

Submitted Statement of

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Before the

**Subcommittee on Courts, Intellectual Property, Artificial Intelligence and the
Internet
Committee on the Judiciary
U.S. House of Representatives**

Hearing on

**“Between a Rock and a Hard Place:
Protecting the American Stone Slab Industry from Lawfare”
January 14, 2026**

Chairman Issa, Ranking Member Johnson, and members of the Subcommittee:

Thank you for the opportunity today to submit this testimony in support of H.R. 5437, the **“Protection of Lawful Commerce in Stone Slab Products Act.”** I am Rebecca Shult, Chief Legal Officer of Cambria, a family-owned, domestic manufacturer of quartz surfaces headquartered in the small rural community of Le Sueur, Minnesota.

It is an honor to testify before this Subcommittee on behalf of Cambria and its 1,800 American employees and the broader network of the U.S.-based stone businesses that depend on a fair and predictable legal system: manufacturers, distributors, installers, designers, dealers, lawful fabricators, and small retailers in communities across the country.

Today our industry and the thousands of workers it employs face a grave threat: despite complying with applicable law, including all applicable Occupational Safety and Health Administration (“OSHA”) regulations, and doing all that is required to keep our workers safe, we are currently under attack by hundreds of lawsuits. The cases have been filed against our company by workers at third-party businesses who have allegedly developed

very serious diseases and injuries, as the result of unsafe work conditions at their workplaces.¹ Despite having no role in causing the workers' injuries, Cambria and other manufacturers and suppliers are the targets of these lawsuits. To be clear, none of these injured workers ever worked at or for Cambria, and yet the future of our business and many others in the industry is at stake today.

As you know, OSHA sets and enforces safety and health employment codes nationwide.² Under Section 5 of the OSH Act of 1970, each employer is responsible for providing a safe workplace:

- (a) Each employer --
 - (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
 - (2) shall comply with occupational safety and health standards promulgated under this Act.

These requirements apply to stone slab manufacturing factories like Cambria as well as stone fabrication cutting facilities, which our industry calls "fab shops." If a business or employer violates these laws and fails to provide a safe and productive workplace, workers have the right to file complaints with OSHA.³ If a worker is injured, the no-fault Workers' Compensation Program handles claims for injuries at the workplace, though in certain circumstances workers may also file lawsuits against their employer.⁴

But rather than hold the bad actor businesses who failed to provide a safe workplace or premises owners who rent to these employers knowing that the spaces are not suitable for the types of operations being performed on their premises accountable, the lawsuits are being filed against numerous stone slab manufacturers and suppliers, like Cambria.⁵

¹ *Salvador Martinez et al. vs. MA Kitchen Bath Remodel et al.*, 30-2023-01359754-CU-TT-CXC (Superior Court of the State of California for the County of Orange) (noting alleged bodily injuries from exposure to hazards other than silica).

² OSH Act of 1970; <https://www.osha.gov/laws-regs>

³ <https://www.osha.gov/workers/file-complaint>

⁴ For example, the workers' compensation exclusivity rule likely would not apply where the employer deliberately caused the injury or knew of a serious hazard and acted with reckless disregard or if an employer retaliated against an employee for reporting safety issues. <https://www.dol.gov/general/topics/whistleblower> If the employer fails to carry required insurance, they also lose the exclusivity protection.

⁵ See e.g., *Victor Gonzalez and Ana Gonzalez v. ABD Global Trade LLC, et al.*, 21STCV06984 (County of Los Angeles, Central District).

The workplace injury lawsuits are being filed as “product liability” cases, predominantly in state court in Southern California, and allege that all stone slabs are defective.⁶

The problem, however, is not the stone slabs or manufacturers and distributors like Cambria. The problem is the unlawful fabrication cutting businesses who violate the regulations and requirements seemingly to gain unfair economic advantage. Extremely dangerous dry cutting of stone products provides an unfair economic advantage over the many fabrication cutting shops that operate in compliance with OSHA safety regulations and employ safe wet processes in their operations. These unsafe shops avoid necessary costs

- by not providing a safe workplace as required by OSHA;
- by not operating the wet processing cutting procedures and methods with the proper equipment; instead utilizing the cheaper, dangerous and illegal dry cutting methods;
- by not providing training; and
- by not providing appropriate personal protective equipment (PPE).

The enormous resources required to defend against these lawsuits, coupled with the potential risk of “nuclear” verdicts in venues like Downtown Los Angeles, place an enormous burden on manufacturers and suppliers like Cambria as well as the thousands of good-actor fabricators stone cutters around the country. We urgently need relief from the onslaught of these lawsuits so that we can continue to productively operate our factory to provide important stone products for the U.S. market.

H.R. 5437 is pro-worker, pro-safety, and pro-American industry. It is pro-worker and pro-safety because it protects thousands of good and safe American manufacturing jobs and does so while preserving the rights of workers to seek remedies for employer wrongdoing. It is pro-American industry because it enables law-abiding manufacturers to continue their operations. The legislation will reinforce a legal framework that places the focus where it truly matters—on unsafe workplaces that must comply with OSHA or be shut down—instead of eliminating the manufacturers that provide good, safe jobs for Americans.

The legislation also restores a foundational principle of American law: that liability should be imposed only on those who actually cause harm. This should be noncontroversial. Fundamentally, H.R. 5437 does not ask for special treatment. It does

⁶ As of January 9, 2026, Cambria and dozens of other stone manufacturers and suppliers have been named in approximately 400 cases. The vast majority of these cases (380) have been filed in California.

not shield wrongdoers from liability. It does not weaken worker protections. Instead, it codifies what is already settled law—a **party is legally responsible for an injury only when its conduct is the proximate cause of that injury**. We need H.R. 5437 to end the misapplication of basic black letter tort principles in predominantly California state courts where the root cause of these workers’ injuries are their employers’ failures and non-compliance with the law, not the existence of stone slabs. And the mounting lawsuits against our business do nothing to address the root cause of the problem – these unsafe fabrication cutting workplaces.

Companies like Cambria need relief from these predatory lawsuits so that we can continue to produce our safe National Sanitation Foundation (NSF) certified products, employ and keep safe our great workforce, and collaborate with other stone companies, regulators, and others to help ensure safe work practices in our industry. We know how to fabricate stone in compliance with OSHA requirements, and we are committed to supporting worker health and safety throughout the industry.

I. Cambria: A Great American Manufacturing Success

Cambria is a family-owned American manufacturer. At our factory in Le Sueur, Minnesota, we manufacture NSF certified quartz surfaces used in homes, schools, restaurants, hospitals, and businesses across the United States. The Davis family built its legacy on hard work, quality, and integrity in the dairy business as one of the nation’s preeminent and largest cheesemakers for Kraft Foods. From the dairy business, the Davis Family’s commitment to product innovation, first-class customer service, and leading-edge quality control techniques and safety disciplines has carried into its quartz business. At Cambria, worker safety and quality are non-negotiable. In any manufacturing or processing environment, not only is safety a requirement, it depends on an uncompromised commitment to safety.

Cambria is also committed to promoting the health and safety of all workers in the entire stone cutting fabrication and installation industry. Since 2005, the company has been a leader in education with Cambria University which we operate as a collaborative learning and knowledge exchange center for stone fabricators from around the country. Cambria University curriculum includes courses and provides information regarding stone fabrication safety. While our primary physical campus is in Southern Minnesota where we host thousands of fabricators each year, we also host virtual video sessions and “on-the-road” sessions around the country and at our multiple national Distribution and

Sales Centers. We welcome all fabricator stone cutters and stone installers free of charge to attend Cambria University.⁷

We also are fully committed to our own Cambria employees' education and development including with our fully paid for, and on-the-clock, paid, on-site Cambria English Teaching program. Since the inception of the program in 2015, more than 500 Cambria employees have chosen to participate in this voluntary program. We have three full-time English teachers who primarily work with e-verified immigrant employees and their family members to teach them and develop their English-language skills to support their career advancement and engagement throughout our local communities.

Le Sueur, Minnesota, home to the Green Giant sweet peas, is a small town of just 4,000 people in southern Minnesota. It is a place where American manufacturing still matters—and these jobs support families, schools, churches, and local businesses throughout this entire rural region. Our factory, which has undergone several expansions over the years, represents sustained, long-term investment in American workers, great paying middle-class manufacturing jobs, advanced technology in manufacturing, and research and development.

Cambria's growth over the last 25 years reflects what American manufacturing can be when the legal and economic environment rewards innovation, private investment, safety compliance, and employer responsibility. We make a safe product valued around the world for your kitchen and workplace with its beauty and performance. Cambria's quartz products have earned certifications from several third parties including the National Sanitation Foundation (NSF) International certifying that Cambria's quartz surface products are free from harmful contaminants and compliant with applicable regulations. Cambria has also earned a certification from GREENGUARD evidencing that Cambria's quartz surface products meet strict low chemical emissions standards.

Our story at Cambria—of lawful high quality and innovative domestic manufacturing that supports American communities and produces a safe, in demand product—is precisely what is at risk if the legal system continues to drift away from fundamental principles of responsibility and causation as represented by the workplace safety lawsuits in California.

⁷ Stone fabricators are invited to visit our website to enroll at Cambria University: <https://www.cambriausa.com/professionals/safety/cambria-university>

II. The Real Source of Workplace Injuries: Unsafe Fabrication Practices

The workplace injuries underlying the lawsuits are caused during improper fabrication work on large rectangular stone slabs to create finished products such as kitchen countertops to be installed in homes and businesses. OSHA regulates how to safely operate a fab shop including that workers must be protected from overexposure to silica dust.

OSHA's Silica Standard requires employers to limit worker exposures and to take other steps to protect workers. Employers are required to use engineering and work practice controls to reduce and maintain employee exposures to Respirable Crystalline Silica (RCS) to at or below the Permissible Exposure Limit of 50 $\mu\text{g}/\text{m}^3$ over an eight (8) hour time weighted average.⁸

OSHA has long recognized the potential for overexposure to RCS in the stone countertop industry and how safe work practices protect workers.⁹

OSHA mandates comprehensive protections for workers, including engineering controls like wet cutting methods, ventilation, exposure monitoring, training, and personal protective equipment (PPE). At our very own Cambria fabrication cutting shops, we conduct regular testing of our air quality to confirm our compliance with OSHA and that our workers are protected. In fact we control employee exposure to RCS to below the Action Level, which is half the Permissible Exposure Limit.

Over the last 20 years, Cambria has itself successfully fabricated only Cambria quartz slabs and has done so without a single reported case of a fab shop worker contracting silicosis or other occupational disease.¹⁰ While we currently own and operate three (3) fab shops in the Midwest (MN, IN, and OH), we previously also operated fab shops in

⁸ 29 CFR § 1910.1053.

⁹2015 Hazard Alert: <https://www.cdc.gov/niosh/docs/2015-106/default.html>

2023 Hazard Alert:

<https://www.osha.gov/laws-regs/standardinterpretations/2023-09-22#:~:text=More%20recently%2C%20JAMA%20Network%20published,%2C%20finishing%2C%20and%20installing%20countertops>; see also Hazard Alert to: Employees and Employers in the granite counter top fabrication industry by Cal/OSHA (November 2004 - rev. March 2019).

¹⁰ See Jon Grzeskowiak testimony transcript from trial in *Solano-Claustro v. ABD Global Trade LLC*, et al., 23STCV11602 (County of Los Angeles, Central District), May 13, 2025; Page 3104, Lines 13-16.

other markets including Southern California, Atlanta, Charlotte, and Chicago.¹¹ To date, we have:

- Fabricated over 650,000 quartz stone slabs; and
- Employed more than 1,000 Cambria fab shop workers (many who have worked in our shops for more than 20 years),¹² including the Davis family's sons.

After more than 10 million labor hours in our fab shops, not a single Cambria fab shop worker has reported occupational disease including silicosis.¹³ Quite simply, OSHA's rules work when they are implemented at the workplace level.

Irresponsible, unsafe practices in fabrication shops are the cause of the workers' injuries and where enforcement must be focused. Shifting liability away from unsafe workplaces to upstream manufacturers and distributors does nothing to fix the conditions that make workers sick. Lawsuits against manufacturers will not slow down the progression of these workers being injured at their jobs.

Urgent and comprehensive enforcement work by state and federal OSHA can easily, and must force unsafe workplaces to either clean up and get safe or shut down as a consequence of their safety violations. This is essential for the safety of the hardworking workers whose health is put at risk daily by recklessly non-compliant fab shops.

Cambria and others in the industry are committed to working with regulators and providing partnership and full resources to support their work to protect workers' health and safety.¹⁴

III. Misdirected Litigation Undermines Worker Safety and Legal Fairness

Despite unsafe work conditions causing the workers' illnesses, a growing wave of litigation has targeted manufacturers, distributors, and retailers—entities that neither controlled the fabrication environment nor employed the workers who were injured.

These lawsuits attempt to impose potentially company-killing financial liability on companies that sold a lawful and safe product. Cambria's products are safe when

¹¹ See *id.* at Page 3103, Lines 6-11.

¹² See *id.* at Page 3103, Lines 27-28; Page 3104, Lines 7-9.

¹³ See *id.* at Page 3104, Lines 1-6.

¹⁴ Please visit Cambria's Silica Safety website for resources including instructional videos. <https://www.cambriausa.com/professionals/safety/silica-safety>

delivered, and Cambria's products are safe when fabricated in accordance with OSHA requirements.¹⁵

Imposing liability on Cambria and other manufacturers because others have misused their products, by violating OSHA regulations and multiple immigration and business laws, stretches a bedrock principle of tort law—proximate causation—beyond recognition.

In addition, OSHA requires producers/suppliers to identify and warn of those hazards.¹⁶ The employers' responsibilities are to educate their employees about the hazards according to OSHA rules and keep their employees safe by following regulations and adhering to warning and use instructions.¹⁷ The employers must protect their employees from unsafe conditions, and if they can't or won't, the employer should get out of the stone fabrication business altogether. Employers in any manufacturing or service business have an uncompromising responsibility to ensure under all circumstances and without excuse, a safe and healthy workplace environment. Safety is non-negotiable.

Under long-standing principles of tort law, liability is limited to those who caused the harm. Intervening, unlawful conduct by a third party – particularly an employer violating safety regulations – should cut off liability for manufacturers and sellers of a safe product. When courts abandon that principle, liability becomes detached from fault.

This misallocation has already produced alarming results. In California, one early verdict resulted in damages exceeding \$52 million.¹⁸ That outcome illustrates how expansive and unfair liability theories can financially devastate companies that did not cause the harm.

Such outcomes encourage settlements unrelated to fault, distort the legal system away from its purpose of assigning responsibility where it belongs, destabilize the insurance

¹⁵ In both cases that have been tried so far, at tremendous expense and risk to dozens of slab producers and suppliers like Cambria, the workers were injured in indisputably unsafe workplaces where OSHA regulations were violated.

¹⁶ OSHA Hazard Communication Standard (HazCom), 29 CFR 1910.1200; <https://www.osha.gov/hazcom>

¹⁷ 29 CFR 1910.1200.

¹⁸ Joint and several liability means multiple defendants can each be held responsible for the entire amount of a plaintiff's economic damages (e.g., medical bills, lost wages), allowing the injured party to collect from any single defendant for 100% of those losses, regardless of their percentage of fault. For example, in the first case that resulted in the \$52 million verdict, the Total Net Judgment as to Cambria was \$10,656,894.35 even though the jury found Cambria responsible for only 10% of the plaintiff's injuries and the employer ("All Others") at 70%. See *Gustavo Reyes-Gonzalez v. Aaroha Radiant Marble & Granite Slabs*, 22STCV31907, November 1, 2024 Judgment as to Caesarstone USA, Inc., Cambria Company LLC, and Color Marble Inc.

market, and threaten American jobs, American industry and the American economy. More importantly, misdirected fault encourages these employers who are not being held responsible to continue operations as usual and to continue to expose their employees to dangerous, and sometimes fatal, conditions without consequence.

IV. H.R. 5437 Is Pro-Worker Because It Protects American Jobs

American workers and the families they support are harmed when U.S. manufacturers are driven out of business by misplaced litigation.

When litigation imposes liability on companies that did not cause an injury, the consequences are not theoretical. They are real and immediate: increased costs of capital, curtailed investment, skyrocketing insurance premiums, layoffs, plant closures, and—in the worst cases—bankruptcy. Those outcomes eliminate stable American jobs.

The American stone slab industry is already heavily impacted by foreign manufacturers, especially from the Pacific Rim. Industry data show that a substantial and increasing amount of stone used in the United States is imported.¹⁹ When domestic manufacturers face uniquely severe litigation exposure for injuries they did not cause, as is the case here, the competitive disadvantage deepens. Capital flows away from U.S. factories toward foreign suppliers that are largely insulated from U.S. tort liability and regulatory scrutiny.

H.R. 5437 is therefore very much pro-worker, protecting the jobs of American manufacturing workers—the very people who depend on companies like Cambria to remain healthy and viable.

V. The Growing Impact on the Insurance Market

Misdirected mass-tort litigation does not remain confined to courtrooms but impacts much else, including the insurance market. Insurers respond to such litigation by raising premiums, narrowing coverage, or exiting markets altogether. Even companies with strong safety records and no causal connection to alleged injuries face skyrocketing insurance costs simply because they operate in an industry targeted by litigation.

¹⁹ Total imports of quartz surface products alone increased by 73.4% from 135 million SQF in 2020 to 234 million SQF in 2024. In terms of value as reported to U.S. Customs and Border Protection upon importation, total U.S. imports of QSP increased by 40.0% from \$1.26 billion to \$1.76 billion in 2024. U.S.I.T.C. DataWeb.

For manufacturers, distributors, and small businesses throughout the industry, this can mean the loss of affordable liability coverage—an existential threat that forces downsizing or closure. For workers, it means fewer jobs and less economic stability.

In addition to defending against the underlying production liability lawsuits, companies like Cambria are forced to expend significant legal fees in pursuit of coverage from insurance companies. Carriers have largely denied coverage for these lawsuits on the basis of exclusions added to many policies in recent decades.

H.R. 5437 helps stabilize insurance markets by restoring predictability and ensuring that liability exposure aligns with actual risk and responsibility. The responsibility here resides at the workplace level where the harm occurred.

VI. Federal Action Is Necessary to Prevent Nationwide Harm

The vast majority (>95%) of the current litigation involving stone fabrication workplaces is concentrated in California. But the effects of the current litigation are not confined to California. Stone slab products move in interstate and foreign commerce. Manufacturers, distributors, retailers, and insurers operate across state lines. Insurance markets are national. Capital markets are national. Workforce decisions are national. And these California-based lawsuits are impacting businesses throughout the United States.

That is precisely why federal action is appropriate here.

Congress has acted before when litigation trends threatened to impose liability on lawful actors for harms caused by third parties—particularly where such liability distorted national markets, undermined public policy objectives, and failed to improve safety.

For example Congress has acted in the healthcare and medical-product context—through measures such as federal preemption for FDA-approved medical devices—where allowing state tort claims untethered from federal regulatory compliance would have discouraged innovation, reduced access, and undermined national policy goals.

These types of statutes reflect a consistent legislative judgment: when liability expands beyond proximate cause, it ceases to serve justice and begins to harm workers, consumers, and the national economy.

H.R. 5437 fits squarely within that tradition. It does not eliminate remedies for injured workers. It does not excuse unsafe workplaces. It does not weaken OSHA standards or enforcement. Instead, it ensures that liability for stone fabrication workplace injuries

remains focused on those who controlled the workplace conditions that caused the injuries, rather than on upstream manufacturers and sellers who neither employed the workers nor controlled the deficient fabrication practices nor created an unsafe product.

Absent federal action, the risk to national stone slab markets is clear. California's embrace of unorthodox causation theories is discouraging domestic manufacturing investment, destabilizing insurance markets, and placing American jobs at risk—without improving worker safety.

Congress has both the authority and the responsibility to prevent that outcome.²⁰ H.R. 5437 is a measured, targeted response that preserves worker protections while restoring fairness, predictability, and accountability to the U.S. manufactured stone industry.

VII. Addressing Concerns About Worker Remedies

Workplace injuries in the United States are handled under the state Workers' Compensation program.²¹ Regardless of fault and without exclusions, the Workers' Compensation system provides the workers who are injured on the job.

H.R. 5437 does not eliminate workers' compensation remedies.²² It does not restrict OSHA enforcement, nor does it shield employers from liability should they violate safety laws. Workers retain full access to the systems designed to address workplace injuries and occupational disease. Any other result would be totally inappropriate.

What this bill does is prevent a misuse of tort law that targets parties who did not employ the worker, did not control the worksite, and did not cause the hazardous exposure. That distinction strengthens—not weakens—the integrity of worker protection by keeping accountability focused where it belongs.

True worker safety is achieved by enforcing workplace standards, not by bankrupting manufacturers who had no role in creating unsafe workplace conditions.

²⁰ Congress has the express authority to regulate interstate and foreign Commerce. U.S. Const. art. 1, § 8, cl. 3.

²¹ State Workers' Compensation Offices can be located on the U.S. Department of Labor website at <https://www.dol.gov/agencies/owcp/wc>

²² To the extent employers have failed to obtain Workers' Compensation insurance as required by law, there are special funds available under California's Uninsured Employers Benefits Trust Fund (UEBTF) when illegally uninsured employers fail to pay workers' compensation benefits awarded to their injured employees by the Workers' Compensation Appeals Board. See <https://www.dir.ca.gov/dwc/claims.html>

Slab producers and suppliers like Cambria continue to advocate for and support Cal/OSHA's enforcement and training efforts, and we have even proposed state licensing/certification program requirements for stone fabricators in the state of California.

VIII. Conclusion: Protect Workers, Protect Jobs, Protect American Manufacturing

Cambria's story is a great American success story—one built on manufacturing performed to the highest legal and ethical standards, investment in workers, and commitment to safety.

H.R. 5437 affirms a simple, enduring principle: liability should follow fault. By doing so, it protects workers by preserving American jobs and American industry, strengthens employee safety by keeping focus on real workplace hazards and preserving means for workers to obtain compensation from wrongdoers, and safeguards lawful commerce from destructive litigation overreach.

For these reasons, Cambria respectfully requests the Committee advance H.R. 5437.

Thank you for the opportunity to submit this testimony. We at Cambria—and I know others here today—look forward to dialogue with each of you on the critical issues to be addressed by this legislation and opportunities to work together to advance health and safety throughout the stone industry.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R Shult", is written over a horizontal line.

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