

AMENDED IN ASSEMBLY APRIL 15, 2026

AMENDED IN ASSEMBLY MARCH 19, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2137

Introduced by Assembly Member Chen

February 18, 2026

An act to amend Section 6359.1 of, and to add Sections 6359.6, 6359.6.5, 6359.7, 6359.7.5, and 6359.8 to, the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2137, as amended, Chen. Occupational safety and health: fabrication activities: slab solid surface products.

Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations to adopt occupational safety and health standards for the state, including standards dealing with exposure to harmful airborne contaminants. Existing law requires the Division of Occupational Safety and Health within the department to enforce all occupational safety and health standards, as specified.

Existing law imposes restrictions on specified high-exposure trigger tasks on artificial stone, as those terms are defined. Specifically, a person or entity engaged in high-exposure trigger tasks is prohibited from using dry methods, and is required to use effective wet methods when engaging in any high-exposure trigger tasks. Existing law requires the owner or operator of a fabrication shop, or any individual who will employ another individual to perform high-exposure trigger tasks in a fabrication shop, to ensure that an employee who will perform

high-exposure tasks receives specified training and to annually attest to the division that these employees have been trained. Existing law requires the division to enforce these provisions by issuing a citation alleging a violation and a notice of civil penalty.

This bill would require, on or before January 1, 2028, the department to develop an application and certification process for fabrication shops to lawfully engage in slab solid surface product fabrication activities. The bill would authorize fabrication shops to engage in those fabrication activities during the pendency of the application development and certification process. The bill would require the department to 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 certification subject to specified requirements, including that the deposit amount goes towards the initial certification fee collected by the department.

This bill would require, beginning July 1, 2028, the department to grant a 3-year certification to a fabrication shop that demonstrates satisfaction of specified criteria involving workplace safety conditions and precautions, and would authorize certification renewal, as specified. Among other conditions, the bill would establish certain regulatory fees in amounts to be determined and adjusted by the department, as specified, for the certification and renewal thereof. The bill would authorize the department to suspend or revoke a certification in certain cases, including for gross negligence, as specified. The bill would require the department, in consultation with the division and the State Department of Public Health, to track and keep a record of specified information on fabrication shops, including the number of citations issued to any of the fabrication shops for failure to comply with any temporary or future standards relating to respirable crystalline silica, as specified.

This bill would prohibit a person or entity, or an employee thereof, from engaging in fabrication activities, as defined, on slab solid surface products unless they conduct the fabrication activities at a fabrication shop that has submitted a valid initial deposit to the department, or, after July 1, 2028, has submitted an application for initial certification or renewal and the application is pending or has a valid certification, as provided. The bill would require the division to enforce this prohibition by issuing a citation alleging a violation and a notice of civil penalty.

This bill would prohibit, beginning July 1, 2028, a person from supplying a slab solid surface product directly to a person, entity, or business engaged in fabrication activities on those products if the person, entity, or business does not have a valid, or pending application for, certification. The bill would require a person that supplies a slab solid surface product to a person, entity, or business engaged in fabrication activities on those products to verify that the person, entity, or business has a certification, or a pending application for certification, as specified. The bill would require a person that supplies a slab solid surface product to a person, entity, or business that is not engaged in fabrication activities to rely on written certification issued under penalty of perjury that, among other things, they will not directly engage in fabrication activities with the product without a certification. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would require a person that seeks services that require fabrication activities and enters into a contract with a person, entity, or business to undertake fabrication activities to verify that the person, entity, or business has a valid certificate before engaging with and providing slab solid surface products to that person, entity, or business. The bill would require the division to enforce these requirements by issuing a citation alleging a violation and a notice of civil penalty.

The bill would establish the Slab Fabrication Activity Account in the Occupational Safety and Health Fund in the State Treasury, and would require all fees, penalties, or other moneys collected by the department under the bill and under the above-described provisions relating to high-exposure trigger tasks to be deposited into the account. The bill would authorize moneys in the account to be expended by the department, upon appropriation by the Legislature, for the purposes of administering the bill and other provisions related to silicosis risk exposure in fabrication shops.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 6359.1 of the Labor Code is amended to read:

6359.1. For purposes of this chapter, the following definitions apply:

(a) “Artificial stone” means any reconstituted, artificial, synthetic, composite, engineered, or manufactured stone product. It is commonly made by combining natural stone or other crystalline silica-containing materials with adhesives, polymers, epoxies, resins, or other binding materials to form a slab. Fired ceramic and porcelain tiles and panels are not artificial stone.

(b) “Department” means the Department of Industrial Relations.

(c) “Director” means the Director of Industrial Relations.

(d) “Division” means the Division of Occupational Safety & Health.

(e) “Dry methods” means the undertaking of high-exposure trigger tasks without the use of wet methods that effectively suppress dust.

(f) (1) “Fabrication shop” means a person, entity, business, or location where high-exposure trigger tasks are undertaken.

(2) “Fabrication shop” does not include quarries, concrete and cement manufacturing facilities, or fired ceramic or fired porcelain tiles or panels manufacturing facilities that do not manufacture, fabricate, or finish artificial stone products.

(g) (1) “Fabrication activities” means machining, crushing, cutting, drilling, abrading, abrasive blasting, grinding, chiseling, carving, gouging, polishing, buffing, fracturing, intentional breaking, or intentional chipping of slab solid surface products.

(2) “Fabrication activities” does not include onsite construction work covered by Section 1532.3 of Title 8 of the California Code of Regulations or facilities where slab solid surface products are manufactured, including, but not limited to, quarries, concrete manufacturing facilities, or fired ceramic or fired porcelain tiles or panels manufacturing facilities.

(h) “High-exposure trigger task” means 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 other silica

1 containing products, including natural stone, that contain more
2 than 10 percent by weight crystalline silica. High-exposure trigger
3 tasks also include clean up, disturbing, or handling of wastes, dusts,
4 residues, debris, or other materials created during the above-listed
5 tasks. High-exposure trigger tasks do not include tasks other than
6 the fabrication of countertops, backsplashes, walls, flooring,
7 waterfall countertop edges, and other products from slabs or panels.

8 (i) “Respirable crystalline silica” means quartz, cristobalite, or
9 tridymite contained in airborne particles that are determined to be
10 respirable by a sampling device designed to meet the characteristics
11 for respirable-particle-size-selective samplers specified in the
12 International Organization for Standardization (ISO) 7708:1995
13 Air Quality — Particle Size Fraction Definitions for Health-Related
14 Sampling.

15 (j) (1) “Slab solid surface product” means a hard stone-like
16 substance containing crystalline silica, including, but not limited
17 to, artificial, engineered, or natural stone, including granite or
18 marble, that is used for countertop installation or customization
19 and surface applications.

20 (2) For purposes of paragraph (1), “artificial stone” means any
21 reconstituted, artificial, synthetic, composite, engineered, or
22 manufactured stone product. It is commonly made by combining
23 natural stone or other crystalline silica-containing materials with
24 adhesives, polymers, epoxies, resins, or other binding materials to
25 form a slab. Fired ceramic and porcelain tiles and panels are not
26 artificial stone.

27 (k) “Wet methods” means effectively suppressing dust by one
28 of the methods listed below, such that exposures do not exceed
29 the action level at any time. Regardless of the method used, water
30 shall cover the entire surface of the work object where a tool,
31 equipment, or machine contacts the work object.

32 (1) Applying a constant, continuous, and appropriate volume
33 of running water directly onto the surface of the work object. When
34 water flow is integrated with a tool, machine, or equipment, water
35 flow rates shall equal or exceed manufacturer recommendations
36 and specifications to ensure effective dust suppression. Any water
37 that is recycled must be filtered to remove silica prior to reuse.

38 (2) Submersing the work object underwater.

39 (3) Water jet cutting or the use of high-pressure water to cut
40 material.

1 SEC. 2. Section 6359.6 is added to the Labor Code, to read:

2 6359.6. (a) (1) On or before January 1, 2028, the department
3 shall do all of the following:

4 (A) Develop an application and certification process for a “slab
5 solid surface product fabrication activity” certification to authorize
6 fabrication shops to engage in fabrication activities.

7 (B) Develop an initial deposit process for fabrication shops to,
8 during the pendency of the application development and
9 certification process, submit a deposit fee for the application and
10 initial certification subject to all of the following requirements:

11 (i) The deposit fee amount shall be in an amount as the
12 department deems necessary to implement this chapter and shall
13 not exceed the reasonable regulatory cost.

14 (ii) The deposit fee amount collected by the department shall
15 be used towards the initial certification fee collected pursuant to
16 subdivision (b), and the applicable amount shall be returned to a
17 fabrication shop if the deposit amount exceeds the initial
18 certification fee or if the application is denied.

19 (C) (i) Determine the initial certification fee and the renewal
20 fee to be collected pursuant to subdivision (b), which shall be in
21 amounts as the department deems necessary to implement this
22 chapter and shall not exceed the reasonable regulatory cost.

23 (ii) The department, in determining the fee amounts described
24 in clause (i), may establish different fees for large or small
25 fabrication shops in the state as the department deems necessary
26 for regulatory purposes. The department shall, in determining the
27 sizes of the fabrication shops and the fee amounts, consult with
28 relevant stakeholders, including owners and operators of fabrication
29 shops.

30 (2) (A) Notwithstanding any provision of this chapter to the
31 contrary, a fabrication shop may continue to engage in fabrication
32 activities during the pendency of the application development and
33 certification process.

34 (B) This paragraph shall become inoperative on July 1, 2028.

35 (b) (1) Commencing July 1, 2028, the department shall accept
36 an application for and grant a certification to a fabrication shop
37 that demonstrates to the department’s satisfaction of all of the
38 following workplace safety conditions and precautions:

39 (A) Evidence of a legally obtained and valid business license
40 and applicable state contractor’s license.

1 (B) Evidence of satisfactory workers' compensation insurance
2 coverage.

3 (C) Documentation of compliance with Section ~~6359.3~~ 6359.2.

4 (D) Implementation of an air quality monitoring program and
5 documentation of certified air quality monitoring results consistent
6 with any occupational safety and health standards and orders that
7 are adopted by the Occupational Safety and Health Standards
8 Board pursuant to Section 142.3.

9 (2) The department, or a third party certified by the department
10 for this purpose, shall inspect a fabrication shop before the issuance
11 of the certification to verify that the equipment and procedures of
12 the fabrication shop are in compliance with any occupational safety
13 and health standards and orders that are adopted by the
14 Occupational Safety and Health Standards Board pursuant to
15 Section 142.3.

16 (3) (A) An applicant for a certification shall submit to the
17 department an initial certification application, including an initial
18 certification fee in the amounts determined by the department,
19 which shall be deposited in the Slab Fabrication Activity Account
20 in the Occupational Safety and Health Fund for the purposes of
21 administering this chapter.

22 (B) Notwithstanding any provision of this chapter to the
23 contrary, a fabrication shop may continue to engage in fabrication
24 activities if it has submitted an initial certification application and
25 the application fee pursuant to subparagraph (A) while it awaits
26 inspection pursuant to paragraph (2) during the pendency of the
27 certification application.

28 (4) Each certification granted by the department shall be for a
29 three-year period.

30 (5) (A) The department shall accept a renewal application for
31 and grant a certification renewal to a fabrication shop that
32 demonstrates to the department continued compliance with all of
33 the following workplace safety conditions and precautions:

34 (i) Evidence of compliance with the requirements of any
35 occupational safety and health standards and orders that are adopted
36 by the Occupational Safety and Health Standards Board pursuant
37 to Section 142.3.

38 (ii) Evidence of a legally maintained business license and
39 applicable state contractor's license.

1 (iii) Evidence of satisfactory workers' compensation insurance
2 coverage.

3 (iv) Documentation of certified air quality monitoring results
4 consistent with any occupational safety and health standards and
5 orders that are adopted by the Occupational Safety and Health
6 Standards Board pursuant to Section 142.3 over the prior three
7 years.

8 (v) Documentation of information related to employee-reported
9 silicosis cases since previous certification.

10 (vi) Documentation of compliance with Section 6359.2.

11 (B) The department, or a third party certified by the department
12 for this purpose, shall inspect a fabrication shop before the issuance
13 of a certification renewal to verify that the equipment and
14 procedures of the fabrication shop are in compliance with any
15 occupational safety and health standards and orders that are adopted
16 by the Occupational Safety and Health Standards Board pursuant
17 to Section 142.3.

18 (C) An applicant for a certification renewal shall submit to the
19 department a certification renewal fee in the amount determined
20 by the department, which shall be deposited in the Slab Fabrication
21 Activity Account in the Occupational Safety and Health Fund for
22 the purposes of administering this chapter.

23 (D) A fabrication shop with a previous certification may
24 continue to engage in fabrication activities during the pendency
25 of the certification renewal application.

26 (6) The department may suspend or revoke a certification issued
27 pursuant to this section if the department finds that the fabrication
28 shop has engaged in gross negligence, gross incompetence, or
29 willful or repeated disregard of any emergency or other
30 occupational safety and health standards, occupational safety and
31 health standards orders, any provision of this chapter, or any other
32 related provision of law.

33 (c) Commencing January 1, 2029, the department shall evaluate
34 the cost of implementation of this chapter and may adjust the
35 amounts of the initial certification fee and the renewal certification
36 fee, which shall be in reasonable amounts as the department deems
37 necessary to implement this chapter and shall not exceed the
38 reasonable regulatory cost.

39 SEC. 3. Section 6359.6.5 is added to the Labor Code, to read:

1 6359.6.5. (a) The department, in consultation with the division
2 and the State Department of Public Health, shall track and keep a
3 record of information on fabrication shops regarding all of the
4 following:

5 (1) The number of citations issued to any of the fabrication
6 shops for failure to comply with any temporary or future standards
7 relating to respirable crystalline silica adopted by the Occupational
8 Safety and Health Standards Board, and the geographic areas in
9 the state with the highest numbers of those citations.

10 (2) The number of new cases of silicosis identified in any of
11 the fabrication shops since the passage of any temporary or future
12 standards relating to respirable crystalline silica adopted by the
13 Occupational Safety and Health Standards Board.

14 (3) The number of notices issued to fabrication shops found to
15 be in noncompliance with department regulations relating to
16 respirable crystalline silica.

17 (b) The department shall provide the information described in
18 subdivision (a) to, or otherwise assist as applicable, local
19 prosecutors in seeking civil or criminal action against fabrication
20 shops in violation of any applicable provisions.

21 (c) The division may use the information described in
22 subdivision (a) in seeking enforcement against fabrication shops
23 in violation of any applicable provisions.

24 SEC. 4. Section 6359.7 is added to the Labor Code, to read:

25 6359.7. (a) A person or entity, or an employee of a person or
26 entity, shall not engage in fabrication activities unless they conduct
27 the fabrication activities at a fabrication shop that has done either
28 of the following:

29 (1) During the period of January 1, 2028, until July 1, 2028,
30 submitted a valid initial deposit to the department pursuant to this
31 chapter.

32 (2) After July 1, 2028, has submitted an application for initial
33 certification or renewal pursuant to this chapter and the application
34 is pending or has a valid certification issued by the department
35 pursuant to this chapter.

36 (b) A violation of this section may be reported to the division.
37 The division shall enforce this section by issuing a citation alleging
38 a violation of this section and a notice of civil penalty in a manner
39 consistent with Section 6317. Any person who receives a citation

1 and penalty may appeal the citation and penalty to the appeals
2 board in a manner consistent with Section 6319.

3 (c) Notwithstanding any provision of this division, a violation
4 of this section is not a crime.

5 SEC. 5. Section 6359.7.5 is added to the Labor Code, to read:

6 6359.7.5. (a) A person shall not supply a slab solid surface
7 product directly to a person, entity, or business engaged in
8 fabrication activities if the person, entity, or business engaged in
9 fabrication activities does not have a valid, or a pending application
10 for, certification, as provided in this chapter.

11 (1) A person that supplies a slab solid surface product to a
12 person, entity, or business engaged in fabrication activities shall
13 verify that the person, entity, or business has a valid, or a pending
14 application for, certification as provided in this chapter before
15 providing the slab solid surface product to that person, entity, or
16 business.

17 (2) A person that supplies a slab solid surface product to a
18 person, entity, or business that is not engaged in fabrication
19 activities shall rely on a written verification issued under penalty
20 of perjury from that person, entity, or business that they will not
21 directly engage in fabrication activities on the product without a
22 valid, or pending application for, certification as provided in this
23 chapter and that, if the person, entity, or business resells the
24 product, they will resell it to a person, entity, or business with a
25 valid, or pending application for, certification as provided in this
26 chapter.

27 (b) A person that seeks services that require fabrication activities
28 and enters into a contract with a person, entity, or business to
29 undertake fabrication activities shall verify that the person, entity,
30 or business has a valid, or pending application for, certification as
31 provided in this chapter before engaging with or providing slab
32 solid surface products to that person, entity, or business.

33 (c) (1) The division shall enforce this section by issuing a
34 citation alleging a violation of this section and a notice of civil
35 penalty in a manner consistent with Section 6317. Any person who
36 receives a citation and penalty may appeal the citation and penalty
37 to the appeals board in a manner consistent with Section 6319.

38 (2) Notwithstanding any provision of this division, a violation
39 of this section is not a crime.

1 (d) (1) A cause of action shall not lie against a person who
2 supplies a slab solid surface product, as described in subdivision
3 (a), or that enters into a contract for fabrication, as described in
4 subdivision (b), and that makes the verifications required by this
5 section.

6 (2) It is the intent of the Legislature in paragraph (1) to create
7 a safe harbor for a person who makes the verifications required
8 by this section.

9 (e) This section shall become operative on July 1, 2028.

10 SEC. 6. Section 6359.8 is added to the Labor Code, to read:

11 6359.8. (a) The Slab Fabrication Activity Account is hereby
12 created in the Occupational Safety and Health Fund, as established
13 pursuant to Section 62.5, in the State Treasury.

14 (b) All fees, penalties, or other moneys collected by the
15 department or the division under this chapter shall be deposited in
16 the Slab Fabrication Activity Account.

17 (c) Upon appropriation by the Legislature for this express
18 purpose, moneys in the account may be expended by the
19 department for the purposes of administering this chapter.

20 SEC. 7. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.