



PUBLIC HEALTH WATCH

WORKPLACE

California Regulators Drafting Emergency Rule to Combat Deadly Lung Disease

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Juan Gonzalez Morin died at 37 in April after cutting and grinding artificial-stone countertops in the Los Angeles area. Gonzalez developed the lung disease silicosis after years of inhaling silica dust. Since 2019, the California Department of Public Health has identified 69 cases of silicosis among countertop fabrication workers – “likely an underestimate,” the agency says. Credit: Trevor Stamp

Workplace regulators in California are drafting an emergency rule to address an epidemic of silicosis — a deadly, preventable lung disease — among fabricators of artificial-stone countertops.

In December, [Public Health Watch](#), [LAist](#) and [Univision](#) revealed what’s believed to be the nation’s biggest cluster of the disease, in the Los Angeles area. The news outlets’ stories — and a petition citing them

— triggered a burst of activity by California’s Division of Occupational Safety and Health, known as Cal/OSHA.

One of the men featured in the stories, Juan Gonzalez Morin, died last month. He had just turned 37.

Since 2019, the California Department of Public Health has identified 69 cases of silicosis among fabrication workers – “likely an underestimate,” the department said in a statement this week.

Silicosis is an incurable illness caused by the inhalation of pulverized silica, a common mineral found in the earth’s crust. Artificial-stone countertops, which have become immensely popular with consumers because of their price and versatility, often contain more than 90 percent silica. The mineral is released into the air as a powder when workers cut or grind the slabs.

Cal/OSHA said it is working with the Department of Public Health to develop “a possible emergency regulation to prevent silicosis.” It did not offer details. Any such rule would have to be approved by California’s Occupational Safety and Health Standards Board.

In a petition to the board, the Western Occupational and Environmental Medical Association (WOEMA), which represents more than 500 physicians and other professionals in five states, argued for an emergency silica standard that would, among other things, prohibit dry-

cutting of artificial stone and increase penalties for violations.

The petition cites the Public Health Watch collaboration in arguing that the current silica standard in California — designed for general industry and not the extremely dusty environments of fabrication shops — is not protective.

The petition says that “this emerging epidemic of advanced silicosis cases is a public health problem of great urgency, because irreversible end-stage lung disease has now been shown to develop in fabrication workers after only a few years of poorly controlled occupational exposure.” Stricken workers, it says, may require lifelong care that can run into millions of dollars when a lung transplant is involved.

Public Health Watch has confirmed 40 silicosis cases among countertop fabricators in Southern California alone, most of them diagnosed in the past two years. All of the victims are Latino men; most are younger than 50. Gonzalez, one of the workers profiled in December, died April 9 — Easter Sunday. He was taken off artificial life support after it was determined that his body couldn’t withstand a lung transplant, said lawyer Raphael Metzger, who represents Gonzalez’s family.

Another of Metzger’s clients, Gustavo Reyes Gonzalez, received a double-lung transplant in February and is doing well. “Now he’s out jogging,” Metzger said.

When the stories were published and aired, Public Health Watch and its partners reported 30 silicosis cases among fabrication workers in Southern California: 25 diagnosed at Olive View-UCLA Medical Center in the San Fernando Valley and five diagnosed elsewhere.

Since that time, six more cases have been diagnosed at Olive View, said Dr. Jane Fazio, a pulmonary physician at the hospital. Fazio said she's learned of five additional cases diagnosed elsewhere – two in Los Angeles, two in San Diego and one in Northern California.

“I expect more,” she said. “I think we’re still at the very tip of the iceberg.”

New enforcement initiative

The men who are falling ill are at the bottom of a chain that includes contractors, kitchen showrooms and home-improvement stores, as well as companies that manufacture the countertops. They work or worked mostly in small, unobtrusive fabrication shops that can move on short notice, making them especially hard to police.

In a statement Tuesday, Cal/OSHA said it had joined the California Department of Public Health “to identify employers throughout the state who are likely to be engaged in cut stone, artificial stone, and fabrication operations and have employees exposed to this harmful health hazard. As a result, 814 employers were identified and every single one of them

have been contacted by Cal/OSHA just this last week.”

The businesses received letters in both English and Spanish, pointing out the dangers of silica and their obligations to protect employees and report the use of a carcinogen. Silica exposure can cause lung cancer as well as silicosis.

“For employers who do not report their carcinogen use, they will be placed in the top tier for a randomized targeted enforcement inspection,” the agency said. “Our message is clear and simple: comply with our regulations, seek free assistance from our Consultation Services, or possibly face a Cal/OSHA Enforcement inspection.”

Metzger, a toxic-tort lawyer based in Long Beach, has filed 17 lawsuits against dozens of countertop manufacturers on behalf of sick workers or survivors of those who died. He filed his most recent complaint April 18 on behalf of Martin Melendez Murillo, who was diagnosed with silicosis in December after cutting, polishing and installing artificial-stone countertops for 20 years. The complaint alleges, as do previous ones, that the plaintiff was sickened by “inherently hazardous products” that generated “toxic airborne dusts and particulates,” about which workers weren’t properly warned.

Because of the large number of defendants, Metzger has asked the Judicial Council of California to assign all his cases to a single judge. A hearing on his motion is set for June 8.

Artificial stone, also known as engineered or manufactured stone, consists of crushed, silica-rich quartz bound by an adhesive to create a solid slab or block. Invented in Italy in the 1970s, it is manufactured by about 30 companies around the world, including Caesarstone in Israel, Cosentino in Spain and Mohawk Industries in the United States.

Cases of silicosis have mounted over the years. “By 2020 the epidemic was international in scope, with more than 300 cases (including 22 lung transplant cases) in Israel, more than 300 cases in Spain, more than 100 cases in China, 98 cases in Australia, 34 cases in Italy, and 18 cases in the United States,” according to the Melendez complaint.

Australia is moving toward a [ban](#) on engineered-stone products. In Spain, Cosentino owner Francisco Martinez received a six-month suspended prison sentence in February after [admitting in court](#) to concealing the hazards of his company’s Silestone countertops. Martinez also agreed to pay \$1.2 million in compensation to five silicosis victims who filed lawsuits against him.

Fazio, the physician at Olive View, is helping the Los Angeles County Department of Public Health organize a campaign to encourage owners of fabrication shops to comply with existing silica regulations. The biggest challenge, she said, is the cost of prevention – installing expensive air-filtering machines, supplying workers with personal protective equipment, arranging for regular medical screenings.

Manny DeOliveira, president of United Marble and Granite in Santa Clara — one of the largest countertop fabricators in the Bay Area — told Public Health Watch last fall that he had invested hundreds of thousands of dollars in special machines to suppress dust with water, training and protective gear for workers. DeOliveira said he was committed to keeping his employees safe, but it was hard to compete with fabricators who didn't bother with such measures.

New regulations could help bring recalcitrant operators into line. But they might not be enough to stanch the epidemic.

“Ideally,” Fazio said, “we ban engineered-stone material altogether in the state of California.”

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