

Serious concern over WorkSafe's worker exposure standards – MinEx

Bernie Napp - Fri, 4 Sep 2020

MinEx has written to WorkSafe to complain that proposed revised worker exposure standards for hazardous substances are impossible to measure accurately and can be unachievable.

Asked why WorkSafe would promulgate impossible-to-meet standards, MinEx chief executive Wayne Scott says: "I have got no idea. It makes no sense at all."

He is seeking a meeting with WorkSafe to discuss his concerns with the WES and related biological exposure indices.

The latter are measurements of concentrations of certain hazardous substances in blood or urine.

Scott says WorkSafe wants to lower the BEI for arsenic to a level that occurs naturally in much of the general population.

"Employers within our sector would find it very problematic and require significant change to the way they run their businesses to meet the proposed BEI," Scott says.

Even WorkSafe admits that some of its proposals are unworkable.

"It is acknowledged that currently there are no available analytical methods that would allow determination of airborne levels of chromium VI at the proposed WES values," WorkSafe has publicly stated.

MinEx has submitted on WorkSafe's proposals, and on previous rounds of proposals, to no effect, Scott says.

"People end up debating the accuracy of the monitoring data instead of focusing on the issue," Scott says, which is site controls to manage worker exposure to health hazards and impacts on BEI to appropriate, safe levels.

Not the first time

WorkSafe has a track record of imposing WES and BEI which are impossible to measure accurately, and impractical to achieve, Scott says.

"Its proposed revised WES for nitrogen dioxide two years ago would have had severe consequences for the underground mining and tunnelling sectors if implemented."

The airborne NO₂ is created when fossil fuels are burned at high temperatures, eg the use of diesel fuel in vehicles and explosives.

Scott says that workers are not allowed to return to underground mines and tunnels unless measurements are below the WES.

"WorkSafe proposed to significantly reduce the WES to the point where sites cannot measure it accurately. Workers would be kept out of the mines and tunnels for a ridiculous period of time."

MinEx advocated for sensible and practical policy at the time for NO₂, and WorkSafe took the issue off the table on the basis that there would be follow-up discussions with industry.

In 2019 the WES for respirable crystalline silica was reduced in the same vein, and, once again, industry submissions were ignored.

Much research has concluded the threshold for triggering potential disease processes appears to be above 0.1 milligram per cubic metre, and may be as high as 0.4 mg/m³.

The previous exposure level was 0.1 mg/m³, which operators could measure and achieve, as is still the case in the European Union.

Scott says the move to 0.05 made many operators that were compliant instantly non-compliant, with no means of accurately measuring this level, or achieving it at site.

Difficulties with health and safety legislation

Scott says WorkSafe's persistent approach to setting and revising WES and BEI makes it very difficult for sites to comply with such standards within the Health and Safety at Work Act.

This requires operators to reduce risks to workplace health and safety to "as low as reasonably practicable", under section 22 of the Act.

In many cases, sites will comply with section 22 yet not be able to meet the WES or BEI limits, Scott says.



