

AIOH Submission - AESAG Application to the ACCC

1.0 Introduction

In December 2019, the Australian Institute of Occupational Hygienists (AIOH) was invited by the Australian Competition and Consumer Commission (ACCC) to comment on an application that it had received from the Australian Engineered Stone Advisory Group (AESAG) to:

- adopt industry accreditation standards for fabricators and stonemasons (Fabricators) working with engineered stone,
- seek to require Fabricators, to whom Members supply engineered stone, to comply with health and safety practices under the "model" work health and safety laws when working with the engineered stone in order to achieve accreditation, and
- consider whether to refuse to supply engineered stone where Fabricators do not meet the Accreditation Standards

The ACCC, as part of its public consultation commitments, was seeking comment on the likely public benefits and likely effect on competition, or any other public detriment, from AESAG's proposed arrangements.

2.0 The AIOH

The Australian Institute of Occupational Hygienists (www.aioh.org.au) is Australia's premier professional association representing the interests of occupational hygienists in this country. It is a not-for-profit organisation that has members in private industry, government agencies, universities, product and service providers, and in consultancies. Our mission is to promote and preserve the health and well-being of Australian workers through application of the principles, tools and techniques that underpin good occupational health and hygiene practice.

3.0 The AIOH and the Engineered Stone Industry

The last few years have seen the re-emergence of the debilitating disease of silicosis in Australian industry, with attention squarely focused on the engineered stone industry. The issue has attracted significant media and public commentary. There has been a strong response from State and Territory Government agencies, from the Federal Government, and from politicians, health professionals, unions and the general public.

The AIOH has been prominent in the reaction to the issue. In particular, it has responded by setting up the *Breathe Freely Australia* (BFA) initiative (www.breathefreelyaustralia.org.au). While other interest groups are focused on health surveillance, medical treatment, workers compensation, litigation and similar, the AIOH and its members are keen to apply their skills and experience to the prevention side of the equation. They can assist with health risk assessments, air monitoring, advice on suitable engineering, administrative and PPE controls, training and health risk communication.

Occupational Hygienists are very familiar with the Acts and Regulations that constitute OHS law in this country, as well as any supporting Codes of Practice and guidance material.

The AIOH has been active in providing input to the various inquiries that are being carried out at the moment. This includes making submissions to the National Dust Diseases Taskforce and the Dust Diseases Board (NSW).

The BFA website carries practical advice on safe work practices in a variety of industry sectors, including engineered stone. It provides toolbox talks and free downloadable material that can be used for training and awareness-building purposes. In addition, over the last few months BFA volunteers have been active in Queensland, New South Wales and Western Australia with roadshow initiatives aimed at raising awareness of silicosis risks in the engineered stone industry and the countermeasures that are needed.

4.0 The AIOH's position on the AESAG Application

The AIOH is committed to the objective of preventing future cases of silicosis. This will be achieved by application of OHS best practice when working with engineered stone, particularly during fabrication. The objective will be met by using well-developed management plans. These will cover aspects such as engineering controls, wet work practices (no dry cutting), effective RPE programs, appropriate air monitoring for exposure assessment, health surveillance and worker training.

The current Queensland Code of Practice, "Protecting Workers from Exposure to Respirable Crystalline Silica, Guide to Safe Bench Top Fabrication and Installation", is considered the standard appropriate.

https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0005/181940/Managing-respirable-crystalline-silica-dust-exposure-in-the-stone-benchtop-industry-Code-of-Practice-2019.pdf.

Although the AESAG Code is a positive initiative, it does not address the issues as comprehensively as the Queensland Code. Furthermore, through site inspections the States' OHS authorities are continually improving the workplace standards and practices with their local engineered stone fabrication businesses. Again, we do not believe the AESAG Code and auditing process will deliver the high standards that the State OHS authorities will achieve.

The fabrication of engineered stone is a high-risk industry as seen by the number of cases of silicosis that have occurred in a very short time period. The AIOH would encourage a registration scheme such that all businesses can be monitored for safe operating work practices to ensure respirable silica exposures are below the Safe Work Australia exposure standard.

The AIOH does have concerns about the administration of the industry accreditation scheme. Without more detail about the application, particularly the AESAG Code and Accreditation process with the Green Cap company, we cannot comment fully. Voluntary self-regulation approaches have had a chequered history in this country, so the AIOH recommends that there should be an independent overview of the accreditation process.

The AIOH suggests that resources used for occupational hygiene assessments and auditing in relation to the AESAG proposals should be Certified Occupational Hygienists or Full Members of the AIOH throughout Australia. This auditing program should not be limited to one company but to those companies with the competent hygienists described above who are professional members of the AIOH.

OHS legislation in Australia lays out clear duty of care responsibilities for importers, manufacturers and suppliers, as well as for those involved in installation of products such as engineered stone. Accordingly, product stewardship (whole of life) considerations should be part of the broader assessment of this industry sector. The past history of supplier's guidelines and the quality of their Safety Data Sheets detailing the health effects and workplaces practices for safe work have not been of the high standard required for this high-risk activity.

The AIOH is committed to the promotion and implementation of the best work practices to protect worker health. The engineered stone fabrication industry requires clear guidance on workplace standards and monitoring to ensure that further cases of silicosis are prevented. There is still more work to be done in this area to ensure Australian workplaces are seen as best in class in relation to the fabrication of engineered stone.

Sincerely,



Andrew Orfanos
AIOH President 2020