



NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>AUSTRALIA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Department of Employment and Workplace Relations (DEWR) – Commonwealth agency responsible for notifying national approach. The Commonwealth government and each state and territory will be responsible for implementation in work health and safety laws. Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Australian TBT Enquiry Point Department of Foreign Affairs and Trade Ph +61 2 6261 1111 tbt.enquiry@dfat.gov.au www.dfat.gov.au
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): <i>The measure will apply to:</i> Engineered stone slabs, panels, and benchtops. Prohibited 'engineered stone' will be defined as an artificial product that contains 1% or more crystalline silica (determined as a weight/weight (w/w) concentration), is created by combining natural stone materials with other chemical constituents (such as water, resins or pigments) and becomes hardened. Engineered stone does not include concrete and cement products, bricks, pavers and other similar blocks, ceramic wall and floor tiles, grout, mortar and render, plasterboard, porcelain products, sintered stone and roof tiles. <i>This captures the following HS codes:</i> <ul style="list-style-type: none">• 6802: Worked monumental or building stone (except slate) and articles thereof, other than goods of 6801.00.00; mosaic cubes and the like, of natural stone (including slate), whether or not on a backing; artificially coloured granules, chippings and powder, of natural stone (including slate)<ul style="list-style-type: none">○ 6802.29.00: Other stone○ 6802.99.00: Other stone• 6810: Articles of cement, of concrete or of artificial stone, whether or not reinforced

- 6810.19.00: Other
- 6810.91.00: Prefabricated structural components for building or civil engineering
- 6810.99.00: Other
- 6814: [Worked mica and articles of mica, including agglomerated or reconstituted mica, whether or not on a support of paper, paperboard or other materials](#)
 - 6814.10.00: Plates, sheets and strips of agglomerated or reconstituted mica, whether or not on a support
 - 6814.90.00: Other

5. Title, number of pages and language(s) of the notified document: Model Work Health and Safety Regulations (Engineered Stone) Amendment 2024; (11 page(s), in English)

6. Description of content: The manufacture, supply, processing and installation of engineered stone slabs, panels, and benchtops will be prohibited in all Australian states and territories from 1 July 2024. Prohibited 'engineered stone' will be defined in the legislation as an artificial product that contains 1% or more crystalline silica (determined as a weight/weight (w/w) concentration), is created by combining natural stone materials with other chemical constituents (such as water, resins or pigments) and becomes hardened.

However, engineered stone does not include concrete and cement products, bricks, pavers and other similar blocks, ceramic wall and floor tiles, grout, mortar and render, plasterboard, porcelain products, sintered stone and roof tiles.

Other engineered stone products are not affected by the prohibition.

To have effect, the prohibition will need to be implemented in jurisdictional work health and safety laws. Australia has a harmonised work health and safety system achieved by the adoption in each jurisdiction (other than Victoria) of the model Work Health and Safety laws developed by Safe Work Australia, a tripartite body representing all jurisdictions as well as employer and worker representatives. All jurisdictions other than the state of Victoria have implemented the model laws, and Victoria has similar laws. In this case the model law amendments reflect the agreed national policy to be implemented in each state and territory and the Commonwealth.

The Commonwealth government has indicated an intention to introduce an import prohibition to complement the prohibition on use. Timing is still to be determined.

7. Objective and rationale, including the nature of urgent problems where applicable: The prohibition of engineered stone slabs, benchtops and panels will protect Australian workers. Australia has observed a rise in cases of silicosis and other silica-related diseases. The vast majority of silicosis cases identified in recent years are in engineered stone workers. These workers get sick sooner, and experience faster disease progression and higher mortality than other workers exposed to respirable crystalline silica or silica dust.

In October 2023, Safe Work Australia, the national work health and safety policy body, published the *Decision Regulation Impact Statement: Prohibition on the use of Engineered Stone* (Engineered Stone DRIS) which recommended banning the use, supply and manufacture of all engineered stone, with limited exceptions, to protect engineered stone workers from the risk of preventable and devastating disease.

A range of options were considered in the Engineered Stone DRIS including the status quo, a prohibition on high silica content engineered stone, and licensing schemes. These options were evaluated with reference to evidence about the scope of the problem, including scientific evidence, and consideration of measures taken to date in Australia, including compliance and enforcement activity. The Engineered Stone DRIS found that less restrictive options would not be effective in protecting workers and the only way to ensure another generation of engineered stone workers do not go on to develop silicosis

is a prohibition of the use of all engineered stone, irrespective of crystalline silica content. In particular:

- Expert analysis shows dust from engineered stone poses unique hazards, and there is no evidence that engineered stone with a lower silica content (e.g. 40% or 10%) is safer to work with. There were also concerns that permitting work with lower silica products may encourage greater non-compliance because products may be viewed as 'safe'.
- There is evidence of continued non-compliance with WHS laws by businesses and workers in the engineered stone industry, despite significant education and awareness-raising activities as well as compliance and enforcement action by WHS regulators.

All Australian governments agreed to Safe Work Australia's recommendation to ban the use of all engineered stone due to the unacceptable risk it poses to workers. The ban will be implemented in the laws of all states and territories and the Commonwealth, with a commencement date of 1 July. ; Protection of human health or safety

8. Relevant documents:

The Safe Work Australia Engineered Stone DRIS can be accessed at [Decision Regulation Impact Statement: Prohibition on the use of engineered stone | Safe Work Australia](#)

- 9. Proposed date of adoption:** Various, each jurisdiction will implement the prohibition of engineered stone in work health and safety laws. Amendments will be made in June 2024 for 1 July 2024 commencement.

Proposed date of entry into force: 1 July 2024

- 10. Final date for comments:** 31 December 2024; Comments will be considered by the Commonwealth and state and territory governments in a coordinated way at the same time as a separate review being undertaken by Safe Work Australia. The Safe Work Australia review is due before 31 July 2025.

Work health and safety ministers agreed that Safe Work Australia, the national work health and safety policy body, review the operation of the prohibition to ensure it is operating effectively. As part of this process, Safe Work Australia has been asked to review the health risks to workers associated with processing slabs, panels and benchtops that are currently excluded from the prohibition, which may contain or be free from crystalline silica including porcelain products and sintered stone.

- 11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

The substance of the model work health and safety amendments are expected to be adopted in all jurisdictions. The amendments for each jurisdiction when published will be notified in an addendum.

Model Work Health and Safety Regulations (Engineered Stone) Amendment 2024 (<https://www.safeworkaustralia.gov.au/doc/model-whs-regulations>)

<https://www.safeworkaustralia.gov.au/doc/model-whs-regulations>

https://members.wto.org/crnattachments/2024/TBT/AUS/24_04073_00_e.pdf