

# Submission form

## Proposed Occupational Health and Safety Amendment (Crystalline Silica) Regulations 2021

**Note:** Areas marked with an asterisk (\*) denote required information.

<b>Type of submission *</b>	Individual <input checked="" type="checkbox"/>	Organisation <input checked="" type="checkbox"/>	
<b>Organisation name</b> (where applicable)	Victorian Volume Home Builder Safety Alliance		
<b>First name *</b>			
<b>Last name *</b>			
<b>Email address *</b>			
<b>Postal address</b>			
<b>Postcode *</b>			
<b>State *</b>	VIC		
<b>Do you consent to WorkSafe publishing your submission?*</b>	<input checked="" type="checkbox"/> Yes – WorkSafe may publish this submission with my name.		
	<input type="checkbox"/> Yes – WorkSafe may publish this submission, but without my name.		
	<input type="checkbox"/> No – WorkSafe may not publish my submission due to confidentiality reasons.		
<b>Note:</b> All submissions will be treated as public documents and will be published online unless clearly identified as being confidential. Where the submission is from an organisation, WorkSafe will publish the organisation's name not the author's name.			
<b>Does your submission contain personal information of any third party individual/s?*</b>	<input type="checkbox"/> Yes	<b>If yes, have you obtained consent from the third party individual/s to include their personal information in your submission?</b>	<input type="checkbox"/> Yes
	<input checked="" type="checkbox"/> No		<input type="checkbox"/> No
<b>Note:</b> If you have not obtained consent from the third party individual/s, WorkSafe may elect not to publish your submission or may redact third party information from your submission.			
<b>Can WorkSafe contact you about your submission?*</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Note:</b> WorkSafe may use the information you have provided to inform you of further development of the proposed regulations.			

## Proposed Occupational Health and Safety Amendment (Crystalline Silica) Regulations 2021

Please provide your comments on the proposed Occupational Health and Safety Amendment (Crystalline Silica) Regulations 2021 below. Where possible, please indicate the section you are commenting on. General comments about the regulations are also welcome.

General comments	
<p><b>As Chairman of the VVHBSA I am writing on behalf of my members an in consultation with them. There is consensus of content and understanding.</b></p>	
Specific comments	
<i>Regulations 1 – 5</i>	Click here to enter text.
<i>Part 4.5 – Crystalline silica Division 1 – Introductory matters</i>	Click here to enter text.
<i>Part 4.5 – Division 2 – Duties of manufacturers and suppliers</i>	Click here to enter text.
<i>Part 4.5 – Division 3 – Duties of employers and self-employed persons</i>	<p>The VVHBSA members have serious concerns over the requirement to provide Risk Assessments and Hazard Control statements for all Silica based products as the true impacts of compliance are grossly underestimated by the RIS. In addition, with the reduction of exposure limits to .05mg/m<sup>3</sup>, there is a need to reassess many tasks to get a better understanding of the levels of Silica present.</p> <p>To list a few:            Site preparation.            Brick - blocks or stone cutting.            Brick - mortar cleaning when dry.            Tuck pointing bricks, block walls.            Mixing sand and cement (mortar)            Sand delivery            Roof tile cutting            Ceramic tile cutting            Hebel - cutting, trimming.            Fibro cement cutting            Concrete - cutting &amp; chasing            Scabbling concrete            Surface polishing concrete            General cleaning of mortar from scaffolds and other site surfaces            Cleaning</p>

Earth works.  
Civil work - concrete pipes  
Pit installation  
Foundation repairs/rectifications (Slab repairs/rectifications)  
Pre-cast panel patching  
All sanding  
All drilling/ steel works to slabs

One could make assumptions where the task would clearly exceed the exposure limits that control measures and assessments would be readily available, for example Hebel cutting. However, for many other tasks with the reduced exposure limit, we would now need to engage professional occupational hygienists to run the study to assist with identifying the various levels of exposure with the many tasks (which we do not believe have been fully considered).

For the lesser understood materials this cost would be more than \$3,000.00 per study noting that at least \$3,000.00 for air monitoring is stated in the RIS document.

Based on the number of tasks we expect the regulation to cover, we believe this has the potential to exceed \$60,000.00 (To completely understand the number of silica-based products in use, further research would be required.)

This is a rough estimated cost based on 1 builder. The RIS has stated this would impact 50% of 10% of the 53,875 businesses. We are not sure how this number has been qualified but it is suspected to be significantly more than this number.

To quote from the RIS "In the manufacturing and construction industries, a lower rate of 10% has been applied in the absence of more robust data."

The real impact of the RIS is underestimate in the view of the VVHBSA.

Until there is more definitive information on;

- the levels of exposure for every task
- the impact of the exposure
- the full list of materials and tasks to be monitored
- the overall expected cost not only for 1 builder but for every mum and dad builder...

The Victorian Volume Home Builders Safety Alliance would be requesting the onerous nature of the suggested options be reconsidered and redirected to the suppliers and manufacturers to fully encapsulate the materials and tasks.

Further, this part of the regulation is not necessary given the guidance already released by WorkSafe. When coupled with the

	existing awareness and requirements of the Hazardous Substances Regulations, the suggested changes are not required.
<i>Part 4.5 – Division 4 – Licensing requirements</i>	Click here to enter text.
<i>Part 4.5 – Division 5 – Transitional provisions – Engineered stone licences</i>	Click here to enter text.
<i>Part 6.1 – Licences – Subdivision 6 – Additional provisions in relation to an engineered stone</i>	Click here to enter text.

## Regulatory Impact Statement

<b>General comments</b>	
Click here to enter text.	
<b>Specific comments</b>	
<i>Executive summary</i>	Click here to enter text.
<i>Part 1 – Background</i>	Click here to enter text.
<i>Part 2 – The problem of silica dust</i>	Click here to enter text.
<i>Part 3 – Options</i>	Click here to enter text.
<i>Part 4 – Impact analysis and preferred option</i>	<b>The impacts to industry are significantly more than what has been indicated. No member of the VVHBSA was able to agree with the impact statement on the cost associated with</b>

	<p><b>complying with the requirements of part 4.5.</b></p> <p><b>In relation to licencing, it is the view of the VVHBSA that where a member engages a licenced business to conduct works involving Silica based products, the builder should be exempt from breaches made by that licence holder.</b></p>
<i>Part 5 – Preferred option</i>	Click here to enter text.
<i>Part 6 – Cost recovery and fees</i>	Click here to enter text.
<i>Part 7 – Small business and competition impacts</i>	Click here to enter text.
<i>Part 8 – Evaluation strategy</i>	Click here to enter text.
<i>Part 9 – Implementation strategy</i>	Click here to enter text.

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Your submission will be published under your name or, where relevant, your organisation’s name on the Engage Victoria website, unless you select the relevant check box to say that you do not wish to have your submission published. Your contact details will not be published regardless of whether you select the relevant check box.

You also have the option to provide your submission anonymously. If you do not wish for your name, or organisation’s name, to be published with your submission, please select the relevant check box. If you choose to have your submission published, please ensure that individuals are not identified in the content. If you have any questions or would like to learn more about this project, please email [legislation@worksafe.vic.gov.au](mailto:legislation@worksafe.vic.gov.au). To access or correct the information you have provided, please contact [privacy@worksafe.vic.gov.au](mailto:privacy@worksafe.vic.gov.au).