

Submission form



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

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

Type of submission *	Individual <input type="checkbox"/>	Organisation <input checked="" type="checkbox"/>
Organisation name (where applicable)	Callander & Johnson Consulting Services P/L	
First name *	Click here to enter text.	
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Do you consent to WorkSafe publishing your submission?*	<input checked="" type="checkbox"/> Yes – WorkSafe may publish this submission with my name.	
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Does your submission contain personal information of any third party individual/s?*	<input type="checkbox"/> Yes	If yes, have you obtained consent from the third party individual/s to include their personal information in your submission?	<input type="checkbox"/> Yes
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Note: 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.

Can WorkSafe contact you about your submission?*	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Note: 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

Following the tragic stories of engineered stone workers with accelerated silicosis I am very supportive of the stronger regulatory requirements for employers in the proposed Crystalline Silica Regulations. As an occupational hygienist working at engineering stone fabrication facilities, I welcome the licencing process for businesses fabricating engineered stone. The regulations will require stronger controls and management of workers exposures to crystalline silica (CS).

In the proposed regulations, high-risk CS work has been defined as tasks where the exposures exceed 50% Exposure Standard. I would recommend the exceedance of the Exposure Standard is used as the criteria.

Also I recommend an Action Limit to improve controls should be set at 50% Exposure Standard. Part 4.5 Div 3 Duties of the employers – I recommend that Employers are required to produce a Site / Company CS Management Plan which includes an Exposure Monitoring Plan based on the Company risk assessment. These should be developed with the contributions of competent occupational hygienists such as Certified Occupational Hygienist (COH). Future annual or periodic exposure monitoring can then be conducted by occupational hygiene technicians with the guidance of the Site CS Exposure Monitoring Plan.

High risk tasks and high risk workers should be determined through exposure measurements performed by a competent persons such as a COH. Setting the correct baseline, assessment of controls, producing a robust Site CS Management Plan with Site Exposure Monitoring Plan is the best approach to comply with the proposed CS Regulations

The alternative can be a contractor or employer hiring a pump and generating a number representing the personal exposure for the worker to compare to the WES. This is not representing correctly the workers exposure and flaws the fundamentals of the proposed regulations. I have experienced employers requesting quotes for one shift sample on one worker per company for small businesses of 1 -3 workers. It is poor occupational hygiene practice as does not adequately reflect the exposures, particularly if errors occur or poor monitoring protocols are used.

Specific comments

Regulations 1 – 5

I do not support the use of 50% Exposure Standard to determine high risk workers .

I recommends an ACTION LEVEL of 50% of Exposure Standard to drive the implementation of exposure controls.

	<p>HIGH RISK is exposure greater than the Exposure Standard.</p> <p>Recommend included in the Definitions -</p> <p>Crystalline Silica Exposure Standard – is the Respirable Crystalline Silica Exposure Standard.</p> <p>The reference to RESPIRABLE can only be found in section Clause 319D, and not up front.</p> <p>It is a key element to this regulation and causative factor for this health disease.</p>
<p><i>Part 4.5 – Crystalline silica Division 1 – Introductory matters</i></p>	<p>Clause 319D ‘What is high risk crystalline silica work?’ states that “(a) an airborne concentration of respirable crystalline silica that exceeds half the exposure standard for respirable crystalline silica”.</p> <p>Given the issue of this value (0.025 mg/m³) being at the level of quantitation of currently available sampling and analytical methods, then all potential exposures to crystalline silica will be classified as being ‘high risk’.</p> <p>This is not practical. In addition, there are other factors that define toxicity of crystalline silica (e.g. freshly ground or otherwise fractured being most toxic).</p> <p>As described earlier it is recommended that a competent person such as a Certified Occupational Hygienist, develops the Site Exposure Monitoring Plan and determine whether there is “(b) a risk to the health of a person at the workplace</p>
<p><i>Part 4.5 – Division 2 – Duties of manufacturers and suppliers</i></p>	<p>Manufacturers and suppliers have an important role in product stewardship of this product to protect workers health. This is a clear requirement in the OHS Act</p> <p>They should be aware of good OHS practice with their products and regulatory compliance to minimise their product liability.</p> <p>Page 4 I would welcome WorkSafe VIC issue a guidance document about what manufacturers and suppliers should make available to users as the quality has been poor and not developed by competent people.</p> <p>For example - Safety Data Sheets, Technical Handling Guides and Audits / Checklists for fabricating facilities can easily be produced to</p>

	<p>establish safe handling practices and the low risk fabrication of engineered stone.</p> <p>Examples can still be found where suppliers do not use GHS guidelines when supplying their products and poor in-house documentation on the safe use of hair products.</p>
<i>Part 4.5 – Division 3 – Duties of employers and self-employed persons</i>	<p>Clause 319L ‘Specific risk control measures - respiratory protective equipment’ does NOT mention compliance with AS/NZS1715, particularly the requirement for face Fit Testing of negative pressure type respiratory protection devices. A correctly fitted respirator is essential for it to provide its stated protection factor.</p> <p>Many sites are now using PAPR and reference could be made to the use of this style of RPE.</p> <p>Clause 319P ‘Identification of high risk crystalline silica work’ should identify that such risk assessment be undertaken by a competent person, such as a COH.</p> <p>Clause 319S ‘Crystalline silica hazard control statement to be reviewed and revised’ should identify that such review and revision be undertaken by a competent person, such as a COH.</p>
<i>Part 4.5 – Division 4 – Licensing requirements</i>	<p>Clause 319ZF ‘Engineered stone control plan required’ should identify that such a plan be prepared by a competent person, such as a COH.</p>
<i>Part 4.5 – Division 5 – Transitional provisions – Engineered stone licences</i>	<p>Clause 472B ‘Additional information to be included in an engineered stone licence application’</p> <p>While there is a requirement to describe the “risk control measures to be put in place”, there is no requirement in the licencing application system to require listing of maintenance checks of critical controls.</p>
<i>Part 6.1 – Licences – Subdivision 6 – Additional provisions in relation to an engineered stone</i>	<p>Click here to enter text.</p>

Regulatory Impact Statement

General comments	
Click here to enter text.	
Specific comments	
<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>	Click here to enter text.
<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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Occupational Health and Safety Amendment (Crystalline Silica) Regulations 2021 (Proposed Regulations) and associated Regulatory Impact Statement (RIS). Your feedback will be considered and applied to the proposed Regulations and RIS where appropriate.

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.

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