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SB-20 Occupational safety: high-exposure trigger tasks on artificial stone. (2025-2026)

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Senate Bill No. 20

CHAPTER 734

An act to amend Sections 6302 and 6432 of, and 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.

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 20, Menjivar. Occupational safety: high-exposure trigger tasks on artificial stone.

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 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.

Existing law, the California Occupational Safety and Health Act of 1973 (OSHA), requires employers to comply with certain safety and health standards, as specified, and charges the Division of Occupational Safety and Health with enforcement of the act. OSHA defines "serious injury or illness" for purposes of the act to mean any injury or illness occurring in a place of employment or in connection with any employment that results in one of a list of conditions, including inpatient hospitalization, as provided, the loss of a member of the body, any serious degree of permanent disfigurement, and impairment sufficient to cause a part of the body or the function of an organ to become permanently and significantly reduced in efficiency on or off the job, as specified. Under OSHA, certain knowing, negligent, or willful violations of safety and health standards are punishable as a misdemeanor.

This bill would add silicosis and silica-related lung cancer to the list of conditions that, if resulting from an injury or illness occurring in a place of employment or in connection with an employment, would constitute a "serious injury or illness." By expanding the scope of a crime under OSHA, the bill would impose a state-mandated local program.

OSHA creates a rebuttable presumption that a "serious violation" exists in a place of employment if the division demonstrates that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. OSHA defines "serious physical harm" for purposes of that provision.

This bill would expand that definition of "serious physical harm" to include silicosis and silica-related lung cancer.

The bill would impose 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 would be prohibited from using dry methods, and would be required to use effective wet methods when engaging in any high-exposure trigger tasks. The bill would make a violation of these provisions grounds for, among other disciplinary action, an immediate order by the division prohibiting continued work. The bill would require the division to enforce these provisions by issuing a citation alleging a violation and a notice of civil penalty.

The bill would require 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, beginning on July 1, 2026, and annually thereafter, to attest to the division that these employees have been trained. The bill would require the division to enforce these provisions by issuing a citation alleging a violation and a notice of civil penalty.

The bill would require the State Department of Public Health to consider a report of silicosis related to occupational exposure to artificial stone a serious illness and to report that case to the division. The bill would require the division, if it receives such a report, to subject the employer or place of employment to investigation, as specified. The bill would require the division to notify the State Department of Public Health of any cases of silicosis related to artificial stone identified through enforcement activities. The bill would require the State Department of Public Health to conduct specified activities to address silicosis risk exposure in fabrication shops, including providing technical assistance to local health jurisdictions engaged in silicosis surveillance and prevention activities.

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

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following regarding silicosis and its associated health impacts:

- (1) According to the federal Centers for Disease Control and Prevention (CDC), silicosis is an occupational lung disease caused by the inhalation of respirable dust containing crystalline silica.
- (2) According to the State Department of Public Health, crystalline silica is found in many materials, including sand, concrete, glass, natural stone, and engineered stone. Small silica dust particles are created when workers cut, saw, grind, drill, or crush these materials. When these small particles of silica dust get in the air, they can be breathed into the lungs and cause silicosis.
- (3) When small particles of silica get into the lungs, they can cause permanent scarring and difficulty breathing and can also cause lung cancer, kidney damage, and several autoimmune diseases. Initial symptoms of silicosis can include shortness of breath, cough, and fatigue. Workers can die from silica dust overexposure.
- (4) Many cases of incurable and fatal lung problems from exposure to silica dust in stone slab fabrication workers have been reported around the world and in the United States, including several cases among relatively young workers in California. Workers who cut, grind, and polish stone slabs containing crystalline silica are at risk if appropriate measures are not taken.
- (5) According to the Los Angeles County Department of Public Health, silicosis is irreversible and can progress even if a person is no longer exposed to silica dust, but with the right measures in place, it is preventable. It can take a person 10 to 30 years to develop silicosis, but a person who is exposed to high levels of silica dust can develop silicosis faster.

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

- (1) Since 2010, more than 1,000 cases of silicosis in workers who fabricate countertops and other surface applications containing crystalline silica have been reported worldwide. The first cases of silicosis were reported in Spain in 2010 and in Israel in 2012. The first case of silicosis reported in the United States was in Texas in 2015.
- (2) According to the State Department of Public Health, there are 370 workers who fabricate, install, or fabricate and install countertops and other stone products identified as of August 22, 2025, with silicosis in California. At least 21 workers have died, most of whom were 30 to 40 years of age, inclusive, and at least 44 workers have received lung transplants.

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

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

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

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

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

(1) The demographic for workers contracting silicosis are typically young, immigrant workers, are all males with a median of 46 years of age at diagnosis, with 98 percent originating from Mexico or Central America, and are mostly reliant on public insurance or uninsured.

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

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

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

(2) On July 1, 2024, Australia became the first country to institute a ban on engineered stone and follows a surge in hundreds of workers developing silicosis from working on engineered stone, a popular material mostly used for kitchen benches and bathroom vanities. When the ban was announced, the Australian Council of Trade Unions' Assistant Secretary, Liam O'Brien, said, "Engineered stone is a fashion product that is killing the workers who make it. With alternatives readily available, why are we risking the lives of tradies for a fashionable finish in our kitchens?"

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

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

(2) Requiring more reporting and tracking of silicosis cases.

(3) Closing gaps in current law to allow for more effective enforcement.

SEC. 2. Section 6302 of the Labor Code is amended to read:

6302. As used in this division:

(a) "Director" means the Director of Industrial Relations.

(b) "Department" means the Department of Industrial Relations.

(c) "Insurer" includes the State Compensation Insurance Fund and any private company, corporation, mutual association, and reciprocal or interinsurance exchange, authorized under the laws of this state to insure employers against liability for compensation under this part and under Division 4 (commencing with Section 3201), and any employer to whom a certificate of consent to self-insure has been issued.

(d) "Division" means the Division of Occupational Safety and Health.

(e) "Standards board" means the Occupational Safety and Health Standards Board, within the department.

(f) "Appeals board" means the Occupational Safety and Health Appeals Board, within the department.

(g) "Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code.

(h) "Serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization, for other than medical observation or diagnostic testing, or in which an employee suffers an

amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone. "Serious injury or illness" includes silicosis and silica-related lung cancer.

(i) "Serious exposure" means any exposure of an employee to a hazardous substance when the exposure occurs as a result of an incident, accident, emergency, or exposure over time and is in a degree or amount sufficient to create a realistic possibility that death or serious physical harm in the future could result from the actual hazard created by the exposure.

SEC. 3. Chapter 2.2 (commencing with Section 6359.1) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 2.2. Artificial Stone; Occupational Exposure to Respirable Crystalline Silica

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) "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 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.

(h) "Respirable crystalline silica" means 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.

(i) "Wet methods" means 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.

(1) 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.

(2) Submersing the work object underwater.

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

6359.1.5. (a) A person or entity engaged in high-exposure trigger tasks shall not use dry methods when engaging in any high-exposure trigger tasks.

(b) A person or entity engaged in high-exposure trigger tasks shall use effective wet methods when engaging in any high-exposure trigger tasks.

(c) A violation of this section shall be grounds for an immediate order by the division prohibiting continued work and shall be grounds for penalties as set forth in Division 5 and Chapters 3.2, 3.3, 3.5, 4, and 7 of Division 1 of Title 8 of the California Code of

Regulations.

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

6359.2. (a) 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, shall do both of the following:

(1) Ensure that any employee who performs high-exposure trigger tasks receives training as required pursuant to Section 5204 of Title 8 of the California Code of Regulations.

(2) (A) Beginning on July 1, 2026, and annually thereafter, provide to the division through electronic submission a written attestation that each employee who performs high-exposure trigger tasks has received training as required pursuant to Section 5204 of Title 8 of the California Code of Regulations.

(B) It shall be unlawful for any person to make a false statement, representation, or certification on the written attestation described in subparagraph (A).

(b) The division shall enforce this section by issuing a citation alleging a violation of this section and a notice of a civil penalty in a manner that is consistent with Section 6317. Any person who receives a citation and penalty may appeal the citation and penalty to the appeals board in a manner consistent with Section 6319.

6359.3. This part, or any related health and safety standard, does not prevent or limit an employer, contractor, or fabrication shop from adopting stricter safety standards.

6359.4. (a) The State Department of Public Health shall consider a report of silicosis related to occupational exposure to artificial stone as a serious illness and shall report that case to the division within three business days of receiving the report. The report shall include, if available, the name and contact information for the worker with silicosis and the name and address of their workplace or workplaces.

(b) If the division receives a report of silicosis related to artificial stone from the State Department of Public Health, 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 the requirements of subdivision (a) of Section 6309 for the division to initiate an investigation within three business days.

(c) The division shall notify the State Department of Public Health of any cases of silicosis related to artificial stone identified through enforcement activities within five business days of case identification. The notification shall include, if available, the name and contact information for the worker with silicosis and the name and address of their workplace or workplaces. The division shall also share results of silica exposure assessments performed as part of its enforcement activities and the names and addresses of fabrication shops where the assessments were conducted and associated silica sampling data, including information about the composition of the slabs that were being fabricated during sampling. Silica exposure assessment results shall be shared by the division with the State Department of Public Health within 30 days of receipt of the results by the division.

(d) Information shared pursuant to this section regarding individual cases of silicosis, including personal information contained in assessment results, is confidential, shall be exempt from disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), and shall be used by the receiving party only for surveillance, investigation, or case management. The State Department of Public Health may share confidential information with the appropriate local health officer only for the purposes of surveillance, investigation, or case management.

(e) The State Department of Public Health may share the deidentified confidential information to entities conducting scientific research, if the request for information is approved by the Committee for the Protection of Human Subjects (CPHS) for the California Health and Human Services Agency, the requesting entity provides documentation to the department that demonstrates, to the department's satisfaction, that the entity has established the procedures and ability to maintain the confidentiality of the information, and the requesting entity has agreed, in writing, to maintain the confidentiality of the information.

6359.5. The State Department of Public Health shall conduct all of the following activities to address silicosis risk exposure in fabrication shops:

(a) Identify businesses that conduct high-exposure trigger activities.

(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.

SEC. 4. Section 6432 of the Labor Code is amended to read:

6432. (a) There shall be a rebuttable presumption that a “serious violation” exists in a place of employment if the division demonstrates that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. The demonstration of a violation by the division is not sufficient by itself to establish that the violation is serious. The actual hazard may consist of, among other things:

(1) A serious exposure exceeding an established permissible exposure limit.

(2) The existence in the place of employment of one or more unsafe or unhealthful practices, means, methods, operations, or processes that have been adopted or are in use.

(b) (1) Before issuing a citation alleging that a violation is serious, the division shall make a reasonable attempt to determine and consider, among other things, all of the following:

(A) Training for employees and supervisors relevant to preventing employee exposure to the hazard or to similar hazards.

(B) Procedures for discovering, controlling access to, and correcting the hazard or similar hazards.

(C) Supervision of employees exposed or potentially exposed to the hazard.

(D) Procedures for communicating to employees about the employer’s health and safety rules and programs.

(E) Information that the employer wishes to provide, at any time before citations are issued, including, any of the following:

(i) The employer’s explanation of the circumstances surrounding the alleged violative events.

(ii) Why the employer believes a serious violation does not exist.

(iii) Why the employer believes its actions related to the alleged violative events were reasonable and responsible so as to rebut, pursuant to subdivision (c), any presumption established pursuant to subdivision (a).

(iv) Any other information that the employer wishes to provide.

(2) The division shall satisfy its requirement to determine and consider the facts specified in paragraph (1) if, not less than 15 days prior to issuing a citation for a serious violation, the division delivers to the employer a standardized form containing the alleged violation descriptions (“AVD”) it intends to cite as serious and clearly soliciting the information specified in this subdivision. The director shall prescribe the form for the alleged violation descriptions and solicitation of information. Any forms issued pursuant to this section shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) If the division establishes a presumption pursuant to subdivision (a) that a violation is serious, the employer may rebut the presumption and establish that a violation is not serious by demonstrating that the employer did not know and could not, with the exercise of reasonable diligence, have known of the presence of the violation. The employer may accomplish this by demonstrating both of the following:

(1) The employer took all the steps a reasonable and responsible employer in like circumstances should be expected to take, before the violation occurred, to anticipate and prevent the violation, taking into consideration the severity of the harm that could be expected to occur and the likelihood of that harm occurring in connection with the work activity during which the violation occurred. Factors relevant to this determination include, but are not limited to, those listed in subdivision (b).

(2) The employer took effective action to eliminate employee exposure to the hazard created by the violation as soon as the violation was discovered.

(d) If the employer does not provide information in response to a division inquiry made pursuant to subdivision (b), the employer shall not be barred from presenting that information at the hearing and no negative inference shall be drawn. The employer may offer different information at the hearing than what was provided to the division and may explain any inconsistency, but the trier of fact may draw a negative inference from the prior inconsistent factual information. The trier of fact may also draw a negative inference from factual information offered at the hearing by the division that is inconsistent with factual information provided to the employer pursuant to subdivision (b), or from a failure by the division to provide the form setting forth the descriptions of the alleged violation and soliciting information pursuant to subdivision (b).

(e) “Serious physical harm,” as used in this part, means any injury or illness, specific or cumulative, occurring in the place of employment or in connection with any employment, that results in any of the following:

(1) Inpatient hospitalization for purposes other than medical observation.

(2) The loss of any member of the body.

(3) Any serious degree of permanent disfigurement.

(4) Impairment sufficient to cause a part of the body or the function of an organ to become permanently and significantly reduced in efficiency on or off the job, including, but not limited to, depending on the severity, second-degree or worse burns, crushing injuries including internal injuries even though skin surface may be intact, respiratory illnesses, or broken bones.

(5) Silicosis or silica-related lung cancer.

(f) Serious physical harm may be caused by a single, repetitive practice, means, method, operation, or process.

(g) A division safety engineer or industrial hygienist who can demonstrate, at the time of the hearing, that their division-mandated training is current shall be deemed competent to offer testimony to establish each element of a serious violation, and may offer evidence on the custom and practice of injury and illness prevention in the workplace that is relevant to the issue of whether the violation is a serious violation.

(h) This section shall become operative on January 1, 2023.

SEC. 5. The Legislature finds and declares that Section 3 of this act, which adds Section 6359.4 to the Labor Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the personal information of individuals suffering silicosis it is necessary that specified assessment results be confidential, exempt from disclosure, and used only for surveillance, investigation, or case management by the Division of Occupational Safety and Health, the State Department of Public Health, and appropriate local health officers.

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