

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Liz Ortega, Chair

AB 2137 (Chen) – As Amended April 15, 2026

SUBJECT: Occupational safety and health: fabrication activities: slab solid surface products

SUMMARY: Establishes certification and renewal of certification requirements for those engaged in fabrication activities of slab solid surface products and provides for tracking of enforcement activities. Specifically, **this bill:**

- 1) Defines “fabrication activities” to mean machining, crushing, cutting, drilling, abrading, abrasive blasting, grinding, chiseling, carving, gouging, polishing, buffing, fracturing, intentional breaking, or intentional chipping of slab solid surface products. “Fabrication activities” does not include onsite construction work, as specified, or facilities where slab solid surface products are manufactured, as specified.
- 2) Requires the Department of Industrial Relations (DIR), on or before January 1, 2028, to do, among other things:
 - 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.
 - 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 subject to all of the following requirements:
 - i) The deposit fee amount shall be in an amount as the DIR deems necessary to implement these provisions and shall not exceed the reasonable regulatory cost.
 - ii) The deposit fee amount collected by the DIR shall be used towards the initial certification fee and the applicable amount shall be returned to a fabrication shop if the deposit amount exceeds the initial certification fee or if the application is denied.
 - c) Determine the initial certification fee and the renewal fee which shall be in amounts as the DIR deems necessary to implement these provisions and shall not exceed the reasonable regulatory cost.
- 3) Provides that a fabrication shop may continue to engage in fabrication activities during the pendency of the application development and certification process. This provision shall become inoperative on July 1, 2028.

- 4) Requires the DIR, commencing July 1, 2028, to accept an application for and grant a certification to a fabrication shop that demonstrates to DIR's satisfaction of all of the following 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) Implementation of an air quality monitoring program, as specified.
- 5) Requires the DIR or a specified third party to inspect a fabrication shop before the issuance of the 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).
- 6) Requires an applicant for a certification to submit to the DIR an initial certification application, including an initial certification fee in the amounts determined by the DIR, to be deposited in the Slab Fabrication Activity Account (account) in the Occupational Safety and Health Fund. Each certification shall be for a three-year period.

Certification renewal

- 7) Requires the DIR to accept a renewal application for and grant a certification renewal to a fabrication shop that 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) Evidence of a legally maintained business license and applicable state contractor's license.
 - c) Documentation of information related to employee-reported silicosis cases since previous certification.
- 8) Requires the DIR or a specified third party to inspect a fabrication shop before the issuance of a certification renewal to verify that the equipment and procedures of the fabrication shop comply with any occupational safety and health standards and orders that are adopted by the Board.
- 9) Requires an applicant for a certification renewal to submit to the DIR a certification renewal fee in the amount determined by the DIR, which shall be deposited in the account.
- 10) Permits a fabrication shop with a previous certification to continue to engage in fabrication activities during the pendency of the certification renewal application.
- 11) Authorizes the DIR to suspend or revoke a certificate issued pursuant to the above if the DIR finds that the fabrication shop has engaged in gross negligence, gross incompetence, or

willful or repeated disregard of any emergency or other occupational safety and health standard or order, any provision of this chapter, or any other related law.

- 12) Prohibits a person or entity, or an employee of a person or entity, from engaging in fabrication activities unless they conduct the fabrication activities at a fabrication shop that has done either of the following:
 - a) During the period of January 1, 2028, until July 1, 2028, submitted a valid initial deposit to the DIR pursuant to this chapter.
 - b) After July 1, 2028, has submitted an application for initial certification or renewal pursuant to this chapter and the application is pending or has a valid certification issued by the DIR.
- 13) States that a violation of these certification requirements may be reported to Cal/OSHA. The division shall enforce this section by issuing a citation alleging a violation of this section and a notice of civil penalty, as specified. Any person who receives a citation and penalty may appeal the citation and penalty to the appeals board, as specified.

Tracking of enforcement activities

- 14) Requires the DIR, in consultation with Cal/OSHA and the Department of Public Health (DPH), to track and keep a record of information on fabrication shops regarding all of the following:
 - a) The number of citations issued to fabrication shops for failure to comply with any temporary or future standards relating to respirable crystalline silica adopted by the Board, and the geographic areas in the state with the highest numbers of those citations.
 - b) The number of new cases of silicosis identified in any fabrication shops 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 DIR regulations relating to respirable crystalline silica.
- 15) Requires the DIR to provide the information described in 14) above to, or otherwise assist as applicable, local prosecutors in seeking civil or criminal action against fabrication shops in violation of any applicable provisions. Cal/OSHA may also use this information in seeking enforcement against noncompliant fabrication shops.

Suppliers

- 16) Prohibits a person from supplying a slab solid surface product directly to a person, entity, or business engaged in fabrication activities if the person, entity, or business engaged in fabrication activities does not have a valid, or a pending application for, certification.
- 17) Requires a person that supplies a slab solid surface product to a person, entity, or business engaged in fabrication activities to verify that the person, entity, or business has a valid, or

pending application for, certification before providing the slab solid surface product to the person, entity, or business.

- 18) Requires a person that supplies a slab solid product to a person, entity, or business that is not engaged in fabrication activities to rely on a written verification issued under penalty of perjury from the person, entity, or business that they will not directly engage in fabrication activities on the product without a valid, or pending application for, certification and that, if the person, entity, or business resells the product, they will resell to a person, entity, or business with a valid, or pending application for, certification.
- 19) Requires 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, or pending application for, certification before engaging with or providing slab solid surface products to the person, entity, or business.
- 20) Requires Cal/OSHA to enforce these requirements for suppliers by issuing a citation alleging a violation of this section and a notice of civil penalty, as specified. Any person who receives a citation and penalty may appeal the citation and penalty to the appeals board, as specified.
- 21) States that, notwithstanding any provision above, a violation of the requirements for suppliers is not a crime.
- 22) States that a cause of action cannot be sustained against a person who supplies a slab solid surface product, as described in 16) above, or that enters into a contract for fabrication, as described in 19) above, and that makes the verifications required.
- 23) States that the provisions regarding suppliers become operative on July 1, 2028.

The Slab Fabrication Activity Account

- 24) Creates the account in the Occupational Safety and Health Fund, in the State Treasury. All fees, penalties, or other moneys collected by the DIR or Cal/OSHA under this bill shall be deposited in the account.
 - a) Upon appropriation by the Legislature for this express purpose, moneys in the account may be expended by the DIR to administer these provisions.

EXISTING LAW:

- 1) Establishes the DIR within the Labor Workforce and Development Agency and vests it with various powers and duties to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment. Labor Code §50.5.
- 2) Establishes the Cal/OSHA within the DIR to, among other things, propose, administer, and enforce occupational safety and health standards. Labor Code §6308.
- 3) Requires, under the California Occupational Safety and Health Act, an employer to:

- a) Furnish employment and a place of employment that is safe and healthful for its employees.
 - b) Furnish and use safety devices and safeguards, and to adopt and use practices, means, methods, operations, and processes, which are reasonably adequate to render employment and the place of employment safe and healthful. c) Do everything reasonably necessary to protect the life, safety, and health of employees. Lab. Code, § 6300 et seq.
- 4) Establishes the 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 et seq.
 - 5) Provides that, if, upon inspection or investigation, Cal/OSHA believes that a health and safety standard, rule, order or regulation has been violated, it shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the code, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the alleged violation. Labor Code §6317.
 - 6) Provides that, if, after an inspection or investigation, Cal/OSHA issues a citation pursuant to Section 6317 (see (5) above) or an order, as specified, it shall, within a reasonable time after the termination of the inspection or investigation, notify the employer by certified mail of the citation or order, and that the employer has 15 working days from receipt of the notice within which to notify the appeals board that he or she wishes to contest the citation or order. Labor Code §6319.
 - 7) Defines “high-exposure trigger task” to mean 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 containing products, including natural stone, that contain more than 10 percent by weight crystalline silica. High-exposure trigger tasks also include clean up, disturbing, or handling of wastes, dusts, residues, debris, or other materials created during the above-listed tasks. High-exposure trigger tasks do not include tasks other than the fabrication of countertops, backsplashes, walls, flooring, waterfall countertop edges, and other products from slabs or panels. Labor Code §6359.1(g).
 - 8) Prohibits a person or entity engaged in high-exposure trigger tasks from using dry methods when engaging in any high-exposure trigger tasks. Labor Code §6359.1.5(a).
 - 9) States that a violation of 8) shall be grounds for an immediate order by Cal/OSHA prohibiting continued work and for specified penalties. Labor Code §6359.1.5(c).
 - 10) 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:
 - a) Ensure that any employee who performs high-exposure trigger tasks receives training, as specified.

- b) Provide to Cal/OSHA through electronic submission each year a written attestation that each employee who performs high-exposure trigger tasks has received the training, beginning July 1, 2026. Labor Code §6359.2(a).
- 11) States that it shall be unlawful for any person to make a false statement, representation, or certification on the written attestation. Labor Code §6359.2(a)(2)(B).
- 12) Requires Cal/OSHA to enforce 10)-11) above by issuing a citation alleging a violation and a notice of civil penalty, as specified. Any person who receives a citation and penalty may appeal the citation and penalty to the appeals board, as specified. Labor Code §6359.2(b).
- 13) Requires the DPH to consider a report of silicosis related to occupational exposure to artificial stone as a serious illness and to report that case, with specified information, within three business days of receiving the report to Cal/OSHA. Labor Code §6359.4(a).
- 14) States that when Cal/OSHA receives a report of silicosis related to artificial stone from the DPH, the report shall constitute a complaint from a government agency representative charging a serious violation and shall subject the employer or place of employment to requirements triggering an investigation by Cal/OSHA within three business days. Labor Code §6359.4(b).
- 15) Requires Cal/OSHA to notify the DPH of any cases of silicosis related to artificial stone identified through enforcement activities within five business days of case identification. Labor Code §6359.4(c).

FISCAL EFFECT: Unknown.

COMMENTS: In January 2019, Cal/OSHA initiated a Special Emphasis Program (SEP) in the artificial stone fabrication industry to enforce compliance with the health and safety standard known as “Occupational Exposures to Respirable Crystalline Silica,” and interviewed over 150 workers who work with silica at 33 shops. The interviews revealed large-scale employer non-compliance with the exposure standard. For example, “84 of 92 workers (91%) reported performing tasks with artificial stone that generate respirable crystalline silica including cutting, grinding, laminating and polishing. Sixty-nine workers (75%) reported wearing disposable, filtering facepiece respirators and/or half-face elastomeric respirators for more than 30 days within the past year. Furthermore, 63 workers (68%) reported that their employer had not informed them of the results of silica air monitoring performed at their workplace.”¹

On December 14, 2023, the Respirable Crystalline Silica standard was amended on an emergency temporary basis to address additional employee protection requirements.² That temporary standard was made permanent around January 2025. The standard includes a number of employer obligations to protect their employees from occupational silica, including the implementation of exposure controls, a written exposure control plan, employee communication and training, respirator protection, and employee exposure monitoring.

¹ Finding of Emergency: Section 5204, Occupational Exposures to Respirable Crystalline Silica, Business Meeting of the Standards Board: December 14, 2023, p. 12.

² See [Frequently Asked Question about Respirable Crystalline Silica Standards and Resources](#).

Despite the implementation of these health and safety measures, California’s workers continued to die from exposure to respirable crystalline silica. The DPH reports that, as of November 2025, there were 432 confirmed silicosis cases since 2019, including at least 25 deaths and 48 lung transplants.

Last year, the Legislature passed, and the Governor signed, SB 20 (Menjivar) to prohibit the use of dry methods when a worker engages in high-exposure trigger tasks with artificial stone. In addition, the legislation also required fabrication shops to ensure that any employee who performs high-exposure trigger tasks receives training on how to safely work with silica products.

As noted by opposition to this measure, the Standards Board will be hearing a petition this Spring that proposes to prohibit essentially all occupational tasks associated with engineered stone. The petition argues that the “evidence is now clear that engineered stone containing crystalline silica is too toxic to fabricate and install safely, and education and enforcement alone will not be sufficient to curtail the escalating occupational health emergency caused by this product.”³ The petition also notes that Australia has a similar prohibition and a recent government evaluation confirmed that the ban on silica products has been largely effective.

According to the author, “AB 2137 strengthens protections for workers in the artificial stone fabrication industry by addressing gaps in oversight, enforcement, and accountability that remain despite prior legislation like SB 20. It requires certification of fabrication shops, ensures compliance across the supply chain, and enhances enforcement and data tracking. This bill takes a comprehensive approach to reducing harmful silica exposure, protecting workers’ health, and preventing serious lung diseases.

The author continues, “[Silicosis] typically affects relatively young individuals, with a median age at diagnosis of 46 and a median age of death around 48. It is seen primarily in immigrant men, especially those from Mexico and Central America. Patients often present symptoms such as cough and shortness of breath, although some may initially be asymptomatic. Many are under- or uninsured and first seek care in emergency departments or urgent care settings, contributing to delayed diagnosis. The provisions of AB 2137 are intended to create safer workplace conditions for fabrication shop workers, many of whom are young men of color.”

Arguments in Support

None on file.

Arguments in Opposition

The Western Occupational & Environmental Medical Association is opposed and states, “The evidence is now clear that engineered stone containing crystalline silica is too toxic to fabricate and install safely, and education and enforcement alone will not be sufficient to curtail the escalating occupational health emergency caused by this product.

As physicians who specialize in occupational diseases, we expect the silicosis health epidemic to

³ Petition File No. 609 to Revise Title 8, Section 5204: Occupational Exposures to Respirable Crystalline Silica. Filed December 12, 2025. Found here: [Petition File No. 609 - Section 5204 Occupational Exposures to Respirable Crystalline Silica](#).

continue unless there is expedited Cal/OSHA rulemaking that effectively prohibits all fabrication and installation (processing that generates dust) of engineered stone. This action is necessary to protect these workers and their families from a deadly disease and to open the market for safer products, which are already commercially available.

As you may know, the most effective approach to preventing occupational disease is elimination of hazardous products and substitution with safer and less toxic materials.

Fortunately, there are many safer substitutes currently available that can be used as alternatives to engineered stone containing crystalline silica. Manufacturers of engineered stone (including those with countertop product lines containing crystalline silica) are currently offering safer alternative products in Australia that are crystalline silica-free, and which retain the same quality, look and feel of engineered stone containing crystalline silica. These products emerged in the market in response to Australia's July 1, 2024, ban on engineered stone containing crystalline silica. They are commonly composed of amorphous (not crystalline) silica and are manufactured in a process similar to that of engineered stone.¹ It is important to note that crystalline silica causes silicosis; amorphous silica is a different substance and is much safer. A recent Australian government evaluation confirmed that the prohibition is largely working as expected, creating a rapid change in the market and new opportunities for safer products, while protecting workers from exposure to respirable crystalline silica.”

Prior Legislation

SB 20 (Menjivar) Chapter 734, Statutes of 2025, prohibits a person or entity engaged in high-exposure trigger tasks with artificial stone from using dry methods when engaging in those tasks and 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 their employees receive training on exposure to respirable crystalline silica.

AB 3043 (Luz Rivas) of 2024 would have prohibited the use of dry methods in any slab product fabrication activities, established licensing and training requirements for those engaged in fabrication activities, and created an online database to, among other things, track violations of health and safety orders and licensing requirements. This bill died in the Senate Labor, Public Employment and Retirement Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

Western Occupational & Environmental Medical Association

Analysis Prepared by: Megan Lane / L. & E. /