TO: Each Supervisor  
FROM: Mark Pestrella, PE  
   Director of Public Works  
   Selwyn Hollins  
   Director of Internal Services  

BOARD MOTION OF JUNE 6, 2023, AGENDA ITEM 10  
SILICOSIS PREVENTION AND CARE  
RESPONSE TO DIRECTIVE 3  

On June 6, 2023, a revised Motion by Supervisors Lindsey P. Horvarth and Holly J. Mitchell, under Directive 3, instructed the Director of Public Works in collaboration with the Internal Services Department, Los Angeles County Departmental Facilities Management staff, and others and in consultation with County Counsel, the Los Angeles/Orange Counties Building and Construction Trades Council, the Southwest Mountain States Regional Council of Carpenters, and other interested labor partners to report back in 45 days with recommendations concerning the Board potentially enacting a County ban on the future use, specification, or purchase of silica-engineered stone, also known as human-made stone, on all County capital projects by all County departments, which should include guidance that any fabrication and installation of already purchased silica stone should only be done by the County and contractors following best practices and State guidance in consultation with Department of Public Health.

Summary of Outreach Efforts

Public Works consulted with the Los Angeles/Orange Counties Building and Construction Trades Council, the Southwest Mountain States Regional Council of Carpenters; and the Bricklayers & Allied Craftworkers Local (BAC Local 4) who advised one of their primary functions is workforce safety. Some of their discussion points have been incorporated
into the recommendations below. However, some of their questions would require further discussions with workforce-related departments.

1. What are the current County mechanisms for identifying occupational threats to Los Angeles's workforce?
2. How are these occupational threats to the workforce shared with employers?
3. Is there a single emergency alert mechanism? Is the mechanism adequate?
4. What are the current top occupational threats facing workers in Los Angeles County?
5. Where does silicosis fit in this context?
6. An honest assessment must also address the problem unions confront daily – how do you find “bad actor” employers who do not want to be found?

Review and feedback of this report was also provided by Public Works’ Building and Safety Division and County Counsel and incorporated into the recommendations below.

Considerations of Products Containing Silica in the Building Industry

Silica is present in a myriad of building products from domestic or imported engineered stones to specialty tiles and decorative panels that are not commonly or easily recognized as silica-engineered products. To specifically ban silica-engineered stones and not other silica-contained products may lead to questions and concerns about health and wellness impacts of using other silica-containing product. As engineered stone contains 28-95 percent crystalline silica, other common building materials also contain crystalline silica and require cutting. For example, concrete and mortar contain 25-70 percent silica, porcelain tiles (40 percent), brick (up to 30 percent), and granite (20-45 percent). During consultation with the building trade groups, they prefer the County to focus on workplace safety education instead of banning a particular line of building products.

Banning Silica-Engineered Stone on New County Building Projects will have a Minimal Impact

1. Silica-engineered stone products have not been used much in County projects. For example, it may be used as countertops in new libraries and constitutes a very small portion of the overall cost of capital projects. Therefore, if this product is banned or stricter regulations are provided, it will have very minimal impact if any on the overall project cost.
2. Current and future capital projects can specify alternative materials with minimal cost impact.
3. Silica-engineered stone products already installed in existing County facilities are stable and safe for continued use. Proper care must be exercised if remodeling or demolition is required.

Educating the construction workforce of the occupational hazard of other silica-containing materials in addition to silica-engineered stones projects is important and should be considered.

Recommendations

Because crystalline silica is also found in many other building materials, rather than banning silica-engineered stone products, the implementation of stricter regulations combined with further workforce safety assurances for silica-engineered stone and other high silica-containing material are recommended as follows:

1. Limit silica-engineered stone manufacturers to those that meet the County’s safety and best practice or Occupational Safety and Health Administration standards for County projects.
2. Develop best practices and standards for local shops, including the fabrication process (cutting, sawing, and polishing), shop cleaning, employee health check, and other safety protocols to reduce air-borne silica dust exposure for silica-engineered stone and other high silica-containing materials.
3. Explore requiring local silica-engineer stone and silica-containing stone shops to be certified by meeting County best practices, Occupational Safety and Health Administration standards, and established safety guidelines. Only certified shops (and using “stone” from listed manufacturers) will be permitted to be used in County projects.
4. Explore establishing a County preferred material list based on low silica content and environmentally friendly product. Nonsilica or lowest silica projects and environmentally friendly products will be preferred on County projects.
5. Explore a process to create a database to track high silica-containing stone already installed on County projects.
6. Explore establishing safety regulations for field cutting as the health threat only occurs as a result of unprotected, uncontrolled, and ongoing exposure to silica dust. The regulations will include using respiratory protection gear and wet-cutting tools. A health check of the worker may also be part of the regulations. If prolonged cutting is required, replacement with an alternative product is required.
7. Identify the occupational threat of silica-containing materials and educate the workforce and employers of the threat and how to avert the dangers.
8. Identify the best practices and review against current safety regulations, etc.; craft the information into guidance; strategize how to disseminate the information to County workers/contractors for all fabrication/installation of already prepurchased silica stone; and create a process to track/enforce compliance with the guidance.

If you have any questions, please call me or your staff may contact Deputy Director Vincent Yu at (626) 458-4010 or vyu@pw.lacounty.gov or General Manager of Operations Services Michael Eugene of Internal Services Department at (323) 267-2107 or meugene@isd.lacounty.gov.

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cc: Chief Executive Office
    Department of Consumer and Business Affairs
    County Counsel
    Executive Office
    Department of Health Services
    Internal Services Department
    Los Angeles Building and Construction Trades Council
    Los Angeles County Development Authority
    Orange County Building and Construction Trades Council
    Department of Public Health
    Department of Public Social Services
    Southwest Mountain States Regional Council of Carpenters
    Bricklayers and Allied Craftworkers Local 4
MOTION BY SUPERVISORS LINDSEY P. HORVATH AND HOLLY J. MITCHELL

Silicosis Prevention and Care

Silicosis is an occupational disease caused by inhalation of crystalline silica, a common mineral found in sand, stone, concrete, and artificial stone, among other materials. Silicosis mainly affects workers exposed to silica dust in occupations such as construction and stone fabrication. An increase in silicosis cases has been noted globally in places where the manufacturing and fabrication of silica stone products has arisen. Silica particles are one hundred times smaller than a grain of sand -- the silica particles can travel deep into the lungs, causing scarring that continues even after exposure stops. Silicosis is an incurable lung disease that can lead to disability and death. Silica dust can also cause lung cancer, kidney disease, and autoimmune disease.

Since January 2016, Los Angeles County has identified 49 cases, the highest numbers of silicosis cases in the State and in the nation. At least 30 of the 69 total Statewide patients have been diagnosed with an accelerated form of silicosis, an incurable and deadly illness caused by occupational exposure to silica dust associated with stone fabrication processes. Most of these cases have tragically occurred in men in their thirties and forties, causing illness and death early in life, leaving families devastated. California’s Division of Occupational Safety and Health (DOSH), at Cal/OSHA, enforces a set of workplace safety regulations known as the General Safety and Health Program.
Industry Silica Standard, and disseminates guidance, prevention tips and fact sheets for employers and employees on how to comply with this standard and to protect employee’s health.

In 2019, Cal/OSHA launched a “special emphasis program” for silica and inspected 106 workplaces and found overexposures at 47 of those workplaces. Silicosis typically occurs after 15-20 years of occupational exposure to silica. Symptoms may or may not be obvious; therefore, workers need to have a chest x-ray to determine if there is lung damage. At this late stage, silicosis is irreversible and a terminal disease. Those suffering from silicosis are also at an increased risk, due to their illness, of contracting other serious diseases such as lung cancer, mycobacterial infections, chronic obstructive pulmonary disease (COPD), and rheumatological diseases.

There is no cure for silicosis because the lung damage cannot be reversed. Treatment aims to relieve symptoms and improve quality of life; however, the condition may continue to get worse, leading to further lung damage and serious disability, including the need for a lung transplant, which has costly impacts to the healthcare system in addition to the human toll.

Many workers afflicted by this condition seek medical care after it is too late, resulting in a high mortality rate. Prevention is only one tool to combat this disease, so early diagnosis and treatment are very important. Many people who don’t have health insurance are not proficient in English, fear immigration repercussions, and often don't seek medical care until they are very sick, which is often fatal. However, starting Jan 1, 2024, all Californians will be eligible for full-scope Medi-Cal, irrespective of immigration status. It is vital that the County continue
educating impacted individuals on how to access Medi-Cal coverage in a culturally, linguistically, and immigration appropriate manner so they get diagnosed and are treated as early as possible.

This motion endeavors to promote awareness of the health risks to stone-fabrication workers in Los Angeles County and in California and encourages compliance at stone-fabricator sites with existing State and federal regulations and education of workers and health care providers about the dangers of silica exposure. Cal/OSHA has taken steps to educate employers about how to improve the safety of their workplaces and is committed to investigating and enforcing existing regulations around silica exposure. Los Angeles County can play an important role both in supporting the State’s efforts and taking local action.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Proclaim the month of June as “Silicosis Awareness Month” throughout Los Angeles County to raise awareness of the negative health effects of silica.

2. Direct the Department of Public Health (DPH), in consultation with the Department of Health Services (DHS), Department of Consumer and Business Affairs (DCBA), Department of Economic Opportunity (DEO), and Department of Public Social Services (DPSS), in collaboration with State and community partners, to report back in 120 days on outreach and education plans targeting stone fabricators, employees in the industry, impacted communities, and consumers, regarding the health risks associated with silica-fabricated stone. The report should include:

   a. The development of targeted multilingual outreach and education materials and
messaging to be distributed via media and physical outreach to the various groups.

b. Outreach efforts, including, but not limited to communications activities in partnership with DCBA’s Office of Labor Equity and Office of Immigrant Affairs, the use of Promotoras, and in collaborations.

c. Strategies to engage workers in the stone industry to understand risks and protective measures and to get screened and receive treatment if symptomatic. Further to offer support services where applicable, including, but not limited to, linkage to public assistance and social services programs, Healthcare enrollment, and linkage to employment opportunities.

d. Collaboration with the California Department of Public Health, DOSH, Cal/OSHA, DCBA’s Office of Labor Equity and others as appropriate on the outreach strategy and efforts to engage stone fabricator businesses to provide information and ensure compliance with existing standards and regulations.

3. Direct the Department of Public Works, in collaboration with the Internal Services Department, LA County Departmental facilities management staff, and others, and in consultation with County Counsel, to report back in 45 days with recommendations concerning the Board potentially enacting a County ban on the future use, specification, or purchase of silica engineered stone on all County capital projects by all County departments, which should include guidance that any fabrication and installation of already purchased silica stone should only be done by the County and contractors following best
practices and State guidance, in consultation with DPH.

4. Direct DPH, in collaboration with DEO, DHS, DCBA, and in consultation with County Counsel, to report back in 90 days on the options to ban the sale, fabrication, and installation of silica fabricated stone in LA County. The report should include a plan to educate and advise businesses, with options for the use of other construction materials with less health risks to workers. The report should also include an outreach and engagement plan for DEO: 1) to provide guidance to businesses who might be affected by the ban of sale of silica engineered stone in unincorporated LA County, and provide them with grant, loan and technical assistance; including outreach to transitioning businesses for worker-ownership opportunities, and rapid reemployment and training, and 2) to provide support for workers for rapid reemployment and training opportunities.

5. Direct the Los Angeles County Chief Executive Office of Legislative Affairs and Intergovernmental Relations, in collaboration with LA County Counsel, DPH, and DHS to report back in 60 days on legislative and regulatory advocacy options at the State and federal levels to educate regarding the health risks associated with the use of silica-fabricated stone, strengthening regulatory enforcement, and banning the product.

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