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
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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.

We do not support a complete prohibition on the use of engineered stone products. While it is true that the manufacturing and processing of these products can lead to harmful silica exposure for workers, a ban or restriction on high silica content engineered stone products is a more appropriate approach.

One reason for this is that there are low silica content engineered stone products available that do not pose the same risks of silica exposure to workers. These products typically have a silica content of less than 40%, which is significantly lower than the high silica content products that are the main cause of concern.

Furthermore, the stone masonry industry in most situation has a long history of safety measures and practices to minimize the risks of silica exposure. The industry has developed and implemented a range of engineering controls, such as water suppression and ventilation systems to reduce the levels of airborne silica dust in the workplace. With these and the use of PPE in place, the risks of exposure can be safely managed. These measures are successful in reducing the incidence of silicosis among stone masons.

Moreover, the development of new and safer materials, such as low silica content engineered stone products, can further enhance the safety of workers in the industry.

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.

We propose a ban on engineered stone products containing more than 40% silica content. This is because 40% silica content is approximately the same as that found in natural granites and concrete products that have been used safely for many years in the construction industry.

Research has shown that engineered stone products with higher silica content pose a significant health risk to workers, and can release high levels of silica dust during fabrication, installation, and removal. This can lead to serious respiratory diseases, including silicosis, lung cancer, and chronic obstructive pulmonary disease (COPD). However with lower levels this risk is reduced proportionally.

Furthermore, a ban or restriction on high silica content engineered stone products can encourage manufacturers to develop alternative materials with lower silica content, which can improve worker safety and reduce the risks of silica exposure in the industry.

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?

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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?

One of the main disadvantages is that a licensing scheme will be costly and time-consuming to implement and maintain, particularly for small businesses. Many businesses working with stone are small businesses with only a few workers and the cost of air quality monitoring, medicals and fit testing is already a significant financial burden, particularly for regional businesses, where these services are not readily accessible and are much more costly than for city businesses. Licensing schemes require additional administrative resources and can create a barrier to entry for new businesses, reducing competition and potentially increasing costs for consumers. A licensing scheme for both prohibited and non-prohibited stone would not produce a better outcome for workers or industry as those who are operating correctly are already adhering to strict regulations. Our business has just spent about $800,000 on buying a new waterjet and CNCs to reduce the exposure for workers to silica dust. Minimal use of hand tools is now required and should allow for much greater silica safety for workers. This was done without the requirement for licensing and most stonemasonry businesses are already looking at their processes and procedures to be as compliant and safe as possible. The change to low silica engineered stone (less than 40%) by manufacturers and suppliers will bring an even greater degree of safety and licensing for these low silica products should not be required even if the requirement for licensing of higher content engineered stone products does goes ahead.

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.

Option 6 seems to be targeted improperly at engineered stone considering the silica content of other products such as concrete. The suggestions made in option 6 would be inconsistent with the assumption by SWA that other parts of the construction industry can deal with the risks posed by other crystalline silica products however businesses dealing with low silica engineered stone cannot deal with the products safely.

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

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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?

There should be a transition period for the prohibition of high silica stone to allow for suppliers and manufacturers to adjust products and processes to comply. 12 months would be an adequate and responsible period for this transition. A shorter period would impose an unreasonable financial burden on manufacturers and stonemasons holding stock of the higher silica content products. Many businesses are already struggling financially in the uncertain economic climate that is becoming more evident in the construction industry generally.

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?

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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.

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