

Working with crystalline silica substances: PCBU obligations.

This document provides guidance to PCBUs on how to manage their WHS obligations relating specifically to working with crystalline silica are detailed in [Chapter 8A Crystalline Silica](#) of the Work Health and Safety Regulation 2017 (WHS Regulation).

Summary

PCBUs have a legal obligation to:

- Identify all known and suspected sources of respirable crystalline silica (RCS) before work commences
- Complete a risk assessment to determine if processing of a CSS (Crystalline Silica Substance) is high risk
- If processing is identified as high risk, implement a Silica Risk Control Plan or a SWMS
- Make the control plan available to workers before processing work begins and ensure it is understood adhered to
- Conduct air monitoring if you are unsure whether RCS levels exceed the workplace exposure standard (WES), or to determine whether the silica processing work will create a risk to worker health from RCS
- Notify SafeWork NSW of WES exceedances via the online portal within 14 days of receiving the report with results of exposure monitoring
- Provide health monitoring to workers if there is a significant risk to their health from ongoing high risk CSS processing
- Notify SafeWork NSW if a worker receives an adverse health monitoring report
- Consult with workers on work health and safety issues and systems of work
- Notify SafeWork NSW via the online portal if legacy engineered stone work is being undertaken
- Provide silica training to workers who are involved in high risk CSS processing or if they are at risk of exposure to RCS
- Monitor, review and maintain control measures.

Hazard identification – Respirable Crystalline Silica (RCS) and processing activities

It's important that all known and suspected sources of RCS are identified before any work begins.

For manufactured products, you can find this information on the safety data sheet (SDS) or product label from the manufacturer or supplier. If you are unsure if a product contains crystalline silica, you should contact the manufacturer or supplier for further information.

Identifying high risk processing of crystalline silica substances (CSS)

Clause 529CA(1) of the WHS Regulation requires PCBU's to complete a risk assessment determine if the CSS processing is high risk. Processing a CSS is high risk if it's reasonably likely to result in a risk to the health of a person at the workplace.

If you're unsure, assume it is high risk until proven otherwise.

When determining whether a CSS process is high risk, PCBU's may consider any isolation or engineering controls implemented to control the risk (529B(1)(b)). However as outlined in clause 529CA(3), these controls cannot solely be relied on to control the risk, especially if they can fail.

During the risk assessment, PCBU's must **not** consider the use of any personal protective equipment (PPE), including respiratory protective equipment (RPE), or administrative controls when assessing if the CSS process is high risk.

PCBU's are required to ensure a control plan is prepared under clause 529CB if high risk CSS processing is identified. The control plan must be made available to workers prior to processing commencing and must be adhered to (clause 529CC). A Safe Work Method Statement (SWMS) may be used instead of a silica control plan for high risk silica processing in construction work.

Further guidance on completing a risk assessment can be found in section 4.2 Assessing the risk of processing CSS of the Safe Work Australia Working with crystalline silica substances - Guidance for PCBU's.

Air monitoring

It is not mandatory for PCBU's to conduct air monitoring for all CSS processes (529CE(a)).

However, under clause 50(1) a PCBU must ensure that air monitoring is carried out to determine if workers are at risk of exposure to RCS if:

- they are unsure whether RCS levels exceed the workplace exposure standard (WES), or
- they need to determine whether there's a risk to health from RCS at the workplace.

Examples of control measures and when they should be used are outlined in Appendix 4 of Work Health and Safety Queensland's Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements.

SafeWork NSW recommends that PCBU's consult with a competent person, such as an occupational hygienist, for further guidance on air monitoring for their individual workplace.

PCBU's must notify SafeWork NSW if a Workplace Exposure Standard (WES) exceedance occurs. WES notifications must be made as soon as reasonably practicable, but no later than 14 days from the date you receive the air monitoring result.

WES notifications can be made via the online portal - <https://www.safework.nsw.gov.au/notify-safework/workplace-exposure-standard-wes-exceedance-notification>

SafeWork NSW does not accept WES notifications via email or other methods and cannot submit a notification on behalf of a PCBU.

Health monitoring

Under clause 368(a), a PCBU must ensure that health monitoring is provided if there is a significant risk to the worker's health from the ongoing high risk processing of a crystalline silica substance (CSS). If you're unsure about the risk to workers, you should get specialist advice from an occupational hygienist.

Examples of circumstances where health monitoring may be required are detailed in Appendix 4 of Work Health and Safety Queensland's *Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements*.

Health monitoring must be organised and paid for by employers. In the case of labour hire workers, the host and labour hire company must first agree on who will organise and pay for the health monitoring.

Health monitoring must be carried out by or under the supervision of a medical practitioner with experience in health monitoring. Results of health monitoring and any previous adverse outcomes related to exposure to RCS should be included in any risk assessment and silica risk control plans. Do not include anything that will identify the worker, such as personal details or confidential medical information.

PCBUs must give workers a copy of the health monitoring report and keep the report for at least 30 years. If the report recommends any changes to a worker's duties, the PCBU must implement them in consultation with the worker and medical practitioner.

PCBUs must also provide a copy of the report to SafeWork NSW if the health practitioner advises a worker may have contracted an injury or illness as a result of exposure, or if they recommend any remedial action including stopping a worker from doing a particular task.

Further information on notifying an adverse health monitoring report can be found on the SafeWork NSW website - <https://www.safework.nsw.gov.au/notify-safework/adverse-health-monitoring-report-notifications>

icare recommends health screening every 12 months and offers subsidised health monitoring to businesses through its lung screening service.

Monitoring and maintaining control measures

PCBUs must maintain and review risk control measures under clause 37. Equipment and PPE should be regularly inspected, serviced and maintained in line with the original manufacturer's specifications. Control plans should be regularly reviewed to ensure the control measures are still effective and fit for purpose for the work task. Control plans should be adjusted as needed when circumstances change.

PCBUs have an obligation to consult with workers on work health and safety issues and systems of work that affect them. This includes consulting with any Health and Safety Representatives (HSRs) and Health and Safety Committees (HSCs) within the workplace.

Legacy engineered stone

SafeWork NSW must be notified if you are undertaking any processing work to remove, repair or make minor modifications to legacy engineered stone products that were installed before the ban came into place.

Temporary removal and reinstallation of legacy engineered stone benchtops, panels and slabs is permitted to complete repairs or minor modifications if it is replaced in the same location. If the

original benchtop, slab, or panel cannot be reinstalled, you must use an alternative product that is not banned.

Further information on notifying SafeWork NSW of Legacy Engineered Stone (LES) work can be found here - <https://www.safework.nsw.gov.au/notify-safework/legacy-engineered-stone-notification>

Training, information and supervision

Under clause [529CD](#), PCBUs must provide approved training in crystalline silica to a worker:

- involved in processing of a crystalline silica substance (CSS) that is high risk, or
- is at risk of exposure to respirable crystalline silica (RCS) because of that processing.

To be considered approved in NSW, training must meet a set of approved criteria. The training can be developed in-house or delivered by a third-party.

PCBU must also provide all workers who may be exposed to RCS at the workplace with specific information and instruction on how to work safely with silica products in their workplace.

View the training criteria on the SafeWork NSW website here - <https://www.safework.nsw.gov.au/hazards-a-z/hazardous-chemical/priority-chemicals/crystalline-silica-and-engineered-stone/training-in-crystalline-silica>

Further resources and information

- Crystalline silica and engineered stone – SafeWork NSW - <https://www.safework.nsw.gov.au/hazards-a-z/hazardous-chemical/priority-chemicals/crystalline-silica-and-engineered-stone/work-safely-with-crystalline-silica-and-engineered-stone>
- Notify SafeWork NSW - <https://www.safework.nsw.gov.au/notify-safework>
- Work Health and Safety Queensland - *[Managing respirable crystalline silica dust exposure in construction and manufacturing of construction elements](#)*
- Safe Work Australia - *[Working with crystalline silica substances - Guidance for PCBU](#)*
- icare – lung screening service - <https://www.icare.nsw.gov.au/injured-or-ill-people/work-related-dust-disease/services-and-support/lung-screening-service>
- *Work Health and Safety Regulation 2017* - <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0404>
- *Work Health and Safety Act 2011* - <https://legislation.nsw.gov.au/view/html/inforce/current/act-2011-010>

Contact us
For more information, please contact SafeWork NSW: T: 13 10 50 W: www.safework.nsw.gov.au

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