

16 March 2023

Dr Ryan Hoy
Chair Expert Steering Committee
National Silicosis Prevention Strategy and National Action Plan
Lung Foundation Australia
PO Box 1949
MILTON QLD 4064

Dear Dr Hoy

NATIONAL SILICOSIS PREVENTION STRATEGY & NATIONAL ACTION PLAN RESPONSE

We appreciate the opportunity to comment upon Lung Foundation Australia's facilitation of the development of the 2023-2028 National Silicosis Prevention Strategy (NSPS) and accompanying National Action Plan (NAP) for the Australian Government's Department of Health (DoH) in conjunction with the Department of Employment and Workplace Relations (DEWR).

It is noted that the development of this prevention strategy and action plan has been designed with the goal to prevent and ultimately eliminate silicosis as an occupation disease, in response to Recommendation 3a of the National Dust Disease Taskforce's Final Report to the Minister for Health and Aged Care while sitting parallel to Safe Work Australia's public consultation on the prohibition on the use of engineered stone. We understand the need for Government and Regulators to seek to develop reforms and actions to address this significant concern.

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, and ranges 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.

CCAA strongly recognises 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 effective¹ and are strongly supported by the Australian Institute of Occupational Hygienists (AIOH). These practices have successfully worked to minimise RCS exposure across our sector and our sector increasingly monitors for RCS as new methodologies become available to further ensure exposure is as low as possible.

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.

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 have been actively engaged with Safe Work Australia, the National Dust Disease Taskforce (NDDT), 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 the more significant reform options presented by the Lung Foundation Australia. Most recently, we provided comment upon Safe Work Australia's 2022 Consultation Regulation Impact Statement (CRIS) – Managing the Risks of Respirable Crystalline Silica at Work.

CCAA makes the following comments on the Priority areas presented within the public consultation draft of the strategy and action plan:

Priority Area 1: Workplace Risk Reduction

CCAA notes that state-based jurisdictions have all taken steps to address instances of silicosis through legislative changes, awareness campaigns, improved codes of practice, the reporting of any exceedances to the regulator, as well as the express ban or non-permittance on uncontrolled dry cutting of engineered stone with power tools as this typically exceeds the present workplace exposure standard (WES).

In particular, we also note the reference to systemic failures and low/non-compliance and poor oversight of existing WHS regulation in the stone benchmark industry with documented failures highlighted with Box 3 of the Draft for Public Consultation. The implementation of a national ban to prohibit uncontrolled dry cutting for practices such as grinding with an electrical hand tool, in line

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

with the identified failures and lack of compliance is supported by CCAA. However, if such a ban is extended to the processing of silica containing materials – e.g. the crushing of rock at quarry sites, your proposal will lead to the closure of the quarrying sector and a shutdown of construction activity across Australia, given the inability to supply concrete and cement.

CCAA continues to oppose the implementation of a **national licensed scheme for PCBU's**, as we flagged in our response to the SWA CRIS last year. We have always argued that a national licensing system is unworkable and the 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. However, a national 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 the inclusion of a Hazard Control Plan which includes detailed risk assessment would be more acceptable to our member companies given they are already in place through the codes of practice across many state jurisdictions and are acceptable to these regulators.

The present **Workplace Exposure Standard for RCS** has recently been amended and implemented across all state and territory jurisdictions at an 8-hour Time Weighted Average (TWA) of $0.05\text{mg}/\text{m}^3$. The implementation of this new limit has involved significant capital expenditure for many businesses in our sector as they proactively and effectively work with State and Territory regulators to monitor dust levels and to report upon any exceedances. There has been many robust discussions at its board and at WHS Ministers meetings about the inability to measure exceedances confidently and accurately at $0.02\text{mg}/\text{m}^3$ or below. CCAA **does not support** any move to lower the WES any further as there is insufficient ability and confidence to accurately monitor dust levels and this is well known to Safe Work Australia. We reiterate that many of the cases of silicosis have come from uncontrolled exposure to RCS at levels many times the old exposure standard, let alone the new one.

We support a consistent approach to product labelling and Safety Data Sheets, as outlined in the proposed strategy and the recent NSW review which has recommended a similar approach for products containing manufactured stone. Furthermore, our industry supports initiatives that encourage education and awareness campaigns and the implementation programs that seek to reduce and eliminate silicosis instances, as outlined in our response to the CRIS and NDDT.

Priority Area 2: Education and Awareness

CCAA believes that more work can be done to change workplace behaviour and improve awareness to reduce the risk of exposure to Silica and we support the development of national awareness raising campaigns and additional behaviour change initiatives across our sector to further support understanding and compliance with the model WHS laws. This is line with our support for Option 2 within the 2022 CRIS which we continue to believe is a far more beneficial and practical regulatory approach.

In particular, tactical options to change behaviour which are practical and targeted towards specific industry sectors, rather than a one size, fits all, blanket approach to regulation are beneficial. This option could certainly address a lack of understanding of silica related risks while also presenting new

opportunities to improve compliance outcomes and control risks without the adoption of significant new and costly regulatory hurdles. Outcomes derived from this approach can also be routinely measured against the data that is presently collected by state and territory jurisdictions and this will prove particularly useful where gaps in the understanding of awareness can be identified.

We note that in 2021, Safe Work Australia ran a national education and awareness campaign “Clean Air. Clear Lungs” which was targeted towards duty holders in the engineered stone industry amongst others and we would like to see similar targeted campaigns directed towards all relevant sectors.

While we support the adoption of a **national, comprehensive and targeted education, communication and awareness program** to better support efforts to reduce the risk of silicosis, we do not see a requirement or benefit for the adoption of an accreditation system. We believe that the measures supported in Priority Area 1 – a ban on dry cutting, a national requirement for a standard SWMS, cleverly targeted education and awareness campaigns, combined with the now revised state-based codes of practice and the recently implemented WES are all very proactive and effective ways of reducing the risk of workers developing silicosis.

In order to adequately consider an accreditation system, the proposed strategy needs to provide further, detailed information, outlining the accreditor provider details, who needs to receive accreditation and the subsequent costs for Government and our sector. We ask for a more detailed analysis be provided so that proper consideration of an accreditation system can be delivered.

Priority Area 3: Health Monitoring, Screening and Surveillance

Our sector remains proactive with carrying out health monitoring as a statutory requirement under WHS legislation which requires the PCBU to monitor and protect workers exposure to hazardous substance and we have no concerns with the adoption of a nationally consistent approach for health monitoring across all state and territory jurisdictions.

We agree with many of the recommendations of the NDDT final report and the 2021 Review of the Dust Disease Scheme in NSW, including the development of national guidance to identify at risk workers, improved clarity for workers at risk of silicosis and measures to enhance medical screening and assessment (use of HRCT scans) as well as the establishment of a national occupational health monitoring and surveillance information system, if included as part of a registry to capture health monitoring data and track current and former workers.

Commonwealth funding to develop and implement ongoing national follow-up and surveillance of workers exposed to RCS in the engineered stone benchtop industry is also supported.

Priority Area 4: Governance

CCAA supports the establishment of a nationally co-ordinated approach from Government that assists to protect workers from the risk of exposure to RCS and to improve communication and information sharing, co-ordinate responses and report on activity progress.

We note the intention of the Government to set up the Australian Centre for Disease Control (CDC) to respond to future public health threats and in the interim, a standing Ministerial Advisory Committee could be beneficial to provide further uniform advice and direction, across all jurisdictions. We would recommend that any temporary or permanent governing body set up for this purpose should have adequate industry representation to ensure that unintended consequences are addressed before a policy or guidance material is put in place.

Priority Area 5: Research and Development

Our sector has maintained a strong track record with its control measures and member companies are fully aware of the need and have invested significant capital to upgrade infrastructure and to improve processes, following the introduction of the new WES, across most jurisdictions in July 2020. Since its introduction, our sector has continued to proactively work with state-based regulators such as SafeWork NSW and the Resources Regulator, to monitor dust levels and any exceedances, in addition to supporting [education and awareness campaigns](#) with persons conducting to ensure that wet method suppression systems and other methods are in place to minimise dust generation.

However, without a centralised registry to capture and share data on occupational RCS exposure, silicosis incidence and regulatory compliance with the WES, gaps in the understanding of prevention will remain. We support the creation of a National Occupational Respiratory Disease Registry to provide a stronger understanding of the prevalence of Silicosis and other occupational respiratory diseases.

We agree that more investment is required from Government to help support the elimination of Silicosis, however, we strongly suggest research efforts be undertaken to look at the ongoing role of respiratory protective equipment (RPE) as a preventative measure as well as the introduction of effective and low-cost measuring of dust. As we have pointed out on many occasions, we are not aware of any effective equipment that is accurately able to capture or measure exceedances below the present WES of $0.05\text{mg}/\text{m}^3$. This evidence gap is highlighted within your consultation paper and will remain a sticking point for any potentially affected business. We believe that it is broadly unfair to unilaterally introduce a lower WES without the ability of Government or industry to accurately measure this data, let alone be aware of the significant costs to implement such a control.

Summary

CCAA notes the development of this prevention strategy and action plan with the goal to prevent and ultimately eliminate silicosis as an occupation disease, in response to Recommendation 3a of the National Dust Disease Taskforce's Final Report.

While we are broadly supportive of measures undertaken by Government to deliver a nationally organised and consistent approach across all jurisdictions with regards to engagement, communication, education and awareness programs, we remain concerned about the potential ramifications of some of the outlined proposals, their ability to achieve the goal to prevent and eliminate silicosis incidences.

Further Government investment in research to ensure that industry can accurately measure exceedances below the present WES is critically required. The further reduction of the WES without any evidence or ability for industry or government to accurately measure dust exceedances will not lead to the elimination of silicosis but rather it creates a regulatory conundrum for regulators and will encourage businesses to only measure exposure with the minimum required frequency.

Thank you once again for the opportunity to comment upon the development of the 2023-2028 National Silicosis Prevention Strategy (NSPS) and accompanying National Action Plan (NAP). We trust that Lung Foundation Australia will seriously take note of the points raised in our submission.

CCAA would welcome the opportunity to discuss this submission further and we can be contacted at andrew.jefferies@cca.com.au.

Yours sincerely,



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