

SENATE THIRD READING  
SB 20 (Menjivar)  
As Amended  
Majority vote

## SUMMARY

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.

### Major Provisions

- 1) 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% 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.
- 2) Defines "respirable crystalline silica" to mean 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 International Organization for Standardization (ISO) 7708:1995 Air Quality — Particle Size Fraction Definitions for Health-Related Sampling.
- 3) Defines "wet methods" to mean effectively suppressing dust by one of the methods listed below, such that exposures do not exceed the action level at any time. Regardless of the method used, water shall cover 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. Any water that is recycled must be filtered to remove silica prior to reuse.
  - b) Submersing the work object underwater.
  - c) Water jet cutting or the use of high-pressure water to cut material.
- 4) Prohibits a person or entity engaged in high-exposure trigger tasks from using dry methods when engaging in any high-exposure trigger tasks.
- 5) States that a violation of 4) shall be grounds for an immediate order by the Division of Occupational Safety and Health (division) prohibiting continued work and for specified penalties.
- 6) Provides a process for enforcement by the division through the issuance of a citation and notice of civil penalty with a right to appeal to the Occupational Safety and Health Appeals Board (appeals board).
- 7) 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 the division 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.
- 8) States that it shall be unlawful for any person to make a false statement, representation, or certification on the written attestation.
- 9) Requires the division to enforce 7)-8) 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.
- 10) Requires the State Department of Public Health (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 the division.
- 11) States that when the division 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 the division within three business days.
- 12) Requires the division to notify the DPH of any cases of silicosis related to artificial stone identified through enforcement activities, within five business days of case identification. The division shall also share results of silica exposure assessments, as specified, performed as part of its enforcement activities, within 30 days of receipt of the results by the division. Provides that information shared regarding individual cases of silicosis, including personal information contained in assessment results, is confidential, and shall be exempt from disclosure under the California Public Records Act. The information shall be used by the receiving party only for surveillance, investigation, or case management. The DPH may share confidential information with the appropriate local health officer only for the purposes of surveillance, investigation, or case management.
- 13) Authorizes the DPH to share the de-identified confidential information to entities conducting scientific research, if the request for information is approved by the Committee for the Protection of Human Subjects for the California Health and Human Services Agency and other specified conditions are met.
- 14) Requires the DPH to conduct the following activities to address silicosis exposure in fabrication shops:
  - a) Identify businesses that conduct high-exposure trigger tasks.
  - b) Provide outreach and education about silicosis prevention and diagnosis to workers, employers, and healthcare providers.
  - c) Provide technical assistance to local health jurisdictions engaged in silicosis surveillance and prevention activities.
- 15) Provides that the definition of "serious injury or illness" includes silicosis and silica-related lung cancer.
- 16) Adds silicosis or silica-related lung cancer to the conditions produced by workplace injury or illness that constitute serious physical harm.

## 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.

On December 14, 2023, the Respirable Crystalline Silica standard was amended on an emergency temporary basis to address additional employee protection requirements.<sup>1</sup> 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. This bill would build upon those protections.

### **According to the Author**

According to the author, "Silicosis is a fatal occupational disease afflicting fathers, husbands, sons, and neighbors of all communities in California. Even after Cal/OSHA adopted new permanent rules, cases continue to be on the rise and while my district is the epicenter of this crisis, we know this issue is spreading all throughout California. Shameful industry practices neglect to protect workers or even educate them on safety standards, exploit those who cannot afford to leave their jobs, and callously puts undue strain on our local community health clinics and hospitals. While silicosis is fatal, it is also fully preventable. That is why it is imperative to adopt the common sense standards outlined in SB 20 to truly ensure safety for all fabrication workers in California."

### **Arguments in Support**

The State Building and Construction Trades Council of California, sponsor of the bill, states, "SB 20 is a step in the right direction to assist regulators in preventing workers from catching silicosis. This bill strengthens this framework by codifying a ban on dry cutting of artificial stone and requiring the use of effective wet methods to suppress silica dust during fabrication. It requires fabrication shop owners to provide annual attestations that employees performing high-risk tasks have received Cal/OSHA-compliant training, and it gives Cal/OSHA new enforcement tools, including the ability to issue immediate stop-work orders and penalties against violators. The bill improves reporting and surveillance by directing the Department of Public Health to treat silicosis as a serious illness, to report cases to Cal/OSHA within three business days, and to coordinate with regulators by sharing exposure data and workplace information. It also expands outreach and education so workers, employers, and healthcare providers can better recognize hazardous practices and diagnose silicosis early, and it formally classifies silicosis and silica-related lung cancer as serious illnesses under the Labor Code to ensure stronger enforcement and accountability for bad actors."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee,

- 1) Costs of an unknown amount to Cal/OSHA to provide enforcement for violations of high-exposure trigger task restrictions and training requirements and investigate a workplace following a report of silicosis.

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<sup>1</sup> See [Frequently Asked Question about Respirable Crystalline Silica Standards and Resources](#).

- 2) Costs of an unknown amount to CDPH to report silicosis cases to Cal/OSHA and conduct specified activities to address silicosis risk exposure in fabrication shops (GF).

## **VOTES**

### **SENATE FLOOR: 38-0-2**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Hurtado, Reyes

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

**YES:** Ortega, Chen, Elhawary, Kalra, Lee, Ward

**ABS, ABST OR NV:** Flora

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

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

**ABS, ABST OR NV:** Sanchez, Dixon, Ta, Tangipa

## **UPDATED**

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