

Standing Committee on Law and Justice 2021 Review of the Dust Diseases Scheme

Pre-hearing questions – SafeWork NSW

**1. Since 2018, Safework NSW has had a strong focus on ensuring compliance with safety restrictions regarding respirable crystalline silica, including a large silica workplace visit program. Is there a sustainable system to ensure compliance when fewer inspections are conducted?**

**ANSWER:**

Every notification of silicosis received by the NSW Dust Disease Register is reviewed for investigation, with two matters currently before the courts. An Inspector response (visit) will continue to be conducted for every silica-related Request for Service where engineered stone is reported.

All known engineered stone businesses in NSW (approx. 250) have recently been visited through two rounds of visits. Inspectors will continue a program of compliance checks into the future to ensure the progress made in this industry continues. This is in addition to an exposure monitoring program which is now underway to sample 30 engineered stone businesses.

Sustainability will be achieved by SafeWork NSW's long-standing approach to ensuring highest level controls are implemented. For example, stone businesses have been guided in implementing controls such as dust extraction and wet cutting that effectively removes or reduces risks of silica dust. Lower-level controls such as administrative procedures and personal protective equipment (PPE) then act as further safeguards.

SafeWork NSW is also preparing to adopt and rollout the new national Code of Practice: Managing the risks of respirable crystalline silica from engineered stone in the workplace, supported by webinars, checklists and translated resources.

More broadly, training has been delivered to Inspectors across hygiene and toxicology, construction and general work health and safety (WHS) to enable silica compliance to be incorporated into other workplace visits. Where a risk of silica dust exposure is identified during any workplace visit, such as while attending a site for another matter, Inspectors can use a silica visit checklist to conduct a compliance verification and issue notices accordingly.

**2. How many dedicated inspectors are required to maintain the current system of comprehensive inspections?**

**ANSWER:**

SafeWork NSW's silica response is delivered by teams across the Inspectorate including Construction, General WHS and Hygiene and Toxicology. Whilst the majority of visits to engineered stone businesses to date have been conducted through the Hygiene and Toxicology Team (H&T) comprised of eight Specialist Inspectors, future efforts to secure workplace safety standards can be supported by many in the broader inspectorate who will be trained to effectively undertake such work, supported by technical experts where required.

As detailed in the response to question 1, training in silica dust hazard identification and best practice has also been rolled out to Inspectors across SafeWork by the specialist H&T team.

In addition to 957 engineered stone visits, 681 visits have occurred across tunnelling, domestic and civil construction, foundries, and manufacturing since 2018.

**3. Are additional resources needed so that SafeWork can continue its general work as well as its targeted inspections of the manufactured stone industry?**

**ANSWER:**

As detailed in the responses above, SafeWork NSW plans to continue its work with the engineered stone industry, including:

- Rollout of the engineered stone Code of Practice.
- Reviewing every notification of silicosis and pursuing to investigation where appropriate.
- A project to undertake exposure monitoring of 30 engineered stone businesses in 2022.
- Continued compliance checks for engineered stone businesses beyond the two rounds of visits undertaken as part of the WHS Roadmap.
- Inspector response for every silica-related Request for Service involving engineered stone.
- Participating in the National Silicosis Prevention Strategy and National Action Plan and response to the National Dust Disease Taskforce recommendations.

Further detail on how SafeWork NSW will continue to focus on silica will be developed through planning for the next WHS Roadmap (currently underway). This will follow evaluation of the current strategy and the programs of work within it.

SafeWork NSW will continue to focus its available resources on matters of highest worker and community risk through strong triage systems.

**4. In 2019 this committee recommended taking steps to reduce the workplace exposure standard to 0.02mg/m<sup>3</sup> to protect workers from silica dust. Can you provide an update on what has been done to enable a reduction of the workplace exposure standard for silica to 0.02mg/m<sup>3</sup>?**

**ANSWER:**

In October 2019, the majority of Work Health and Safety (WHS) Ministers (including the then NSW Minister), agreed to reduce the workplace exposure standard for respirable crystalline silica (RCS) to a time weighted average over eight hours of 0.05mg/m<sup>3</sup>.

The revised workplace exposure standard of 0.05mg/m<sup>3</sup> commenced in NSW on 1 July 2020.

SafeWork NSW is part of ongoing national discussions on whether a further reduction in the workplace exposure standard is possible.

**5. Are there any advances to being able to test for silica dust levels at 0.02mg/m<sup>3</sup>?**

**ANSWER**

Ongoing efforts are being made world-wide and in Australia to further improve the ability to test for silica dust at very low levels.

The TestSafe lab routinely reports down to 0.05 mg/ m<sup>3</sup> silica levels (for 8hr shift samples). Further lowering these analysis levels, although possible, as was presented by TestSafe at the

Australian Institute of Occupational Hygienists (AIOH) 2019 conference, will present technical, and to some extent, commercial challenges.

However, researchers at TestSafe have expressed confidence that further research and the growing availability of new sampling and analysis technologies offer a potential pathway for increased sensitivity and further lowering of the exposure standard.

**6. Can you comment on any legislative or regulatory developments in other Australian jurisdictions (federal, state or territory) that have been initiated over the last 18 months that will address, in full or in part, the occupational health and safety issues associated with respirable crystalline silica?**

**ANSWER**

SafeWork NSW cannot comment on legislative or regulatory developments on behalf of other jurisdictions, however, all jurisdictions (with the exception of Tasmania) have put measures in place to reach the new Workplace Exposure Standard (WES) of  $0.05\text{mg}/\text{m}^3$ .

In addition, Victoria introduced the *Occupational Health and Safety (Crystalline Silica) Regulations 2021*, which aims to eliminate the risk of adverse health consequences from working with materials that contain crystalline silica; the Queensland WHS regulator implemented a prohibition on uncontrolled dry cutting processes involving materials containing crystalline silica; and Western Australia amended the *Occupational Health and Safety Regulation 1996* in January 2021, to require Persons Conducting a Business of Undertaking (PCBUs) to provide low-dose high-resolution CT scan, rather than a chest x-ray, to workers in the engineering stone industry.

SafeWork NSW continues to collaborate with other jurisdictions through national forums on work to address occupational dust disease.