MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

COVERSHEET

Proactive release of Cabinet paper: Consulting on engineered stone and materials containing crystalline silica

Minister	Hon Brooke van Velden	**Portfolio**	Workplace Relations and Safety
Cabinet paper	Consulting on engineered stone and materials containing crystalline silica	**Date to be published**	17 December 2024

List of documents that have been proactively released		
Date	**Title**	**Author**
December 2024	Consulting on engineered stone and materials containing crystalline silica	Office of the Minister for Workplace Relations and Safety
2 December 2024	Engineered stone and materials containing crystalline silica: Release of consultation document CBC-24-MIN-0130 Minute	Cabinet Office

Information redacted **YES / NO** *[select one]*

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In Confidence

Office of the Minister for Workplace Relations and Safety

Cabinet Economic Policy Committee

Consulting on engineered stone and materials containing crystalline silica

Proposal

1 I seek agreement to release a consultation document to gather feedback on options that would control risks to workers frequently exposed to Respirable Crystalline Silica (RCS), such as workers in engineered stone fabrication. The feedback will inform next steps to shape regulatory changes to offer enhanced worker protection.

Relation to government priorities

2 This is a routine request to release a consultation document that requires Cabinet approval.

Executive Summary

3 Accelerated silicosis is an emerging occupational disease caused by exposure to significant concentrations of respirable crystalline silica from unsafe work with engineered stone benchtops. It is an aggressive form of silica-related disease that can develop over a short period of time (approximately 3–10 years); however, it can manifest in less than one year). It is distinct from chronic silicosis, which is not uncommon, and rarely becomes progressive. Work has been underway for some time to find enduring, workable solutions to better manage risks of RCS in engineered stone fabrication and related industries.

4 I am seeking agreement to the content of the attached discussion document (Annex One) for release in December 2024. The purpose of the consultation is to seek feedback from various stakeholders on a range of options to control risks of RCS.

5 Consultation is scheduled to be undertaken between 17 December 2024 and 17 March 2025.

Background

6 “Engineered stone” is an artificial stone product made from ground stone mixed with resins, baked into a “slab”. Engineered stone is a popular benchtop material, due to its availability and affordability. The material is now used in more than half of New Zealand new home builds, and in many other building types.

7 Manipulation (such as cutting, drilling, grinding, or polishing) of engineered stone with high crystalline silica content without appropriate dust control measures exposes workers to high levels of Respirable Crystalline Silica (RCS). RCS is also present in

other industries in which materials containing crystalline silica are cut, crushed, or otherwise disturbed, such as tunnelling, mining, quarrying, and construction.

8 Exposure to RCS can result in silicosis, lung cancer, and other diseases. Particularly in engineered stone fabrication, "accelerated silicosis", a more aggressive form of silicosis seen after exposures over shorter timeframes (typically three to ten years), is increasingly seen in workers. Two Australian screening studies have found that 20–30 percent of engineered stone workers exposed to RCS have developed some form of respiratory disease.

Initiatives to improve risks to workers have not led to standardised practices across industry

9 The scale of the health risks faced by workers in engineered stone fabrication in New Zealand is potentially significant, however the evidence base is still emerging. A suite of initiatives has been developed by WorkSafe, ACC, and other bodies which have led to improvements in workplace practices since 2019. These initiatives include:

9.1 Education and engagement approaches by WorkSafe.

9.2 Inspections of workplace practices by WorkSafe.

9.3 A voluntary industry accreditation programme by the New Zealand Engineered Stone Advisory Group (NZESAG) with funding from ACC.

9.4 The establishment of an Accelerated Silicosis Assessment Pathway (ASAP) by ACC, WorkSafe, and the Ministry of Health.

9.5 Revisions of the Workplace Exposure Standard, an advisory standard for exposure limits to RCS.

10 Despite these initiatives, WorkSafe inspections show that acceptable practices are not consistently applied across industry. The reasons for this variation are unclear, and the consultation is also seeking feedback to help better understand the underlying factors. This inconsistency, combined with cases of silicosis in engineered stone workers in New Zealand, suggests that there is at least a prima facie case for further specific regulatory controls to address health risks to engineered stone workers.

11 It is possible that the current arrangements in place, which rely on general duties without controls being specified, are not sufficiently durable to reduce long-term risks to workers to satisfactory levels.

Australia has adopted a precautionary approach to engineered stone

12 Regulatory settings for engineered stone in Australia have developed rapidly since 2019. Several Australian states imposed a range of regulatory controls and undertook screening programmes. In 2023, Commonwealth, State, and Territory Workplace Relations and Work Health and Safety (WHS) Ministers met to settle a national response to the use of engineered stone due to the severity of the risks and a persistent lack of compliance with obligations and responsibilities under the laws across the industry.

13 Initial consultation by Safe Work Australia on options to manage RCS risks to engineered stone workers in a national approach did not include the option of banning the material. However, feedback to this consultation included widespread support for a national ban. Another round of consultation was required before changes could be made.

14 Ultimately, in response to the significant health risks from RCS exposure in engineered stone fabrication, the Australian model WHS laws were updated to implement a national ban on the import, supply, or use of engineered stone from 1 July 2024. All Australian states have adopted this ban.

Consultation will indicate what controls will be appropriate for New Zealand

15 My view is that there is not yet clear evidence in support of imposing a total ban on engineered stone in New Zealand. However, in order to meet Regulatory Impact Analysis requirements, I am seeking to consult on the full range of feasible options – including a ban – to inform what controls will be appropriate for New Zealand.

16 The options included in the consultation document are preliminary, and new options may be developed based on submissions received. The included options are:

16.1 **Implementation of mandatory requirements** to reduce dust exposure in workplaces that fabricate engineered stone. For example, wet cutting systems or dust extraction systems.

16.2 **Licencing of workplaces** that fabricate engineered stone.

16.3 **Increased general duties** for all industries where workers are likely to be exposed to RCS.

16.4 **Exposure and health monitoring**, to measure and track impacts on workers. I seek feedback on this option for both engineered stone fabrication and other industries.

17 Additionally, the consultation document seeks feedback on limiting supply or use of engineered stone through a partial (based on silica content level) or total ban, similar to Australia's approach. While I do not consider there is yet evidence or community consensus that would be required to adopt a total or partial ban, it is prudent to consider all available options for public consultation to ensure that submissions are thorough and focused.

18 The consultation will seek feedback on a range of options and gather additional information to better inform regulatory impact analysis. Particularly, information to the likely level of compliance with any measures will be crucial to inform the viability of options.

MBIE has also commissioned an independent scientific literature review

19 An independent scientific literature review has been commissioned by the Ministry of Business Innovation and Employment (MBIE) to assess the available scientific evidence for known risks and impacts of working with engineered stone.

20 MBIE is seeking to add to the independent expert review commissioned by Safe Work Australia, which informed on updating Australia's model WHS laws [para 15 refers].

21 The scientific literature review is being conducted in parallel with the consultation so that decisions can be made informed by feedback from the public as well as the most up-to-date scientific evidence.

Scope of the consultation

22 The scope of the consultation is to seek feedback on a range of options as well as additional information to better inform regulatory impact analysis of the outlined options.

Next Steps

23 Based on the consultation feedback, MBIE will provide me with advice on options for meaningful and viable regulatory changes for engineered stone and RCS.

Cost-of-living Implications

24 The public consultation process has no cost-of-living implications.

Financial Implications

25 The public consultation process has no financial implications. It will be funded within MBIE and WorkSafe baselines.

Legislative Implications

26 The public consultation process has no legislative implications.

Impact Analysis

Regulatory Impact Statement

27 A Quality Assurance Panel from MBIE has reviewed the Discussion Document on Work with engineered stone and materials containing crystalline silica against the Treasury Quality Assurance criteria. The panel considers that the discussion document partially meets the criteria. There is a level of uncertainty in the evidence and analysis, which resulted in the partially meets rating. The panel is confident that the eventual Regulatory Impact Statement will be strengthened by the consultation process initiated by this discussion document.

Climate Implications of Policy Assessment

28 A Climate Implications of Policy Assessment (CIPA) is not required as there is no direct impact on greenhouse gas emissions.

Population Implications

29 While the public consultation process itself has no population impacts, I am intending to consult with a wide range of people. The feedback may provide a better understanding of the population impacts.

Human Rights

30 The public consultation process has no human rights implications.

Use of external Resources

31 No external resources were used in the policy development for this paper. The development of regulatory options may require external resources to provide further evidence to inform policy development and support future decisions.

Consultation

32 The following agencies have been consulted: the Accident Compensation Corporation, MBIE (other teams), the Ministry of Health, the Ministry for Regulation, New Zealand Customs Service, the Ministry of Foreign Affairs and Trade, the Treasury, and WorkSafe. The Department of Prime Minister and Cabinet was informed.

33 As part of finalising the consultation paper for publication and release, I may need to make further minor and technical editorial or design changes, consistent with the approach outlined in this Cabinet paper and consultation document.

Communications

34 MBIE will release the public consultation document online on 17 December 2024, seeking written submissions from the public.

Proactive Release

35 I intend to release this Cabinet paper proactively, subject to redaction as appropriate under the *Official Information Act 1982*.

Recommendations

The Minister for Workplace Relations and Safety recommends that the Committee:

1 approve the release of the document *Work with engineered stone and materials containing crystalline silica* for public consultation with feedback to be sought through written submissions;

2 authorise the Minister for Workplace Relations and Safety to make minor and technical editorial changes to the consultation paper before release;

Authorised for lodgement.

Hon Brooke van Velden

Minister for Workplace Relations and Safety

Appendix One: Public consultation document

Work with engineered stone and materials containing crystalline silica