

Mr. Greg Donnelly
Received by
Ros O'Brien
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01 October 2021

Hon Kevin Anderson MP
Minister for Better Regulation and Innovation
GPO Box 5341
Sydney NSW 2001

Via email:

CC:
Rose Webb
Deputy Secretary, Better Regulation Division
NSW Department of Customer Service

Via email:

Dear Minister,

The undersigned organisations made individual and joint¹ submissions to the National Dust Disease Taskforce (NDDT) which was established to assess and make recommendations to curb the incidence of the highly preventable illness, silicosis, caused by working with engineered stone. This product has been used extensively over the last decade for benchtops in both commercial and residential buildings. The NDDT final report went to Minister Hunt, the Federal Minister for Health, in June 2021.

Although exposures to respirable crystalline silica (RCS) in engineered stone workers was the impetus for the establishment of the NDDT, engineered stone is not the only source of exposure to RCS. The prevention of silicosis in construction workers, tunnellers, quarry workers and others is equally important. The NDDT did hear from workers suffering from silicosis from these industries.

To curb exposures and help prevent silicosis in any worker, we are supportive of a regulatory approach that removes all doubt and provides duty holders with clarity about the risk control measures necessary for "high risk" silica processes.

Our organisations strongly recommend that governments adopt consistent regulation across all jurisdictions that enshrines the use of the hierarchy of control to prevent hazardous exposures to respirable crystalline silica exposures, across all industries.

The detail of such a regulation is clearly best left to health and safety regulators, however an indicative approach is attached for your consideration.

We also take this opportunity to reiterate our support for an explicit three-year staged approach to implement a ban on the use of engineered stone with high silica content and in the interim, a licensing system for work with engineered stone.

We would be very happy to meet with yourself or your officers to discuss further.

¹ Joint letters dated 14 November 2019, 11 November 2020 and 28 April 2021

Yours sincerely,

Liam O'Brien
Assistant Secretary
Australian Council of Trade Unions (ACTU)



Tim Driscoll
Chair, Occupational and Environmental
Committee
Cancer Council Australia



Professor John Upham
President
The Thoracic Society of Australia & New
Zealand



Mark Brooke
Chief Executive Officer
Lung Foundation Australia



David Clarke
Chief Executive Officer
Australian Institute of Health & Safety (AIHS)



Terry Slevin
Chief Executive Officer
Public Health Association Australia



Dominic Yong
President
The Australian and New Zealand Society of
Occupational Medicine Inc (ANZSOM)



Dr Ross Di Corleto
President
Australian Institute of Occupational
Hygienists



Attachment

Proposal for Regulation for Silica materials

A Regulation to apply to all silica containing materials, cover specific processes included in existing jurisdictional definitions and prescribe specific control measures when working with silica containing materials.

A Regulation would define crystalline silica substance and high-risk crystalline silica processes – using the model of the Lead Regulations – with the addition of a requirement to conduct a risk assessment when it is reasonably likely that Workplace Exposure standards will be exceeded or there is a health risk.

The risk assessment is required due to the ubiquitous nature of silica in the built and natural environment.

High risk silica processes would include:

- power tools and machinery that generates crystalline silica dust;
- road headers;
- a process that exposes a person to silica dust during manufacture or handling of silica material;
- quarrying;
- screening;
- tunnelling.

The risk assessment would require the following to be taken into account:

- the specific tasks or processes required to be undertaken with material containing crystalline silica;
- the form of crystalline silica to be used;
- the proportion of crystalline silica contained in the material;
- previous atmospheric monitoring results;
- the likely frequency and duration of exposure to crystalline silica dust;
- any information about incidents, illnesses or diseases associated with exposure to crystalline silica dust at the workplace.

The PCBU needs to develop a silica risk control plan based on the outcomes of the risk assessment.

The Regulation, like the Lead Regulations, would require health monitoring, information and training and informing of job applicants of the risks associated with silica exposures and the risk control measures in place.