

In the United States, nearly 2.3 million workers are exposed to silica, and nearly 2 million cases come from the construction labor industry. It can cause a particularly harsh and debilitating disease that could damage the lungs permanently. It is called silicosis, which results from breathing in tiny bits of silica found in sand, rock, mineral, and stonework. The Centers for Disease Control and Prevention reported in 2018 that an estimated eight thousand establishments and over 93,000 employees work in the stone fabrication industry in the United States. According to a CDPH directory, over 100 stone fabrication shops are in the center's catchment area in the San Fernando Valley, with over 1,000 across California and many other at-risk workers in the County of Los Angeles. It is reported that engineered stone for countertops and vanities contains up to 93% of crystalline silica, which, when inhaled in unimpeded amounts, can cause silicosis. The cutting, grinding, and molding of the stone materials releases fine particulate matter that is easily inhaled into the lungs.

The California Department of Industrial Relations (Cal/OSHA) oversees the General Industry Silica Standard. Cal/OSHA conducted a comprehensive literature review and met with the University of California, San Francisco, and California Department of Public Health experts. The experts described a "statewide epidemic of silicosis," specifically among workers involved in engineered stone fabrication. A 2019 special program by Cal/OSHA found widespread noncompliance with Title 8 standards in the Stone Fabrication Industry. This rate of increase in cases is also underscored by another report from the University of California, Los Angeles, in April 2023, which reported an even higher caseload, exceeding 60 cases. The Occupational Safety and Health Standards Board (OSHB), a seven-member body appointed by the Governor, is the standards-setting agency within Cal/OSHA, which adopted an emergency temporary standard (ETS) that went into effect on December 29, 2023, to protect workers from silicosis. The ETS includes additional employee exposure control precautions, such as implementing methods to effectively suppress dust/silica by using water jet cutting machine technology. Cal/OSHA remains skeptical about the safe usage of engineered stone. With its silica content exceeding 93%, there's a significant concern that even with meticulously designed engineering controls and work practices, the risk of exposure to respirable crystalline silica (RCS) and consequent silicosis among workers involved in cutting, shaping, and polishing may persist. If the prescribed safety measures fail to yield improvements in worker safety, the possibility of instituting a ban must be considered.

The City should collaborate with the State to ensure that such activities are conducted safely and responsibly, prioritizing the well-being of workers. This can be achieved by implementing an ordinance mandating appropriate permits, including the Wastewater permit, to dispose of waste generated from stone slab production containing crystalline silica. By establishing a permit system and fee structure, the City can recoup the expenses related to regulating this activity and enforce practices aligned with both State and Federal regulations.

I THEREFORE MOVE that the Bureau of Sanitation, and the Office of the City Attorney, with the assistance of the CAO and CLA, BE INSTRUCTED TO report to Council on necessary findings, steps, implementation needs, and a draft ordinance to require mandatory permits regarding the method of disposal relating to waste created as a result of stone masonry fabrication and molding (slab production fabrication), in order to increase compliance with Cal/OSHA's emergency regulations on respirable crystalline silica to reduce the incidents of silicosis.

I FURTHER MOVE that the Office of Finance be INSTRUCTED to report to the Council with financial tools that incentivize businesses to increase safety and compliance, which will help reduce incidents of silicosis.

I FURTHER MOVE that the Department of Building and Safety be INSTRUCTED to include with all home remodel or construction-related permits, an acknowledgment clause of the California Emergency Temporary Standard (ETS) on silicosis, informing consumers of the potential risks that come with using, fabricating, and cutting crystalline silica materials for home remodeling and construction.

APR 03 2024

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PRESENTED BY:

Imelda Padilla
IMELDA PADILLA
Councilmember, 6th District

Bob Blumenfield
BOB BLUMENFIELD
Councilmember, 3rd District

Monica Rodriguez
MONICA RODRIGUEZ
Councilwoman, 7th District

SECONDED BY:

Heather Hull