

INQUIRY INTO 2019 REVIEW OF THE DUST DISEASES SCHEME

Organisation: Cosentino Australia Pty Ltd

Date Received: 2 December 2019

29 November 2019

The Hon Niall Blair MLC
Committee Chair
Legislative Council Standing Committee on Law and Justice
Parliament House
Macquarie Street
SYDNEY NSW 2000

By email law@parliament.nsw.gov.au

Dear Mr Blair

Re: 2019 Review of the Dust Diseases Scheme (NSW)

Introduction

On 14 October 2019 Mr Con Papadakis, Regional Director for Cosentino in Oceania (and Director of Cosentino Australia Pty Ltd) was approached on behalf of the Director Upper House Committee NSW Parliament and invited to provide a written submission to the Committee on Law and Justice, in relation to the review into the Dust Disease Scheme. The invitation requested that Cosentino provide a written submission by 23 October 2019.

Due to the relatively short time frame proposed, enquiries were made as to whether an extension of time was possible for the filing of any written submissions. On 22 October 2019 Cosentino's representatives were informed that, in light of submissions received from other manufacturers the Committee was unlikely to grant an extension of time beyond 7 days. In the circumstances, Cosentino determined it was unable to comply with the timeframe specified in the request.

Notwithstanding the absence of a written submission, on 30 October 2019 a representative from Cosentino was invited to give evidence at a public hearing for the 2019 review of the Dust Diseases Scheme scheduled to take place on 15 November 2019. On 6 November 2019 Cosentino's agent respectfully declined the invitation to give evidence, but confirmed Cosentino's willingness to provide a detailed written submission, should the Committee be willing to grant an extension to Friday 29 November 2019.

That invitation was accepted and the following submissions are made accordingly.

The Cosentino Group

The Cosentino Group is a family-owned business which was founded in Cantoria, Almería (Spain) in 1979 and produces and distributes high quality, innovative surfaces marketed as Silestone®, Dekton® and Sensa®, as well as natural stone marketed under the banner of Scalea®. The Group currently employs over 4,500 individuals worldwide in locations throughout, among others, Spain, Portugal, France, the United Kingdom, the United States, Canada, Mexico, Brazil, Argentina, Scandinavia, Turkey, South Africa, Malaysia, Australia and New Zealand.

Although it does not enjoy predominant market share in Australia, at an international level the Cosentino Group is the largest supplier of engineered stone product throughout the world.

As a leading global enterprise, Cosentino has developed educational programs for the benefit of employees and suppliers alike, acknowledging its corporate social responsibilities and recognising the need to strengthen social and business development in member countries.

Silicosis dust disease related illnesses is one of the main challenges to be addressed by the engineered stone industry. In an effort to support and maintain safe business practices, Cosentino created an Occupation Safety and Health Space (“OSH Space”) to serve as a communication tool for Occupational Safety and Health matters between the company and individuals which handle, fabricate or install Cosentino products. This platform includes safety information regarding crystalline silica and is freely and readily available in all languages via a link from the Cosentino website: <https://osh.cosentino.com>. It is used as the central consultation platform for all occupational hazards and counter-measures related to the handling and processing of Cosentino products.

In the last fiscal year alone, the Cosentino Group has provided approximately 1,200 hours of training to suppliers, more than 30.000 hours of training directly to employees, and invested approximately AUD\$6.5million towards health and safety.

Membership of the AESAG

The size and global reach of the Cosentino Group necessarily sets it apart from some of the other suppliers of manufactured stone, such as Quantum Quartz and Smartstone. The

regulatory environment in which Cosentino operates is complex and inconsistent across various jurisdictions.

Cosentino has been a close collaborator with the members of the Australian Engineered Stone Advisory Group (AESAG) over many years. More recently, a decision was made by Cosentino to differentiate itself from the other members of the AESAG, at least for the time being. That decision was made for a number of strategic reasons.

At the outset, it is important for Cosentino to emphasise that it shares the concerns expressed on behalf of the AESAG concerning the welfare of persons engaged in the use of engineered stone products. A safe working environment for everyone involved in the lifecycle of those products is of utmost importance to Cosentino and for many years has been accepted as integral component to the sustainability of not only the manufacturers and suppliers of those products, but the many downstream industries and employers which rely on manufactured stone product for their livelihood. The OSH Space developed and promoted by the Cosentino Group is testament to its significant investment in the well-being of all persons associated with its products. Likewise, Cosentino has been making continuous efforts to raise awareness amongst the companies and persons working with the engineered stone products, by way of holding on-site Occupational Health & Safety educational sessions to the industry during many years, worldwide.

Cosentino quartz products (Silestone®) are produced according to very strict quality criteria and comply with all technical requirements of existing regulations. In this sense, Cosentino products are:

1. Manufactured in accordance with applicable international regulation standards; and
2. Guaranteed with no pollutant emissions by the Greenguard indoor Air Quality and Greenguard Children and Schools certifications.

The production of Silestone® holds ISO 9001 which certifies quality, ISO 14001 which certifies environmental protection, ISO20400 which certifies sustainably purchase and procurement management.

Cosentino has had the benefit of reviewing the Submission dated 22 October 2019 delivered on behalf of the AESAG to the Committee Chair of the Legislative Council Standing Committee on Law and Justice. In the time limited for the preparation of this Submission, Cosentino has also reviewed the transcripts of evidence given on behalf of other participants in the Review of the Scheme, including members of the AESAG on 15 November 2019. Having reviewed

that material carefully and subject only to the caveats which are stated below, Cosentino is able to express the following position:

1. Engineered quartz products are not inherently dangerous. Silicosis associated with the use of those products is 100% preventable when manufacture, fabrication and installation occur in accordance with published OH&S guidelines;
2. It agrees largely with the submissions made on behalf of the AESAG;
3. It supports the ongoing efforts of bodies such as SafeWork Australia, SafeWork NSW and Worksafe Qld to assist in the provision of information and guidance for those working with manufactured stone to ensure that risks of RCS related illness are minimised or avoided;
4. The legislative position adopted in Queensland to recognise as unlawful the practice of dry-cutting manufactured stone is a reform that should be implemented nationally;
5. Those reforms correctly identify that exposure to RCS is a risk that can be effectively managed, however as with all risk management schemes, it cannot operate in isolation and needs to be integrated within the broader contextual environment. With particular references to RCS, that environment must necessarily include an acknowledgement that silica dust exposure can arise with naturally occurring substances, as well as activities that are wholly unrelated to manufactured stone, where appropriate care is not taken;
6. It must also be recognised that manufactured stone has applications far beyond kitchen benchtops. The product's ability to deliver a sterile and dependable surface lends itself to a great many uses;
7. The elimination of manufactured stone products presents as neither a practically viable, nor a philosophically proportionate solution. It would create enormous disadvantage to the countless businesses and households which rely on the trades that are closely aligned with the use of all those products, including the retail, marketing and distribution networks that have developed in parallel with the core trades;
8. Moreover, elimination of manufactured stone would necessarily call for a review of all other analogous products which contain similar composite materials. As noted by the AESAG submission, this includes glass, bricks, tiles and even composite dental fillings and certain prostheses. Considering that risks are not inherent to the product but instead arise from the lack of health and safety measures which are already elaborated, elimination is not a reasonably practicable solution. Instead, the greatest prospect of successfully addressing the risk of RCS injury will result from the regulation of those persons who are most exposed to the risk via their respective workplaces and practices. At a practical level, that will continue to involve the mechanisms by which all workplace risks are managed: the provision of appropriate safety equipment and

- training, and the need to stipulate, monitor and supervise safe work methods and activities, particularly where those persons involved are inexperienced;
9. All manufactured stone products delivered to Australia by Cosentino are appropriately labelled and marked with SMS data which identifies fully, using easily understood pictograms, the hazards associated with working with that product. Delivery notes of the material supplied to its customers in Australia include a clear reference to the relevant Occupational Health & Safety information;
 10. Cosentino makes freely available a wide array of publications including a 'Good Practice Guide' and a 'Fabrication Manual' which are designed to assist those workers involved in the ultimate installation of its products. Occupational exposure limits for this, and every other jurisdiction, are published and contact details for Cosentino and its OSH Space are clearly identified.
 11. In addition, Cosentino sends OSH Newsletters to its customers periodically and worldwide updating the relevant information. The last OSH Newsletter to stonemasons in Australia and New Zealand was sent on October 12th 2019 and reached almost 800 customers.

At least for the foreseeable future, the area where Cosentino does not join with the members of the AESAG is their suggestion that an industry-led accreditation program represents the most appropriate and effective industry response to RCS risk. The various reasons which underlie that hesitation have been discussed at length as between Cosentino and the AESAG. Among others, Cosentino has serious reservations on the effectiveness of the accreditation program.

Of particular concern is Cosentino's unique international presence which requires that it pay careful attention to a number of issues associated with the proposed scheme, including the appropriate use of any power it may have in any specific market – either alone or in conjunction with other industry participants. If an accreditation scheme is given full legislative effect, involving the approval of competition regulators, Cosentino will of course comply with whatever statutory requirements are in place, either in Australia or in the various domestic markets in which it operates.

By this submission, Cosentino does not seek to undermine the commendable efforts which have been employed to date by and on behalf of the AESAG in seeking to implement the accreditation scheme. Cosentino will continue to liaise closely with members of the AESAG and monitor closely the implementation of the industry scheme, including the effectiveness of the audit regime currently undertaken by Greencap Pty Ltd.

The Cosentino Group remains committed to assisting the industry as a whole, as it has done for more than 40 years, and appreciates the opportunity to make this submission.

Yours sincerely,

Con Papadakis
Regional Director for Cosentino Oceania
Cosentino Australia Pty Ltd.