Safe Work Australia

Occupational Lung Diseases Workplan and regulation for RCS

Sam Hamilton

Director | Occupational Diseases and Hygiene Policy Section

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Key messages

- About Safe Work Australia
- Discuss the SWA Occupational Lung Disease Workplan 2022
- National policy context
- Encourage a AIOH submission for the Consultation Regulation Impact Statement: Managing the risks of RCS at work
- Raise awareness of other relevant SWA reports

About Safe Work Australia

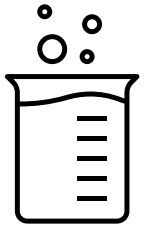
- A tripartite body working in partnership with governments, employers and employees to drive national work health and safety (WHS) and workers' compensation policy development.
- We have overseen a large degree of harmonisation which has resulted in most Australian workers covered by similar WHS laws.
- We promote continuous improvements in safety outcomes, while ensuring practicability for small business and individual workers.
- We are a key source for high quality nationally significant data and research to inform the development of new WHS and workers' compensation policy.

Occupational lung diseases workplan 2022

Objectives of the Occupational Lung Diseases Workplan 2022

ensure the **model WHS laws** support minimising exposure to occupational lung disease hazards and reducing the incidence of disease

ensure that PCBUs, workers and other duty holders are **aware** of the risks of hazardous airborne contaminants, and regulatory requirements



support **research** on methods to detect hazardous airborne contaminants and the effectiveness of workplace controls

evaluate the effectiveness of these initiatives

https://www.safeworkaustralia.gov.au/doc/safe-work-australia-occupational-lung-diseases-work-plan

Ensure the model WHS laws support minimising exposure to OLDx hazards

- Complete the **review of the Workplace Exposure Standards** (WES) for airborne contaminants and make recommendations to WHS ministers
- Evaluate additional chemicals to determine, if appropriate, a WES (e.g. diesel engine emissions and diesel fuel)
- Complete **regulatory impact analysis on options to minimise exposures to respirable crystalline silica** and provide a Decision Regulatory Impact Statement for decision by WHS ministers
- Progress **amendments to the model WHS Regulations** agreed by WHS ministers
- Progress **amendments to the model WHS Regulations to prohibit uncontrolled processing of engineered stone**.

Awareness of PCBUs, workers and other duty holders

- Consult on and develop guidance **clarifying the definition of competent person for asbestos related tasks** under the model WHS laws
- Develop information sheets to **improve the quality of asbestos registers** and grading of asbestos
- Publish the **revised national guide** Working with silica and silica containing products (the revised guide) in English and 6 other languages
- **Develop and promote supporting materials** and tools to inform PCBUs, workers and officers about the **model Code of Practice**: Managing the risks of respirable crystalline silica from engineered stone, and the revised guide.

Support research

- Review **air monitoring technologies** for **respirable crystalline silica** and **respirable coal dust** to inform future changes to the TWA and the possible development of a STEL for respirable crystalline silica
- Investigate opportunities to commission **research into the effectiveness of engineering controls** to minimise exposures to respirable crystalline silica for workers processing engineered stone.

Evaluation

- Develop a national WHS **evaluation framework** to measure the impacts of recent regulatory and non-regulatory measures, reductions in exposure to respirable crystalline silica and improvements in compliance with the model WHS laws

National policy context

National Silicosis Prevention Strategy
& National Action Plan

Development of an monitoring and evaluation framework for the NDDT report

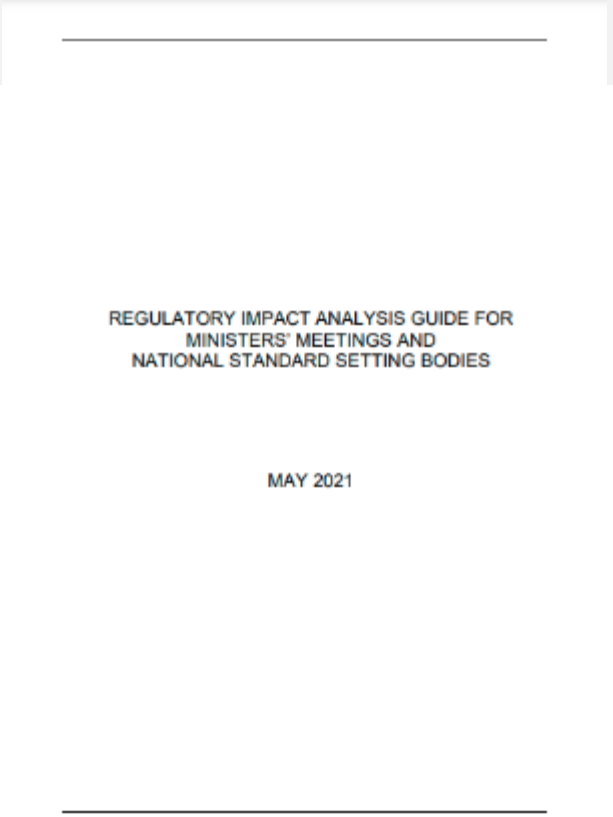
Development of a National Occupational Respiratory Disease Registry

Silica safety awareness – nationally recognised training etc

Consultation RIS: managing the risks of respirable crystalline silica at work

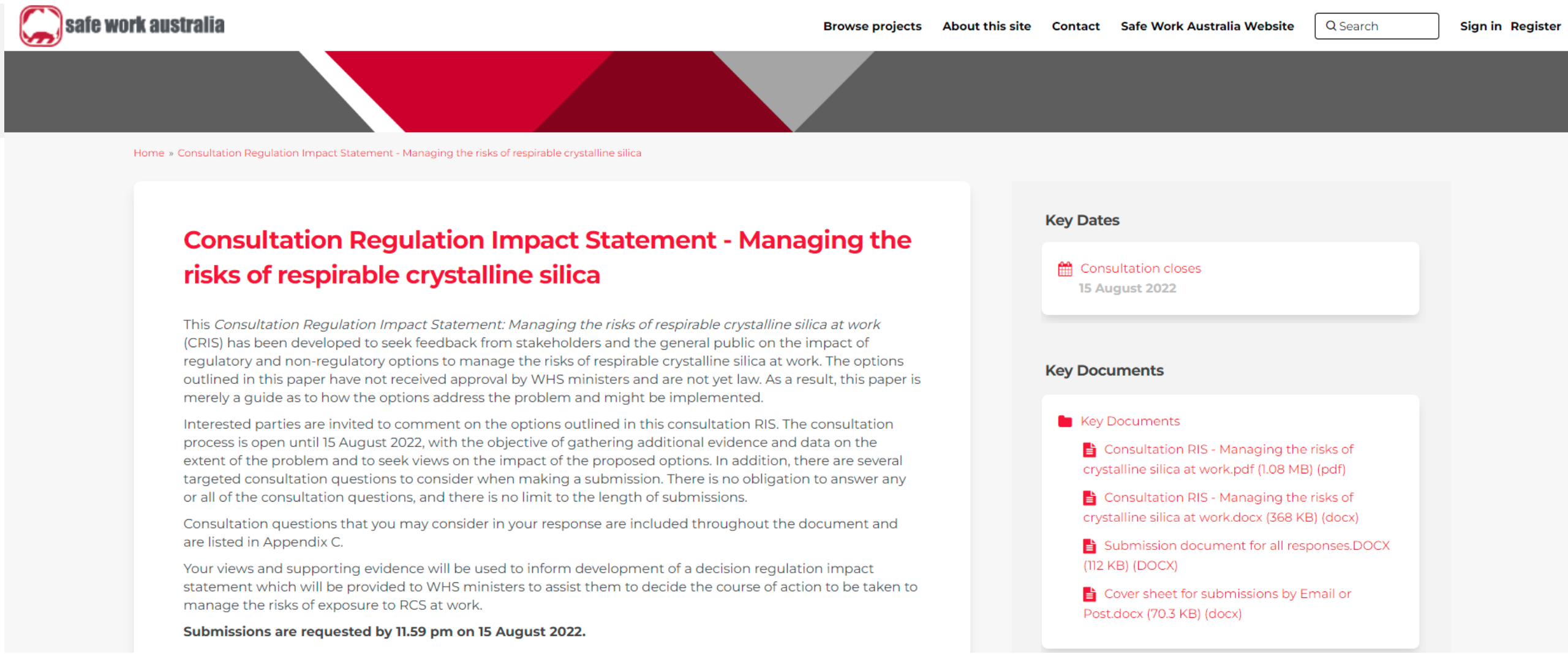
What is regulatory impact analysis?

- Structured process to consider the impact of proposed regulatory change
- Consists of a series of 7 questions:
  - What is the policy problem?
  - Why is government action needed?
  - What policy options are to be considered?
  - What is the likely net benefit of each option?
  - Who was consulted and how was their feedback incorporated?
  - What is the best option from those considered?
  - How will the chosen option be implemented and evaluated?


REGULATORY IMPACT ANALYSIS GUIDE FOR
MINISTERS' MEETINGS AND
NATIONAL STANDARD SETTING BODIES

MAY 2021

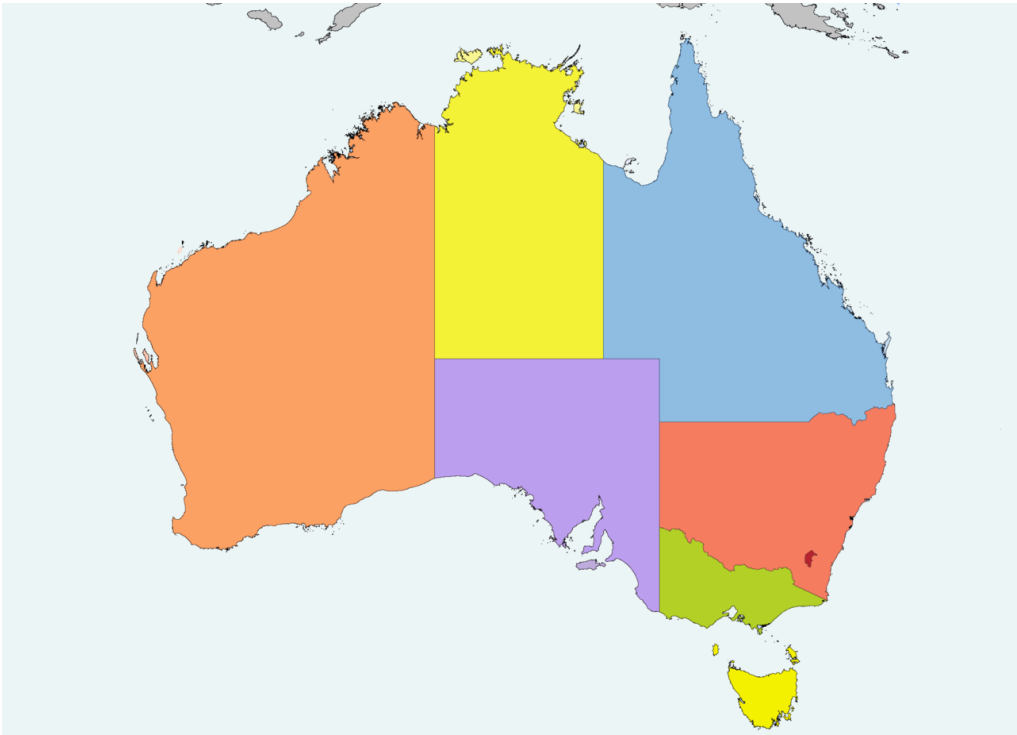
https://obpr.pmc.gov.au/sites/default/files/2021-06/regulator-analysis-guide.pdf



https://engage.swa.gov.au/cris-managing-the-risks-of-respirable-crystalline-silica

Scope

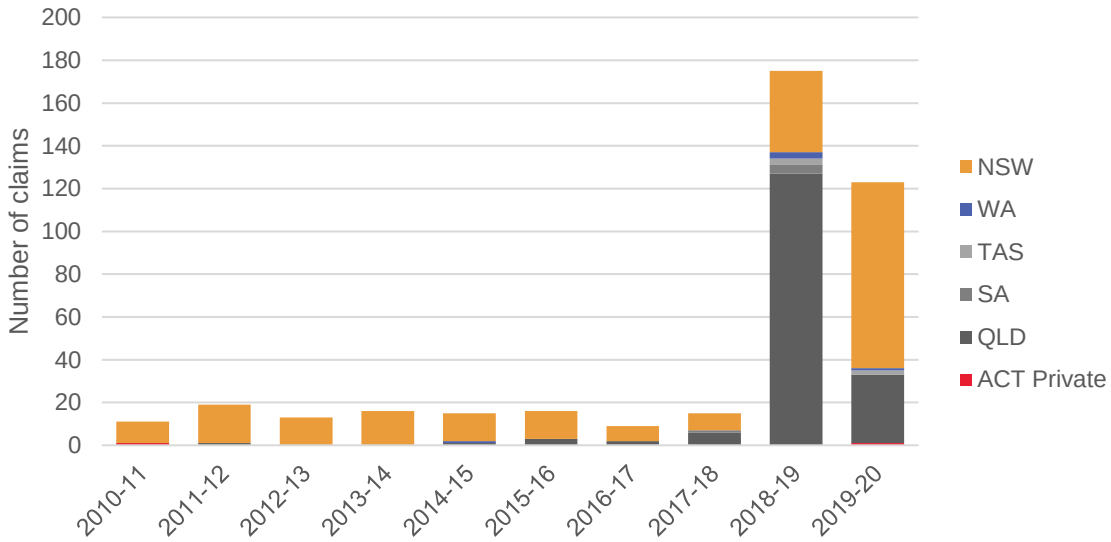
- all workplaces where workers may be exposed to hazardous levels of RCS that are subject to the model WHS laws
  - all jurisdictions except Victoria
  - quarrying and mining in NSW, QLD, TAS and WA out of scope



What is the policy problem?

- Substantial increase in silicosis and silica-related diseases in Australia
- Silicosis is an irreversible and debilitating disease, largely caused by workplace exposure to RCS.
- Silicosis, and other silica related diseases, are preventable.
- Issues with a lack of awareness of risks, clarity of model WHS laws and lack of compliance

Accepted silicosis workers' compensation claims in jurisdictions subject to the model WHS laws



Sources: Safe Work Australia's National Data Set for Compensation-based Statistics and icare.

What options are considered?

Option 1: Base case

Option 2: Awareness and behaviour change initiatives

Option 3: Clarification of existing requirements in the model WHS Regulations for defined high risk silica processes

Option 4: National licensing framework for PCBUs working with engineered stone

Option 5a: Additional regulation of defined high risk crystalline silica processes, including engineered stone

Option 5b: Additional regulation of defined high risk crystalline silica processes, excluding engineered stone

What options are considered?

	Option 1	Option 2	Option 3	Option 4	Option 5a	Option 5b
National awareness and behaviour change initiatives	✗	✓	✗	✗	✗	✗
Clarifies existing requirements under the model WHS laws in specific regulations for high risk crystalline silica processes	✗	✗	✓	✗	✓	✓
National licensing framework for engineered stone	✗	✗	✗	✓	✗	✗
Mandatory reporting of all air monitoring	✗	✗	✗	✓	✓	✓
Mandatory reporting of all health monitoring	✗	✗	✗	✓	✓	✓
Risk assessment	✗	✗	✗	✓	✓	✓
Silica risk control plan/engineered stone control plan	✗	✗	✗	✓	✓	✓

What options were deemed infeasible?

- Ban on engineered stone
  - Australian Governments agreed to consider this in July 2024 or later
  - Cannot be accomplished under the model WHS laws alone
- Replacing chest X-ray with low dose HRCT as a minimum requirement for health monitoring
  - Provisions already exist for a medical practitioner to undertake HRCT as an “equal or better method”
  - Concerns about workers’ access to low dose HRCT in regional Australia
- Cost recovery of licensing
  - Would be a matter for individual jurisdictions

What is the likely cost of each option?

Net present cost of options to industry plus cost to government and breakeven point over 10 years

Option	Net present cost ($m)	Required number silicosis cases prevented to breakeven
Option 2	$6.08	1.49
Option 3	$0.11	0.03
Option 4	$24.02	5.90
Option 5a	$195.35	48.00
Option 5b	$192.70	47.35

What is the likely effectiveness of each option?

- Option 2 (national awareness and behaviour change)
  - provide industry specific information to workers and PCBUs and other duty holders, targeting changing compliance behaviours
  - aim to reach a broad audience across a wider range of industries
- Option 3 (clarification of model WHS laws)
  - clarify existing regulatory requirements related to high-risk silica work
  - provide greater certainty and understanding around regulatory requirements to manage RCS exposure for PCBUs and other duty holders
  - address concerns about the subjective thresholds that are included in the model WHS laws.

What is the likely effectiveness of each option?

- Option 4 (licensing framework for PCBUs working with engineered stone)
  - provide an incentive for PCBUs working with engineered stone to become licensed
  - ensure that licensees assess risks through engineered stone control plans
  - increase the likelihood of adoption of appropriate control measures, air monitoring and health monitoring
  - result in greater compliance and enforcement through scheduled and unscheduled visits
  - provide regulators with greater information on the number and location of workplaces
  - allow state and territory regulators to analyse air monitoring and health monitoring data

- However, it focusses solely on the engineered stone sector and not other industries where RCS exposure occurs

What is the likely effectiveness of each option?

- Option 5 (additional regulation of high risk crystalline silica processes)
  - increase the likelihood of PCBUs being aware of the risks and the need to implement controls
  - PCBUS would be required to conduct risk assessments and develop silica risk control plans and report air monitoring and health monitoring results to WHS regulators
  - allow state and territory regulators to analyse air monitoring and health monitoring data

Consultation questions

- Do you agree with the identified problem?
- Do you have further information, analysis or data that will help measure the impact of the problem identified?
- Do these options address the problem?
- Are there any other non-regulatory or regulatory options you think should be considered to address the problem?
- Is the cost modelling methodology appropriate?
- Are the estimates of the number of businesses covered by each of the regulatory and non-regulatory options accurate?
- Are there other factors that should be considered in the assessment of the effectiveness of each option?
- Are the cost and other estimates (including worker wage assumptions) accurate and appropriate?

Consultation questions

- Is the cost modelling methodology appropriate?
- Are the estimates of the number of businesses covered by each of the regulatory and non-regulatory options accurate?
- Are there other factors that should be considered in the assessment of the effectiveness of each option?
- Are the cost and other estimates (including worker wage assumptions) accurate and appropriate?
- Do you have further information regarding the costs to the public health system for silicosis and silica related diseases?
- Which option or combination of the options presented is most likely to address the identified problem?
- Are there any significant barriers to implementation of the options presented?

Other SWA reports of interest

Downloadable here

Downloadable here

Questions?

safe work australia

For further information email:

occhygiene@swa.gov.au

www.swa.gov.au