

January 14, 2026

**Testimony of Jim Hieb
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Before the U.S. Committee on the Judiciary**

Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

**Hearing on Between a Rock and a Hard Place: Protecting the American Stone Slab
Industry from Lawfare**

Chairman Issa, Ranking Member Johnson, and members of the Subcommittee—thank you for the opportunity to appear before you today and to share the perspective of the natural stone industry on this important issue. I also want to thank Congressman McClinton for introducing H.R. 5437, the “Protection of Lawful Commerce in Stone Slab Products Act,” which will bring fairness and justice to the members of the Natural Stone Institute.

My name is Jim Hieb, and I serve as Chief Executive Officer of the Natural Stone Institute. The NSI is a leading trade association representing the natural stone industry. Our membership includes many of the industry segments most directly impacted by the issue of silica exposure—most notably stone fabricators, stone distributors, quarriers, and tooling and equipment manufacturers.

At the outset, I want to be very clear about one foundational principle: We care deeply about the safety and well-being of workers. The men and women who quarry, fabricate, transport, and install natural stone are the backbone of our industry. Their health and safety are not negotiable, and they are not secondary to business interests—they are central to them.

That commitment is reflected in the significant investments our organization has made in education and training. The NSI operates a robust, comprehensive silica and workplace safety training program that is provided free of charge to the natural stone industry—regardless of trade association membership status. As a result of that commitment, thousands of employees across the United States have been trained on silica awareness, engineering controls, personal protective equipment, and best practices for reducing exposure. We have been extremely active in California assisting with awareness tours, collaborating with CAL/OSHA and public health officials, and much more. Let me be clear. Compliance with federal and state OSHA respirable crystalline silica regulations is non-negotiable.

Our stone fabricator members fabricate many types of stone slabs including natural stone and other man-made building products which may contain silica. For all of these products, the same OSHA regulations and requirements apply, and all stone fabricators must comply with OSHA's silica standards.

However, despite our efforts and those of other industry participants, some unscrupulous employers continue to disregard the importance of safety for their employees.

While we must focus on workplace safety, we cannot ignore the plight of those who sell stone slabs, which in my industry includes quarriers, stone distributors, and others. Today, these businesses are increasingly facing lawsuits for selling building materials.

Selling stone slabs does not cause silicosis. It is the disregard for safety compliance when cutting and fabricating stone slabs that creates the risk. And it is wrong to shift responsibility from noncompliant employers to those who follow the law and provide meaningful employment in safe workplaces to thousands.

Many of my members – the vast majority of whom are small-to-mediums size employers – wanted to be here with you today to share their experiences directly. Yet they have seen other companies who stand up to be part of the discussion only to then become the target of more lawsuits.

So today, I am here to tell their story.

Example One:

A stone distributor in California with no fabrication operations face 45 lawsuits and their insurance premiums double. Between the escalating cost of insurance and the sheer burden of litigation, they are considering closing their business after 26 years impacting 142 jobs.

Example Two:

Another stone distributor in California employs just 14 people, but is facing 40 lawsuits.

They told us: "*Why am I being penalized because another company is not keeping their employees safe?*"

Example Three:

A stone distributor in Texas with 50 employees shared a similar concern. They told us: "*We feel like we have a target on our back. Why aren't the non-OSHA-compliant companies being closed? This feels like a money grab.*"

Example Four:

Another New Jersey company told us: "*We don't even sell products containing silica and*

fortunately have no lawsuits filed against us, yet our insurance company has informed us that it will be dropping our coverage because of the silica issue.”

Example Five:

A stone distributor in California with 50 employees shared: “*We have 46 lawsuits pending against us. The financial burden has been so difficult that we are looking to cut 66% of our staff in the near term.*”

Example Six:

A tooling company with 30 employees, which has been a model for employee training, proper labeling, and workplace safety shared: “*We will go bankrupt if something doesn’t change.*”

I would note that, while the bill doesn’t include tooling companies, we would like to work with the Committee to include them in the legislation.

Example Seven:

A quarrier in Utah shared: “*We are facing 20 lawsuits filed in California, even though we don’t sell products into California.*”

And the list goes on.

As these examples demonstrate, many of my supply chain members are being targeted in lawsuits for injuries incurred at someone else’s workplace. This just doesn’t seem right.

You should also know that there are many great fabricators focused on employee safety and beautiful installations. Their businesses are also at risk as these lawsuits threaten the supply of stone slabs and other business costs. These fabricators do the right things, carry worker’s compensation, collaborate with OSHA, and invest in proper equipment and safety measures to keep their employees safe. I wish there was a way to recognize them in this bill.

We do need to continue government/industry collaboration to address the bad actors who fail to follow the rules, including shutting down law breaking employers. For our part, we have worked—and continue to work—alongside OSHA, public health officials, equipment manufacturers, and industry leaders to advance solutions that are effective and enforceable.

I urge passage of H.R. 5437 because it ensures basic fairness in our legal system. It should be uncontroversial that only the party that causes an injury should be liable for that injury. Furthermore, I would welcome the opportunity to work with committee staff to refine it based on some of my comments. Thank you again, Chairman Issa and Ranking Member Johnson, for the opportunity to testify today. I look forward to your questions.