

- 6) Establishes the Division of Occupational Safety and Health (known as Cal/OSHA) within DIR to, among other things, propose, administer, and enforce occupational safety and health standards. (Labor Code §6300 et seq.)
- 7) Establishes the Occupational Safety and Health Standards Board (Board), within DIR, to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for workers. (Labor Code §140-147.6)
- 8) Requires the Board to adopt standards for carcinogens at least as restrictive as the federal requirements for use of carcinogens promulgated under Section 6 of the Occupational Safety and Health Act of 1970. (Labor Code §9020)
- 9) Requires the Board to adopt one or more standards requiring each employer which uses any carcinogen, including asbestos and vinyl chloride, to submit a written report regarding the use or any incident which results in the release of a potentially hazardous amount of a carcinogen into any area where employees may be exposed. (Labor Code §9030)
- 10) Prohibits an employee from being laid off or discharged for refusing to perform work in violation of prescribed safety standards, where the violation would create a real and apparent hazard to the employee or his or her fellow employees. Any employee who is laid off or discharged in violation of this right shall have a right of action for lost wages for the time the employee is without work as a result of the layoff or discharge. (Labor Code §6311)

Existing State Regulations:

- 11) Require covered employers to develop, among other things, exposure controls, a written exposure control plan, employee communication and training, respirator protection, and employee exposure monitoring to protect employees from respirable crystalline silica (RCS). (CCR, Title 8, §5204)

This bill:

- 1) Makes various findings and declarations regarding silicosis and its associated health impacts.

Definitions

- 2) Defines “department” as the Department of Industrial Relations (DIR) and provides that “Director” is the Director of DIR.
- 3) Defines “division” as the Division of Occupational Safety and Health (Cal/OSHA).
- 4) Defines “certification” as a slab solid surface product fabrication activity certification to engage in fabrication activities that is issued to a fabrication shop by the department pursuant to these provisions.
- 5) Defines “dry methods” as the undertaking of fabrication activities without the use of effective wet methods that effectively suppress dust.

- 6) Defines “effective wet methods” as suppressing dust by one of the methods identified below, which ensure that water covers the entire surface of the work object where a tool, equipment, or machine contacts the work object:
 - a. Applying a constant, continuous, and appropriate volume of running water directly onto the surface of the work object. When water flow is integrated with a tool, machine, or equipment, water flow rates shall equal or exceed manufacturer recommendations and specifications to ensure effective dust suppression.
 - b. Submersing the work object under water.
 - c. Water-jet cutting or using high-pressure water to cut material.
- 7) Defines “fabrication activities” as the machining, crushing, cutting, drilling, abrading, abrasive blasting, grinding, chiseling, carving, gouging, polishing, buffing, fracturing, intentional breaking, or intentional chipping of slab solid surface products. Excludes onsite construction work covered by Section 1532.3 of Title 8 of the California Code of Regulations.
- 8) Defines “fabrication shop” as a location where fabrication activities are undertaken. Excludes facilities where slab solid surface products are manufactured, including, but not limited to, quarries, concrete manufacturing facilities, or tile manufacturing facilities.
- 9) Defines “respirable crystalline silica (RCS)” as quartz, cristobalite, or tridymite contained in airborne particles that are determined to be respirable by a sampling device designed to meet the characteristics for respirable-particle-size-selective samplers specified in the Air Quality – Particle Size Fraction Definitions for Health-Related Sampling in Report 7708 completed by the International Organization for Standardization in 1995.
- 10) Defines “slab solid surface product” as a hard stone-like substance, including, but not limited to, artificial, engineered, or natural stone, such as granite or marble, that is used for countertop installation or customization.
- 11) Defines, for purposes of 10), above, “artificial stone” as any reconstituted, artificial, synthetic, composite, engineered, or manufactured stone.

Slab Fabrication Activity Account

- 12) Establishes the Slab Fabrication Activity Account (Account) in the Occupational Safety and Health Fund.
- 13) Requires all fees, penalties, or other moneys collected by the department under this chapter to be deposited in the Account and specifies moneys in the account may be expended by DIR, upon appropriation of the Legislature, to administer these provisions.

Fabrication Activities

- 14) Prohibits any person or entity engaged in fabrication activities from using dry methods and instead requires the use of effective wet methods.
- 15) Provides that a violation of 14), above, is grounds for an immediate order prohibiting continued fabrication activities by Cal/OSHA and may be grounds for additional fines and

penalties, as determined by Cal/OSHA or the Director. These violations may be reported to the Division of Labor Standards Enforcement (DLSE).

- 16) Provides that notwithstanding any provision of Division 5 of the Labor Code to the contrary, a violation of 14) above is not a crime.

Training

- 17) Requires DIR, on or before July 1, 2026, to consult with representatives of approved apprenticeship programs to adopt a training curriculum regarding the safe performance of fabrication activities.
- 18) Requires the training curriculum to cover applicable safety and health standards and include classroom instruction and supervised hands-on activities.
- 19) Authorizes an approved apprenticeship program to provide the training curriculum and requires DIR to approve alternative providers if approved apprenticeship programs do not offer programs sufficient to meet the needs of the industry.
- 20) Provides that it is the intent of the Legislature that DIR enact regulations or update existing regulations related to these provisions to further develop the training program described in 17), above, and consult and confer with representatives of approved apprenticeship programs, applicable trade associations, and affected slab solid surface product producers, manufacturers, and fabricators during the regulatory process.
- 21) Requires on July 1, 2027, an owner or operator of a fabrication shop, any individual that will employ another individual to perform work on the shop floor of a fabrication shop, and any individual that will perform fabrication activities to be enrolled in or have completed the training curriculum described in 17), above, before that fabrication activity or employment begins.
- 22) Requires the owner or operator of a fabrication shop to pay for the costs of the training curriculum of its employees.
- 23) Requires DIR to certify an individual who has completed the approved training curriculum immediately upon completion.
- 24) Provides that above training provisions do not apply to an individual who is enrolled in, or who has graduated from, an apprenticeship program that covers fabrication activities and is approved by the Division of Apprenticeship Standards (DAS).

Application and Certification Process

- 25) Requires DIR, on or before January 1, 2027, to do all of the following:
- a. Develop an application and certification process for a “slab solid surface product fabrication activity” certification to authorize fabrication shops to engage in fabrication activities. Provides that each certification granted by DIR is valid for a three-year period.

- b. Develop an initial deposit process for fabrication shops to, during the pendency of the application development and certification process, submit a deposit fee for the application and initial certification, as specified.
 - c. Determine the initial certification fee and the renewal fee to be collected, which shall be in amounts as the department deems necessary to implement this chapter and shall not exceed the reasonable regulatory cost.
- 26) Authorizes DIR, in determining the fee amounts, to establish different fees for large or small fabrication shops in the state as necessary for regulatory purposes. In determining the sizes of the fabrication shops and the fee amounts, DIR shall consult with relevant stakeholders, including owners and operators of fabrication shops.
- 27) Authorizes a fabrication shop to continue to engage in fabrication activities during the pendency of the application development and certification process. Revokes this authorization on January 1, 2027.
- 28) Requires DIR, on January 1, 2027, to accept an application for and grant a certification to a fabrication shop that demonstrates to DIR's satisfaction all of the following:
- 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 applicable individuals of the training curriculum required by 21), above, within one year of enrollment.
- 29) Requires DIR, or a third party certified by DIR, to inspect a fabrication shop before the issuance or renewal of a certification 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 Occupational Safety and Health Standards Board (Board).
- 30) Requires an applicant for a certification to submit to DIR an initial certification application, including an application fee and an initial certification fee, as specified.
- 31) Requires DIR to accept a renewal application for and grant a certification renewal to a fabrication shop that submits a certification renewal fee, as specified, and demonstrates to the department continued compliance with all of the following:
- a. Evidence of compliance with the requirements of any occupational safety and health standards and orders promulgated by the Board.
 - b. Documentation of certified air quality monitoring results consistent with any occupational safety and health standards and orders promulgated by the Board, as specified.
 - c. Documentation of information related to employee-reported silicosis cases.
 - d. Beginning July 1, 2027, documentation that all individuals who perform fabrication activities or perform work on a shop floor of a fabrication shop are certified, or are exempt from certification.
- 32) Authorizes DIR to suspend or revoke a certificate issued if the fabrication shop has engaged in gross negligence, gross incompetence, or willful or repeated disregard of any emergency

or other occupational safety and health standards, occupational safety and health standards orders, provisions of SB 20, or any other related provision of law.

- 33) Prohibits a person or entity, or an employee of a person or entity, from engaging in fabrication activities without a certificate issued by DIR. Provides that violations may be reported to DLSE and that notwithstanding any provision of Division 5 of the Labor Code to the contrary, a violation is not a crime.
- 34) Requires DIR, commencing January 1, 2028, to evaluate the cost of implementation of these provisions and, if necessary, adjust the amounts of the initial certification fee and the renewal certification fee, as specified.

Records Collection

- 35) Requires DIR, in consultation with Cal/OSHA, to track and keep a record of information on fabrication shops regarding all of the following:
- a. The number of citations issued to any of the fabrication shops for failure to comply with any temporary or future standards adopted by the Board relating to RCS, and track the geographic areas in the state with the highest numbers of those citations.
 - b. The number of new cases of silicosis identified in any of the fabrication shops since the passage of any temporary or future standards by the Board relating to RCS.
 - c. The number of notices issued to fabrication shops found to be in noncompliance with DIR regulations relating to RCS.
- 36) Requires DIR to provide the information in 35), above, to, or otherwise assist as applicable, local prosecutors in seeking civil or criminal action against fabrication shops in violation of any applicable provisions.
- 37) Authorizes Cal/OSHA to use the information described in 36), above, for enforcement, as specified.

Statewide Tracking System

- 38) Requires DIR, on or before January 1, 2027, to create a statewide tracking system to track the number and progress of fabrication shops that have submitted a deposit for the application and certification process subject to all of the following requirements:
- a. The statewide tracking system shall be posted on the department's internet website and be made available to the public.
 - b. The statewide tracking system shall include, but not be limited to, both of the following information:
 - i. The names and total number of the fabrication shops that have submitted a deposit for the application and certification process.
 - ii. The status of the certification process for the fabrication shops that have submitted a deposit for the application and certification process.
 - c. The statewide tracking system shall not include any identifiable personal information.
 - d. The department shall, to the extent feasible, update the information in the tracking system when new information becomes available.

Public Database

- 39) Requires the Director, on January 1, 2027, to maintain a publicly accessible database on DIR's internet website that includes all of the following:
- a. Information on any active orders issued by DIR in the prior 12 months prohibiting an activity at a fabrication shop pursuant to these provisions.
 - b. Information on fabrication shops in the state certified pursuant to these provisions and on any pending enforcement actions against those certified fabrication shops.
 - c. An online tool to report suspected or alleged violations of this chapter.

Suppliers

- 40) Prohibits a person, after January 1, 2027, from supplying a slab product directly to a person or entity engaged in fabrication activities if that person or entity engaged in fabrication activities does not have a valid certification.
- 41) Requires a person that supplies slab products to a person or entity engaged in fabrication activities to verify that the person or entity has a valid license before providing the slab product; and requires the supplier to rely on a written certification issued under penalty of perjury from the person that the person will not directly engage in fabrication activities with the product without a license and that, if the person resells the product, the person will resell to a person or entity with a license.
- 42) Requires a person that seeks services that require fabrication activities and enters into a contract with a person or entity to undertake fabrication activities to verify that the person or entity has a valid license before engaging with and providing slab products to that person or entity.
- 43) Provides that a violation of 40) through 42), above, may be grounds for penalties as determined by Cal/OSHA. Notwithstanding any provision of Division 5 of the Labor Code to the contrary, a violation of these provisions is not a crime.

COMMENTS**1. Background:**

Silica is a common mineral found in soil, sand, granite, and most other types of rock. In its crystalline form, the mineral is hazardous and creates a respirable dust that is easy to inhale.¹ Artificial stone, used for countertops, contains more than 93 percent crystalline silica, in combination with adhesives and pigments.² When artificial stone is cut or manipulated, RCS releases into the air. Prolonged exposure to RCS produces an aggressive form of silicosis, a progressive, disabling, and often fatal lung disease. RCS particles travel deep into the lungs where they cause inflammation and eventually scarring. This scarring in turn makes breathing difficult. Ultimately, silicosis is incurable and typically leads to an early death.

¹ "Silicosis: An Industry Guide to Awareness and Prevention," Natural Stone Institute, 2020, [2020_Silicosis_Tech_Module_UPDATE.indd \(naturalstoneinstitute.org\)](https://www.naturalstoneinstitute.org/2020_Silicosis_Tech_Module_UPDATE.indd)

² "Hazard Alert: Worker Exposure to Silica during Countertop Manufacturing, Finishing and Installation," Occupational Safety and Health Administration (OSHA) and National Institute for Occupational Safety and Health (NIOSH) 2015, <https://www.osha.gov/sites/default/files/publications/OSHA3768.pdf>.

Although silicosis is centuries old, the disease is just now surging across the United States and in California. Approximately 2.3 million workers in the U.S. are exposed to RCS in the workplace each year. In California, the number of reported silicosis cases began increasing in 2019, with the Department of Health and the Occupational Health Branch describing the rise as an epidemic. DIR estimates that stone fabrication shops employ around 4,040 workers in the state. Based on a silicosis prevalence rate of 12 percent to 21 percent and a fatality rate of 19 percent, Cal/OSHA estimates that between 500 and 850 cases of silicosis will occur among these workers, and between 90 to 160 will likely die.³ Prior to the adoption of an emergency temporary standard by the Board, discussed below, an existing standard did regulate occupational exposure to RCS. However, when Cal/OSHA examined the slab fabrication industry in 2019 and 2020, it found that 72 percent of shops were in violation of silica regulations.

The troubling rise in silicosis cases can be traced to the increasing popularity of artificial stone countertops. Artificial stone has dominated the market in the last 10 to 15 years primarily because of its affordability, low maintenance, and high resistance to scratches, stains, and heat. In 2021, it surpassed all other materials to become the predominant countertop product in the U.S. for residential and commercial applications, with a market size of \$17.7 billion. Demand for artificial stone countertops is expected to continue growing at 9.6 percent annually through 2026, solidifying the material's position as the most popular type of countertop in the country.

2. Cal/OSHA Updated Permanent Regulation on Respirable Crystalline Silica (RCS):

On December 19, 2024, the Board approved updated permanent standards on RCS. These standards became effective on February 5, 2024 and replaced emergency temporary standards. Prior to the emergency standards, the existing standard was designed to monitor silicosis in large industries. This made its application to the slab fabrication industry, which primarily consists of small shops, difficult. Additionally, the old standard contained three loopholes, 1) it allowed employers to avoid implementing key protections by claiming they were infeasible; 2) it allowed employers to exempt themselves by claiming RCS exposure was below the allowable level; and 3) it allowed employers to conduct air monitoring on a single day and exempt themselves from the standard if the results showed exposures below the allowable level.

The updated permanent RCS standard (CCR §5204) includes important revisions to protect workers. Most importantly, the standard applies to high-exposure trigger tasks regardless of employee exposures, exposure assessments, or objective data. Below is a brief overview of the updated requirements.

Definitions and General Safety Requirements

- Defines a “high-exposure trigger task” as machining, crushing, cutting, drilling, abrading, abrasive blasting, grinding, chiseling, carving, gouging, polishing, buffing, fracturing, intentional breaking, or intentional chipping of artificial stone that contains more than 0.1 percent by weight crystalline silica, or natural stone that contains more than 10 percent by weight crystalline silica. High-exposure trigger tasks also includes clean up, disturbing,

³ DIR, Finding of Emergency, Occupational Exposures to Respirable Crystalline Silica, <https://www.dir.ca.gov/oshsb/documents/Respirable-Crystalline-Silica-Emergency-FOE.pdf>

or handling of wastes, dusts, residues, debris, or other materials created during the above-listed tasks.

- Requires employers to assess an employee's exposure to RCS, monitor the workplace, and notify each affected employee in writing of the corrective actions taken to reduce exposure.
- Prescribes specified engineering controls and work practices for all high-exposure trigger tasks, including effective wet methods and respirators.
- Provides that failure to comply with engineering controls shall be considered an imminent hazard and is subject to an Order Prohibiting Use (OPU) by Cal/OSHA. The OPU allows Cal/OSHA to take immediate steps to stop a hazardous process or close the facility.

Exposure Plan and Medical Surveillance

- Requires employers to develop a written exposure control plan, as specified, and requires the plan to be available to employees.
- Requires employers to provide medical surveillance at no cost to the employee, as specified.

Training Requirements

- Requires employers to ensure that each employee covered by the standard can demonstrate knowledge and understanding of, among other things, the health hazards and symptoms of silicosis, tasks that may result in exposure to RCS, and how to properly use and implement engineering controls.
- Requires employers to make a copy of the standard readily available to each employee.

Reporting and Recordkeeping

- Requires employers, within 24 hours of receiving information regarding a confirmed silicosis case or lung cancer related to RCS exposure, to report specified information to the California Department of Public Health (CDPH) and Cal/OSHA.
- Requires employers to maintain an accurate record of all exposure measurements taken to assess employee exposure, of all objective data relied upon to comply with the standard, and of all employees covered by the medical surveillance requirement, as specified.
- Whenever an employee or designated representative requests access to a record, the employer shall assure that access is provided in a reasonable time, place, and manner, but in no event later than fifteen days after the request for access is made.

Impact of the Updated Permanent RCS Standard

Since December 29, 2023, Cal/OSHA has conducted 29 inspections of artificial stone fabrication shops and issued 13 OPUs. Previously, it took several months to open an investigation and issue citations before an employer was required to reduce RCS exposure.

3. Committee Comments:

Silicosis is a deadly disease that disproportionately affects young, Latino immigrants.⁴ The actions taken by the state thus far are the first steps in a larger effort to ensure the slab fabrication industry is safe. Having said that, the committee raises the following concerns:

⁴ Reyes and Carcamo, "California workers who cut countertops are dying of an incurable disease," LA Times, September 24, 2023, California workers who cut countertops are dying of silicosis - Los Angeles Times (latimes.com)

- Within one year of DIR developing and adopting a training curriculum, all employees in a slab shop are required to have completed or be enrolled in DIR's training or be a graduate of a DAS approved apprenticeship program that covers fabrication activities. DIR's approved training curriculum requires classroom instruction and supervised hands-on activities. *Is one year enough time to train all 4,000 plus workers in the slab fabrication industry when classroom instruction and hands-on activities are required?*
- Prior to a fabrication shop receiving a certification, DIR, or a third party certified by DIR, must inspect the shop to verify that its equipment and procedures comply with any occupational safety and health standards and orders. *Given DIR's staffing difficulties and the number of small fabrication shops throughout the state, is this requirement feasible?*

4. Committee Amendments:

Amendments taken in committee will do the following:

- Add Assemblymember Celeste Rodriguez as a principal coauthor.
- Update the number of silicosis cases under findings and declarations.
- Revise the timeline within the bill so that the dates for various requirements do not conflict. Specifically, the date for DIR to develop an application and certification process, as specified, would remain January 1, 2027. However, the date for DIR to begin accepting applications for and granting a certification to a fabrication shop would be delayed until July 1, 2027. This aligns with the July 1, 2027 deadline for all workers engaged in fabrication activities to complete or be enrolled in the required training course.
- Specify that references to "approved apprenticeship programs" means apprenticeship programs approved by the Division of Apprenticeship Standards.
- Add a provision authorizing a fabrication shop to engage in fabrication activities if it has submitted an initial certification application and the application fee, as specified, while it awaits inspection by DIR, or a third party certified by DIR.
- Enable DIR and Cal/OSHA to consult with CDPH to track and keep a record of information on fabrication shops.
- Consolidate the statewide tracking system and public database into one database that DIR would maintain beginning January 1, 2027.

5. Double Referral:

SB 20, as introduced, would have required CDPH and the State Public Health Officer to execute the provisions of the bill. The inclusion of CDPH required SB 20 to be referred to the Senate Health Committee. Amendments to the bill, taken on March 13, struck references to CDPH and the State Public Health Officer and replaced them with references to DIR and the

Director of DIR. Should this bill be approved by the Committee, it will be withdrawn from the Senate Health Committee and referred to the Appropriations Committee.

6. Need for this bill?

According to the author:

“Over the course of last year, California has experienced an alarmingly high rate of silicosis cases, a fatal occupational lung disease, in the fabrication industry. To date, there are 253 cases and 15 deaths. In the fabrication industry, workers are exposed to silica dust when handling countertops with high concentrations of silica, causing silicosis. Silicosis is often a death sentence with a lung transplant only extending life expectancy by 3-5 years. This workforce is primarily undocumented, Latino, and uninsured.

This bill seeks to expand on the work Cal/OSHA has done in updating their silica workplace exposure standards by establishing a comprehensive safety plan that includes increased workers’ education and oversight over these fabrication shops.”

7. Proponent Arguments:

According to the sponsors, the State Building and Construction Trades:

“In January 2025, California adopted the respirable crystalline silica (RCS) regulation, which went into effect February 5, 2025. The RCS regulation requires exposure assessments for employees, engineering and work practice controls, medical surveillance and medical removal, a written exposure control plan, and record keeping. While we applaud Cal/OSHA for adopting the RCS regulation, regulators cannot provide for meaningful enforcement if the state lacks a tracking system on where the certificated fabrication shops are located. Additionally, Cal/OSHA has historically and continues to be critically understaffed 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. The Cal/OSHA Bureau of Investigations, charged with investigating every workplace fatality, is operating with two investigators for the whole state. State law is necessary to assist Cal/OSHA to combat the effects of this global epidemic.

SB 20 will not remedy those inadequate statistics; however, it will help staunch the number of workers getting sick by getting non-certified stone fabrication shops out of the unregulated market. Fabrication is by-in-large a highly mobile and unregulated industry. Anyone can obtain and hire workers to cut this engineered stone, and skirt enforcement by simply relocating which spreads this epidemic throughout California. SB 20 seeks to only allow those certified by the state to obtain and cut engineered stone. Fabrication shops will be required to pay a fee and register with the state and provide state-approved training to fabricators to obtain state certification. This fee seeks to provide fabricators with the privilege to continue operating, while providing funding to the Department of Industrial Relations (DIR) to develop a tracking system to keep tabs on fabrication shops and worker exposures. Most importantly, this bill requires the DIR to consult with representatives of state-approved apprenticeship programs to adopt a training curriculum regarding the safe performance of fabrication activities. The goal is that with a robust registration, certification, and training system in place, Cal/OSHA will be able to focus on the parts of the industry that

remain underground and refuse to get certified. In short, it will allow Cal/OSHA to go after the bad actors.”

8. Opponent Arguments:

None received.

9. Prior Legislation:

AB 3043 (Luz Rivas, 2024) was nearly identical to SB 20 and would have addressed worker safety in the stone fabrication industry by, among other things, 1) prohibiting the use of dry methods in fabrication; 2) establishing training, certification, and licensing requirements; 3) prohibiting suppliers from providing slabs to unlicensed people and entities; and 4) creating an online database to track violations of health and safety orders and licensing requirements. *This bill was held in the Senate Labor, Public Employment and Retirement Committee at the request of the author.*

SUPPORT

State Building and Construction Trades (Sponsor)
American Lung Association in California
California Federation of Labor Unions
Silica Safety Coalition
Western Occupational & Environmental Medical Association

OPPOSITION

None received.

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