



The Honorable Becca Balint

U.S. House of Representatives

159 Bank Street, Suite 204

Burlington, VT 05401

1510 Longworth House Office Building

Washington, DC 20515

**Re: Support and Co-Sponsorship of H.R. 5437 — Protection of Lawful Commerce in Stone Slab Products Act**

Dear Representative Balint,

On behalf of the quarry operators, manufacturers, distributors, and skilled trades professionals that form the Barre Granite Association (BGA), we write to respectfully request your support and co-sponsorship of H.R. 5437, the Protection of Lawful Commerce in Stone Slab Products Act (H.R. 5437). The signatories of this letter collectively employ more than 500 voters in the greater central Vermont area and support hundreds of additional indirect jobs throughout Vermont. The BGA and its members strongly believe federal action is urgently needed to safeguard Vermont's historic natural-stone industry and protect jobs in Vermont.

**The Barre Granite Industry: A Vermont and American Asset**

As you know, the Barre granite industry is one of Vermont's historic economic engines. For more than a century, we have produced premium natural stone and supported hundreds of direct and indirect jobs in Vermont — quarry workers, carvers, manufacturers, equipment manufacturers, transporters, and installers, including many family-owned, small businesses.

BGA members take this heritage seriously and work every day to preserve it. We operate with a strong commitment to worker health and safety and have proactively invested to be fully compliant with all VOSHA and federal OSHA silica regulations, often exceeding required standards. Our members routinely collaborate with VOSHA on safety audits, implement

modern dust-mitigation technologies, conduct employee health and safety training, and maintain strict exposure-control policies. These efforts reflect our unwavering belief that strong worker protections are critical for the long-term viability of our industry.

### **The Threat of Predatory Litigation**

Recently, however, a wave of predatory litigation, mostly arising out of southern California, has attempted to hold upstream quarriers, manufacturers and distributors liable for health harms related to fabrication activities that they do not perform and cannot control. These lawsuits treat finished natural stone slabs as though they inherently injure workers, even when the actual risk arises solely from improper fabrication by unscrupulous third parties operating without regard to existing VOSHA and federal OSHA standards.

The result is a legally untenable situation that threatens the long-term viability of the Vermont granite industry:

- Companies with leading health and safety practices, and that are fully compliant with VOSHA and OSHA regulations, are exposed to lawsuits for work undertaken by third parties, often years after the sale and regardless of precautions they have taken to highlight potential health hazards relating to fabrication.
- Litigation is directed at the quarriers and distributors engaged in the lawful commercial sale of slabs, rather than the low-end fabricators who disregard OSHA and other applicable safety standards and are actually able to mitigate these health risks
- The economic ripple effects threaten investment, access to capital, and workforce stability in the natural stone industry and ultimately may threaten its very existence.

### **Why Federal Action Is Needed**

H.R. 5437 does not diminish worker protections and does not insulate from litigation those fabricators that disregard safety standards from responsibility for injuries suffered by their employees. Instead, it simply shields upstream quarriers, manufacturers and distributors from liability for harms arising from the actions of third party fabricators that disregard applicable safety standards. Fabrication activities are already governed by robust federal and state occupational safety laws, such as VOSHA and OSHA silica standards. Responsibility for responsible fabrication should lie with the party that performs and controls the fabrication process.

If upstream quarriers, manufacturers and distributors are held to be liable for downstream fabrication, thousands of U.S. stone suppliers will continue to be targets for opportunistic litigation regardless of whether or not they are compliant with applicable rules and standards.

BGA members and their affiliates have been targeted by these lawsuits for several years now, and some have incurred millions of dollars in costs defending meritless litigation. This situation cannot continue indefinitely and the very existence of the Vermont natural stone industry will be placed at risk if it does.

### **A Reasoned, Balanced Solution**

We believe H.R. 5437 strikes the right balance by:

- Protecting lawful commerce.
- Holding negligent and unscrupulous fabricators responsible for noncompliance with VOSHA and OSHA standards.
- Preserving the viability of the American natural stone industry.
- Maintaining robust worker-safety protections under existing laws.

We would be grateful for the opportunity to engage with your office to discuss these issues directly. Thank you for your consideration of this important legislation and for your continued support of Vermont's working communities. We respectfully urge you to support and co-sponsor H.R. 5437.

Sincerely,



Richard Swenson  
Executive Director  
Barre Granite Association  
7 Jones Brothers Way  
Barre, VT 05641  
[rswenson@barregranite.org](mailto:rswenson@barregranite.org)  
802-476-4131

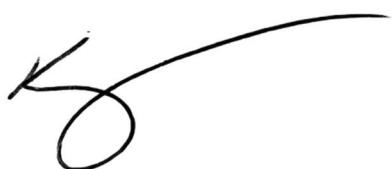
Michael Sylvester  
Granite Industries of Vermont  
38 Vanetti Place  
Barre, VT 05641



Rob Boulanger  
Rock of Ages Corporation  
560 Graniteville Road  
Graniteville, VT 05654



Kevin Spaulding  
Swenson Granite Co LLC  
54 Willey Street  
Barre, VT 0564



Trevor Bigras  
B&B Monumental Engravers & Joe's  
Custom Manufacturing of Quality  
Memorials  
25 Gable Place  
Barre, VT 05641



Mark Gherardi  
Buttura & Gherardi Granite Artisans  
PO BOX 606  
Barre, VT 05641



Corey Day  
Culture Sandblast Inc.  
PO BOX 645  
Barre, VT 05641



Tom Gandin  
Gandin Brothers, Inc.  
87 Stoneshed Road  
South Ryegate, VT 05069



Sarah Somerville  
Hillside Stone Products., Inc.  
PO BOX 134  
Barre, VT 05641



Jeff Mugford  
M &W Polishing  
PO BOX 521  
Barre, VT 05641



Sharon Pelkey  
Mike & Rob Pelkey  
Memorial Sandblast Co.  
PO BOX 582  
Barre, VT 05641



Bret Mugford  
Peerless Granite Co.  
PO BOX 313  
Barre, VT 05641



Tyler Pepin  
Pepin Granite Co., Inc.  
PO BOX 566  
Barre, VT 05641



Matt Dion  
Adams Granite Company, Inc.  
58 Pitman Road  
Barre, VT 05641



Patrick Bagalio  
Spruce Mountain Granites & Custom  
Sandblast, Inc.  
PO BOX 427  
Barre, VT 05641

