

Master Builders Australia

Submission to Safe Work Australia  
on

*Discussion Paper: The role of chemical exposure  
standards in work health and safety laws*

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Master Builders Australia Limited

ABN 68 137 130 182

Level 1, 16 Bentham Street (PO Box 7170), YARRALUMLA ACT 2600

T: +61 2 6202 8888, F: +61 2 6202 8877, [enquiries@masterbuilders.com.au](mailto:enquiries@masterbuilders.com.au), [www.masterbuilders.com.au](http://www.masterbuilders.com.au)

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## CONTENTS

1	Introduction .....	1
2	Purpose of Submission .....	1
3	Background.....	1
4	Do you use exposure standards in your workplace? If yes – how do you use exposure standards? If yes – do you meet exposure standards or seek to minimise chemical exposures further? .....	2
5	How much does ensuring compliance with exposure standards cost your business (including air monitoring costs)? Please provide examples if possible. ....	2
6	Are you aware of other exposure or advisory standards in Australia or overseas (eg developed by international bodies or companies)? Do you use them? If so, please explain how. ....	3
7	Should Australia’s exposure standards be health-based or pragmatic? Why? .....	3
8	Should exposure standards be mandatory (eg prescribed by law) or advisory? Please provide reasons. ....	3
9	If exposure standards became advisory, would this change the way you approach the management of risks? Please provide reasons. ....	4
10	Do you support mandating a smaller number of exposure standards and keeping them up to date? Please provide reasons. ....	4
11	Do you have any views on how to prioritise which chemicals should have a mandatory exposure standard? .....	4
12	What process should be used to review and keep exposure standards up to date? ...	4
13	Conclusion .....	5

## 1 Introduction

- 1.1 Master Builders Australia is the nation's peak building and construction industry association which was federated on a national basis in 1890. Master Builders Australia's members are the Master Builder state and territory Associations. Over 125 years the movement has grown to over 33,000 businesses nationwide, including the top 100 construction companies. Master Builders is the only industry association that represents all three sectors, residential, commercial and engineering construction.
- 1.2 The building and construction industry is a major driver of the Australian economy and makes a major contribution to the generation of wealth and the welfare of the community, particularly through the provision of shelter. At the same time, the wellbeing of the building and construction industry is closely linked to the general state of the domestic economy.

## 2 Purpose of Submission

- 2.1 Safe Work Australia has invited comment on Workplace Exposure Standards (WES) for hazardous chemicals used in workplaces through the Discussion Paper, *The role of chemical exposure standards in work health and safety laws*.
- 2.2 SWA is examining the role of workplace exposure standards and how they could be reviewed and maintained.
- 2.3 The public consultation process is seeking information about:
  - how exposure standards are currently used;
  - the impacts of compliance for businesses and workers;
  - the role of exposure standards in the regulatory framework; and
  - how Australia's exposure standards can be reviewed and maintained in a timely and efficient way.

## 3 Background

- 3.1 Master Builders' two main policy objectives for Work Health and Safety (WHS) are to achieve:

- improved building and construction industry WHS performance; and
  - a national, consistent WHS regulatory framework that is reasonable and practically effective for employers.
- 3.2 Master Builders supports its members by providing information on the model WHS regime to ensure compliance. WHS concerns in the building and construction industry are not limited to airborne hazards, however, exposure can be a significant health risk and lead to acute (short-term or intermediate) and chronic (long-term) health problems.
- 3.3 Significant airborne hazards include exposure to asbestos, dusts (including silica and lead), chemicals (either during their manufacture or use) and from diesel exhaust emissions. Master Builders supports better and more targeted regulation and as a result supports the current review process.

#### **4 Do you use exposure standards in your workplace? If yes – how do you use exposure standards? If yes – do you meet exposure standards or seek to minimise chemical exposures further?**

- 4.1 Feedback from members suggests that the active use of WES is limited. We are aware, however, that their use is a requirement under some government contracts.
- 4.2 Master Builders is supportive of the current mandatory standards regulating exposure to asbestos and lead and is supportive of the use of WES to monitor the success of control measures in seeking to minimise chemical exposures, generally, to workers.

#### **5 How much does ensuring compliance with exposure standards cost your business (including air monitoring costs)? Please provide examples if possible.**

- 5.1 Master Builders does not collect detailed information on the cost of compliance from its members. Master Builders only has anecdotal evidence from one civil construction company that compliance with WES was costly.

## **6 Are you aware of other exposure or advisory standards in Australia or overseas (eg developed by international bodies or companies)? Do you use them? If so, please explain how.**

- 6.1 Master Builders is aware of the former National Occupational Health and Safety Commission (NOHSC), American Conference of Governmental Industrial Hygienists (ACGIH) and the Scientific Committee on Occupations Exposure Limit Values (SCOEL) exposure standards. We have, however, only received feedback from one member who used the NOHSC exposure standards when removing coal tar enamel coating. On this occasion, an occupational hygienist was contacted to assist.
- 6.2 Master Builders notes that in the European Union (EU) under the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) legislation, there is the risk that the derivation of Derived No Effect Levels (DNELs) by individual manufacturers and importers means that different DNELs have been set for almost identical chemicals produced by different manufacturers. Master Builders warns that the adoptions of such an approach in Australia could lead to a fragmented and disorganised set of exposure standards not necessarily based on sound evidence.
- 6.3 The Australian Institute of Occupational Hygienists (AIOH) has an Exposure Standards Committee. Master Builders supports the recommendations made by AIOH in relation to WES.

## **7 Should Australia's exposure standards be health-based or pragmatic? Why?**

- 7.1 Master Builders is of the view that, although these concepts are inter-dependant, a pragmatic approach is preferable. Where a health-based standard is not achievable due to practicalities such as excessive cost, then the underlying principle of ALARA (As low as reasonably achievable) should be adopted.

## **8 Should exposure standards be mandatory (eg prescribed by law) or advisory? Please provide reasons.**

- 8.1 Master Builders believes that both mandatory and advisory standards should be available. Mandatory levels for a select few chemicals such as asbestos,

silica and lead should be maintained. If the number of mandatory standards is kept to a minimum, then the current standards for these can be maintained and reviewed at a reasonable cost.

- 8.2 Advisory standards for other chemicals would allow the flexibility to achieve change to WES as required, without the need for costly Regulatory Impact Statements (RIS).

## **9 If exposure standards became advisory, would this change the way you approach the management of risks? Please provide reasons.**

- 9.1 Whether WES are mandatory or advisory, Master Builders members would continue to protect workers through the use of WES and in accordance with their obligations under the model WHS regime.

## **10 Do you support mandating a smaller number of exposure standards and keeping them up to date? Please provide reasons.**

- 10.1 Refer to paragraph 8.

## **11 Do you have any views on how to prioritise which chemicals should have a mandatory exposure standard?**

- 11.1 Master Builders considers that risk-based criteria should apply i.e. chemicals could be ranked for intrinsic hazards and the potential of exposure as part of a risk table. It should be noted that risk conclusions would need to consider the seriousness of the health effects as some chemicals pose chronic health risks, as well non-permanent, albeit acute, risks.
- 11.2 The health effects associated with potential exposure and the absolute number of workers exposed could then provide a further ranking criterion.

## **12 What process should be used to review and keep exposure standards up to date?**

- 12.1 Master Builders believes that the required expertise exists in Australia to review a limited number of WES and this process of review should be maintained. While the review of mandatory standards should be made a

priority, the development of new advisory standards should be also encouraged.

12.2 The AIOH has recently developed ‘trigger values’ for Dust (NOS) and these could also be adopted as advisory standards.<sup>1</sup> The National Health and Medical Research Council (NHMRC) has also recently completed a comprehensive independent review of blood lead levels and recommended lowering the ‘investigatory level’ of lead in the blood from 10 micrograms per decilitre to 5 micrograms per decilitre.<sup>2</sup> Blood lead levels are commonly used as a biomarker of exposure and lead workers are routinely monitored in this way.

12.3 In addition, Master Builders recommends that both the ACGIH and SCOEL exposure standards should be adopted as advisory standards in Australia.

### 13 Conclusion

13.1 Any recommendations made by SWA as a consequence of this review should be careful to ensure that workplace health hazards are managed in accordance with world’s best practice, without stalling productivity or imposing an unreasonable financial burden upon employers. Mandatory WES should only apply in circumstances where there has been a robust evidenced based investigation to identify the true hazards associated with exposures.

13.2 In addition, Master Builders is concerned it is not represented on SWA and therefore has little opportunity to directly influence the policy recommended by SWA. A large part of the Model laws and Regulations deal with matters that vitally affect the building and construction industry and we therefore seek urgent discussions with SWA about means to better interact with the agency in a recognised, formal forum.

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<sup>1</sup> Australian Institute of Occupational Hygienists: Exposure Standards Committee, *Dusts not otherwise specified (Dust NOS) and occupational health issues: Position Paper*, May 2014 - <http://www.aioh.org.au/documents/item/16>

<sup>2</sup> Australian Government, National Health and Medical Research Council, *NHMRC Statement and Information Paper: Evidence on the Effects of Lead on Human Health* – 19 May 2015 - <https://www.nhmrc.gov.au/guidelines-publications/eh58>