

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Labor and Employment

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

**SUMMARY:**

This bill requires the Department of Industrial Relations (DIR) to develop an application and certification process for fabrication shops to lawfully engage in slab solid surface product fabrication activities.

Specifically, this bill:

- 1) Requires DIR to develop, by January 1, 2028, an application and certification process for slab solid surface product fabrication activity to authorize a fabrication shop to engage in fabrication activities, including a deposit fee, certification fee, and renewal fee not to exceed the reasonable regulatory cost.
- 2) Requires DIR to accept and grant, by July 1, 2028, certification to a fabrication shop that demonstrates certain workplace safety conditions to DIR's satisfaction, including passing an inspection by DIR or a certified third party; prohibits an uncertified person from engaging in fabrication activities; and prohibits a person from supplying a slab solid surface product to an uncertified person.
- 3) Requires DIR to consult with the Division of Occupational Safety and Health (Cal/OSHA) and the Department of Public Health (CDPH) to track and keep a record of certain information about fabrication shops and new silicosis cases, and requires DIR to provide this information to local prosecutors seeking civil or criminal action against fabrication shops violating the law.
- 4) Establishes the Slab Fabrication Activity Account in the Occupational Safety and Health Fund for fees, penalties, and other moneys collected by DIR pursuant to these provisions and authorizes, upon appropriation, the expenditure of account funds by DIR to administer these provisions.

**FISCAL EFFECT:**

- 1) Ongoing costs in the millions of dollars across DIR's divisions to develop and implement a certification process and data tracking system for fabrication activities (various special funds). Such costs may be offset by Slab Fabrication Activity Account fee revenues, but the fee structure will likely be insufficient to fully cover the costs of implementation.

- 2) Likely ongoing costs in the hundreds of thousands of dollars to CDPH to assist with silicosis data tracking (General Fund (GF), with ongoing activity funded by fees deposited into the Slab Fabrication Activity Account if sufficient revenue is collected).
- 3) Ongoing cost pressures of an unknown, but potentially significant amount, to the courts in additional workload by requiring DIR to track and report certain information to local prosecutors to help enforce fabrication activity requirements, which may result in an increased number of civil or criminal actions (GF or Trial Court Trust Fund). It is unclear how many actions may be filed statewide and how much court time may be needed to resolve each case, but it generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in fiscal year 2025-26.

The Legislative Analyst's Office recently warned of GF structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

#### COMMENTS:

- 1) **Purpose.** 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.

- 2) **Silicosis.** Silica is a naturally occurring substance that is commonly found in quartz and used in a variety of products, such as bricks, glass, plaster, and granite. Thus, silica is commonly found in countertops for residential properties. However, silica can be dangerous to a worker who cuts and manufactures these countertops when the dust produced by cutting into the stone is inhaled and embeds into the worker's lungs.

In January 2019, Cal/OSHA initiated a Special Emphasis Program in the artificial stone fabrication industry to enforce compliance with regulations regarding occupational exposures to respirable crystalline silica. As part of this effort, Cal/OSHA interviewed over 150 workers at 33 shops and identified significant employer non-compliance with the exposure standard. On December 14, 2023, the Occupational Safety and Health Standards Board amended the Respirable Crystalline Silica standard on an emergency temporary basis to include additional employer obligations to protect employees from occupational silica, such as employee communication and training, respirator protection, and employee exposure monitoring. The standard was made permanent in January 2025.

SB 20 (Menjivar), Chapter 734, Statutes of 2025, prohibited the use of dry methods when a worker engages in high-exposure trigger tasks with artificial stone and required training on

how to safely work with silica products for any employee performing high-exposure trigger tasks. This bill proposes a framework to further regulate the silica industry, including certification of fabrication shops and reporting requirements to monitor health and safety outcomes.

- 3) **Support and Opposition.** This bill is supported by the Silica Safety Coalition, which argues, “By ensuring that only properly trained and certified fabricators may purchase and work with regulated stone materials, the bill strengthens accountability, removes bad actors from the marketplace, and helps focus enforcement resources where they are needed most.”

This bill is opposed by the Western Occupational and Environmental Medical Association, which argues that “for all practical purposes, artificial stone containing crystalline silica cannot be cut, ground, or polished safely” and “we have learned from Australia’s total ban on artificial stone in 2024 that safe substitutes can easily enter the market and meet demand completely and cost-effectively.”

- 4) **Prior Legislation.** AB 3043 (Luz Rivas), of the 2023-24 Legislative Session, was similar to this bill, except AB 3043 would have required DIR to establish a licensing program instead of certification, included different data reporting requirements, and required the payment of prevailing wage to a fabrication worker. AB 3043’s hearing in the Senate Labor, Public Employment, and Retirement Committee was canceled at the request of the author.

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