

## ASSEMBLY THIRD READING

AB 3043 (Luz Rivas)

As Amended May 16, 2024

Majority vote

**SUMMARY**

Prohibits the use of dry methods in any slab product fabrication activities, establishes licensing and training requirements for those engaged in fabrication activities, and creates an online database to, among other things, track violations of health and safety orders and licensing requirements.

**Major Provisions**

- 1) Defines "respirable crystalline silica" to mean quartz, cristobalite, or tridymite contained in airborne particles that are determined to be respirable by a specified sampling device.

*Fabrication Activities*

- 1) Prohibits a person or entity engaged in fabrication activities or fabrication shops from using dry methods in any fabrication activities.
- 2) Requires a person or entity engaged in fabrication activities or fabrication shops to use effective wet methods in any fabrication activities.
- 3) Provides that a violation of 2) and 3) above shall be grounds for an immediate order prohibiting continued fabrication activities by the Director of the Department of Industrial Relations (DIR) and may be grounds for additional fines and penalties, as determined by the Director, as specified. These violations may be reported to the Division of Labor Standards Enforcement (DLSE).

*Training and certification*

- 4) Requires, on or before July 1, 2025, the DIR to consult with representatives of approved apprenticeship programs and adopt a training curriculum for the safe performance of fabrication activities.
  - a) Requires the training curriculum to satisfy both of the following requirements:
    - i) The training curriculum shall cover applicable occupational safety and health standards.
    - ii) The training curriculum shall include classroom instruction and supervised hands-on activities.
- 5) Authorizes the training curriculum to be provided by an approved apprenticeship program. If apprenticeship programs do not offer training programs sufficient to meet the needs of the industry, the DIR shall approve alternative providers.

- 6) Provides that, beginning on June 1, 2026, the owner or operator of a slab product fabrication shop shall not permit any individual to perform fabrication activities or employ any worker to perform work on the shop floor where fabrication activities are conducted unless the individual has been certified pursuant to the training curriculum.
- 7) States that the owner or operator of a slab product fabrication shop shall be responsible for paying for the costs of the training curriculum.
- 8) Requires the DIR to certify individuals who have completed the approved training curriculum unless they are individuals enrolled in, or who have graduated from, an apprenticeship program that covers fabrication activities and is approved by the Division of Apprenticeship Standards.

#### *Licensing Requirements*

- 9) Requires the DIR, on or before January 1, 2026, to develop an application and licensing process for a "slab product fabrication activity" license to authorize fabrication shops to engage in fabrication activities.
  - a) A fabrication shop may continue to engage in fabrication activities during the pendency of the application development and licensing process.
- 10) Requires the DIR, commencing January 1, 2026, to accept an application for and grant a license to a fabrication shop that demonstrates to the DIR satisfaction of workplace safety conditions and precautions, including, among other things:
  - a) Evidence of a legally obtained and valid business license and applicable state contractor's license.
  - b) Evidence of satisfactory workers' compensation insurance coverage.
  - c) Documentation of completion by all employees of a technical training program focused on the prevention of workplace respirable crystalline silica exposure, including the use of protective equipment and control measures, as specified.

#### *License renewal*

- 11) Requires the DIR to accept a renewal application for and grant a license renewal to a licensee who demonstrates to the DIR continued compliance with workplace safety conditions and precautions, including, among other things:
  - a) Evidence of compliance with the requirements of any occupational safety and health standards and orders that are promulgated by the Board.
  - b) Documentation of information related to employee-reported silicosis cases.
  - c) Documentation that individuals who perform fabrication activities or perform work on the shop floor where fabrication activities are being conducted have been certified.

- 12) Requires the DIR or a specified third party to inspect a fabrication shop before the issuance of a license renewal to verify that the equipment and procedures of the fabrication shop comply with any occupational safety and health standards and orders that are promulgated by the Board.

### *Suppliers*

- 13) Prohibits, beginning January 1, 2026, a person from supplying a slab product directly to a person or entity engaged in fabrication activities if the person or entity engaged in fabrication activities does not have a valid license.

### *Online database and report to the Legislature*

- 14) Requires, by January 1, 2026, the Director to maintain a publicly accessible database on the DIR's internet website that includes, among other things, information on any active orders issued by the DIR in the prior 12 months prohibiting an activity at a fabrication shop.
- 15) Requires, on or before July 1, 2025, the DIR to, in consultation with the Labor and Workforce Development Agency (LWDA), the Division of Occupational Safety and Health (Cal/OSHA), and the State Department of Public Health (DPH), to submit a report to the Legislature that includes, among other things, the following:
  - a) The number of violations issued for failure to comply with any temporary or future standards relating to respirable crystalline silica adopted by the Board.
  - b) The number of new cases of silicosis identified since the passage of any temporary or future standards relating to respirable crystalline silica adopted by the Board.
  - c) The number of notices issued to fabrication shops found to be in noncompliance with department regulations relating to respirable crystalline silica.
- 16) Repeals this section on January 1, 2031.

## **COMMENTS**

See the Policy Committee Analysis.

### **According to the Author**

"Silicosis is a fatal lung disease caused by breathing in tiny bits of silica, a common mineral found in quartz, sand, and many other rock types. The San Fernando Valley is a hub for the stone fabrication industry. Most of these fabrication shops produce artificial stone kitchen countertops. Artificial stone is dangerous due to its high silica concentration and harmful polymer resins, dyes, and other binding materials used to form a stone slab. Stone fabricators who cut, grind, polish, and drill these artificial stone slabs used for countertops are at the highest risk of contracting silicosis due to overexposure to high levels of silica. Latino workers are not expendable. Unfortunately, 60% of the State's reported cases of silicosis are in the San Fernando Valley. AB 3043 ensures California is taking the necessary first steps to mitigate this global epidemic by prioritizing health and safety protection for workers. This bill creates statewide industry standards to prohibit the dry cutting of artificial stones, creates a licensure program for

fabrication shops, requires the state to produce and maintain a website of fabrication shops in California to track compliance with recently developed state standards, and requires workers to undergo a training program. Additionally, the State is required to evaluate whether or not industry regulation will effectively protect the health and safety of workers."

The author further states that the bill promotes equity solutions because "according to reports by the Journal of the American Medical Association, silicosis predominantly "occurred among young Latino immigrant men." Our Latino / immigrant workers are dying. This bill seeks to prevent more Latino / immigrant workers from contracting silicosis."

### **Arguments in Support**

The State Building and Construction Trades Council, sponsor of the bill, states, "A state law is needed to help Cal/OSHA blunt the effects of a global epidemic. Cal/OSHA needs help because they are critically understaffed and, right now, without a confirmed Chief, while trying to keep 18 million workers safe. According to a February 2024 story from the Sacramento Bee, Cal/OSHA suffers from a 34% vacancy rate with a 37% vacancy rate among health and safety inspectors... While AB 3043 will not remedy those paltry statistics, it will require better training of fabricators and their employers. It will require fabrication employers to register with the state to obtain a license to do fabrication and pay a fee for that privilege that will then be used to provide resources to Cal/OSHA. And perhaps most importantly, it will require the Department of Industrial Relations to consult with representatives of state-approved apprenticeship programs to adopt a training curriculum regarding the safe performance of fabrication activities."

### **Arguments in Opposition**

Brewster Marble Co. is opposed unless amended and requests that "Consistent with CalOSHA requirements that apply to other industrial workplaces, impose a requirement that each fabrication shop employer shall certify that each fabrication shop employee has been trained and evaluated, and that the certification include the name of the fabrication shop employee, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation."

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee,

- 1) Costs of an unknown, but definitely significant, amount across DIR to develop and administer the regulatory structure outlined by this bill, such as enforcing the prohibition on dry fabrication, implementing a training curriculum and certification process, implementing and enforcing the licensing process, maintaining the database of fabrication shops, and providing specified reports to the Legislature (special fund). Although DIR would collect license fees and may impose penalties for violations, it is unlikely such revenue would cover regulatory costs, potentially necessitating General Fund (GF) support.

According to the Legislative Analyst's Office, the GF faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

**VOTES**

**ASM LABOR AND EMPLOYMENT: 6-1-0**

**YES:** Ortega, Flora, Wendy Carrillo, Lee, Ward, Zbur

**NO:** Alanis

**ASM JUDICIARY: 9-0-3**

**YES:** Kalra, Bauer-Kahan, Bryan, Connolly, Haney, Maienschein, McKinnor, Pacheco, Reyes

**ABS, ABST OR NV:** Dixon, Sanchez, Waldron

**ASM APPROPRIATIONS: 11-4-0**

**YES:** Wicks, Arambula, Bryan, Calderon, Wendy Carrillo, Mike Fong, Grayson, Haney, Hart, Pellerin, Villapudua

**NO:** Sanchez, Dixon, Jim Patterson, Ta

**UPDATED**

VERSION: May 16, 2024

CONSULTANT: Megan Lane / L. & E. / (916) 319-2091

FN: 0003302