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:

- submission published
- submission published anonymously
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For further information on the publication of submissions on Engage, please refer to the Safe Work Australia Privacy Policy and the Engagement HQ privacy policy.

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

[redacted]

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.

No. It is evident that through the use of safe practises the dangers of engineered stone is effectively supressed. In addition to this, the move from the supplies of the stone to low-silica contents is going to enhance the safety of our industry. In saying this, any substance that creates dust is not healthy and all dust must be managed appropriately. This is why the emphasis needs to be on the practises around manufacture rather than simply reducing the silica content. Legislation, like in Victoria, needs to be rolled our nationwide and more needs to be done to ensure that safe practises are used – this requires better management from Safework and further protocols from iCare.

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.

Click or tap here to enter text.

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.

If it is assessed that low-silica content reduces the effects of the dust, then we see no problem in banning engineered stone with higher silica contents. However, we stick firm that any dust is not healthy and must be supressed by safe work practises like wet cutting, respirators for employees and health monitoring to name the basics. We don't believe that you can simply reduce the silica content and still allow a lot of these manufacturers to continue running their business unsafely and putting their employees at risk.

4. How many businesses work with engineered stone only?

   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 business activity with engineered stone containing 40% or more crystalline silica content, by business size
e) 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 ≥ 40% silica			
	Proportion of business activity involving ES with <40% silica			

Click or tap to enter text.

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 ≥ 40% silica			
	Proportion of business activity involving ES with <40% silica			
	Proportion of business activity involving non-engineered stone products			

Click or tap here to enter text.

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?

Click or tap here to enter text.

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?

A licensing scheme MUST be created. The businesses, like us, that care for our employees and spend a lot of money on ensuring their safety want this scheme in place. There are so many people that are doing the wrong thing and they are the ones putting themselves and their employees at risk of health problems. It is baffling to us that there is essentially no regulation of our industry, safework do nothing.

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 large majority of stone manufacturers are small businesses so the financial impact is going to be large, as stated in the impacts of option 6. If we ban engineered stone due to the silica content then it would stand to reason that all silica related activities, such as mining are banned

too. The biggest difference between these activities is that the manufacture of engineered stone is able to be conducted in a controlled environment to supress the dust, mining is not as easily controlled.

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

We believe that the blame is being shifted to the product, as opposed to the user of the product (the manufacturers). Engineered stone is safe to the end user, it is safe when it is not disturbed and it is safe when it is manufactured in a safe environment by educated employees. The point at which it becomes unsafe is when it is not handled appropriately, therefore the ban needs to be on the manufacturers cutting stone without water, without respirators, without filtration systems and safe work needs to do its job is stopping those manufacturers.

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?

Engineered stone should not be prohibited, but if there is a silica content cap put in place and a licensing scheme as there is in Victoria, then 3-6months for manufacturers to implement any additional safety measures and safework to approve the business should be implemented. Any longer is unnecessary – the manufacturers that will be able to meet the safety standards will already have most things in place.

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?

This is a question for iCare and the health departments – which by the way need to be doing a better job.

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.

This is a question for iCare and the health departments – which by the way need to be doing a better job.