

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)	Australian Institute of Occupational Hygienists Inc (AIOH)	
First name *	Click here to enter text.	
Last name *	Click here to enter text.	
Email address *	Click here to enter text.	
Postal address	Click here to enter text.	
Postcode *	Click here to enter text.	
State *	Choose an item.	
Do you consent to WorkSafe publishing your submission?*	<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.	

Note: 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.

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
	<input checked="" type="checkbox"/> No		<input type="checkbox"/> No

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

There is an urgent need to protect workers who fabricate engineered stone from developing accelerated silicosis. The Australian Institute of Occupational Hygienists (AIOH) welcomes the licencing of companies fabricating engineered stone, as well as the stronger controls and management of workers exposures to crystalline silica (CS) in the proposed amendments to the Crystalline Silica regulations.

A key process of the WHS regulations is the risk assessment of worker exposures. In the proposed regulations, high-risk CS work has been defined as tasks where the exposures exceed 50% Exposure Standard. The AIOH recommend the exceedance of the Exposure Standard is used as the criteria. An Action Limit to improve controls should be set at 50% Exposure Standard. Risk assessments should generate the Site / Company CS Management Plan and Exposure Monitoring Plan. 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. The frequent use of one shift sample on one worker per company for small businesses of 1 -3 workers is poor occupational hygiene practice as does not adequately reflect the exposures, particularly if errors occur or poor monitoring protocols are used.

There were frequent references in Part 4.5, Div. 3, Duties of the Employers and Self-Employed Persons where we recommend reference for a competent person such as a COH is involved in the development of the Site CS Management Plan such as controls, determination of high risk tasks and workers.

While there are clauses referring to 'Specific risk control measures' (Clause 319K) and to 'Crystalline silica hazard control statement' (Clause 319R), there is no specific requirement to check that the control measures are functioning correctly prior to the commencement of each job, work day or work location.

Specific comments

Regulations 1 – 5

Reg 5: Definition of 'high risk crystalline silica work' (see comments about Clause 319D).

By using half the Exposure Standard for this definition, the CS exposure concentration of 0.025 mg/m³ becomes the de facto Exposure Standard.

	<p>The AIOH does not support this and recommends an ACTION LEVEL of 50% of Exposure Standard to drive the implementation of exposure controls.</p> <p>HIGH RISK is exposure greater than the Exposure Standard.</p> <p>Recommend included in the Definitions - 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. 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). 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. In addition. they should be aware of good OHS practice with their products and regulatory compliance to minimise their product liability. This is a clear comment in the OHS Act.</p> <p>Page 4 Safety Data Sheets, Technical Handling Guides and Audits / Checklists for fabricating facilities should have been in place already to establish safe handling and the fabrication of engineered stone.</p> <p>Currently, examples can still be found where supplier do not use GHS guidelines when supplying their products.</p>

<p><i>Part 4.5 – Division 3 – Duties of employers and self-employed persons</i></p>	<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>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>
<p><i>Part 4.5 – Division 4 – Licensing requirements</i></p>	<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>
<p><i>Part 4.5 – Division 5 – Transitional provisions – Engineered stone licences</i></p>	<p>Clause 472B ‘Additional information to be included in an engineered stone licence application’ – 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>
<p><i>Part 6.1 – Licences – Subdivision 6 – Additional provisions in relation to an engineered stone</i></p>	<p>Click here to enter text.</p>

Regulatory Impact Statement

<p>General comments</p>
<p>Click here to enter text.</p>

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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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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