

31 March 2023

Ms Michelle Baxter  
Chief Executive Officer  
Safe Work Australia  
GPO Box 641  
CANBERRA ACT 2601

Email: [occhygiene@swa.gov.au](mailto:occhygiene@swa.gov.au)

Dear Ms Baxter,

### **PROHIBITION ON THE USE OF ENGINEERED STONE**

Thank you for the opportunity to comment on Safe Work Australia's public consultation on the prohibition on the use of engineered stone. We note that this new consultation has been commissioned in response to the Meeting of Commonwealth, State and Territory Work Health and Safety Ministers held on February 28 which considered the previously issued *Decision RIS on Managing the risks of respirable crystalline silica* at work and where Ministers affirmed their shared commitment to preventing worker exposure to respirable crystalline silica, a nationally co-ordinated approach to addressing and eliminating silicosis and stronger regulation of high-risk silica processes for all materials across all industries.

Cement Concrete & Aggregates Australia (CCAA) is the peak industry body for cement manufacturers, concrete suppliers and extractive operators throughout Australia. Collectively known as the heavy construction materials industry, CCAA members operate cement manufacturing and distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout the nation to meet Australia's building and construction needs. These businesses are made up of the majority of material producers and suppliers ranging from large global companies to SMEs and family operated businesses.

Heavy construction materials are vital to delivering the infrastructure required to support Australia's built economy which underpins the development of our nation's physical infrastructure, generating approximately \$15 Billion in annual revenue and employing 30,000 Australians directly and a further 80,000 indirectly.

The heavy construction materials sector continues to maintain a strong track record in protecting its workers from the risks of developing silicosis and reiterates its support for practical, evidence-based regulation and policy options which are supported by appropriate education and compliance activities. We are keenly aware of the significant potential hazard that Respirable Crystalline Silica (RCS) can present for many workers in Australia across a broad range of industries including manufacturing, stonemasonry, construction, tunnelling, demolition, mining and quarrying. Dust containing RCS can arise from a number of processes in the extractive operations of rock such as drilling, blasting, crushing and handling rock and other minerals containing Quartz, although actual extractive processes differ by the type of rock being extracted.

However, practices adopted across extractive sectors to limit exposure to airborne contaminants such as wet methods to suppress dusts, local exhaust ventilation, positive pressure cabins and worker segregation from high-risk areas have been in place for many years, are considered highly effective<sup>1</sup> and are strongly supported by the Australian Institute of Occupational Hygienists (AIOH). These practices have successfully worked to minimise RCS exposure across our sector as we continually monitor for RCS as new methodologies become available to minimise exposure.

As acknowledged by the AIOH, naturally occurring RCS, which has not been transformed into an engineered stone product, behaves differently when water is used to control the substance. As such, water is highly effective in mitigating exposure in quarry operations and in the cutting of concrete.

We have been actively engaged with Safe Work Australia, the National Dust Disease Taskforce (NDDT), Lung Foundation Australia, state-based regulators and other bodies to inform decision-makers of how seriously our sector treats this matter but also to ensure that Government, particularly those in health administration, are fully aware of **any unintended consequences** which may arise from presented options that might be well intended, lack a thorough understanding of the implementation practicalities across our industry which may lead to a significant loss of quarry operations, the shutdown of the construction sector and subsequent job losses, as well as an inability to supply concrete and cement.

CCAA notes the decision of WHS Ministers at the February 28 meeting, agreeing to implement **Option 2 of the Decision RIS** to deliver national awareness and behaviour changes, in partnership with employers and unions, implement **Option 5a** which seeks to introduce the regulation of high-risk crystalline silica processes for all materials (including engineered stone) across all industries; and **Option 6** to consider further analysis and consultation on the prohibition of engineered stone, including silica content levels and a national licensing system for legacy products.

The new consultation RIS outlines three options for the prohibition on the use of engineered stone,

- Option 1 – prohibit all engineered stone use;
- Option 2 – prohibit the use of engineered stone containing 40% or more crystalline silica; and
- Option 3 – prohibit the use of engineered stone containing 40% or more crystalline silica and licensing of engineered stone use below 40%.

### Support for Option 2

CCAA broadly agrees with the intent of this option which seeks to prohibit the use of engineered stone with a Silica content above 40%. As highlighted within the Consultation document, this threshold is primarily based upon the **Occupational Health and Safety (Crystalline Silica) Regulations 2021** in Victoria which imposes more regulation above the 40% threshold. We note that this option would require the development and maintaining of risk control plans which ensure that appropriate controls are in place for the training of workers and undertaking of air and health

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<sup>1</sup> [AIOH Position Paper – Respirable Crystalline Silica and Occupational Health Issues 2019](#)

monitoring which are all currently in place across our sector, in alignment with state-based regulatory conditions.

CCAA continues to oppose the implementation of a **national licensed scheme for PCBU's**, as we flagged in our response to the SWA CRIS in 2022. We have always argued that a national licensing system is unworkable and any proposal to implement a framework which seeks to span the whole of the supply chain in order to capture WHS Regulators enforcement is inflexible and will not practically be able to serve its intended purpose. We therefore **oppose Option 3** as presented, as we do not support the requirement for licensing below the 40% threshold.

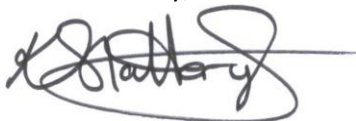
However, we have no issues with a requirement for a once off, **Safe Work Method Statement (SWMS)** or similar to be completed when a PCBU needs to carry out work that includes a risk of exposure to RCS, or as previously noted, the inclusion of a Hazard Control Plan which includes detailed risk assessment when working with Silica. Both of these options are fairer and are more justifiable to member companies, particularly as they have already been successfully built into the codes of practice of many state and territory jurisdictions.

The presentation of Option 1 to prohibit the use of all engineered stone, irrespective of its content is an unjustified and thoughtless option presented by health administrators without any understanding or appreciation of the work undertaken by industry and industry groups. It would lead to the shutdown of the construction sector and more broadly, the Australian economy. We strongly urge decision makers to withdraw this option and to show more respect for industry groups who take the risk of silicosis in the workplace seriously and for those who have undertaken practices to effectively protect its workforce. In addition, we hope that our sector is not unduly penalised (Under Option 5a) and that other attempts by Safe Work Australia to lower thresholds or to reduce the present Workplace Exposure Standard without a significant body of evidence or rationale.

Thank you once again for the opportunity to comment upon Safe Work Australia's public consultation on the prohibition on the use of engineered stone. We trust that Safe Work Australia and other health administrators take note of our support for Option 2 as presented in the consultation paper and the comments raised in our submission.

CCAA would welcome the opportunity to discuss this submission further and we can be contacted at [andrew.jefferies@ccaa.com.au](mailto:andrew.jefferies@ccaa.com.au).

Yours sincerely,



**KEN SLATTERY**  
**CHIEF EXECUTIVE OFFICER**  
**CEMENT CONCRETE & AGGREGATES AUSTRALIA**