



December 2 , 2019

The Hon. Wes Fang MLC

NSW Legislative Council

Standing Committee on Law and Justice

Dear the Hon. Mr. Wes Fang

Answers to Questions on Notice

On behalf of AESAG, I am pleased to provide information and answers to questions taken on notice during the hearing held by the Committee on November 15, 2019.

1. Safe Level of Exposure to the Dust. Question of the Hon. David Shoebridge (page 4 of the transcript) *"...any detailed study – that shows what the safe level of exposure to the dust from your product is?"* and Mr. Cullen input (same page) *"...the information we have and I am happy to give you copies - ...is that if the right safety equipment, personal protective equipment, ...the product can be handled safely – 100 per cent"*.

- 1.1. Being made mainly of crystalline silica, as stated in the hearing, the significant risk resulting from our product is silica exposure.

Attached as **Attachment 1** is a 600-page report by the US Occupational Safety and Health Administration ("**US OSHA**") in connection with publishing a new set of rules for Occupational Exposure to Respirable Crystalline Silica, which established a new permissible exposure limit ("**PEL**") of 50 micrograms of respirable crystalline silica per cubic metre of air as an eight-hour time weighted average.

The report, dated March 25, 2016, describes in detail in Section V of the report (Health Effects) how US OSHA reached a conclusion that a PEL of 50 µg/m³ would provide consistent levels of protection for workers in all sectors covered by the rule (note that they did not address the engineered stone industry), and how this is consistent with the recommendations of World Health Organization's International Agency for Research on Cancer (IARC), the US Department of Health and Human Services, National Toxicology Program, the American Conference of Governmental Industrial Hygienists (ACGIH) and more.

As stated in the report, to reach those conclusions US OSHA conducted an extensive search and review of peer-reviewed scientific literature on the health effect of inhalation of respirable crystalline silica.

1.2. In addition, many researchers that have explored this issue have indicated that when implementing safety means silicosis can be prevented. See for example, a quote from an article in the peer-reviewed medical journal CHEST from March 2012 by Mordechai R. Kremer and Paul D. Blanc about alleged the resurgence of silicosis among artificial stone workers. The researchers wrote:

Strict enforcement of occupational safety and health regulations could have prevented this needless tragedy. Appropriate public health interventions to prevent future occurrences should be undertaken. [Highlight added]

2. Product Information. Question of the Hon. Anthony D'Adam MLC (page 9 of the transcript): "*and that is all available in the product's safety data sheet, isn't it?*"

2.1 Attached as **Attachment 2** are Safety Data Sheets and a general description on the make-up of the products. Also Attached are examples of Safety Data Sheets of the pigment and resins used in the industry to make engineered stone surfaces. We request that these documents be treated in a confidential manner as they have come from third parties.

3. Research on the specific hazard of Engineered Stone. Question of the Hon. Anthony D'Adam (page 10 of the transcript): "*....are you aware of any research?*"

In addition to US OSHA report which, although being aware of and indicating the presence of engineered stone products did not address any specific risk related to these products, we would like to draw the committee's attention to a meta-analysis research conducted by Naama Schwarz PhD, Hashem Bishara MD MPH, Shlomo Moshe MD, Moshe Mishali PhD and Daniel Weiler Ravell MD, which was funded by Caesarstone Ltd.

The researchers reviewed and conducted meta-data analysis on 2,930 papers published from 1980 to February 2018 that included references to quantification of silicosis among stone workers .

The results of this study showed "*...no significant difference between the pooled prevalence of* The researchers concluded that "*There is no substantiated evidence for increased risk of silicosis in artificial dust exposure compared to natural dust exposure*".

The article is attached as **Attachment 3**.

We request that this study be treated in a confidential manner as the study has been submitted for publication at a scientific journal and confidentially is required in order to not jeopardise its chances of publication.

4. Tendering old manuals and SDS. Question of the Hon. Anthony D'Adam (page 11 of the transcript): *"Can you tender those manuals and that advice, that documentation that you ran through in your opening statement about each of the years."*

4.1 The manuals are attached as **Attachment 4.**

5. Letter to kitchen and bathroom stores. Request of the Hon. Trevor Khan (page 18 of the transcript) to provide the letter that was sent to kitchen companies and builders in Australia.

5.1. The letter is attached as **Attachment 5.**

6. Legal obligation to immediately report on non-compliance. Question of the Hon. Daniel Mookhey *"I was going to ask that question ... you say that you are going to report to regulators after you have given them a reasonable opportunity to remediate, but do you have a legal obligation to report as soon as you find out that there is a hazard?"* (page 17 of the transcript).

6.1. We were advised by our legal advisors that there is no duty to advise the regulators of incidents that may arise during fabrication or finishing.

7. Sales by revenue in Australia. Request of the Hon. Daniel Mookhey and the Hon. David Shoebridge (page 20 of the transcript): *"we are just looking for sales by revenue in Australia"... "I am trying to get an understanding of the scale of the industry".*

7.1 Please find information attached in **Attachment 7.**

8. Full Documentation around the accreditation system. Request of the Hon. Anthony D'adam (page 23 of the transcript): *"...I wonder if you would be able to provide the Committee with the full documentation around the accreditation system?"*

8.1 Please find information attached in **Attachment 78.**

9. Supplementary questions (letter from November 22, 2019). This is provided in a separated document as instructed by the Committee.

Yours sincerely,

David Cullen, AESAG