

17 December 2015

The Director
Occupational Hygiene Section
Safe Work Australia
GPO Box 641
Canberra
ACT 2601
Via email: WES@swa.gov.au

Dear Sir/Madam

**CMPA SUBMISSION ON THE ROLE OF CHEMICAL EXPOSURE STANDARDS IN WORK HEALTH AND SAFETY
LAWS DISCUSSION PAPER**

Thank you for the opportunity to make a submission to the Discussion Paper “The Role of Chemical Exposure Standards in Work Health and Safety Laws”. The Construction Materials Processors Association (CMPA) is dedicated to the representation, advocacy 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, soil, and gypsum. CMPA members also operate recycling businesses. CMPA members are typically small to medium sized family businesses, local government and utilities. Many are regionally based employers (90%) and support the Victorian economy through providing for local construction, major infrastructure and road maintenance needs.

The Extractive industry underpins growth and development in Victoria through supply of the construction materials described above. 47 million tonnes in 2012/13 was produced (~10 tonnes/person/annum in Victoria) to a value of approximately \$737 million. CMPA members account for approximately half of this production, and more than half of this industry sector’s employment. Also of import is the need to have supply of construction materials located in close proximity to their utilization to save on transport costs and reduce the carbon footprint.

The CMPA supports responsible, balanced legislation and stakeholder engagement that is in the best interests of Victoria and Australia; and acknowledges Aboriginal communities and cultural heritage.

The following table contains CMPA’s responses to the questions posed in the Discussion Paper.

	Questions
1.	<p>Do you use exposure standards in your workplace?</p> <p>If yes—how do you use exposure standards? (e.g. to assess or control exposure, review controls etc.)</p> <p>If yes—do you meet exposure standards or seek to minimise chemical exposures further?</p>
	<ul style="list-style-type: none"> • <i>Exposure Standards (ES) are used for Respirable Crystalline Silica in quarries.</i> • <i>ES are generally used to determine a workers exposure, the necessity of health surveillance and the effectiveness of controls</i> • <i>Within the quarry industry most activity can be undertaken without exposure being equal to or above the ES.</i> • <i>Activity around the fixed plant such as inspection, cleaning or maintenance often relates to exposure being above the limit and workers are protected through the use of Personal Protective Equipment.</i>
2.	<p>How much does ensuring compliance with exposure standards cost your business (including air monitoring costs)? Please provide examples if possible.</p>
	<ul style="list-style-type: none"> • <i>Monitoring is generally conducted annually in the early stages of a dust management program. Monitoring costs are based on number of samples taken and typically range between \$2000 and \$5000.</i> • <i>Compliance cost include monitoring, training and education, health surveillance and physical dust control assets and their maintenance.</i>
3.	<p>Are you aware of other exposure or advisory standards in Australia or overseas (e.g. developed by international bodies or companies)? Do you use them? If so, please explain how.</p>
	<ul style="list-style-type: none"> • <i>Are aware but have no knowledge of them being used</i>
4.	<p>Should Australia's exposure standards be health-based or pragmatic? Why?</p>
	<ul style="list-style-type: none"> • <i>A mixture of both health-based or pragmatic exposure standards depending on the chemical and its application.</i> • <i>Industries have different processes that may or may not facilitate ensuring their processes can ensure workers are not being exposed, therefore "as low as is reasonably practicable may be the preferred option".</i> • <i>This should not be an option when considering high risk substances such as lead, asbestos and so forth</i>

5.	Should exposure standards be mandatory (e.g. prescribed by law) or advisory? Please provide reasons.
	<ul style="list-style-type: none"> • <i>In light of the number of exposure standards in Australia and the requirement to conduct an RIS on each exposure standard being reviewed it is doubted that it is possible to mandate all and conduct ongoing reviews so as to ensure current best practice and knowledge is captured.</i> • <i>If chemicals were risk rated it may be more effective to mandate those of higher risk, with Safe Work Australia setting Australian Exposure Standards and leaving the remainder as advisory exposure standards utilising international resources such as ACGIH or SCOEL</i>
6.	If exposure standards became advisory, would this change the way you approach the management of risks? Please provide reasons.
	<ul style="list-style-type: none"> • <i>If advisory exposure standards were underpinned by having to “reduce risk as far as is reasonably practicable” the approach taken by a responsible employer would not differ.</i>
7.	Do you support mandating a smaller number of exposure standards and keeping them up to date? Please provide reasons.
	<ul style="list-style-type: none"> • <i>As previously stated and based on the discussion paper it appears impossible to take any other course of action and still ensure that international best practice and knowledge is utilised within Australian industry.</i>
8.	Do you have any views on how to prioritise which chemicals should have a mandatory exposure standard?
	<ul style="list-style-type: none"> • <i>A risk based approach in consultation with industry and employee representation may be a suitable option.</i> • <i>The assessment could take into account, known health effects, previous occupational illness data, methods of application, commonality of use.</i>
9.	What process should be used to review and keep exposure standards up to date?
	<ul style="list-style-type: none"> • <i>Reviews should be scheduled well in advance so as stakeholders have adequate notice and time to prepare resources to ensure the effectiveness of the reviews.</i> • <i>The schedule should prioritise chemicals that are in the higher risk rating category.</i> • <i>Reviews must be conducted in consultation with all stakeholders.</i> • <i>Reviews should take into account international best practice and knowledge.</i> • <i>Reviews of mandated exposure standards must include a RIS.</i> • <i>Reviews of advisory standards must take into account “as low as is reasonably practicable” for the particular industry using that chemical</i>

If you would like any further information please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "EM Gibson". The signature is written in a cursive, slightly slanted style.

Dr Elizabeth Gibson
General Manager