



The Hon **Greg Pearce** MLC
Minister for Finance and Services
Minister for the Illawarra

*received 13/12/11
12.30pm B*

13 December, 2011

Ms Beverley Duffy
Director of Committees
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Duffy

Attached are answers to questions taken on notice during the Committee Hearing on 21 November 2011 for the Select Committee Inquiry into the Kooragang Island Orica Chemical Leak.

Yours faithfully

Greg Pearce MLC
Minister for Finance and Services
Minister for the Illawarra

SELECT COMMITTEE INQUIRY INTO THE KOORAGANG ISLAND ORICA CHEMICAL LEAK

Questions on Notice to Hon Greg Pearce Committee Hearing 21 November 2011

Q. 1 *List of major hazard facilities in New South Wales.*

A. There are 42 such facilities. I am advised that the list of those facilities is subject to confidentiality.

Q. 2. *What steps are WorkCover as an agency taking to ensure appropriate health surveillance of workers who were onsite at the time of the incident? What is the ongoing health surveillance of workers who may have had some exposure at the time? Do you have a conclusion about the procedures or steps being taken by WorkCover to ensure the health surveillance of workers?*

A. Under the *Occupational Health and Safety Regulation 2001*, the employer has the obligation to provide health surveillance for each employer who is exposed to a hazardous substance. The employer must ensure that health surveillance is undertaken under the supervision of a medical practitioner and if there is a significant risk to health then the health surveillance must include the procedures specified in the regulation. Health surveillance must be taken at the expense of the employer. Medical practitioners determine the level of ongoing health surveillance and have an obligation to notify WorkCover of any adverse result detected in the surveillance. No adverse results have been reported to WorkCover.

When WorkCover inspectors attended the site on 11 August 2011, they ascertained that health surveillance of workers onsite at the time of the incident was being undertaken. The inspectors also noted that a medical practitioner specialising in toxicology was on site checking for any acute symptoms and taking urine samples from workers. Subsequently, WorkCover required that it be provided with health surveillance results. The health surveillance results, including a small sample of four workers who had blood and urine samples taken within 20 hours of the incident, did not identify any adverse results. As noted in WorkCover's submission, the majority of samples were taken a number of days after the incident.

Following the incident, WorkCover issued notices under section 62 of the *Occupational Health and Safety Act 2000* to the workers who were in the affected areas at the time of the incident to obtain further information, including health surveillance arrangements. WorkCover has contracted an independent toxicological expert as part of its investigation to provide advice on the likely level of risk to workers at the time of the incident.

WorkCover is working closely with Orica and its Occupational Health and Safety Committee to ensure the adequacy of on-site health and safety arrangements.

Q. 3 *Was a voice recording made of the notification of the incident to WorkCover by Mr Peter Smith, Compliance Manager, Orica or was the notification taken by someone in the workplace management system?*

A. There was no voice recording made of the notification.

Q. 4 *When did the CEO of WorkCover first become aware of the incident and how and in what circumstances?*

A. I am advised that WorkCover's CEO received notification at 9.25 am via a distribution list for the OHS Serious Incident Form IM008 on 12 August 2011.

Q. 5 *WorkCover knows hexavalent chromium to be a carcinogen. Do you know whether that is the case?*

A. The carcinogenic properties of hexavalent chromium were acknowledged at tab 16 of WorkCover's submission.

Q. 6 *Has WorkCover engaged someone to do air monitoring and engaged an independent occupational physician*

A. WorkCover has contracted an independent toxicological expert as part of its investigation to provide advice on the likely level of risk to workers at the time of the incident.

Q. 7 On 14 August 2011, did WorkCover inspectors do surface sampling testing and air monitoring on site. What are the results?

A. WorkCover officers did not undertake any testing or monitoring on the site on 14 August 2011 as it is the obligation of the employer to conduct testing. WorkCover is working closely with Orica and its Occupational Health and Safety Committee to ensure the adequacy of on-site health and safety arrangements.