

18 March 2025

Health and Safety Policy
Labour, Science and Enterprise
Ministry of Business, Innovation & Employment

Emailed to: HSWHaveYourSay@mbie.govt.nz

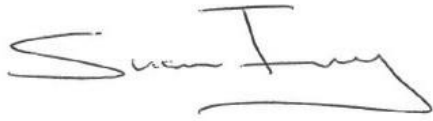
ICNZ'S SUBMISSION ON THE CONSULTATION ON WORK WITH ENGINEERED STONE AND MATERIALS CONTAINING CRYSTALLINE SILICA

1. Thank you for the opportunity to provide a submission on the Ministry of Business, Innovation & Employment's (MBIE) consultation on work with engineered stone and materials containing crystalline silica.
2. Te Kāhui Inihua o Aotearoa | The Insurance Council of New Zealand (ICNZ) represents general insurers. Our members accept the risks of over NZ\$2 trillion of New Zealand's assets and liabilities. ICNZ's members provide insurance products ranging from those usually purchased by individuals (such as home and contents insurance, travel insurance, and motor vehicle insurance) to those purchased by small businesses and larger organisations (such as product and public liability insurance, professional indemnity insurance, cyber insurance, commercial property insurance, and directors and officers insurance).
3. We have the following brief comments on the consultation.
4. The consultation document sets out a number of regulatory options aimed at ensuring that workplaces minimise worker exposure to respirable crystalline silica (RCS). ICNZ supports a move away from the status quo, which is premised on the existence of the general duties on businesses and workers under the Health and Safety at Work Act 2015.
5. The consultation paper states that the current regulatory settings have not led to a consistent level of compliance and improvement in workplace practices where workers are exposed to RCS. It also states that between June 2023 and October 2024, WorkSafe inspectors inspected 102 businesses and issued 67 (two-thirds) of those businesses with enforcement notices. As it appears that the current regulatory settings have not led to consistent management of RCS risks, we do not support Option 1 (Status quo – No changes to regulatory settings).

6. The consultation document includes the option of a total or partial ban on the importation, use or supply of engineered stone (Option 5). MBIE states that it does not have evidence to recommend a full or partial ban. ICNZ does not have further data to provide.
7. We note that if engineered stone were banned, it will be important that transitional issues are carefully considered. Businesses will require a transitional period to move away from engineered stone to alternative materials. In light of the amount of engineered stone already in place in New Zealand homes and other buildings, the broader problem of managing the risks posed by working with existing engineered stone, and other materials containing RCS, will remain. Policymakers could have regard how New Zealand phased out products containing asbestos and regulated work with existing materials in the 2010s as an example of how these issues have previously been addressed.
8. If engineered stone were banned, we would expect that alternative products should be available in New Zealand as Australia has already banned engineered stone and the two countries' markets are closely connected.
9. The consultation paper sets out a number of options for reforming the regulation of work with engineered stone and RCS, including:
 - Option 2: Specific mandatory requirements to reduce RCS exposures from work with engineered stone
 - Option 3: Licensing of workplaces that cut, grind, drill or polish engineered stone
 - Option 4: Increased general duties and monitoring of all workplaces exposing workers to RCS.
10. ICNZ supports greater clarity in the regulatory settings and therefore would support a higher degree of prescription about work involving exposure to RCS. ICNZ considers that Options 2, 3 and 4 (or a combination of these options) each have merit and the potential to support greater certainty and better manage the risks of RCS exposure.
11. Whatever decisions are made with respect to engineered stone, we note that RCS exposure does not solely occur when workers work with engineered stone. Option 4A (General duty to reduce RCS exposures from work in all other workplaces) would help address the risks of RCS exposures across all industries.

12. Please feel free to contact me if you need any further information about this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read "Susan Ivory". The signature is written in a cursive style with a large, prominent initial "S" and a distinct "I" for the first name.

Susan Ivory
Regulatory Affairs Manager