

# LEGISLATION UPDATE

No. 3/2004

30 September 2004

## USE OF CHEMICALS

A hazardous chemical is a chemical for which uncontrolled use or exposure is a risk to safety or health. Such chemicals may be described as dangerous goods, poisons, drugs or hazardous substances.

On 1 November 2004, provisions of the Occupational Health and Safety Regulation 2001 that relate to the use of hazardous substances will apply to all NSW mines.

The exposure standards for atmospheric contaminants specified in the OHS Regulation will apply across the whole mining industry. Employers will be required to ensure that employee exposure to a hazardous substance is not greater than the relevant exposure standard.

Other specific provisions of the OHS Regulation in relation to the use of hazardous substances will also apply to coal mines. The effect of some of these provisions are:

- Material Safety Data Sheet (MSDS) for each hazardous substance supplied to a workplace must be obtained and containers that hold hazardous substances at work are to be labelled appropriately.
- Specified carcinogenic substances must not be used unless notification requirements of their proposed use are met.
- Health surveillance is to be provided under certain circumstances for employees exposed to hazardous substances.
- A register of hazardous substances is to be kept.
- Risk assessments relating to the use of a hazardous substance are to be recorded, where 'use' of a substance means the use, production, handling, storage, transport or disposal of the substance.
- Records of employees exposed to carcinogenic substances are to be kept.
- Certain material is to be retained for specified periods as records, including all risk assessment reports indicating that atmospheric monitoring or health surveillance is not required.

At this stage, similar provisions contained in the Mines Inspection General Rule 2000 will continue to apply to metalliferous and extractive mines.

These provisions supplement an employer's general responsibility to ensure that effective procedures are in place and are implemented in NSW mines to manage the risks associated with the use of hazardous chemicals.

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However, it is good practice to keep exposure to any substance as low as is practicable, irrespective of whether present information indicated it is hazardous or not. Some substances previously thought to have been comparatively safe have subsequently been found to pose serious long term health risks.

In circumstances where no exposure standard is specified by regulation, the manufacturer's or supplier's advice should be followed.

Any new or additional information that becomes available from an authoritative source which is relevant to health or safety should be considered when carrying out risk management processes.

For example, the International Agency for Research on Cancer (IARC) recently reviewed the effect on humans of exposure to formaldehyde. IARC concluded that there is sufficient evidence to classify formaldehyde as *carcinogenic to humans (Group 1)* on the basis of its causal link with nose/throat cancer. This is an upgrade of its previous classification as *probably carcinogenic to humans (Group 2A)*.

The risk will depend on the level of exposure, which can often be controlled by good industrial hygiene practices. Such practices include provision of adequate ventilation, and the supply and use of appropriate personal protective equipment (for example, gloves, masks, respirators and protective clothing).

This Update has provided only a brief summary of requirements for hazardous substances. Mines should become familiar with the requirements prior to their commencement.

Full application of the OHS Regulation to mines is contained in the Occupational Health and Safety Amendment (Mines) Regulation 2004, which is available on the Department's internet site at the following location <http://www.minerals.nsw.gov.au/safety/legislation.htm>.

Further guidance can be obtained from a *Code of Practice for the Control of Workplace Hazardous Substances*. This document has been published by WorkCover to provide advice on meeting the requirements of the OHS Regulation and can be found at <http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/controlhazsub.htm>

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