

EXPLANATORY STATEMENT – MODEL WORK HEALTH AND SAFETY (BLOOD LEAD REMOVAL LEVELS) AMENDMENT REGULATIONS 2017 – MODEL PROVISIONS

The model Work Health and Safety (WHS) Act and the model WHS Regulations have been developed in accordance with the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety (IGA).

In December 2016, WHS ministers agreed to a number of technical changes to the model WHS Regulations.

The Model Work Health and Safety (Blood Lead Removal Levels) Amendment Regulations 2017 – Model Provisions amend the model WHS Regulations to reduce the blood lead levels:

- contained in the definition of 'lead risk work' under regulation 394,
- that determine the frequency that a person conducting a business or undertaking (PCBU) must arrange biological monitoring of workers who carry out 'lead risk work',
- that mandate a worker's immediate removal from carrying out 'lead risk work', and
- that determine the threshold at which a PCBU may allow a worker to return to 'lead risk work'.

Reducing the blood lead levels will result in a lower threshold for triggering the obligations on PCBUs and therefore decrease health risks to workers undertaking lead risk work.

Safe Work Australia conducted full public consultation and targeted stakeholder feedback regarding these amendments. The outcomes of that consultation are summarised in the *Decision Regulation Impact Statement – Managing risks associated with lead in the workplace: blood lead removal levels and workplace exposure standard*.

Details of the Model Work Health and Safety (Blood Lead Removal Levels) Amendment Regulations 2017 – Model Provisions

Regulation 1 - Short title

This regulation sets out the name of the Amendment Regulations.

Regulation 2 - Commencement

This regulation provides the date that the Amendment Regulations will come into effect.

Regulation 3 – Regulation amended

This regulation provides that the Amendment Regulations amend the model WHS Regulations.

Regulation 4 – Amendment of r 394 (Meaning of *lead risk work*)

Regulation 394 defines 'lead risk work'. This amending regulation replaces the blood lead levels expressed in subregulation 394(a) and 394(b). These new values represent safer blood lead levels identified by current toxicological and epidemiological evidence. The general effect of this regulation is to lower the threshold at which PCBUs have additional duties toward workers undertaking 'lead risk work'.

Regulation 5 – Amendment of r 407 (Frequency of biological monitoring)

This regulation replaces the blood lead levels expressed in paragraphs 407(1)(a)(i), 407(1)(a)(ii), 407(1)(a)(iii), 407(1)(b)(i) and 407(1)(b)(ii) that determine the required frequency of biological monitoring of workers. The effect of this amendment is to lower the threshold which activates a PCBU's obligation to conduct biological monitoring.

Regulation 6 – Amendment of r 415 (Removal of worker from lead risk work)

This regulation replaces the blood lead levels expressed in paragraphs 415(1)(a)(i) and 415(1)(a)(ii). The effect of this amendment is to lower the threshold at which a PCBU must remove a worker from undertaking lead risk work. Under this amendment, a PCBU must immediately remove a worker from carrying out lead risk work if, following health monitoring, the biological monitoring of the worker shows that their worker's blood lead level is, or is more than, 30µg/dL (1.45µmol/L) for females not of reproductive capacity and males, and 10µg/dL (0.48µmol/L) for females of reproductive capacity. This regulation also omits paragraph 415(1)(a)(iii). The amended blood lead levels expressed in paragraph 415(1)(a)(ii) will now also apply to females who are pregnant or breastfeeding.

Regulation 7 – Amendment of r 417 (Return to lead risk work after removal)

This regulation replaces the blood lead levels expressed in paragraphs 417(3)(a)(i) and 417(3)(a)(ii). This amendment has the effect of lowering the threshold at which workers may return to carrying out lead risk work after being removed under Regulation 415. Under this amendment, a PCBU must ensure that the worker does not return to carrying out lead risk work until the worker's blood lead level is less than 20µg/dL (0.97µmol/L) for females not of reproductive capacity and males, and 5µg/dL (0.24µmol/L) for females of reproductive capacity. A registered medical practitioner with experience in health monitoring must also be satisfied that the worker is fit to return to carrying out lead risk work.