in compliance.

C. It responds to the evidence that wet methods alone are not enough

The Pathway does not rely on water. It requires the full hierarchy of controls under Section 5204(f)(2), local exhaust or enclosure where needed, more frequent exposure monitoring reported to the Division, and respiratory protection and medical surveillance. Exposure data submitted under subsection (j) will show the Board, shop by shop, whether exposures are being controlled.

D. It protects workers who handle every material, not only artificial stone

Natural stone with high silica content, porcelain, sintered stone, solid surface and other materials will continue to be cut after any artificial stone prohibition. The proposed section is written to cover them now rather than later: "covered material" is defined by use, not by silica content, and includes any material later introduced for the same use. The verification infrastructure — trained auditors, licensed shops, exposure air monitoring data — therefore reaches every countertop and surface material from the day the section takes effect, and the Board is not required to reopen the rule each time the market introduces a new product.

E. It reduces the risk of displacement to unregulated work

ISFA's concern is that a prohibition will not end demand for stone countertops or the skills of the workers who make them. Without a lawful, verified path, some work may move to unlicensed operators or jobsites that are even harder for the Division to find. A verified pathway keeps fabrication visible and accountable.

F. It meets the Board's statutory mandate

Labor Code Section 144.6 directs the Board, for toxic materials, to adopt the standard that most adequately assures, to the extent feasible, that no employee suffers material impairment of health, based on research, demonstrations and experience, and to express standards where possible in objective, performance-based terms. The Pathway is performance-based, is backed by monitoring data and is being tested in a feasibility study (Section IX). Labor Code Sections 6400, 6401 and 6401.7 require every employer to provide a safe workplace and an effective injury prevention program; the Pathway makes those duties verifiable.

G. It builds on SB 20 rather than duplicating it

SB 20 established substantive duties — a prohibition on dry methods, a wet-method mandate, training, and an annual training attestation to the Division — but it did not create a mechanism to verify that those duties are being met in any particular shop. The Pathway supplies that mechanism: independent third-party verification as a condition of eligibility, ongoing exposure air monitoring reported to the Division, and immediate loss of eligibility. It is designed to operate alongside SB 20 and to make SB 20's requirements auditable.

H. It uses the right instrument, and it is built to outlast the current dispute

SB 20 added Chapter 2.2 (commencing with Section 6359.1) to Part 1 of Division 5 of the Labor Code. It did not amend Title 8, and it did not rewrite Section 5204. Statute and safety order are different instruments adopted by different bodies: the Legislature acted by statute, and only this Board can act by regulation. That is precisely why ISFA asks for a new section of Title 8 rather than an amendment to Section 5204. The Board can adopt the proposed section without reopening Section 5204, without disturbing anything the Legislature enacted, and without waiting for the Legislature to act again.

Futureproofing is built into the text in three ways. First, subsection (a)(4) provides that where any referenced statute, regulation or consensus standard is amended, renumbered or superseded, the reference carries forward automatically, so the section does not fall out of date when the law moves. Second, "covered material" is defined by use rather than by composition, and expressly includes any material later introduced for the same use, so a new product does not require a new rulemaking. Third, subsection (l) provides that a future prohibition on any one material does not suspend or narrow the section as to the others — if the state restricts a material in twenty years, the license, the audit and the medical surveillance survive it.

I. Enforcement recommendations

The recommendations in this subsection are offered as comments to the Board and the Division on enforcement practice. They are not proposed regulatory text, and ISFA does not ask that they be adopted as part of Section 5204.2.

ISFA supports strong, consistent enforcement as the most direct way to protect fabrication workers. Section 5204 already requires wet methods, engineering controls, respiratory protection, exposure monitoring and medical surveillance. Where workers have been harmed, failure has most often been in compliance and enforcement, not in the standard itself. ISFA respectfully offers the following recommendations.

Classify core failures as Serious. In a countertop and surface fabrication business, dry cutting or dry finishing, the absence of required respiratory protection, and the failure to conduct exposure monitoring should be classified as Serious violations by default. The documented link between these conditions and silicosis supports that classification.

Use Orders Prohibiting Use for imminent hazards. Dry cutting and other conditions that create an imminent hazard of silica exposure warrant an immediate Order Prohibiting Use under Labor Code Section 6325, so that the hazardous work stops at the time of inspection rather than after a citation is resolved.

Adopt a tiered penalty structure for fabrication without a license. ISFA recommends that fabrication of covered material without a license be treated as a violation, and that penalties follow a tiered structure: a first violation at $25,000; a second violation at $50,000, calculated by the Department of Industrial Relations; and, for a willful violation that causes death or serious injury, referral for criminal prosecution.

These recommendations are additive. They do not displace the Division’s existing authority to issue an Order Prohibiting Use or to stop work at a fabrication operation, and they do not alter the penalty classifications at Section 336 of this title. ISFA asks the Board and the Division to add this structure to the enforcement tools already available.

VI. Rulemaking Standards (Government Code Section 11349.1)

Standard	How the proposal meets it
Necessity	The Petition 609 record documents widespread noncompliance, limited inspection coverage and a rising case count. The Pathway addresses each problem directly.
Authority	Labor Code Section 142.3 authorizes the Board to adopt occupational safety and health standards.

Standard	How the proposal meets it
Clarity	The text defines who is covered, what must be verified, who may audit, and what happens on failure. Terms already defined in Section 5204 and in Labor Code Section 6359.1 are used as defined there. Material terms are defined by reference to published consensus standards. For engineered stone the definition is settled: ISO 19947 was developed through ISO/TC 328 and approved by national standards bodies. For natural stone, ISO/TC 327 has not yet published a terminology standard, so ASTM C119 governs in the interim and subsections (a)(4) and (b)(7) carry the reference forward automatically on publication. The section therefore does not require amendment each time a material, a standard or its nomenclature changes.
Consistency	The proposed section is consistent with existing Section 5204 requirements and with the duties SB 20 imposes under Labor Code Sections 6359.1.5 and 6359.2, and does not weaken, narrow or amend any existing requirement. Because it is a free-standing section, it can be administered without reopening Section 5204.
Reference	Labor Code Sections 142.3, 144.6, 6400, 6401, 6401.7 and 6359.1 et seq.
Nonduplication	The Pathway cross-references existing requirements rather than restating them, and adds verification, reporting and eligibility provisions not found elsewhere in Title 8.

VII. Reasonable Alternatives

Government Code Section 11346.2(b)(4) requires the Board to describe reasonable alternatives and its reasons for rejecting them, including alternatives that would lessen the impact on small business, and to consider performance standards. Government Code Section 11346.5(a)(13) requires a determination that no reasonable alternative brought to the agency's attention would be more effective, or as effective and less burdensome. ISFA submits the Verified Compliance Pathway as such an alternative.

Factor	Current rule (no change)	Prohibition (Petition 609)	Verified Compliance Pathway
Coverage of shops	About 10% inspected	Depends on detecting prohibited work	Every employer fabricating covered material audited annually
Exposure data	Limited to inspections	None for work that continues illegally	Semiannual air monitoring results reported to the Division
Other materials	Current rule only	Not addressed	Covers every countertop and surface material from the effective date
Compliant small businesses	Undercut by noncompliant shops	Lose a product line regardless of compliance	Can continue if they meet verified requirements
Enforcement burden on the Division	High; limited reach	High; must detect illicit work	Targeted to failing and unaudited shops
Performance-based	Partly	No	Yes

VIII. Economic and Small Business Impact (Preliminary)

- Most affected employers are small businesses. CDPH has identified 1,342 fabrication shops statewide.
- The main new costs for employers are the annual audit, more frequent exposure monitoring and reporting. During the feasibility study, the cost of each audit has been held to $5,000 and is funded by audit grants (Sections IX and XII). The audit fee does not cover or replace a shop's other costs of compliance, including air quality testing, engineering controls, exposure monitoring, respiratory protection and medical surveillance. ISFA will provide measured cost data from the study.
- The Pathway avoids the loss of revenue and jobs that a prohibition would impose on compliant employers, while requiring the controls that compliance already demands.
- State costs include Division review of audit reports and monitoring data and maintenance of the public register. ISFA proposes that audit providers bear reporting costs and will work with the Division on data formats.

ISFA will supplement this section with the study's cost findings.

IX. Feasibility Study and Supporting Evidence

To give the Board evidence from California workplaces, ISFA will fund and conduct an independent feasibility and case study of the Verified Compliance Pathway, administered as ISFA's Third-Party Independent Inspection Feasibility Program. The study runs at the same time ISFA collects public comment and scientific feedback (Section X), so that the Board receives field evidence and stakeholder input together.

- **Scope:** 300 California fabrication shops of all sizes and regions, members and non-members on identical terms, audited against an instrument covering the subject matter at Appendix B to Section 5204.2 and built on ISO 45001:2018, Section 5204 and SB 20, covering every countertop and surface material each shop processes. ISFA will also offer the program outside California; only results from California fabrication shops will be reported to the Board.
- **Auditors:** independent ISO 45001 Lead Auditors with ISFA silica and fabrication training, with no ownership, employment or consulting relationship with the audited shops, and organizationally separate from ISFA's membership and advocacy functions, consistent with subsection (h) of proposed Section 5204.2.
- **Verification:** corrective action verified by the auditor; air sampling by a qualified person, as defined in proposed Section 5204.2(b)(6), at no fewer than 45 shops.
- **Cost:** each audit has been held to $5,000, funded through audit grants (Section XII). A passing audit does not eliminate or satisfy any other requirement. Every participating shop remains responsible for full compliance with Section 5204, SB 20 and, once adopted, Section 5204.2, including exposure monitoring, medical surveillance, respiratory protection, training and workers' compensation coverage.
- **Independent evaluation:** [evaluation partner] will design the analysis and write the final report; the study protocol will be published before audits begin.

- **Schedule:** a six-month feasibility period beginning [October 2026], with audits beginning November 2026, an interim report at month 3 (December 2026) and a six-month feasibility report with case studies at month 6 (March 2027), delivered to the Board, the Division, the Emergency Silica Advisory Committee, ACMC and funders. Funders receive monthly progress dashboards with de-identified, combined data only.
- **Coordination:** ISFA invites the Division to review the protocol and observe audits, and requests that the study be considered a demonstration for purposes of Labor Code Sections 143(c) and 144.6.

ISFA will file the study protocol, interim results and final report as supplements to this petition.

X. Industry Consensus, Public Comment and Science Feedback

A. ISFA's goal is industry consensus

ISFA's goal is a rule that the whole industry can support: fabrication shops, their workers, and the manufacturers, importers, distributors and associations that represent engineered stone, natural stone and every other surface material. The industry largely agrees on two things: shops need oversight, and workers need protection. The disagreement is over how. ISFA is actively seeking consensus on that question, and it offers this petition as a basis for discussion, not a final word.

The proposal is product-neutral. It does not favor one material over another, and it is not intended to harm any engineered stone or natural stone representative. The same license, audit and medical surveillance apply to every covered material, so no material gains or loses a market position under the proposed section.

Consensus work is conducted under ISFA's antitrust compliance statement. Discussions are limited to worker safety, regulatory compliance and standards. They do not address prices, terms of sale, allocation of customers or markets, or any agreement to deal or not to deal with any company. Participation is voluntary and is not conditioned on ISFA membership.

B. Public comment on the draft petition

With this filing, ISFA is opening the petition language for public comment from September 29 through November 13, 2026, at https://countertoplicensing.org/public-comments/, with the full petition text, a comment template and a submission form. ISFA will review every comment, revise the proposed text where comments warrant, and file a summary of the comments with ISFA's responses, including where it did not make a requested change and why, as a supplement to this petition before the Board's November 19, 2026 meeting.

C. Science feedback

ISFA is not a scientific body and does not claim to settle the science. Its role is to collect the evidence and deliver it to the Board and the Division. At https://countertoplicensing.org/science-feedback/, ISFA invites physicians, epidemiologists, industrial hygienists, toxicologists, engineers, safety professionals and researchers to submit evidence, data, studies and expert opinion, including evidence that contradicts ISFA's position. ISFA handles submissions as follows:

- Every submission is logged and forwarded in its original form, with the submitter's permission.
- ISFA does not edit or filter submissions that disagree with its position.
- Conflicts of interest are disclosed alongside each submission.
- ISFA prepares a neutral summary organized by question and files it with the full set of submissions. Submissions received after filing will be filed as supplements.

ISFA asks for two things: an answer to one or more of the questions below, and the submitter's opinion on what the Board should consider. With each submission, ISFA asks the submitter to state whether it is individual opinion or evidence that has gone through the review process recognized in the submitter's own field, and to name that process. ISFA does not decide which label applies. It records the submitter's own description, and it reports the label next to the submission in the neutral summary so the Board and the Division can weigh it.

ISFA's current understanding of the categories, and of the process each one normally goes through, is below. ISFA is not a scientific body, and this list is its best understanding, not a ruling on what counts as science.

- **Peer-reviewed research.** Studies published in a journal that uses independent peer review, or government reports that have been externally peer reviewed.
- **Formal evidence reviews.** Systematic reviews or hazard assessments that follow a published method, such as GRADE, the National Toxicology Program's OHAT approach or the IARC Monographs Preamble.
- **Measured exposure data.** Air-monitoring results collected by or under the direction of a qualified person, as defined in proposed Section 5204.2(b)(6), and analyzed by a laboratory accredited to ISO/IEC 17025, such as through the AIHA Laboratory Accreditation Programs, using a recognized method such as NIOSH 7500 or 7602 or OSHA ID-142. Submitters are asked to state the sampling method, laboratory and dates.
- **Agency and consensus positions.** Published positions of government agencies, such as NIOSH, OSHA, Cal/OSHA or CDPH, and of recognized standards or guidance bodies, adopted through those bodies' own procedures.
- **Clinical and case data.** Case series, surveillance data or clinical observations, whether published or not. Submitters are asked to state whether the data has been reviewed outside their own organization.
- **Individual professional opinion and field experience.** The view of a physician, industrial hygienist, engineer, safety professional, researcher, shop owner or worker, based on his or her own experience. ISFA values this input and forwards it in full. It is labeled as individual opinion, so it is not mistaken for reviewed evidence.

Each submitter is also asked to complete a conflict-of-interest disclosure modeled on the ICMJE disclosure form used by medical journals, covering funding, employment, consulting and financial interests related to engineered stone, natural stone or any other surface material.

ISFA will update this framework based on the input it receives. If a submitter shows that a category is missing, that a process is described incorrectly, or that a different standard is recognized in the submitter's field, ISFA will revise the framework, apply the revision to every submission, and note the change and its reason in the next supplement filed with the Board. ISFA is asking the following questions. They are reproduced as published.

Question set A — Can exposure be controlled?

- **A1.** Is there evidence that engineered stone cannot be fabricated below the Cal/OSHA PEL (50 µg/m³) and action level (25 µg/m³) when wet methods, local exhaust, and required housekeeping are used? Please cite.
- **A2.** What personal and area air-monitoring data exist for shops using full wet methods on all tools (saw, CNC, waterjet, hand grinding, edging, polishing)?
- **A3.** How effective are ARPs and PAPRs with an assigned protection factor of 1,000 in real-world fabrication conditions, including fit, maintenance, and wear time?
- **A4.** Which specific tasks (e.g., hand edging, dry touch-up, installation cutouts, cleanup) produce the highest exposures even when controls are used?
- **A5.** What is the evidence on recycled water and slurry as a secondary exposure source?

Question set B — What does the case data tell us?

- **B1.** Among confirmed engineered stone silicosis cases, what is known about the compliance status of the employer (wet methods, respirators, monitoring, medical surveillance) at the time of exposure?
- **B2.** Are there documented cases from shops verified to be in full compliance with section 5204 controls?
- **B3.** What share of cases involve employers without workers' compensation coverage, very small shops, or informal work arrangements?
- **B4.** What are the typical exposure durations and latency periods for accelerated silicosis in this population?

Question set C — What about the material itself?

- **C1.** What is the scientific basis for a 1% crystalline silica threshold? What does evidence show for materials between 1% and 40%?
- **C2.** Do resins, pigments, metals, or other constituents of engineered stone contribute to toxicity independent of silica content?
- **C3.** How do freshly fractured particles from engineered stone compare with those from high-silica natural stone (e.g., quartzite), porcelain, and sintered stone?
- **C4.** What testing and certification standards should exist for crystalline silica content and dust generation of slab products?

Question set D — What would change the answer?

- **D1.** What evidence would demonstrate that fabrication can — or cannot — be done safely?
- **D2.** What data should a six-month audit pilot collect to be scientifically useful to the Advisory Committee?
- **D3.** What medical surveillance approach (e.g., HRCT vs. chest X-ray) best detects early disease in this population?

D. How this input will be used

Public comment, scientific evidence and the feasibility study are being gathered at the same time and will reach the Board together. ISFA will change the proposed text where the record warrants it and will tell the Board where it has done so. If the evidence shows that part of the Pathway does not

protect workers, ISFA will say so. The purpose is to give the Board an informed basis for its decision, not to advance any one material or company.

XI. Expected Timeline and Public Comment Periods

The table below shows ISFA's own comment periods, the filing date, the Board's statutory deadline to act on the petition, and the feasibility study schedule. ISFA dates are targets and may be extended; the statutory period is a maximum.

Stage	Expected timing	Basis
ISFA public comment on the draft petition language	September 29, 2026 to November 13, 2026 (45 days) Redistributed if proposed language changes are of substance.	ISFA process; countertoplicensing.org
Science feedback collection	Open now through November 13, 2026, later submissions filed as supplements	ISFA process; countertoplicensing.org
Petition filed with the Board	September 28, 2026	Labor Code § 142.2
Board decision on the petition	No later than six months after the Board receives the petition, following Board staff and Division evaluations; ISFA may speak during public comment at monthly Board meetings	Labor Code § 142.2
Feasibility study	Audits begin November 2026; interim report at month 3 (December 2026); six-month report at month 6 (March 2027)	Section IX

XII. Funding Disclosure and Independence

The feasibility study is expected to be funded by audit grants from manufacturers, importers, distributors and fabricators of countertop and surface materials, administered through ISFA's Fabricator Safety and Compliance Fund. Every funder will be reported. Funders have no role in selecting shops or auditors, designing the analysis or reviewing results before publication, and their funding does not depend on the study's findings or the outcome of this petition. Shop-level results are shared only with the shop, ISFA program staff and the independent evaluator.

Audit grants are offered at $5,000 per audit. Funders do not choose, recommend or veto which shops receive grant-funded audits, receive only de-identified, combined data, and may not condition a grant on any shop's purchases or on ISFA's policy positions. Audit grants are kept separate from any contributions that support ISFA's lobbying activities, which are accounted for and reported separately.

Member and sponsor support is not a reason to reject this alternative. ISFA's members are fabrication employers, and its work is also supported by manufacturers, distributors and other sponsors. ISFA discloses those relationships in full. It respectfully submits that the source of an association's support is not, by itself, a reason to reject a reasonable alternative that protects workers. The Verified Compliance Pathway should be judged on the evidence and on whether it

protects workers, the same test that applies to any alternative. The independence requirements of subsection (h)(C), the funder safeguards above, and the unaltered delivery of scientific submissions that disagree with ISFA exist so that the Board can apply that test.

XIII. Request to Be Heard

ISFA requests the opportunity to present this petition during public comment at the Board's November 19, 2026 meeting and to participate in any advisory committee convened on this subject. ISFA will make shop owners, workers and auditors available to answer the Board's and Division's questions, and will present the summary of public comments and scientific submissions described in Section X.

XIV. Conclusion

The workers at the center of this crisis deserve protection that reaches every shop, not only the ones inspectors can find. ISFA respectfully asks the Board to grant this petition, adopt the Verified Compliance Pathway, and consider it as a reasonable alternative in the pending artificial stone rulemaking. ISFA does not ask the Board to choose between the industry and its workers, or between one material and another. It asks the Board to decide on a complete record, including field data from the feasibility study, public comment and the scientific evidence on all sides, and it has committed its own resources to building that record.

Respectfully submitted,

Laurie Weber
Chief Executive Officer
International Surface Fabricators Association
September 28, 2026

Public Comment Process, Shop Registration, Audit Grant Request, Science Feedback

- www.countertoplicensing.org

Authorities and Sources

- Cal/OSHA evaluation of Petition 609 (April 10, 2026) — https://www.dir.ca.gov/oshsb/documents/petition-609-CalOSHAeval.pdf
- Title 8 CCR Section 5204 — https://www.dir.ca.gov/title8/5204.html
- Standards Board, The Petition Process — https://www.dir.ca.gov/oshsb/petitions.html
- Labor Code Section 142.2 — https://law.justia.com/codes/california/code-lab/division-1/chapter-6/section-142-2/
- Labor Code Sections 142.3 and 6300 — https://www.dir.ca.gov/oshsb/documents/Labor-Code-Sections-142-and-6300-Handout-AC-2.pdf
- Labor Code Section 143 — https://law.justia.com/codes/california/code-lab/division-1/chapter-6/section-143/
- Labor Code Section 144.6 — https://law.justia.com/codes/california/code-lab/division-1/chapter-6/section-144-6/
- Labor Code Sections 6400, 6401, 6401.7 — https://law.justia.com/codes/california/code-lab/division-5/part-1/chapter-3/section-6400/
- Government Code Section 11346.2 — https://law.justia.com/codes/california/code-gov/title-2/division-3/part-1/chapter-3-5/article-5/section-11346-2/
- Government Code Section 11346.5 — https://law.justia.com/codes/california/code-gov/title-2/division-3/part-1/chapter-3-5/article-5/section-11346-5/
- Government Code Section 11349.1 — https://law.justia.com/codes/california/code-gov/title-2/division-3/part-1/chapter-3-5/article-6/section-11349-1/
- Government Code Sections 11343.4, 11346.1, 11346.4, 11346.8, 11349.3 and 11349.6 (rulemaking, emergency rulemaking and OAL review periods) — https://oal.ca.gov/rulemaking_participation/ and https://oal.ca.gov/emergency_regulations/emergency_regulation_process/
- SB 20 (Chapter 734, Statutes of 2025), chaptered text — https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260SB20 and https://legiscan.com/CA/text/SB20/id/3029643
- Cal/OSHA Emergency Silica Advisory Committee — https://www.dir.ca.gov/dosh/doshreg/silica-2026/
- DIR news release on the Board's May 2026 action — https://www.dir.ca.gov/DIRNews/2026/2026-45.html
- 29 CFR 1910.1053, Respirable Crystalline Silica (general industry) — https://www.ecfr.gov/current/title-29/part-1910/section-1910.1053

- 29 CFR 1926.1153, Respirable Crystalline Silica (construction), including the competent person requirement at (b) and (g)(4) — https://www.ecfr.gov/current/title-29/part-1926/section-1926.1153
- Title 8 CCR Section 1532.3, Respirable Crystalline Silica (construction), including the competent person definition at (b) and duties at (g)(4) — https://www.dir.ca.gov/title8/1532_3.html
- Title 8 CCR Section 336, Assessment of Civil Penalties — https://www.dir.ca.gov/title8/336.html
- Labor Code Section 6325, Order Prohibiting Use — https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=6325
- Labor Code Section 6425, criminal penalties for willful violation causing death or prolonged impairment — https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=6425
- ISO 19947, Engineered stone — Vocabulary (ISO/TC 328, Engineered stones) International Organization for Standardization
- American Countertop Manufacturers Council (ACMC), a standing body of the International Surface Fabricators Association — material and standards reference, March 2026.
- ISFA Fabrication Shop Auditor Program — public comments, science feedback questions and submission form, audit grants — https://countertoplicensing.org