

FACT SHEET

Sampling airborne dust at non-coal mines

September 2022

Introduction

The new Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 (WHS (MPS) Regulation 2022) will take effect from 1 September 2022. This fact sheet provides guidance on changes to the airborne dust exposure monitoring and notification requirements for non-coal mines.

Obligations of non-coal mine operators

The WHS (MPS) Regulation 2022 prescribes new obligations for non-coal mine operators who have identified respirable crystal silica as a hazard when undertaking personal dust exposure monitoring, in terms of:

- methodologies used for sampling of airborne dust
- licensing requirements for sampling
- areas of the mine where samples are collected
- sample numbers and frequency rates for monitoring mine workers
- notification of exceedance events.

Obligations under Schedule 6

Schedule 6 of the WHS (MPS) Regulation 2022 stipulate a minimum requirement for sampling airborne dust at non-coal mines. The minimum requirement applies to mines that have identified respirable crystalline silica as a hazard following airborne contaminant monitoring undertaken in accordance with clause 50(1) Work Health and Safety Regulation 2017.

General requirements

Non-coal mine operators must sample airborne dust in accordance with the general requirements outlined in Schedule 6, Part 2 of the WHS (MPS) Regulation 2022. In summary:

- sampling or analysing airborne dust under Schedule 6 is classed as a licenced activity. This means that sampling or analysis must not be carried out unless in accordance with a licence issued by the NSW Resources Regulator (the Regulator)
- as far as reasonably practical, sampling must be carried out from the start to the end of a shift (i.e. full shift monitoring), with a minimum sampling period equivalent to 80% of the total shift length
- samples must be taken from as close as reasonably practical to places where people work. As far as reasonably practical, samples taken of a particular work role or task must be collected from a person conducting that work role/task for the duration of the shift
- samples should be analysed as soon as reasonably practical in accordance with Australian Standard methodologies (AS 2985-2009). Respirable crystalline silica analysis should be performed on each respirable dust sample collected
- samples taken incorrectly (void samples) must be resampled.

Specific requirements for non-coal mines

Schedule 6 (8) of the WHS (MPS) Regulation 2022 outlines the sampling requirements specified for non-coal mine operators that have identified respirable crystalline silica as a hazard. These requirements include:

- Samples must be taken from each part of the mine where dust is or may be present. Samples should be taken from the breathing zone of at least 5 people.
- Samples collected from parts of the mine where extraction is occurring (as per above) must include, as far as reasonably practical:
 - a person working as a drill operator, shotfirer or stemmer, and
 - a person who is operating mobile plant.
- Samples of respirable dust must be taken at least once every 12 months.

Transition period for compliance

The WHS (MPS) Regulation 2022 includes a 12-month transition period for non-coal mine operators to comply with the requirements of Schedule 6 after the commencement on 1 September 2022.

Obligations for notification of an exceedance

Exposure standards – clause 41

As far as it is reasonably practical, operators of a mine or petroleum site must minimise worker exposure to airborne dust. Section 41(1)(b) of the WHS (MPS) Regulation 2022 outlines the 8-hour time-weighted average atmospheric concentrations of inhalable dust, respirable dust and diesel particulate matter which must not be exceeded. Section 41(3) stipulates the *Workplace Exposure Standards for Airborne Contaminants* apply in relation to exposures to respirable crystalline silica.

Duty to notify regulator – clause 124

Mine operators must report any exceedance of the exposure standards to the Regulator as a ‘high potential incident’ under section 124 of the WHS (MPS) Regulation 2022, as follows:

- section 124(5)(q) – a person was exposed to an 8-hour time-weighted average atmospheric concentration of inhalable dust, respirable dust or diesel particulate matter that is more than the amounts specified in section 41(1)(b).
- section 124(5)(s) – a person was exposed to an 8-hour time-weighted average atmospheric concentration of crystalline silica that is more than the exposure standard specified in the *Workplace Exposure Standards for Airborne Contaminants*.

Notifications of an exceedance incident must be made using the safety and health reporting function of the Regulator Portal. Information relating to the exceedance incident will be collected, such as the similar exposure group (SEG) of the worker, the tasks undertaken / equipment used, and respiratory protection worn during the monitoring, in addition to the measured exposure concentration.

Further information about the initial notification of incidents can be found in the *Notification of incident and injury guide* on the Regulator website.

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