

Chair
Ms Diane Smith-Gander AO

Mr Adam Lovell
Executive Director, WSAA
Level 9, 420 George Street
Sydney NSW 2000

Dear Mr Lovell

Safe Work Australia Workplace Exposure Review – Hydrogen Sulfide

Thank you for your correspondence of 3 August 2021 about Safe Work Australia's review of the workplace exposure standards (WES), specifically for hydrogen sulfide. I appreciate the concerns you have raised in relation to the urban water industry.

As you are aware, Safe Work Australia is currently reviewing the WES (the review) for all airborne contaminants to ensure they are based on the highest quality, contemporary evidence, and supported by a rigorous scientific approach.

The review has been on foot for quite some time, commencing with a regulatory impact assessment process in August 2018. The review methodology was peer reviewed by Health Canada and agreed by all Ministers for Work Health and Safety (WHS ministers) in November 2019.

To conduct the review, Safe Work Australia engaged external experts in occupational hygiene and toxicology to develop a list of health-based recommendations for WES for hazardous chemicals used in Australian workplaces. These health-based recommendations were also peer reviewed by an independent internationally renowned toxicologist and hazardous chemical expert.

The health-based recommendations for each chemical were released for public consultation. Hydrogen sulfide was part of Release 10 which was released on 17 January 2020 and closed on 14 February 2020. However, given the impact of the pandemic feedback was accepted until 1 February 2021.

Process for identifying relevant stakeholders

Safe Work Australia is comprised of 15 Members, including representatives of each jurisdiction, workers and industry. Our industry representatives are the Australian Chamber of Commerce and Industry and the Australian Industry Group.

Otherwise, consultation for the review relies on the release consultation process. Any individual or organisation can make a submission which will be considered. We have received over 900 submissions during the review process.

The consultation process was communicated widely including to all of our subscribers, on our

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website and through social media. The review and consultation process were also discussed at a range of conferences and seminars once the process began.

Why are these particular levels being recommended?

As discussed above, the health-based levels were recommended by independent experts according to the agreed methodology, which:

- identifies the trusted sources of information to be used to determine the health-based recommendation as well as any notations, and
- provides a clear, consistent process of decision-making and evaluating of the trusted sources to recommend health-based WES values and notations.

The resulting health-based WES levels for hydrogen sulfide are intended to ensure appropriate protection for Australian workers, with the eight-hour time weighted average (TWA) of 1 ppm and short term exposure limit (STEL) of 5 ppm both protective of irritation effects and central nervous system impairment in exposed workers.

How can we reopen discussion on the impacts?

Safe Work Australia agreed the recommended limits for hydrogen sulfide at their meeting of 19 August 2021. The next step in the process is for WHS ministers to agree the level, which is expected to occur by early 2022.

I have raised your concerns with the Heads of Workplace Safety Authorities which is comprised of WHS regulators. WHS regulators will primarily be responsible for implementation matters. You are also welcome to raise this matter with your relevant WHS minister. Please be assured your letter was provided to all Members for their consideration.

What sectors have provided a response to Release 10?

A total of 7 responses were received for Release 10 for hydrogen sulfide during the consultation period. Five of these were opposed to the recommended TWA and STEL and all were from the resources sector. The submissions were provided to Safe Work Australia Members for their consideration, prior to the decision on hydrogen sulfide.

What opportunity is there for a modification to the proposed timeframe for compliance to the new exposure limits?

Once WHS ministers have agreed a limit for hydrogen sulfide, the new level must be implemented by a jurisdiction to have an effect. From that time, WHS ministers have agreed a three year transitional period. This means we expect that compliance with the new level for hydrogen sulfide would likely required early-mid 2025.

As this timeframe has been agreed by WHS ministers, it is not open to Safe Work Australia to modify it. However, WHS regulators do have some limited powers to make exemptions from compliance with the Work Health and Safety laws. Given the real implementation issues you

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raise, I encourage you or your members to contact the relevant regulator to discuss what options might be available.

Thank you for taking the time to raise this matter with me. I hope this information above assists. If you have any further questions, Dr Rebecca Newton (Rebecca.Newton@swa.gov.au), Branch Manager of Chemicals, Occupational Hygiene and High Risk Work Policy, can assist further.

Yours sincerely



Diane Smith-Gander AO
Chair
Safe Work Australia

26 August 2021