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## **EMPLOYER REQUIREMENTS REGARDING SILICA DUST EXPOSURE UNDER California Code of Regulations title 8 sections 5203 and 5204**

Authority: California Labor Code sections 6307, 6308, 6309, 6313, 6314, 6314.1, 6320, 6321, 6354, and title 8, California Code of Regulations sections 1532.3, 3204, 5203, 5204, 5141, 5143, 5144, 5151, 5155 & 5194.

Dear Employer,

You are receiving this letter because Cal/OSHA has identified your facility as one in which employees may be exposed to silica dust due to their work with natural or engineered stone countertops.

Silica dust contains crystalline silica, which is in engineered stone, as well as in natural quartz, granite, and other stone products. Cutting, grinding, chipping, sanding, drilling, finishing, or polishing of these products can release dangerous levels of silica dust into the air that workers breathe. ***Engineered stone has the most crystalline silica so it can produce higher levels of silica dust.***

Breathing in silica dust leads to silicosis – an incurable, permanently disabling, and sometimes fatal lung disease. Early signs of silica dust exposure are not usually obvious to the employee. Over time, however, these exposures can cause shortness of breath, cough, fatigue, and other symptoms, which might be mistaken for a cold, the flu, asthma, or COVID-19. Employees exposed to silica dust are also at increased risk for lung cancer, chronic obstructive pulmonary disease (COPD), and kidney disease.

Cal/OSHA and the California Department of Public Health (CDPH) have recently identified many cases of silicosis among workers in California's stone countertop fabrication industry. To prevent additional cases, Cal/OSHA is implementing a Special Emphasis Program to enforce title 8 section 5203 Carcinogen Report of Use Requirements (<https://www.dir.ca.gov/title8/5203.html>) and section 5204 Occupational Exposures to Respirable Crystalline Silica (<https://www.dir.ca.gov/title8/5204.html>)<sup>(1)</sup>. Under these regulations, it is your obligation to take the following steps:

### **1. SUBMIT REPORT TO CAL/OSHA (SECTION 5203, CARCINOGEN REPORT OF USE REQUIREMENTS)<sup>(2)</sup>**

Because respirable crystalline silica is a regulated carcinogen, you are required under title 8 section 5203 to report your use of crystalline silica to Cal/OSHA and take other actions pertaining to temporary worksites, emergency conditions, and posting of notices for employees. Employers should read section 5203 to ensure your facility is in compliance.

Section 5203 requires employers to report the following to Cal/OSHA:

- The name of the employer and address of each workplace where a regulated carcinogen (such as respirable crystalline silica) is in use.
- An identifying description of where the use of a regulated carcinogen is located in the workplace.
- A brief description of each process or operation which creates employee exposure to the regulated carcinogen, including the estimated number of employees engaged in each process or operation.
- The names and addresses of any collective bargaining units or other representatives of the affected employees.

Employers can meet these reporting requirements by completing Cal/OSHA's online report at <https://www.dir.ca.gov/dosh/Employer-RCS-Report>.

If you have questions about complying with section 5203 or need assistance, please contact the Cal/OSHA Consultation Service at <https://www.dir.ca.gov/dosh/consultation.html> or 1-800-963-9424<sup>(3)</sup>.

**NOTE:** Cal/OSHA Enforcement will prioritize inspections for employers who have not reported respirable crystalline silica use pursuant to section 5203.

## **2. COMPLY WITH CAL/OSHA'S SILICA WORKPLACE SAFETY STANDARD (SECTION 5204, OCCUPATIONAL EXPOSURES TO RESPIRABLE CRYSTALLINE SILICA<sup>(4)</sup>.**

Cal/OSHA's Enforcement Branch conducts worksite inspections to ensure compliance with California's occupational safety and health orders. If your facility is inspected by Cal/OSHA and is found to be in violation of section 5204, you will be subject to penalties and be required to take corrective actions. In serious cases, Cal/OSHA could order your facility—or one or more sections of your facility—to shutdown operations until violations of section 5204 are corrected.

Section 5204 requires employers to take several actions, including the following:

- Measure the amount of silica in the air that employees breathe;
- Identify and restrict access to areas where silica exposures are expected to be over the Permissible Exposure Limit (PEL) of 50 µg/m<sup>3</sup>, as an 8-hour, time-weighted average;
- Implement work practice controls, engineering controls, employee training, respiratory protection and housekeeping measures; and,
- Provide for medical examinations and testing of employees exposed to silica.

You will find more information on these requirements and methods to prevent overexposures in Cal/OSHA's Engineered Stone Countertop Fabrication Safety & Health Hazard Alert, included with this letter and available at [https://www.dir.ca.gov/dosh/dosh\\_publications/Engineered-stone-counters.pdf](https://www.dir.ca.gov/dosh/dosh_publications/Engineered-stone-counters.pdf). We have also included the following California Department of Public Health (CDPH) publications to help you understand and comply with Cal/OSHA's silica standard:

- [Cal/OSHA Silica Standard Overview](#)
- [Workplace Air Monitoring for Silica – Employer Guide](#)
- [Air Monitoring: Control silica, Protect your workers](#)

These CDPH publications are also available at [go.cdph.ca.gov/silicosis](http://go.cdph.ca.gov/silicosis).

Employers should read section 5204 to ensure that your facility is in compliance. For support in implementing

these requirements, employers can contact one of the following:

- The facility's workers' compensation carrier;
- The Cal/OSHA Consultation Service at [www.dir.ca.gov/dosh/consultation.html](http://www.dir.ca.gov/dosh/consultation.html), [InfoCons@dir.ca.gov](mailto:InfoCons@dir.ca.gov), or 1-800-963-9424. The Cal/OSHA Consultation Service offers free onsite consultation, training, and publications to help employers comply with workplace safety and health regulations. Cal/OSHA Consultation is a separate program from Cal/OSHA Enforcement and does not share information with Cal/OSHA Enforcement.
- An industrial hygiene consultant registered with the American Industrial Hygiene Association (AIHA)<sup>(5)</sup>.

Employers must take immediate action to prevent employee exposures if:

- Workers perform dry cutting, grinding, chipping, sanding, drilling, finishing, or polishing on silica-containing countertops; or,
- The work environment appears dusty; or,
- workers or others have raised concerns about dust.

Do not delay. To avoid potential penalties and business interruptions, Cal/OSHA encourages all affected employers to take steps now to protect employees from exposure to respirable silica dust and comply with all of the requirements found in sections 5203 and 5204.

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<sup>1</sup> California Department of Industrial Relations. Division of Occupational Safety and Health. Policy and Procedures Manual. *Special Emphasis Program, Occupational Exposure to Respirable Crystalline Silica Cut Stone and Stone Product Manufacturing* (<https://www.dir.ca.gov/DOSHPol/DOSH-PP-SEP-on-Silica.pdf>).

<sup>2</sup> California Code of Regulations title 8, subchapter 7. General Industry Safety Orders, Group 16. Control of Hazardous Substances, Article 110. Regulated Carcinogens, §5203. Carcinogen Report of Use Requirements. (<https://www.dir.ca.gov/title8/5203.html>).

<sup>3</sup> California Department of Industrial Relations. Cal/OSHA Consultation Service Area Offices ([https://www.dir.ca.gov/dosh/consultation\\_offices.html](https://www.dir.ca.gov/dosh/consultation_offices.html)).

<sup>4</sup> California Code of Regulations title 8, subchapter 7. General Industry Safety Orders, Group 16. Control of Hazardous Substances, Article 110. Regulated Carcinogens, §5204. Occupational Exposures to Respirable Crystalline Silica (<https://www.dir.ca.gov/title8/5204.html>).

<sup>5</sup> American Industrial Hygiene Association, Consultants Listing (Accessed Oct 2022). (<https://www.aiha.org/consultants-directory>).