

AMENDED IN SENATE MAY 23, 2025
AMENDED IN SENATE MARCH 27, 2025
AMENDED IN SENATE MARCH 13, 2025

SENATE BILL

No. 20

Introduced by Senator Menjivar
(Principal coauthor: Assembly Member Celeste Rodriguez)

December 2, 2024

An act to add Chapter 2.2 (commencing with Section 6359.1) to Part 1 of Division 5 of the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

SB 20, as amended, Menjivar. Occupational safety: fabrication activities on ~~stone~~ slab *solid surface* products.

Existing law establishes the Department of Industrial Relations in the Labor and Workforce Development Agency and requires the department to be conducted under the control of an executive officer known as the Director of Industrial Relations. Existing law states that the function of the department, among other things, is 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 and vests the department with responsibility for administering the state plan for the development and enforcement of occupational safety and health standards relating to issues covered by corresponding standards adopted pursuant to federal law.

Existing law establishes the Occupational Safety and Health Standards Board within the department to ~~promulgate~~ *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. A violation of these standards and regulations under specific circumstances is a crime.

This bill would impose restrictions on specified fabrication activities on certain ~~stone slab~~ *solid surface* products that are used for countertop installation or ~~customization~~ *customization and surface applications*. Specifically, a person or entity engaged in those fabrication activities would be prohibited from using dry methods, and would be required to use effective wet methods, as specified. The bill would make a violation of these provisions grounds for, among other disciplinary action, an immediate order by the division prohibiting continued fabrication activities on those stone slab products, but would specify that violation is not a crime.

The bill would require, on or before July 1, 2026, the department to adopt a training curriculum regarding the safe performance of fabrication activities on stone slab products that meets specified requirements, including classroom instruction, and to ~~certify~~ *verify that* an individual ~~who~~ has completed that curriculum. Beginning July 1, 2027, the bill would require certain individuals, including an owner or operator of a stone slab *solid surface* product fabrication shop, to be enrolled in or have completed the training curriculum, except as specified, before fabrication activity or employment begins, as described.

The bill would require, on or before January 1, 2027, the department to develop an application and certification process for fabrication shops to lawfully engage in stone slab 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.

The bill would require, beginning July 1, 2027, 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 of Occupational Safety and Health 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. The bill would prohibit a person or entity, or an employee thereof, from engaging in fabrication activities on ~~stone slab solid surface products without a certification.~~ *unless they conduct the fabrication activities at a fabrication shop that has submitted a valid initial deposit to the department, or, after July 1, 2027, has submitted an application for initial certification or renewal and the application is pending or that has a valid certification, as provided.* The bill would specify that a violation of that prohibition may be reported to the Division of Labor Standards Enforcement, but is not a crime.

The bill would prohibit, beginning July 1, 2027, a person from supplying a slab solid surface product directly to a ~~person or entity~~ *person, entity, or business* engaged in fabrication activities on those products if the ~~person or entity~~ *person, entity, or business* does not have a ~~valid~~ *valid, or pending application for,* certification. The bill would require a person that supplies a slab solid surface product to a ~~person or entity~~ *person, entity, or business* engaged in fabrication activities on those products to verify *that the person or entity person, entity, or business* has a certification, as specified. The bill would require a person that supplies a slab solid surface product to a ~~person or entity~~ *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 or entity~~ *person, entity, or business* to undertake fabrication activities to verify that the ~~person or entity~~ *person, entity, or business* has a valid certificate before engaging with and providing slab solid surface products to that ~~person or entity.~~ *person, entity, or business.* The bill would specify that a

violation of the above-described restrictions on supplying a slab solid surface product may be grounds for penalties as determined by the division, as specified, but is not a crime.

The bill would establish the Slab Fabrication Activity Account in the Occupational Safety and Health Fund in the State Treasury, and require all fees, penalties, or other moneys collected by the department under the above-described provisions to be deposited into the account. The bill would authorize moneys in the account to be expended by the department for the purposes of administering the above-described provisions, and would make that authorization contingent on an appropriation of funds for that express purpose.

~~The bill would require, beginning January 1, 2027, the Director of Industrial Relations to maintain on the department's internet website an online tool to report suspected or alleged violations of the bill's provisions and a publicly accessible database that includes information on, among other things, any active orders issued by the department in the prior 12 months prohibiting an activity at a fabrication shop, as specified.~~

The bill would define various terms for these purposes. The bill would make findings and declarations related to these provisions.

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:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following regarding silicosis and its associated health impacts:
- 3 (1) According to the federal Centers for Disease Control and
- 4 Prevention (CDC), silicosis is an occupational lung disease caused
- 5 by the inhalation of respirable dust containing crystalline silica.
- 6 (2) According to the State Department of Public Health,
- 7 crystalline silica is in engineered stone, quartz, granite, and other
- 8 stones. Cutting, grinding, chipping, sanding, drilling, and polishing
- 9 these products can release hazardous levels of small silica particles
- 10 into the air that workers breathe. *found in many materials, including*

1 *sand, concrete, glass, natural stone, and engineered stone. Small*
2 *silica dust particles are created when workers cut, saw, grind,*
3 *drill, or crush these materials. When these small particles of silica*
4 *dust get in the air, they can be breathed into the lungs and cause*
5 *silicosis.*

6 (3) When small particles of silica get into the lungs, they can
7 cause permanent scarring and difficulty breathing and can also
8 cause lung cancer, kidney damage, and several autoimmune
9 diseases. Initial symptoms of silicosis can include shortness of
10 breath, cough, and fatigue. Workers can die from silica dust
11 overexposure.

12 (4) Many cases of incurable and fatal lung problems from
13 exposure to silica dust in stone *slab* fabrication workers have been
14 reported around the world and in the United States, including
15 several cases among relatively young workers in California.
16 Workers who cut, grind, and polish ~~engineered~~ stone slabs
17 *containing crystalline silica* are at ~~risk~~. *risk if appropriate measures*
18 *are not taken.*

19 (5) According to the Los Angeles County Department of Public
20 Health, silicosis is irreversible and can progress even if a person
21 is no longer exposed to silica dust, but with the right measures in
22 place, it is preventable. It can take a person 10 to 30 years to
23 develop silicosis, but a person who is exposed to high levels of
24 silica dust can develop silicosis faster.

25 (b) The Legislature finds and declares both of the following
26 regarding the increase in the number of cases of silicosis in
27 California:

28 (1) Since 2010, more than 1,000 cases of silicosis in workers
29 who fabricate countertops and other ~~stone~~ *surface applications*
30 *containing crystalline silica* have been reported worldwide. The
31 first cases of silicosis were reported in Spain in 2010 and in Israel
32 in 2012. The first case of silicosis reported in the United States
33 was in Texas in 2015.

34 (2) According to the State Department of Public Health, there
35 are ~~258~~ *301* workers who fabricate, install, or fabricate and install
36 countertops and other stone products identified to date with silicosis
37 in California. At least 15 workers have died, most of whom were
38 30 to 40 years of age, inclusive, and at least 30 workers have
39 received lung transplants.

1 (c) The Legislature finds and declares all of the following
2 regarding the ~~increased~~ use of silica in products:

3 (1) Crystalline silica is a common mineral found in the earth's
4 crust. Materials like sand, stone, concrete, and mortar contain
5 crystalline silica. Stone slabs containing crystalline silica such as
6 quartz are becoming increasingly popular for kitchen countertops
7 and for use on a variety of surfaces.

8 (2) Workers who cut, polish, or grind products that contain
9 crystalline silica can be exposed to hazardous levels of silica dust.

10 (3) In 1938, United States Secretary of Labor Frances Perkins
11 declared that "silicosis can be prevented."

12 (d) The Legislature finds and declares both of the following
13 regarding the impact of silicosis on undocumented workers:

14 (1) The demographic for workers contracting silicosis are
15 typically young, immigrant workers, are all males with a median
16 age of 45 years of age at diagnosis, with 98 percent originating
17 from Mexico or Central America, and are mostly reliant on public
18 insurance or uninsured.

19 (2) Physicians at Olive View-UCLA Medical Center in the
20 County of Los Angeles identified a cluster of patients with a rare
21 occupational lung disease called pulmonary silicosis and played
22 a key role in bringing their cases to light. The patients identified
23 are predominantly Mexican and Latin American immigrant men
24 who work as stonecutters in the San Fernando Valley, cutting
25 synthetic stone kitchen and bathroom ~~countertops~~. *countertops*
26 *that contain crystalline silica*. According to a State Department
27 of Public Health directory, there are over 100 stone *slab* fabrication
28 shops in the center's catchment area in the San Fernando Valley
29 and over 1,000 within the state, and many other at-risk workers in
30 the County of Los Angeles and throughout the state.

31 (e) The Legislature finds and declares both of the following
32 regarding the impact of silicosis worldwide:

33 (1) The New Zealand Council of Trade Unions (NZCTU) Te
34 Kauae Kaimahi advanced a call for a total ban on engineered stone
35 in New Zealand. According to the NZCTU President, Richard
36 Wagstaff, "the evidence of the harm caused by engineered stone
37 is overwhelming. It is clear to us that a ban on this product is the
38 only option."

39 (2) On July 1, 2024, Australia became the first country to
40 institute a ban on engineered stone and follows a surge in hundreds

1 of workers developing silicosis from working on engineered stone,
 2 a popular material mostly used for kitchen benches and bathroom
 3 vanities. When the ban was announced, the Australian Council of
 4 Trade Unions’ Assistant Secretary, Liam O’Brien, said,
 5 “Engineered stone is a fashion product that is killing the workers
 6 who make it. With alternatives readily available, why are we
 7 risking the lives of tradies for a fashionable finish in our kitchens?”

8 (f) The Legislature finds and declares that California must use
 9 the information described in these findings to determine the
 10 cost-benefit ratio to workers and whether existing regulations
 11 adequately protect workers from contracting silicosis.

12 (g) Therefore, it is the intent of the Legislature to enact
 13 legislation that would help protect and prevent worker
 14 overexposure to respirable crystalline silica by imposing all of the
 15 following requirements:

16 (1) Prohibiting the undertaking of fabrication activities without
 17 the use of effective wet methods that effectively suppress dust.

18 (2) Requiring a slab solid surface product fabrication activity
 19 certification for fabrication shops to engage in fabrication activities
 20 involving a stone slab solid surface product that contains crystalline
 21 silica.

22 (3) Prohibiting a person or entity from directly or indirectly
 23 supplying a slab solid surface product to a person or entity engaged
 24 in fabrication activities that is not associated with a valid slab solid
 25 surface product fabrication activity certification.

26 ~~(4) Requiring the Department of Industrial Relations to maintain~~
 27 ~~a publicly accessible database on its internet website that includes,~~
 28 ~~but is not limited to, a list of fabrication shops and workplaces~~
 29 ~~with any enforcement actions pending at those workplaces.~~

30 SEC. 2. Chapter 2.2 (commencing with Section 6359.1) is
 31 added to Part 1 of Division 5 of the Labor Code, to read:

32

33 CHAPTER 2.2. FABRICATION ACTIVITIES ON ~~STONE~~ SLAB SOLID
 34 SURFACE PRODUCTS

35

36 6359.1. For purposes of this chapter, the following definitions
 37 apply:

38 (a) “Certification” means a slab solid surface product fabrication
 39 activity certification to engage in fabrication activities that is issued
 40 to a fabrication shop by the department pursuant to this chapter.

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

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

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

5 (e) “Dry methods” means the undertaking of fabrication
6 activities without the use of effective wet methods that effectively
7 suppress dust.

8 (f) “Effective wet methods” means suppressing dust by one *or*
9 *more* of the methods identified below, which ensure that water
10 covers the entire surface of the work object where a tool,
11 equipment, or machine contacts the work object:

12 (1) Applying a constant, continuous, and appropriate volume
13 of running water directly onto the surface of the work object. When
14 water flow is integrated with a tool, machine, or equipment, water
15 flow rates shall equal or exceed manufacturer recommendations
16 and specifications to ensure effective dust suppression. *Any water*
17 *that is recycled shall be filtered to remove silica before reuse.*

18 (2) Submersing the work object under water.

19 (3) Water-jet cutting or using high-pressure water to cut material.

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

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

30 (h) (1) “Fabrication shop” means a *person, entity, business, or*
31 *location where fabrication activities are undertaken.*

32 (2) “Fabrication shop” does not include facilities where slab
33 solid surface products are manufactured, including, but not limited
34 to, quarries, concrete manufacturing facilities, or ~~the~~ *fired ceramic*
35 *or fired porcelain tiles or panels manufacturing facilities.*

36 (i) “Respirable crystalline silica” means quartz, cristobalite, or
37 tridymite contained in airborne particles that are determined to be
38 respirable by a sampling device designed to meet the characteristics
39 for respirable-particle-size-selective samplers specified in the ~~Air~~
40 ~~Quality — Particle Size Fraction Definitions for Health-Related~~

1 ~~Sampling in Report 7708 completed by the International~~
2 ~~Organization for Standardization in 1995. *International*~~
3 ~~*Organization for Standardization (ISO) 7708:1995 Air Quality —*~~
4 ~~*Particle Size Fraction Definitions for Health-Related Sampling.*~~

5 (j) (1) “Slab solid surface product” means a hard stone-like
6 ~~substance,~~ *substance containing crystalline silica*, including, but
7 not limited to, artificial, engineered, or natural stone, including
8 granite or marble, that is used for countertop installation or
9 ~~customization.~~ *customization and surface applications.*

10 (2) For purposes of paragraph (1), “artificial stone” means any
11 reconstituted, artificial, synthetic, composite, engineered, or
12 ~~manufactured stone.~~ *stone product*. It is commonly made by
13 ~~binding crushed or pulverized stone, quartz, porcelain, or~~
14 ~~combining natural stone or~~ other crystalline silica-containing
15 materials with adhesives, polymers, epoxies, resins, or other
16 binding materials to form a slab. *Fired ceramic and porcelain tiles*
17 ~~and panels are not artificial stone.~~

18 6359.15. (a) The Slab Fabrication Activity Account is hereby
19 created in the Occupational Safety and Health Fund, as established
20 pursuant to Section 62.5, in the State Treasury.

21 (b) All fees, penalties, or other moneys collected by the
22 department under this chapter shall be deposited in the Slab
23 Fabrication Activity Account.

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

27 6359.2. (a) A person or entity engaged in fabrication activities
28 shall not use dry methods in any fabrication activities.

29 (b) A person or entity engaged in fabrication activities shall use
30 effective wet methods in any fabrication activities.

31 (c) (1) A violation of this section shall be grounds for an
32 immediate order prohibiting continued fabrication activities by
33 the division and may be grounds for additional fines and penalties,
34 as determined by the division or the director to further the purposes
35 of this chapter.

36 (2) Notwithstanding any provision of this division to the
37 contrary, a violation of this section is not a crime.

38 (d) A violation of this section may be reported to the Division
39 of Labor Standards Enforcement.

1 6359.3. (a) On or before July 1, 2026, the department shall
2 adopt a training curriculum regarding the safe performance of
3 fabrication activities.

4 (1) The training curriculum shall satisfy both of the following
5 requirements:

6 (A) The training curriculum shall cover applicable occupational
7 safety and health standards.

8 (B) The training curriculum shall include classroom instruction
9 and supervised hands-on activities.

10 (2) An apprenticeship program approved by the Division of
11 Apprenticeship Standards may provide the training curriculum.
12 The department shall approve alternative providers if
13 apprenticeship programs approved by the Division of
14 Apprenticeship Standards do not offer training programs sufficient
15 to meet the needs of the industry.

16 (3) The department shall enact regulations or update existing
17 regulations related to this chapter to further develop the training
18 program described in paragraph (1) and shall consult and confer
19 with representatives of apprenticeship programs approved by the
20 Division of Apprenticeship Standards, applicable trade associations,
21 and affected slab solid surface product producers, manufacturers,
22 and fabricators during the regulatory process.

23 (b) Beginning on July 1, 2027, an owner or operator of a
24 fabrication shop, any individual that will employ another individual
25 to perform work on the shop floor of a fabrication shop, and any
26 individual that will perform fabrication activities shall be enrolled
27 in or have completed the training curriculum described in this
28 section before that fabrication activity or employment begins. *An*
29 *individual shall complete the training curriculum within one year*
30 *of their enrollment.*

31 (1) The owner or operator of a fabrication shop shall be
32 responsible for paying for the costs of the training curriculum of
33 its employees.

34 (2) The department ~~shall certify~~ *shall, as soon as is practicable,*
35 *obtain written verification from an owner or operator of a*
36 *fabrication shop, or any individual that will employ another*
37 *individual to perform work on the shop floor of a fabrication shop,*
38 *that an individual—*~~who~~ *whom they have employed or will employ*
39 *has completed the approved training curriculum immediately upon*
40 ~~completion.~~ *curriculum.*

1 (3) This subdivision shall not apply to an individual who is
2 enrolled in, or who has graduated from, an apprenticeship program
3 that covers fabrication activities and is approved by the Division
4 of Apprenticeship Standards.

5 6359.4. (a) (1) On or before January 1, 2027, the department
6 shall do all of the following:

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

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

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

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

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

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

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

37 (B) This paragraph shall become inoperative on July 1, 2027.

38 (b) (1) Commencing July 1, 2027, the department shall accept
39 an application for and grant a certification to a fabrication shop

1 that demonstrates to the department's satisfaction of all of the
2 following workplace safety conditions and precautions:

3 (A) Evidence of a legally obtained and valid business license
4 and applicable state contractor's license.

5 (B) Evidence of satisfactory workers' compensation insurance
6 coverage.

7 (C) Documentation of ~~completion by applicable individuals of~~
8 ~~the training curriculum required by Section 6359.3 within one year~~
9 ~~of enrollment.~~ *compliance with Section 6359.3.*

10 (D) *Implementation of an air quality monitoring program and*
11 *documentation of certified air quality monitoring results consistent*
12 *with any occupational safety and health standards and orders that*
13 *are adopted by the Occupational Safety and Health Standards*
14 *Board pursuant to Section 142.3.*

15 (2) The department, or a third party certified by the department
16 for this purpose, shall inspect a fabrication shop before the issuance
17 of the certification to verify that the equipment and procedures of
18 the fabrication shop are in compliance with any occupational safety
19 and health standards and orders that are ~~promulgated~~ *adopted* by
20 the Occupational Safety and Health Standards Board pursuant to
21 Section 142.3.

22 (3) (A) An applicant for a certification shall submit to the
23 department an initial certification application, including an
24 ~~application fee and an~~ initial certification fee in the amounts
25 determined by the department, which shall be deposited in the Slab
26 Fabrication Activity Account in the Occupational Safety and Health
27 Fund for the purposes of administering this chapter.

28 (B) Notwithstanding any provision of this chapter to the
29 contrary, a fabrication shop may continue to engage in fabrication
30 activities if it has submitted an initial certification application and
31 the application fee pursuant to subparagraph (A) while it awaits
32 inspection pursuant to paragraph (2) during the pendency of the
33 certification application.

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

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

- 1 (i) Evidence of compliance with the requirements of any
2 occupational safety and health standards and orders that are
3 ~~promulgated~~ *adopted* by the Occupational Safety and Health
4 Standards Board pursuant to Section 142.3.
- 5 (ii) *Evidence of a legally maintained business license and*
6 *applicable state contractor's license.*
- 7 (iii) *Evidence of satisfactory workers' compensation insurance*
8 *coverage.*
- 9 ~~(ii)~~
- 10 (iv) Documentation of certified air quality monitoring results
11 consistent with any occupational safety and health standards and
12 orders that are ~~promulgated~~ *adopted* by the Occupational Safety
13 and Health Standards Board pursuant to Section 142.3 over the
14 prior three years.
- 15 ~~(iii)~~
- 16 (v) Documentation of information related to employee-reported
17 silicosis ~~eases~~: *cases since previous certification.*
- 18 ~~(iv) Beginning July 1, 2027, documentation that all individuals~~
19 ~~who perform fabrication activities or perform work on a shop floor~~
20 ~~of a fabrication shop have been certified, or are exempt from~~
21 ~~certification, pursuant to subdivision (b) of~~
- 22 (vi) *Documentation of compliance with Section 6359.3.*
- 23 (B) The department, or a third party certified by the department
24 for this purpose, shall inspect a fabrication shop before the issuance
25 of a certification renewal to verify that the equipment and
26 procedures of the fabrication shop are in compliance with any
27 occupational safety and health standards and orders that are
28 ~~promulgated~~ *adopted* by the Occupational Safety and Health
29 Standards Board pursuant to Section 142.3.
- 30 (C) An applicant for a certification renewal shall submit to the
31 department a certification renewal fee in the amount determined
32 by the department, which shall be deposited in the Slab Fabrication
33 Activity Account in the Occupational Safety and Health Fund for
34 the purposes of administering this chapter.
- 35 (D) A fabrication shop with a previous certification may
36 continue to engage in fabrication activities during the pendency
37 of the certification renewal application.
- 38 (6) The department may suspend or revoke a ~~certificate~~
39 *certification* issued pursuant to this section if the department finds
40 that the fabrication shop has engaged in gross negligence, gross

1 incompetence, or willful or repeated disregard of any emergency
2 or other occupational safety and health standards, occupational
3 safety and health standards orders, any provision of this chapter,
4 or any other related provision of law.

5 (7) (A) The department, in consultation with the division and
6 the State Department of Public Health, shall track and keep a record
7 of information on fabrication shops regarding all of the following:

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

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

17 (iii) The number of notices issued to fabrication shops found to
18 be in noncompliance with department regulations relating to
19 respirable crystalline silica.

20 (B) The department shall provide the information described in
21 subparagraph (A) to, or otherwise assist as applicable, local
22 prosecutors in seeking civil or criminal action against fabrication
23 shops in violation of any applicable provisions.

24 (C) The division may use the information described in
25 subparagraph (A) in seeking enforcement against fabrication shops
26 in violation of any applicable provisions.

27 (8) (A) A person or entity, or an employee of a person or entity,
28 shall not engage in fabrication activities ~~without a certificate issued~~
29 ~~by the department pursuant to this chapter.~~ *unless they conduct*
30 *the fabrication activities at a fabrication shop that has done either*
31 *of the following:*

32 (i) *During the period of January 1, 2027, until July 1, 2027,*
33 *submitted a valid initial deposit to the department pursuant to this*
34 *chapter.*

35 (ii) *After July 1, 2027, has submitted an application for initial*
36 *certification or renewal pursuant to this chapter and the*
37 *application is pending or has a valid certification issued by the*
38 *department pursuant to this chapter.*

39 (B) A violation of this paragraph may be reported to the Division
40 of Labor Standards Enforcement.

1 (C) Notwithstanding any provision of this division to the
2 contrary, a violation of this paragraph is not a crime.

3 (c) Commencing January 1, 2028, the department shall evaluate
4 the cost of implementation of this chapter and may adjust the
5 amounts of the initial certification fee and the renewal certification
6 fee, which shall be in reasonable amounts as the department deems
7 necessary to implement this chapter and shall not exceed the
8 reasonable regulatory cost.

9 6359.5. (a) A person shall not supply a slab solid surface
10 product directly to a ~~person or entity~~ *person, entity, or business*
11 engaged in fabrication activities if the ~~person or entity~~ *person,*
12 *entity, or business* engaged in fabrication activities does not have
13 a ~~valid certification.~~ *valid, or a pending application for,*
14 *certification as provided in this chapter.*

15 (1) A person that supplies a slab solid surface product to a ~~person~~
16 ~~or entity~~ *person, entity, or business* engaged in fabrication activities
17 shall verify that the ~~person or entity~~ *person, entity, or business* has
18 a ~~valid certificate~~ *valid, or a pending application for, certification*
19 *as provided in this chapter* before providing the slab solid surface
20 product to the ~~person or entity.~~ *that person, entity, or business.*

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

32 (b) A person that seeks services that require fabrication activities
33 and enters into a contract with a ~~person or entity~~ *person, entity, or*
34 *business* to undertake fabrication activities shall verify that the
35 ~~person or entity~~ *person, entity, or business* has a ~~valid certificate~~
36 *valid, or pending application for, certification as provided in this*
37 *chapter* before engaging with ~~and~~ *or* providing slab solid surface
38 products to that ~~person or entity.~~ *person, entity, or business.*

39 (c) (1) A violation of this section may be grounds for penalties
40 as determined by the division to further the purposes of this chapter.

1 (2) Notwithstanding any provision of this division to the
2 contrary, a violation of this section is not a crime.

3 (d) This section shall become operative on July 1, 2027.

4 ~~6359.6. (a) Beginning January 1, 2027, the director shall~~
5 ~~maintain a publicly accessible database on the department’s internet~~
6 ~~website that includes, but is not limited to, information on all of~~
7 ~~the following:~~

8 ~~(1) The names and total number of fabrication shops that have~~
9 ~~submitted a deposit for an application for certification.~~

10 ~~(2) The status of the certification process for the fabrication~~
11 ~~shops that have submitted a deposit for the application and~~
12 ~~certification process.~~

13 ~~(3) Any pending enforcement actions against certified~~
14 ~~fabrication shops.~~

15 ~~(4) Any active orders issued by the department in the prior 12~~
16 ~~months prohibiting an activity at a fabrication shop pursuant to~~
17 ~~this chapter.~~

18 ~~(b) The database shall not include any personally identifiable~~
19 ~~information.~~

20 ~~(c) The department shall, to the extent feasible, update and~~
21 ~~upload the information described in subdivision (a) to the public~~
22 ~~database when new information becomes available.~~

23 ~~(d) Beginning January 1, 2027, the director shall maintain on~~
24 ~~the department’s internet website an online tool to report suspected~~
25 ~~or alleged violations of this chapter.~~

26 SEC. 3. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.