Ms. Marie Boland
CEO
Safe Work Australia
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Submission by email: SilicaPolicy@swa.gov.au

27 October 2026

Dear Ms Boland

Re: Draft Waste Management and disposal of engineered stone and other crystalline silica substances (CSS) guidance

The Waste Management and Resource Recovery Association of Australia (WMRR) welcomes the opportunity to comment on the draft the draft guidance for *Waste management and disposal of engineered stone and other crystalline silica substances (the guide)*. As the national peak body representing Australia's $20 billion waste and resource recovery (WARR) industry with more than 2,300 members from nearly 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. Fundamental to our advocacy is the safe management and recovery of materials so that less can be used for longer. This requires effective controls to protect workers and maximise the safe and effective recovery of resources across the material supply chain, including those collecting, transporting, processing and disposing of waste.

WMRR's comments primarily centre on the urgent need for upstream classification, aligned WHS and environmental requirements, and proportionate controls that support safe resource recovery. WMRR notes that "*the guidance reflects that it is not intended to address matters outside the WHS framework, such as environmental and consumer obligations or requirements under other regulatory frameworks",* however, this means that the guidance excludes environmental requirements whilst simultaneously directing operators to comply with EPA and facility conditions – which can be confusing. It also leaves identification unresolved where visual inspection is unreliable.

WMRR strongly believes it is necessary in order to comply with EPA requirements, that pre-classification of the material occur at the site of generation, that is *before* dispatched to proposed waste facilities, with a precautionary pathway for unidentified stone benchtops, and separate controls for concrete and other recoverable materials. This is particularly evident in Victoria where the requirement for generator to complete Part A of waste tracking occurs at site of generation, however all other states have similar obligations.

WMRR appreciates that guidance alone cannot establish new legal duties or environmental waste classifications. Where these are needed, governments should implement corresponding regulatory measures. However, this review highlights that there is an urgent need for a nationally consistent framework - developed jointly by WHS and environmental regulators - that requires upstream identification and disclosure, establishes practical procedures for mixed and unknown loads, and protects lawful recovery of other silica-containing materials. In WMRR's view, current asbestos guidance demonstrates how clear expectations about identification, containment, labelling, transport and authorised disposal can be built into a framework that serves both safety and environmental expectations.

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In WMRR's view, the guide should:

i. Require pre-classification before dispatch from the generator

It is WMRR's view that the guide must resolve material identification and classification before waste leaves the generating site as noted above. As drafted, it risks transferring unresolved hazards, testing costs and operational disruption to the waste and resource recovery (WARR) sector. This is an unbalanced and disproportionate allocation of risk, particularly where receiving operators cannot reliably identify engineered stone by sight. Step 1 ("Identify the waste") acknowledges that visual inspection may be unreliable, yet the guide does not establish how uncertainty must be resolved before dispatch. Referring operators to manufacturers or WHS regulators does not provide a workable classification system for demolition waste or older products with no available records.

WMRR recommends a nationally agreed pre-classification framework for engineered stone waste, supported by compatible environmental waste categories in each jurisdiction. The generator, supported by the producer or supplier where relevant, should identify and document the material, segregate it at source, and confirm its lawful destination before transport.

All stone benchtops, panels and slabs being removed for waste management should undergo a documented identification process. Where their identity cannot be verified, they should follow a precautionary suspected engineered stone pathway pending verification. Regulators should define that pathway and the evidence needed to exit it, without automatically assigning every benchtop the same environmental waste classification. This approach addresses uncertainty upstream without extending engineered stone restrictions indiscriminately to natural stone or other materials that may be lawfully recovered. Classification and identification costs should be assigned to the generator rather than defaulting to the receiving waste facility.

ii. Distinguish engineered stone from other silica containing materials

In identifying the waste, step 1 of the guide groups engineered stone, other crystalline silica substances (CSS), mixed waste and unknown waste. However, these categories need *separate* decision pathways explaining the relevant WHS controls, environmental classification and permitted destination. For example:

- The 1% crystalline silica threshold identifies a CSS for relevant WHS requirements. It is not, by itself, an environmental waste classification or a prohibition on recycling. The guide should make this distinction explicit and explain that crystalline silica content in a solid material is different from airborne respirable crystalline silica (RCS) exposure generated during handling or processing.

- Concrete, bricks, natural stone and other construction materials must not be treated as prohibited engineered stone simply because they contain crystalline silica. Controls should reflect material condition, dustiness, handling methods and potential exposure, alongside silica content. Lawful recovery should remain available where applicable WHS controls and environmental requirements are met.

Furthermore, Step 5 ("Disposal") expressly excludes recycling, reuse and repurposing of processed legacy engineered stone under the disposal exception. That restriction should be clearly separated from the pathways available for other CSS. The guide should explain how an operator establishes that a load is eligible for recovery, including after an unexpected find.

iii. Provide workable mixed load and unexpected find procedures

The guide needs an agreed procedure for suspected engineered stone discovered in a collection vehicle, after unloading, or within a stockpile. An instruction to "manage" potential RCS exposure does not resolve

the material's identity, environmental status or lawful destination – thereby exposing the waste operator to disproportionate risk.

The guide should include a procedure to specify:

- How to stop affected activities, secure and isolate material, contain potential dust and prevent further mixing without creating additional exposure.
- Who must be contacted, who directs the assessment, and which WHS or environmental notifications apply.
- When controlled separation is permissible, who may undertake it, and the evidence required before remaining material can return to a recovery stream.
- When a whole load or stockpile requires disposal, how that decision is made, and how rejected loads may be moved lawfully and safely.

In WMRR's view, Safe Work Australia should publish an interim identification protocol while its nationally recognised testing criteria are developed. This should specify when records are sufficient, when sampling or analytical testing is appropriate, the required competencies and methods, and the limitations of sampling heterogeneous loads. Silica content testing alone should not be presented as conclusive proof that a material is engineered stone.

Furthermore, responsibilities for arranging and paying for testing, isolation, additional handling and disposal should be explicit. Reliable generator declarations should support receiving operators, while preserving their inspection, risk assessment and other applicable duties. It is essential that costs for identifying materials for disposal are not placed on waste operators who have no control on the content of material delivered to them,

iv. Align WHS requirements with lawful waste pathways

Page 2 excludes environmental obligations from the guide's scope, while Steps 2 and 5 rely on EPA requirements and facility acceptance conditions. This gap leaves waste operators to reconcile separate frameworks at the point of receipt.

As a national body, Safe Work Australia should work with environmental regulators and the WARR sector to provide a *coordinated* national decision framework, supported by a jurisdictional schedule identifying relevant classifications, transport requirements, authorised destinations and regulator contacts. The framework should explain how WHS notification and controlled processing requirements interact with environmental authorisations and facility conditions.

The revised guide should distinguish existing legal obligations from recommended practices and proposed new requirements. It should identify which party must notify which regulator, at what stage, and how unexpected discoveries are managed. Practical joint guidance should be available before implementation, rather than requiring individual facilities to negotiate unresolved regulatory questions.

v. Specify responsibilities and minimum containment standards

Supply chain obligations should be clearly identified by the guide. As aforementioned, generators should identify, segregate, contain and disclose the waste before dispatch, provide a standard generator declaration and supporting records, and confirm acceptance with the receiving facility. Producers and suppliers should provide available product information. Transporters should preserve containment and pass documentation to the receiver. Receiving facilities should communicate acceptance conditions and

maintain appropriate inspection and unexpected find procedures. These responsibilities should support, rather than displace, each party's applicable duties.

Currently in the guide, step 3 ("Manage processing activities") and step 4 ("Transport") leave important containment and labelling decisions to individual operators. WMRR recommends that the guide should establish *nationally consistent minimum performance standards*, developed with industry and matched to the waste form – i.e.:

- Intact slabs and benchtops: secure loading and handling arrangements that minimise breakage and specify when wrapping, covering or other containment is necessary.
- Sharp fragments and offcuts: suitable puncture-resistant containment, safe closure and handling arrangements that prevent fragments damaging packaging.
- Dust and fines: sealed containment that prevents dust escape during storage, loading, transport, unloading and disposal.
- Slurry: leakproof containment and controls to prevent drying and subsequent dust release during storage, transport and disposal.

Standards should also address damaged packaging, overpacking, spills and cleaning. Labels and accompanying documentation should identify the material, its confirmed or suspected status, the waste form, generator and relevant handling instructions. WMRR stresses that it is fundamental that advance communication along the supply chain allows the receiver to safely prepare before unloading.

vi. Explain proportionate handling and processing controls

The guide should prioritise acceptance arrangements that minimise breakage and repeated handling, and explain when processing is necessary, permitted and appropriately controlled. Step 3 ("Manage processing activities") contemplates crushing to meet facility size requirements. In WMRR's view, crushing should not become routine solely for administrative convenience where it increases dust generation and worker exposure.

Practical examples should be included in the guide to explain how unloading, sorting, screening, crushing and compaction interact with relevant processing and notification requirements. They should cover transfer stations, construction waste recycling facilities and landfills, including specific guidance for:

- Receiving and placing intact slabs with minimal disturbance and drop heights.
- Managing a suspected engineered stone fragment found in a mixed construction waste load or recycling stockpile.
- Processing ordinary concrete and bricks under appropriate exposure controls while retaining lawful recovery pathways.
- Storing and handling slurry, containing spills, cleaning equipment and dealing with material that has dried.

These examples should show how controls change with the task and exposure potential, and when additional risk assessment, monitoring, training or specialist advice is required. Minimum expectations should be clear enough for operators to implement and regulators to apply consistently.

vii. Use asbestos guidance for operational clarity

In WMRR's view, current asbestos guidance offers a useful model for clear expectations about identification, containment, labelling, transport and authorised disposal. To be clear - silica and asbestos have different properties and regulatory requirements, and WMRR does not support applying asbestos controls indiscriminately to all silica-containing materials. Rather, the revised guide should set *proportionate* controls for distinct materials and activities so that hazards can be identified and managed *before* dispatch, with documented responsibilities across the supply chain.

At a minimum, the final framework for engineered stone and CSS must establish clear, nationally consistent standards for pre-dispatch identification and classification, containment, labelling, documentation, notification, safe handling and lawful disposal, supported by regulatory requirements where guidance alone is insufficient.

WMRR emphasises that receiving waste facilities must not become the default point for resolving product identification failures and regulatory uncertainty originating elsewhere in the supply chain. A coordinated national WHS and environmental framework can address identity and classification upstream, assign responsibilities fairly, provide workable procedures for mixed and unknown waste, and support lawful recovery of other silica-containing materials

Please contact the undersigned if you wish to further discuss WMRR's comments.

Yours sincerely



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