

Engineered stone prohibition: examples of permitted work with legacy engineered stone

Work Health and Safety Regulations 529E and 529F

Engineered stone benchtops, panels and slabs are currently installed in many homes and other settings throughout Australia. These installed products, and any stock of uninstalled engineered stone held by a person conducting a business or undertaking (PCBU) (e.g. suppliers and distributors) after the commencement of the prohibition are referred to as legacy engineered stone.

Note: If any permitted processing of engineered stone is determined to be high risk, then the PCBU must meet the additional requirements for processing of a crystalline silica substance that is high risk outlined in Part 3 of the model Code of Practice: Managing risks of respirable crystalline silica in the workplace (Silica Code).

1. Permitted work with legacy engineered stone for genuine research and analysis

WHS Regulations 529E and 529F

Exceptions for research and analysis, and to sample and identify engineered stone.

Regulations 529E and 529F permit the installation, supply and controlled processing of engineered stone benchtops, panels or slabs for the purposes of:

- genuine research and analysis, and
- to sample and identify engineered stone.

Example 1:

A university-based researcher is studying the ability of various materials commonly found in homes to resist the impact of the spread of fire and requests samples of legacy engineered stone from a PCBU.

Example 2:

A PCBU provides a laboratory with product samples to be tested for crystalline silica content. Although the product was labelled as crystalline silica-free, the test results return levels of 1% crystalline silica w/w or greater.

Summary of WHS duties:

- A business is permitted to supply a legacy engineered stone benchtop, slab, panel or sample of such a product from their stockpile to the researchers in the above examples.
- The researchers may process the engineered stone (e.g. by cutting the stone to suit the needs of their research), however:
 - The researcher must first determine if the processing is high risk (see Part 2.5 of the [Silica Code](#) and [risk assessment case studies](#)).
 - The researcher must be trained and proficient in using hand and power tools and must understand the risks of RCS.
 - Any processing of the engineered stone must be controlled (see Part 2.3 of the [Silica Code](#)).

2. Permitted work with legacy engineered stone for repair, removal, minor modification and disposal

WHS Regulation 529F

Exception to process legacy engineered stone for repair, removal, minor modification and disposal.

Regulation 529F permits the controlled processing of legacy engineered stone benchtops, panels or slabs for the limited purposes of:

- removal, repair and minor modification to previously installed engineered stone, or
- disposal of engineered stone (i.e. after removal, or disposal of uninstalled stock).

Example 1:

A worker repairs a crack in an engineered stone benchtop installed in a kitchen. To repair the engineered stone, a worker needs to fill the crack with liquid resin and use power tools to level and re-polish the engineered stone.

Example 2:

A worker makes a minor modification by creating a hole in a splashback to install a new power point. The worker uses a power drill to create the hole.

Example 3:

A worker replaces the stovetop in an engineered stone benchtop. The replacement stovetop is the same dimensions as the existing one but has slightly different installation specifications. To install it, the worker uses a power tool to trim one side of the existing hole in the engineered stone benchtop to make the minor modification to fit the replacement stovetop correctly.

Example 4:

A worker uses power tools to remove an engineered stone benchtop and splashback as part of a kitchen renovation. The worker then uses mechanical plant with wet dust suppression methods to crush the engineered stone to facilitate easier disposal. The crushed stone is then taken to a local waste management site.

Summary of WHS duties:

The above examples of work with legacy engineered stone are permitted, provided the PCBU:

- provides prior written notice of the work to the WHS Regulator (see Part 5.3 of the [Silica Code](#)),
- conducts a risk assessment to determine if the processing is high risk (see Part 2.5 of the [Silica Code](#) and [risk assessment case studies](#)), and
- ensures any processing of the engineered stone is controlled (see Part 2.3 of the [Silica Code](#)).

If the PCBU carries out work involving processing of a stone product for removal, disposal, repair or minor modification which is subsequently identified as engineered stone, the PCBU must, as soon as practicable after they become so aware, notify the WHS regulator.

Under certain circumstances, WHS Regulators may grant an exemption on their own initiative under the general exemption power in regulation 684 to allow for the reinstallation of legacy stone benchtops, panels and slabs, for example if it was removed for the purpose of fixing underlying cabinetry or plumbing. Contact your [WHS Regulator](#) for further information about whether an exemption is in place.