

SUBMISSION

Public consultation on the prohibition on the use of engineered stone

Instructions

To complete this online submission:

- Download and save this submission document to your computer.
- Use the saved version to enter your responses under each question below. These questions are from the [public consultation on the prohibition on the use of engineered stone](#).
- Once you have completed your submission, save it and upload it using the upload your submission link on the [Engage submission form](#).

Submissions will be accepted until **11.59 pm on 2 April 2023**.

Additional documentation

Up to three additional documents can also be uploaded when you submit your response. Relevant documents to upload could include cover letters or reports with data and evidence supporting your views.

Help

If you are experiencing difficulties making your submission online, please contact us at occhygiene@swa.gov.au.

Respondents may choose how their submission is published on the Safe Work Australia website by choosing from the following options:

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Please note the following are unlikely to be published:

- submissions containing defamatory material, and
- submissions containing views or information identifying parties involved in hearings or inquests which are currently in progress.

Your details

(Please leave blank if you wish to remain anonymous)

1. Name or organisation

Think Brick Australia (TBA), Concrete Masonry Association Australia (CMAA) and Australian Roof Tile Association (ARTA).

2. Email used to log into Engage

[REDACTED]

Consultation questions

1. Do you support a prohibition on the use of engineered stone? Please support your response with reasons and evidence.

TBA, CMAA and ARTA acknowledge the increasing incidence of health associated issues concerning exposure to silica dust. As a result, we support SWA in taking positive steps to protect the health and wellbeing of workers in high-risk environments.

We recognise and appreciate SWA's strategy of utilising industry feedback to determine the eventual outcome of this proposal. In reviewing the WHS Minister's decision, TBA/CMAA/ARTA support option 6 in principle, however we believe that the three options provided will not feasibly accomplish SWA's goal of protecting workers exposed to silica dust from engineered stone.

One factor contributing to this is that 2 of the 3 options proposed rely on a 40% threshold based on existing Victorian regulations. This number has previously been adopted as a definitional difference between natural and engineered stone, however, this seems to be a relatively arbitrary threshold with no current scientific reasoning or basis. This threshold's deficiencies become more evident when differentiating between engineered stone with silica content percentages close to this range. TBA/CMAA/ARTA worry that this arbitrary threshold places greater regulations where they may not be required, or conversely, leaves gaps where regulations may be required. **As such, we highly recommended striving for a more data and science driven definition for a possible threshold regarding option 6.**

2. If yes, do you support a prohibition on the use of all engineered stone irrespective of its crystalline silica content? Please support your response with reasons and evidence.

N/A

3. If no, do you support a prohibition of engineered stone that contains more than certain percentage of crystalline silica? If yes, at what percentage of crystalline silica should a prohibition be set? Please support your response with reasons and evidence.

As stated above, TBA/CMAA/ARTA and its member associations believe that a prohibition of engineered stone based on a crystalline silica content percentage is problematic and will not achieve the desired outcomes as dictated by SWA.

At this current stage, there also isn't any data or research in supporting a certain percentage of crystalline silica threshold for the prohibition, and the adopted values should be further explored. TBA/CMAA/ARTA recommends that SWA work with key stakeholders in the engineered stone industry to better determine an approach for option 6 that is more conducive to feasibly and adequately protecting PCBU's working with engineered stone products.

4. How many businesses work with engineered stone only?

For these businesses, please provide where possible:

- the number of sole traders and small businesses (1-20 employees), medium businesses (21-200 employees), large businesses (>200 employees)
- the number of workers in these businesses, by business size
- the average annual revenue, by business size
- the proportion of business activity with engineered stone containing 40% or more crystalline silica content, by business size
- the proportion of business activity with engineered stone containing less than 40% crystalline silica content, by business size.

Please use the table below to enter this information.

Business type	Description	Sole traders and small business	Medium business	Large business
Business working with engineered stone only	Number of businesses			
	Number of people employed			
	total annual revenue (approximate, rounded to nearest \$10,000)			
	Proportion of business activity involving ES with $\geq 40\%$ silica			
	Proportion of business activity involving ES with $<40\%$ silica			

N/A

5. How many businesses work with both engineered stone and non-engineered stone products?

For these businesses, please provide where possible:

- a) the number of sole traders and small businesses (1-20 employees), medium businesses (21-200 employees), large businesses (>200 employees)
- b) the number of workers in these businesses, by business size
- c) the average annual revenue, by business size
- d) the proportion of their business activity with non-engineered stone products, by business size
- e) the proportion of their business activity with engineered stone containing 40% or more crystalline silica content, by business size
- f) the proportion of their business activity with engineered stone containing less than 40% crystalline silica content.

Please use the table below to enter this information.

Business type	Description	Sole traders and small business	Medium business	Large business
Business working with both engineered stone and non-engineered stone products	Number of businesses			
	Number of people employed			
	Average yearly revenue (approximate, rounded to nearest \$1000)			
	Proportion of business activity involving ES with $\geq 40\%$ silica			
	Proportion of business activity involving ES with $<40\%$ silica			
	Proportion of business activity involving non-engineered stone products			

N/A

6. Do you have any data or information on the risks to workers from the other non-crystalline silica elements of engineered stone? Are these risks increased in engineered stone of less than 40% crystalline silica content?

N/A

7. In relation to Option 3, do you have:
 - a) any information on the additional benefits of a licensing scheme over the enhanced regulation agreed by WHS ministers (Option 5a) that would already apply to engineered stone products containing less than 40% crystalline silica content?
 - b) feedback on the implementation of concurrent licensing schemes for both prohibited engineered stone and non-prohibited engineered stone?

N/A

8. Are the assumptions and scenarios described for Option 6 in the Decision RIS accurate and appropriate? If not, why? Please provide additional information to support the impact analysis.

The assumption that materials with a silica content greater than 40% have an inherently greater risk profile than those of a silica content less than 40% (ie. 39% vs 41%) is not well founded, and new options within option 6 should be proposed that better achieve outcomes of protecting PCBU's working with engineered stone. The prohibition of products with silica content greater than this arbitrary value may need to be reconsidered, and a factual basis for any thresholds needs to be used when proposing importation bans or licensing schemes.

The mechanical processes used during the manufacture and installation of a material are what generates the RCS. If the correct control measures are in place, the silica content of the material will have less effect on the RCS exposed to the individual, and thereby, the risk associated with the processing of that material. As such, a strategy that better reflects this fact should be investigated under option 6.

9. Are there any other options or issues you think should be considered for a prohibition on the use of engineered stone?

N/A

10. Should there be a transitional period for a prohibition on engineered stone? If so, should it apply to all options and how long should it be?

N/A

11. Do you have any evidence or data on the number of cases of the other silica-related diseases (such as lung cancer, chronic obstructive pulmonary disease, kidney disease, autoimmune disease) attributed to exposure to crystalline silica from engineered stone?

N/A

12. Do you have any additional evidence or information on the impacts of silicosis or silica-related diseases?

For example, the direct impacts on the affected worker from the disease, the impacts on the mental health of affected workers and their families, the healthcare costs to the affected worker, loss of income for affected workers and their families, the costs to the health, workers' compensation and social support systems.

N/A