



Victorian WorkCover
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Reference No. E05/00355

Mr Elton Humphery
Secretary,
Australian Senate Community Affairs Reference Committee
Parliament House
Canberra ACT 2600

Dear Mr Humphery

INQUIRY INTO WORKPLACE EXPOSURE TO TOXIC DUST

Thank you for the opportunity to make a submission to the above Inquiry. I apologise for the lateness in reply.

I understand that the Department of Employment and Workplace Relations, Office of Australian Safety & Compensation Council (ASCC) have made a submission to this Inquiry. The ASSC has provided detailed information on relevant national standards which have essentially been adopted by State jurisdictions and therefore is also relevant to the Victorian situation. Accordingly, the attached submission contains information in the context of information already provided by the ASSC.

I trust that this information is of assistance.

Yours sincerely

Greg Tweedly
Chief Executive

Victorian WorkCover Authority

Submission to Inquiry into Workplace Exposure to Toxic Dust

September 2005

The Health Impacts of workplace exposure to toxic dust including exposure to silica in sandblasting and other occupations

Information on the health impacts of exposure to silica in sandblasting and other occupations is detailed in *NOHSC proposed amendment of the national exposure standard for crystalline silica, public comment paper (July 2003)* and *NOHSC Regulation Impact Statement on the Proposed Amendments to the National Exposure Standards for Crystalline Silica (March 2004)*. WorkSafe Victoria supported the lowering of the exposure standard in recognition of the health risks associated with crystalline silica.

The health impacts of silica are also well documented in the American Conference of Governmental Industrial Hygienists (ACGIH) *Documentation of the Threshold Limit Values and Biological Exposure Indices*.

The adequacy and timeliness of regulation governing workplace exposure, safety and precautions and the effectiveness of techniques used to assess airborne dust concentrations and toxicity

The control of workplace exposure to toxic dusts is regulated by the *Victorian Occupational Health and Safety (Hazardous Substances) Regulations 1999* where the toxic substance is brought into the workplace or has been generated from a hazardous substance. These Regulations are based on the *NOHSC National Model Regulations on the Control of Workplace Hazardous Substances* and requires that exposure be controlled as far as practicable below the exposure standard by the implementation of a hierarchy of control measures. In relation to crystalline silica, if there is a likelihood of adverse health effects given the nature of work, health surveillance is also required. Where a toxic dust is generated from a work process (eg. machining of granite to generate crystalline silica) the general duty of care provisions under the *Victorian Occupational Health and Safety Act 2004* applies. Requirements similar to the Hazardous Substances Regulations would be expected as a means of demonstrating that general duty of care is being met.

In recognition of the health risks associated with sandblasting, changes were made under Regulation 300(b) of the *Occupational Health and Safety (Hazardous Substances) Regulations 1999* prohibiting the use of materials containing more than 1% crystalline silica for abrasive blasting from 1st January 2002. This was followed up by a 3-month campaign visiting abrasive blasting operators to ensure that this prohibited activity was not being carried out.

WorkSafe Victoria is currently developing a project on Crystalline Silica as part of its occupational diseases strategy. This project involves the development of guidance material and conduct of inspections in specific sub-sectors to seek compliance with the *Hazardous Substances Regulations* and the *Occupational Health and Safety Act 1985*. The sub-sectors which will be the focus of the project have not yet been finalised.

The extent to which employers and employees are informed of the risk of workplace dust inhalation

The Hazardous Substances Regulations specifies requirements for the provision of information by manufacturers and importers (in the form of labelling and Material Safety data Sheets) and requirements for employers to provide accessible information, instruction and training to employees on health risks and use of control measures. The Regulations prescribe what information needs to be included on a material safety data sheet (MSDS) and on labelling. Guidance is also provided in that *NOHSC National Code of Practice for the Labelling of Workplace Substances* [NOHSC:2012 (1994)] and *National Code of Practice on the Preparation of MSDS* [NOHSC:2011(2003)].

In situations where the Hazardous Substances Regulations do not apply, section 21 (e) of the Victorian occupational Health and Safety Act 2004 requires employers to “provide such information, instruction, training or supervision ... as is necessary to enable those persons to perform work in a way that is safe and without risks to health”.

The availability of accurate diagnosis and medical services for those affected and the financial and social burdens of such conditions

The VWA is not able to provide information on the availability of current accurate diagnosis and medical services. This information is best sourced from occupational physicians and occupational health nurses, or their associations. The Australian College of Occupational Medicine may be able to provide relevant information.

The availability of accurate records on the nature and extent of illness, disability and death, diagnosis, morbidity and treatment.

The VWA is not able to provide comment. This information is best sourced from epidemiologists. Monash University's Department of Epidemiology & preventative Medicine may be able to provide relevant comment.

Access to compensation, limitations in seeking legal redress and alternative models of financial support for affected individuals and their families

The *Victorian Accident Compensation Act 1985* provides compensation for persons that have sustained an injury or health condition due to a workplace injury or exposure. The onset of a work-related disease (resulting from exposure to toxic dust) is treated no differently from an acute injury. Injured persons are entitled to be compensated for loss of earnings and medical expenses and also have common law rights that can be exercised.

The potential of emerging technologies, including nanoparticles, to result in workplace related harm

The ASCC is maintaining a watching brief on OHS developments with respect to nanotechnology. It is anticipated that reports would be provided to state authorities and that discussions on how the OHS issues will be dealt with on this emerging issue will be progressed at the national level through the normal ASCC processes.