

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)	Eva and Associates	
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	
<p>The Regulations will ensure that employers who have a crystalline silica process adequately assess and control the risk of exposure. Licensing engineered stone use will also ensure that the minimum, but necessary workplace exposure controls are implemented thereby reducing the potential for long term adverse health outcomes for employees. Comment is provided on 319L and 319ZE</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>319L - In addition to clause (2) add the requirement for the employer to provide an annual respirator fit test for tight fitting respiratory protective equipment .</p> <p>Using the RPE is one thing, but if it is not correctly fit tested it may well be useless and provide no protection at all. This also included tight fitting PAPR's such as the HALO.</p>
<i>Part 4.5 – Division 4 – Licensing requirements</i>	<p>319ZD what makes a specialist occupational and environmental physician more important than a trained specialist occupational hygienist? There is absolutely no point conducting atmospheric monitoring if the person conducting the sampling has not been trained in occupational hygiene.</p> <p>It is more than just taking a calibrated pump to site and turning it on. If you are not going to include Certified Occupational Hygienist in 319ZE then reference to the specialist physician should be removed.</p>

	<p>319ZE The employer must ensure atmospheric monitoring is carried out under the supervision of a trained and competent person.</p> <p>Where monitoring is conducted for compliance purposes, persons conducting both SAMPLING and ANALYSIS to be NATA accredited.</p> <p>In this Regulation, competent person means a Certified Occupational Hygienist (AIOH) or Certified Air Quality Professional (CASANZ).</p> <p>NATA accreditation for sampling to AS2985 is strongly recommended - Workplace Atmospheres - method for sampling and gravimetric analysis of respirable dust.</p> <p>It should be noted that Victorian EPA Publication 440.1 - A Guide to Sampling and Analysis of air emissions and air quality - requires that persons conducting sampling and analysis for compliance purposes must be accredited by NATA for all tests conducted (for both sampling & analysis).</p> <p>Monitoring for compliance to a Workplace Exposure Standard is no different. Given the known devastating and debilitating health effects associated with inhalation of RCS, the low exposure standard, known sampling and analysis errors, there MUST be some rigor brought into the sampling process.</p> <p>Perhaps Worksafe could consider a licencing scheme for approved persons for RCS sampling if a broader cohort of competent persons was required!</p>
<p><i>Part 4.5 – Division 5 – Transitional provisions – Engineered stone licences</i></p>	<p>Click here to enter text.</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

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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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. To access or correct the information you have provided, please contact privacy@worksafe.vic.gov.au.