



American Tort Reform Association

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September 18, 2025

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Jordan:

I'm writing on behalf of the American Tort Reform Association to express our support for H.R. 5437, the "Protection of Lawful Commerce in Stone Slab Products Act." This legislation will stop the runaway litigation, arising primarily out of California, which seeks to hold manufacturers, distributors and sellers of stone slab products liable for injuries caused by the third-party fabrication of those slabs into everyday items such as kitchen and bathroom countertops. Except in Judicial Hellholes® like California, the law does not impose liability for injuries unless the defendant is the proximate cause of the injury.

In stone slab litigation in California, trial lawyers understand that fabricators, many of whom operate grey- or black-market businesses, are judgment-proof, and have instead opted to file suits against those who have permanent addresses and resources.¹ This strategy threatens good paying jobs throughout the nation and will limit consumer choice. This legislation represents a crucial step toward reforming the civil justice system, ensuring law-abiding manufacturers and distributors are protected from unfair lawsuits that seek to hold them liable for injuries resulting from the unsafe alteration of stone slabs by negligent and unethical fabricators.

In recent years, nearly 300 lawsuits have been filed against manufacturers and distributors related to workplace exposure to silica dust.² These claims primarily involve injured workers at certain fabrication shops that have failed to adhere to established workplace safety regulations, exposing employees to

¹ See *Reyes-Gonzalez v. Aaroha Radiant Marble & Granite Slabs*, No. 22STCV31907, 2022 WL 22861178 (Cal. Super. Ct. Compl. filed Sept. 29, 2022); see also Antoine Abou-Diwan, *Stone Countertop Makers Get Jury Win in Case Claiming Liability for Silicosis*, DAILY J. (June 4, 2025), <https://www.dailyjournal.com/articles/385970>.

² See *Landmark Results Against Artificial Stone Manufacturers Total Over \$78 Million for Workers with Fatal Silicosis*, PR NEWSWIRE (Mar. 12, 2025), <https://www.prnewswire.com/news-releases/landmark-results-against-artificial-stone-manufacturers-total-over-78-million-for-workers-with-fatal-silicosis-302399277.html> (reporting that Brayton Purcell LLP, the lead firm in these cases, represents over 350 workers and has filed hundreds of lawsuits against engineered stone manufacturers and distributors, noting it is "just the beginning of a wave of a litigation"); see also *Silicosis Dashboard*, CAL. DEP'T OF PUB. HEALTH, <https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/OHB/Pages/essdashboard.aspx> (last visited Sept. 16, 2025) (more recently, the California Department of Public Health introduced a public tracker of confirmed silicosis cases, reporting nearly 400 cases to date, which is likely to further fuel litigation in this area).

hazardous levels of silica dust. Stone slab products are not hazardous and are formed into countertops safely throughout the world by following well-known federal and state OSHA standards.

Many noncompliant shops risk workers' safety by failing to provide the proper environment and tools, such as wet processing tools. Noncompliant employers and fabricators that prioritize profit and speed disregard essential safety practices by allowing employees to dry cut stone slabs for hours on end, week after week, and year after year.

Rather than hold accountable fabricators that violate workplace safety laws, these lawsuits improperly attempt to shift legal liability onto manufacturers and sellers who have no control over such unsafe practices. Congress should immediately step in before this industry is extinguished by the improper application of California tort law.

The American Tort Reform Association is a broad-based coalition of businesses, associations, and professional firms that share the goal of ensuring fairness, balance, and predictability in civil litigation. ATRA supports the Protection of Lawful Commerce in Stone Slab Products Act as an effort to ensure state tort law is not misused to shift liability to innocent parties, which is foundational to American tort law. This legislation would ensure manufacturers and distributors cannot be held liable for certain fabricators' violation of workplace safety laws and the resulting injuries. These reforms are essential to reduce unnecessary legal expenses, encourage investment, and protect jobs in communities nationwide.

We appreciate your consideration of our views and invite you to reach out if we can provide additional information or support as the legislative process moves forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sherman Joyce", is written over the typed name. The signature is stylized and somewhat abstract, with several loops and a long horizontal stroke extending to the right.

Sherman Joyce
President

American Tort Reform Association