

30 April 2019  
Safe Work Australia

Via webpage: <https://engage.swa.gov.au/wes-review-release-1-RCS-RCD>

Dear Sir/Madam

## **COMMENTS ON WORKPLACE EXPOSURE STANDARD REVIEW: RESPIRABLE CRYSTALLINE SILICA**

The Construction Material Processors Association (CMPA) is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, and soil. CMPA members also operate recycling businesses.

CMPA members are typically small to medium sized family and private businesses, local government and utilities. Many are regionally based employers and service local construction, infrastructure and road maintenance needs. The extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2017/18, the sector supplied 58 million tonnes of construction materials to the market, at a value of approximately \$948 million. Small to medium quarries account for approximately half of this production.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria.

CMPA welcomes the opportunity to comment on Safe Work Australia's draft Silica, Crystalline (Respirable Dust) Workplace Exposure Standard.

### **Background**

CMPA is very much aware of respirable crystalline silica dust (RCS) and the potential adverse impact on employees' health and has been instrumental in raising this issue and subsequently compliance among Members through:

- CMPA pre employment health assessment proforma;
- CMPA periodic health assessment proforma;
- CMPA exit employment health assessment proforma;
- CMPA instructions for medical practitioners;
- Work Safely Reference Manual;
- Holding dust workshops 2016;

- Development of the CMPA Dust Management Guideline March 2016;
- Delivering dust training;
- Workshop on Dust Thursday 23 May 2019 at Quality Hotel, 265 Mickleham Road, Tullamarine; including presenters from EPA VIC, WorkSafe, Monash University (Occupational Physician) etc. with a view to modernising the current CMPA Guideline.

A written and oral submission was made by CMPA to the Senate Community Affairs References Committee “Workplace Exposure to Toxic Dust” 29 September 2005. The CMPA submission highlighted the need for consistent and systematic enforcement of Workplace Exposure Standards (WES) for Respirable Crystalline Silica (RCS). This was supported by submissions from other organisations. A recommendation from the Senate Committee was as follows:

### **Recommendation 7**

5.87 That the Minister for Employment and Workplace Relations raise with the Workplace Relations Ministers' Council the need to ensure enforcement of hazardous substance regulations and the need to enact nationally consistent standards in a more timely manner.

However, the Government’s response whilst in support of the recommendation 7 never addressed the issue of enforcement of WES for RCS specifically across Australia.

Other recommendations that were not implemented included:

### **Recommendation 2**

3.60 That the Australian Safety and Compensation Council extend the Surveillance of Australian Work-Based Respiratory Events (SABRE) program Australia-wide and that the program provide for mandatory reporting of occupational lung disease to improve the collection of data on dust-related disease.

Recommendation 7 and 2 are also supported by the Australian Institute of Occupational Hygienists (AIOH) Position Paper Respirable Crystalline Silica (December 2018).

### **Discussion: A case for no change in WES**

It is understood that the community has seen recent upsetting pictures of young men in the benchtop processing/cutting industry with silicosis which may have led to a hasty reaction to propose ever-decreasing WES by various Governments nationally and internationally. However, the real issue is whether compliance (backed up by consistent enforcement from the Regulators) to the current WES of 0.1 mg/m<sup>3</sup> was occurring at the time. More quantitative research needs to be undertaken to demonstrate that dust mitigation measures such as water suppression are indeed adequate protection from RCS.

It is acknowledged by the AIOH paper that there is “...an ever-increasing published literature on the topic (RCS), sometimes with opposing views...”. This suggests that there may be selective review of the literature to justify changing of WES. The AIOH goes on state “...recommends limiting worker exposure to RCS to as low as reasonably practicable (ALARP) to be at all times below an 8-hour time weighted average (TWA) guidance exposure value of 0.1 milligram (mg) respirable fraction in each cubic metre (m<sup>3</sup>) of air. In addition, a TWA value of 0.05 mg/m<sup>3</sup> should be applied as an action level...”. The AIOH supports this position in that “current and historical evidence, including that from the Australian workforce, indicates that **if enforced it appears to be protective** of the incidences of silicosis...”.


Additionally, the proposal by Safe Work Australia does not take into consideration the lack of accurate measurement of the proposed very low WES for RCS.

**Recommendations:**

1. That the current WES for RCS of 0.1 mg/m<sup>3</sup> with action level of 0.05 mg/m<sup>3</sup> remain which is also supported by the AIOH.
2. That there is consistent and systematic enforcement of the current WES for RCS by Regulators with qualified and experienced staff across Australia for all affected industries.
3. If the current WES for RCS is to be lowered, then a staged introduction over 5 years should be considered for the quarry industry.
4. That there is a centralised Australian register for the reporting of RCS dust related lung disease.

I would be happy to discuss our submission further at your invitation.

Yours sincerely



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General Manager