

Peta Leemen
Principal Council Officer
Upper House Committees | Legislative Council
Parliament of New South Wales
Via email

7 March 2022

Dear Peta

Re: Post-hearing response, Australian Institute of Occupational Hygienists

Thank you for providing a copy of the uncorrected transcript from the Dust Diseases Public Hearing held on the 16th of February 2022. Please find attached a PDF file with annotated corrections using the 'comments' function.

The question on notice that I received and the associated answer is provided below.

Question on Notice:

I wonder if on notice you could provide the specific regulatory requirement around asbestos notification that applies. I am just looking at Regulation 50 that you cited. Obviously, as you said, there is nothing there that requires business to provide those results to the regulator. So on notice if you could provide that?

Answer:

The NSW Work Health and Safety Regulation 2017 requires action to be taken if respirable asbestos fibres are too high. Clause 475 describes that air monitoring is required immediately before and during the removal of licensed asbestos work. Clause 476 then outlines that if respirable asbestos fibres are recorded to be over 0.02 fibres/ml, then the work must stop, the regulator must be notified, the cause must be investigated, controls to prevent exposure of anyone to asbestos must be implemented and the further release of respirable asbestos fibres must be prevented. Further detail is also provided in the NSW Code of Practice How to Safely Remove Asbestos, dated August 2019.

Unlike asbestos, there is no similar legislative requirement in place that requires notification to the regulator of any exceedance of a standard for respirable crystalline silica.

Yours sincerely,


KATE COLE OAM
President | AIOH