

**NATIONAL MODEL REGULATIONS
FOR THE CONTROL OF
WORKPLACE HAZARDOUS SUBSTANCES
[NOHSC:1005(1994)]**

CITATION	5
OBJECTIVE.....	5
SCOPE AND APPLICATION	5
INTERPRETATION.....	6
CLASSIFICATION OF HAZARDOUS SUBSTANCES	9
PROVISION OF INFORMATION - SUPPLIERS' DUTIES	9
Material Safety Data Sheets	9
Labels	9
Other Relevant Information.....	10
DISCLOSURE OF INGREDIENTS OF HAZARDOUS SUBSTANCES.....	10
Disclosure of Ingredients on Material Safety Data Sheets.....	10
Disclosure of Ingredients on Labels	10
Notification of Use of a Generic Name	10
Disclosure of Commercially Confidential Information	10
Emergency Disclosure of Information to Medical Practitioners	11
Non-Emergency Disclosure of Information to Other Persons.....	11
PROVISION OF INFORMATION - EMPLOYERS' DUTIES	11
Material Safety Data Sheets	11
Labels.....	12
Registers	12
Other Relevant Information.....	12
PROHIBITION OF SCHEDULED SUBSTANCES FOR SPECIFIED PURPOSES	13
INDUCTION AND TRAINING.....	13
ASSESSMENT.....	13
CONTROL.....	14
MONITORING	15
HEALTH SURVEILLANCE	15

RECORD KEEPING.....	16
EMPLOYEES' DUTIES.....	16
RELEVANT PUBLIC AUTHORITIES AND EMERGENCY SERVICES.	17
TRANSITIONAL ARRANGEMENTS.....	17
SCHEDULES	
INGREDIENT DISCLOSURE –.....	18
TYPE I, TYPE II AND TYPE III INGREDIENTS.....	18
SUBSTANCES PROHIBITED FOR SPECIFIED USES.....	19
REFERENCED DOCUMENTS.....	21
APPENDIX:	
AMENDMENTS TO PROHIBIT CHRYSOTILE, AMOSITE AND CROCIDOLITE ASBESTOS.....	22

CITATION

1. These regulations may be cited as the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)].

OBJECTIVE

2. The objective of these National Model Regulations for the Control of Workplace Hazardous Substances is to minimise the risk of adverse health effects due to exposure to hazardous substances in the workplace by:
 - (a) ensuring that hazardous substances used at work are provided with labels and Material Safety Data Sheets (MSDS);
 - (b) ensuring that employees with potential exposure to hazardous substances used in a work activity are provided with information and training on the nature of hazards and means of assessing and controlling exposure to workplace hazardous substances, and that employee representatives in the workplace have access to this information;
 - (c) providing for assessment of the risk and control of exposure to hazardous substances;
 - (d) ensuring that emergency services and other relevant public authorities have access to relevant information on workplace hazardous substances; and
 - (e) ensuring that relevant information from summary reports² produced under the *Industrial Chemicals (Notification and Assessment) Act 1989* (Cwlth) is available on request to the workplace.

SCOPE AND APPLICATION

- 3(1) These national model regulations shall apply to all hazardous substances, to all workplaces in which hazardous substances are used or produced and to all persons with potential for exposure to hazardous substances in those workplaces.
- (2) There is a limited number of substances which are exempt from these national model regulations where their use is not related to work activity. These are:
 - (a) food and beverages within the meaning of the food standards;
 - (b) therapeutic agents;
 - (c) cosmetics;
 - (d) tobacco or products made of tobacco; and
 - (e) toiletries and toilet products.
- (3) Radioactive and infectious substances are exempt from these national model regulations.

INTERPRETATION

4 In these national model regulations:

‘**ADG Code**’ 2 see *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

‘**Article**’ means an item which is formed to a specific shape, surface or design during production, has an end function dependent in whole or in part on its shape or design, and which undergoes no change in chemical composition and physical state during the end use except as an intrinsic aspect of that end use. Fluids and particles are not considered articles, regardless of the shape or design.

‘**Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code)**’³ means the code prepared by the standing national Advisory Committee on the Transport of Dangerous Goods and endorsed by the Australian Transport Advisory Council. The ADG Code is based on recommendations prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods. The ADG Code covers the classification, packaging, marking and transport of dangerous good.

‘**Biological monitoring**’ means the measurement and evaluation of hazardous substances or their metabolites in the body tissues, fluids or exhaled air of an exposed person.

‘**By-product**’ means a substance produced during a chemical reaction which does not form part of the final reaction product.

‘**Chemical name**’ means the recognised chemical name as used in the scientific and technical texts.

‘**Consumer package**’ means a package which is intended for retail display and sale. It may be transported and distributed as part of a larger consolidated package consisting of a number of identical consumer packages.

‘**Container**’ means anything in or by which hazardous substances are or have been wholly (or partly) cased, covered, enclosed, contained or packed, whether such a container is empty, or partially or completely full. Tanks and bulk storage containers, as defined in the ADG Code 2 are not included in the definition of 'container'.

‘**Emergency services**’ shall be defined on a jurisdiction by jurisdiction basis with the intention of including all fire fighting services and organisations with functional responsibility for emergency response.

‘**Employee**’ means an individual who works under a contract of employment, apprenticeship or traineeship.

‘**Employee representative**’ includes an employee member of a health and safety committee where established in the workplace, or a person elected to represent a group of employees on health and safety matters.

‘**Employer**’ means a corporation or an individual who employs persons under a contract of employment, apprenticeship or traineeship.

Note: The definition of employer includes the self-employed which means a person who works for gain, other than under a contract of employment, apprenticeship or traineeship, whether or not that person employs others.

‘Exposure standard’ means an airborne concentration of a particular substance in a person's breathing zone, as established by the National Occupational Health and Safety Commission's *Adopted Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC: 1003(1991)]⁴.

‘Fugitive emissions’ means substances that escape to the atmosphere during the manufacturing process.

‘Generic Name’ means a name applied to describe a category or group of chemicals, for example, azo dyes and halogenated aromatic amines.

‘Hazardous substance’ means a substance which:

- (a) is listed on the National Occupational Health and Safety Commission's *List of Designated Hazardous Substances* [NOHSC:10005(1994)]⁵, or
- (b) has been classified as a hazardous substance by the manufacturer or importer in accordance with the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶.

‘Health surveillance’ means the monitoring of individuals for the purpose of identifying changes in health status due to occupational exposure to a hazardous substance. It includes biological monitoring (as defined) but not monitoring as defined elsewhere in this section.

‘Ingredient’ means any component of a substance (including impurities), in a mixture or combination.

‘May’ means that a requirement is optional.

‘Monitoring’ means to survey regularly all measures which are used to control hazardous substances in the workplace. This includes the monitoring of atmospheric contaminants, but does not include biological monitoring which is an element of health surveillance.

‘Practicable’ means 'practicable' in Victoria, Queensland, Western Australia and the Northern Territory, 'reasonably practicable' in New South Wales, South Australia, the Australian Capital Territory and Commonwealth jurisdiction and 'a reasonable precaution' in Tasmania.

‘Product name’ means the brand name, trade name or code name or code number specified by a supplier.

‘Purchaser’ means a person or employer who acquires an article or substance by the payment of money or its equivalent.

‘Record’ means a collection of information in a permanent form. It may take one of many forms, for example, a written report or a computerised database. For the purpose of these national model regulations, records include assessment reports, results of monitoring, documentation of induction and training programs and results of health surveillance.

‘Register’ means a listing of all hazardous substances which are used or produced in the workplace and the available MSDS for hazardous substances, as required by these national model regulations.

‘Relevant public authorities’ means those public authorities whose functional responsibilities extend to occupational health and safety. It is expected that these will be defined on a jurisdiction by jurisdiction basis.

'Retail warehouse operator' means a person who operates a warehouse where unopened packaged goods intended for retail sale are held on the premises.

'Retailer' means a person or business who sells articles and substances to members of the public who themselves are not engaged in any further resale of that article or substance.

'Risk' means the likelihood that a substance will cause harm in the circumstances of its use.

'Risk phrase' means a phrase describing the hazard of a substance as provided in the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶.

'Safety phrase' means a phrase describing the safe handling, storage or use of personal protective equipment for a substance.

'Shall' means that a requirement is mandatory.

'Should' means a recommendation.

'Substance' means any natural or artificial entity, composite material, mixture or formulation, other than an article.

'Substance name' means:

- (a) the correct shipping name assigned in the ADG Code 2 for a substance specifically listed in the ADG Code³ and which meets the classification criteria of Section 2 of that code;
- (b) the name as it appears in the *Standard for the Uniform Scheduling of Drugs and Poisons* (SUSDP)⁷ for a substance scheduled in the SUSDP; or
- (c) where neither of the above are applicable, the recognised chemical name as used in the scientific and technical texts.

'Supplier' means an importer, manufacturer, wholesaler or distributor of workplace substances, but excludes a retailer.

'Use' means the production, handling, storage, transport or disposal of substances in the workplace. Substances carried in compliance with the ADG Code³, the Inter-Governmental Maritime Consultative Organisation's *International Maritime Dangerous Goods Code*⁸ the International Civil Aviation Organisation's *Technical Instructions for the Safe Transport of Dangerous Goods by Air*⁹ the International Air Transport Association's *Dangerous Goods Regulations* 9 or relevant Commonwealth, State or Territory legislation are excluded from this definition.

'Workplace' means any place, including any aircraft, ship or vehicle, where a person works, or is likely to work, and includes any place where a person goes while at work.

CLASSIFICATION OF HAZARDOUS SUBSTANCES

- 5(1)** A manufacturer or importer of a substance supplied for use at work shall determine whether the substance is a hazardous substance in accordance with:
- (a) the National Occupational Health and Safety Commission's *List of Designated Hazardous Substances* [NOHSC:10005(1994)]⁵; or
 - (b) the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶.
- (2)** Where a manufacturer or importer determines that a substance, being a natural or artificial entity, meets the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶, and that substance is not already included in the National Occupational Health and Safety Commission's *List of Designated Hazardous Substances* [NOHSC:10005(1994)]⁵, the manufacturer or importer shall notify the National Occupational Health and Safety Commission of that determination.
- (3)** Sub-regulation 5(2) does not apply to substances which are composite materials, mixtures or formulations.

PROVISION OF INFORMATION - SUPPLIERS' DUTIES

Material Safety Data Sheets

- 6(1)** In respect of MSDS, manufacturers and importers shall:
- (a) produce MSDS for all hazardous substances which they supply;
 - (b) review and revise MSDS to keep them up to date, and in any case at intervals not exceeding five years from the date of last issue of the MSDS; and
 - (c) provide a current MSDS to the Australian National Material Safety Data Sheet Repository.
- (2)** Suppliers shall ensure, in relation to any hazardous substance supplied for use at work, that a current MSDS is provided:
- (a) on the first occasion that the hazardous substance is supplied to a person who purchases the substance from the supplier; and
 - (b) on request.
- (3)** Suppliers are exempt from sub-regulation 6(2)(a) in relation to hazardous substances which are supplied to retailers or retail warehouse operators in consumer packages which are intended for retail sale, will not be opened on the retailers' or retail warehouse operators' premises and hold less than 30 kilograms or 30 litres.

Labels

- (4)** Suppliers shall ensure that all containers of hazardous substances supplied for use at work are appropriately labelled.

Other Relevant Information

- (5) A supplier shall provide to an employer on request:
- (a) relevant information from summary reports² produced under the *Industrial Chemicals (Notification and Assessment) Act 1989* (Cwlth); and
 - (b) any other relevant information, in addition to that contained in the MSDS, which will assist in the safe use of the substance.

DISCLOSURE OF INGREDIENTS OF HAZARDOUS SUBSTANCES

Disclosure of Ingredients on Material Safety Data Sheets

- 7(1) The manufacturer or importer shall disclose on the MSDS for a hazardous substance the chemical name of each Type I ingredient as provided at Schedule 1.
- (2) The manufacturer or importer shall disclose on the MSDS for a hazardous substance the chemical name of each Type II ingredient as provided at Schedule 1, except that a generic name may be used if the identity of a Type II ingredient is commercially confidential.
- (3) The manufacturer or importer shall disclose on the MSDS for a hazardous substance the chemical name, or alternatively a generic name may be used, for each Type III ingredient as provided at Schedule 1.
- (4) Where a generic name does not provide sufficient commercial protection for a Type III ingredient as provided at Schedule 1 which is not a hazardous substance and does not have known synergistic effects, the manufacturer or importer may use the term 'Other ingredients determined not to be hazardous' in place of the chemical or generic name.

Disclosure of Ingredients on Labels

- (5) The supplier shall disclose on the label of a hazardous substance the chemical name of each Type I ingredient as provided at Schedule 1.
- (6) The supplier shall disclose on the label of a hazardous substance the chemical name of each Type II ingredient as provided at Schedule 1, except that a generic name may be used if the identity of a Type II ingredient is commercially confidential

Notification of Use of a Generic Name

- (7) Where a generic name is used to identify a Type II ingredient in accordance with sub-regulations 7(2) or 7(6), the manufacturer or importer shall notify Worksafe Australia on the approved form.

Disclosure of Commercially Confidential Information

- (8) Where the chemical name of an ingredient has not been disclosed on the MSDS or the label in accordance with sub-regulations 7(2), (3) or (6), the manufacturer or importer shall disclose the chemical identity of the ingredient to relevant persons as provided in this regulation.
- (9) Relevant persons as provided for in sub-regulation 7(8) shall provide an undertaking that the information will only be used for the purpose for which it was provided.

Emergency Disclosure of Information to Medical Practitioners

- (10) The chemical name of an ingredient shall be disclosed forthwith to a medical practitioner who determines that a medical emergency exists and requests the information only for the purposes of providing proper emergency or first aid treatment.
- (11) The medical practitioner shall provide to the manufacturer or importer as soon as practicable, a written statement of the need to obtain the information.

Non-Emergency Disclosure of Information to Other Persons

- (12) Employers, employees, employee representatives or persons authorised by them, as well as relevant public authorities, may request a manufacturer or importer to disclose the chemical name of an ingredient for the purposes of protecting the health of any person who might be exposed to the substance through its use at work.
- (13) An application under sub-regulation 7(12) shall be made in writing and shall provide details of the reason why the information is needed.
- (14) A manufacturer or importer shall respond in writing to an application under sub-regulation 7(12) within 30 days of receipt.
- (15) In responding to the application, the manufacturer or importer shall:
 - (a) disclose the chemical name of the ingredient; or
 - (b) if the manufacturer or importer is not satisfied of the need to disclose the chemical name, provide:
 - (i) specific reasons, supported by sufficient evidence, for refusal of the application, and
 - (ii) alternative information that will protect the health of any person who might be exposed to the substance through its use at work without revealing the chemical name.

PROVISION OF INFORMATION - EMPLOYERS' DUTIES

Material Safety Data Sheets

- 8(1) In respect of MSDS, an employer shall:
 - (a) obtain a MSDS on the first supply of a hazardous substance to a workplace;
 - (b) ensure that MSDS provided by the supplier are available for all hazardous substances used in the workplace and are readily accessible to employees with potential for exposure to those substances; and
 - (c) ensure that a MSDS from a supplier is not altered except where an overseas MSDS is to be reformatted by the employer.
- (2) Retailers and retail warehouse operators are exempt from sub-regulations (8)(1)(a) and (b) for hazardous substances in consumer packages which are intended for retail sale, will not be opened on their premises and hold less than 30 kilograms or 30 litres.

Labels

- (3) In respect of labels, an employer shall ensure that:
- (a) all containers of hazardous substances used at work, including those delivered to and those produced within the workplace, are appropriately labelled; and
 - (b) no person removes, defaces, modifies or alters a correct label of a hazardous substance used at work.
- (4) Where a hazardous substance is decanted and is not consumed immediately, the employer shall ensure that the container into which the substance is decanted is labelled with the product name and the risk and safety phrases.
- (5) Where a hazardous substance is decanted and is consumed immediately, the container into which the substance has been decanted does not require labelling.
- (6) Hazardous substance containers shall remain correctly labelled until they are cleaned and no longer contain any hazardous substance.

Registers

- (7) In respect of registers, an employer shall ensure that:
- (a) a register is kept and maintained for all hazardous substances used or produced in the workplace;
 - (b) the register contains, as a minimum, a list of all hazardous substances used or produced at the workplace and the MSDS for all hazardous substances for which MSDS are required by these national model regulations; and
 - (c) the register is readily accessible to all employees with the potential for exposure to hazardous substances.
- (8) In their capacity as 'employers', retailers and retail warehouse operators are exempt from the provisions of sub-regulations 8(7)(a), (b) and (c) for hazardous substances in consumer packages which are intended for retail sale, will not be opened on their premises and hold less than 30 kilograms or 30 litres.

Other Relevant Information

- (9) An employer shall ensure that hazardous substances contained in enclosed systems, such as a pipe or piping system, or a process or reactor vessel, are identified to persons liable to exposure to the contents.

PROHIBITION OF SCHEDULED SUBSTANCES FOR SPECIFIED PURPOSES

- 9(1)** An employer shall ensure that any substance listed at Schedule 2 is not used for any purpose specified in that schedule.
- (2)** An employer may apply to the relevant public authority for exemption from all or part of the requirements of sub-regulation 9(1).

Note: The exemption provision in sub-regulation 9(2) would be used by jurisdictions which do not have over-riding exemption provisions in their Acts.

INDUCTION AND TRAINING

- 10(1)** Employers shall provide induction and on-going training to all employees with the potential for exposure to hazardous substances in relation to those substances in the workplace.
- (2)** The induction and training provided shall be commensurate with the risk identified by the assessment process.
- (3)** Induction and training shall be provided in a manner appropriate to the employees in the workplace.
- (4)** The employer shall record induction and training. This will be a record for the purposes of these national model regulations.

ASSESSMENT

- 11(1)** An employer shall ensure that a suitable and sufficient assessment is made of the risks to health created by work involving potential exposure to any hazardous substance.
- (2)** For the purposes of sub-regulation 11(1), a suitable and sufficient assessment shall include:
 - (a)** the identification of any hazardous substance used or produced in that work;
 - (b)** a review of:
 - (i)** the MSDS for each hazardous substance used or produced in the work,
 - (ii)** equivalent information if the MSDS cannot be practicably obtained or does not exist, or
 - (iii)** the consumer package label if a hazardous substance is held in a consumer package; and
 - (c)** the identification of any risk of exposure to any hazardous substance used or produced in that work.
- (3)** Where one or more hazardous substances are used or produced in work in the same or similar circumstances in more than one workplace, a single generic assessment of representative work with those substances, as applied to the specific work, shall be considered to be a suitable and sufficient assessment of that work, for all those workplaces, for the purposes of sub-regulation 11(1).

- (4) Where the assessment indicates that there is a significant risk to health, the steps to be taken to meet the requirements of these national model regulations shall be identified.
- (5) The assessment shall be revised whenever there is evidence to indicate that it is no longer valid or when there has been a significant change in the work to which the assessment relates. In any case, the validity of the assessment shall be reviewed at intervals not exceeding five years.
- (6) Where the assessment indicates that there is not a significant risk to health, a notation shall be made in the register to indicate that the assessment has been completed.
- (7) Where the assessment indicates that there is a significant risk to health, a report shall be made of the assessment.
- (8) An assessment report shall be a record for the purposes of these national model regulations.
- (9) The employer shall make the assessment report readily accessible to all employees with potential for exposure to any hazardous substance in the work subject to assessment.

CONTROL

- 12(1) Where an assessment under regulation 11 indicates that it is necessary, the employer shall ensure that exposure of employees to hazardous substances is either prevented or, where that is not practicable, adequately controlled so as to minimise risks to health.
- (2) So far as practicable, the prevention or adequate control of exposure of employees to hazardous substances shall be secured by measures other than the provision of personal protective equipment.
- (3) Where the measures taken in accordance with sub-regulation 12(2) do not prevent, nor provide adequate control of, exposure of employees to hazardous substances, then, in addition to those measures, the employer shall provide those employees with such suitable personal protective equipment as will adequately control their exposure to hazardous substances.
- (4) Without limiting the requirements of sub-regulation 12(1), the employer shall ensure that no employee is exposed to hazardous substances at levels above the appropriate exposure standards for the relevant period of time (as listed in the *National Occupational Health and Safety Commission's Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC:1003(1991)]⁴).
- (5) An employer shall ensure that all engineering controls, safe work practices and personal protective equipment are effectively maintained.

MONITORING

- 13(1)** Where an assessment indicates that monitoring is needed, the employer shall undertake appropriate monitoring at the workplace in accordance with a suitable procedure.
- (2)** An employer shall ensure that the results of monitoring are recorded. These results shall be a record for the purposes of these national model regulations.
- (3)** An employer shall ensure that employees with the potential for exposure to a hazardous substance which is subject to monitoring are provided with the results of monitoring and that records of monitoring are readily accessible to these employees.

HEALTH SURVEILLANCE

- 14(1)** The employer shall provide health surveillance for an employee who has been identified in the assessment process as being exposed to a hazardous substance where:
 - (a)** there is a significant risk to the health of the employee from one of the hazardous substances listed at Schedule 3;
 - (b)** the exposure of the employee to a hazardous substance is such that:
 - (i)** an identifiable disease or health effect may be related to the exposure,
 - (ii)** there is reasonable likelihood that the disease or health effect may occur under the particular conditions of work, and
 - (iii)** there are valid techniques for detecting indications of the disease or health effect;

OR

 - (c)** where there is a valid biological monitoring procedure available and a reasonable likelihood that accepted values might be exceeded.
- (2)** Health surveillance shall be performed under the supervision of a registered medical practitioner adequately trained in the requisite testing or medical examinations for the hazardous substances in question and, where appropriate, as specified by the relevant public authority.
- (3)** The selection of a registered medical practitioner to supervise health surveillance is to be undertaken by the employer following consultation with the relevant employees.
- (4)** Health surveillance shall be at the expense of the employer.
- (5)** Where the employee is undergoing health surveillance in accordance with sub-regulation 14(1), the registered medical practitioner shall ensure, as soon as practicable, that:
 - (a)** the employee is notified of the results of health surveillance, together with any necessary explanation of these results;
 - (b)** the employer is notified of the outcome of health surveillance and is advised on the need for remedial action; and
 - (c)** the relevant public authority is notified of any prescribed adverse health effect that has been detected which is consistent with exposure to the hazardous substance in question.

- (6) Where the employer has been advised by the registered medical practitioner under sub-regulation 14(5)(b) on the need for remedial action, the employer shall, as soon as practicable, revise the assessment(s) of the employee's exposure to hazardous substances and implement the control measures required under sub-regulations 12(3) and (4).
- (7) The registered medical practitioner shall ensure that medical records obtained as a result of health surveillance are retained as confidential records for the purposes of these national model regulations.
- (8) When a registered medical practitioner ceases his/her practice, all medical records in his/her possession obtained as a result of health surveillance shall be offered to the relevant public authority.
- (9) Where a registered medical practitioner examines or treats a patient for other purposes, these records and the records obtained as a result of health surveillance shall be kept clearly identifiable.
- (10) The informed written consent of the employee shall be obtained before the medical records obtained as a result of health surveillance, which identify that person, are provided to a third party not covered by professional confidentiality.
- (11) The employer shall ensure that health surveillance results obtained are retained as confidential records for the purposes of these national model regulations.

RECORD KEEPING

- 15(1) The employer shall maintain, as a record, in a suitable form:
 - (a) assessment reports indicating a need for monitoring and/or health surveillance and the results of any monitoring and/or health surveillance for at least 30 years from the date of the last entry in them;
 - (b) assessment reports not indicating a need for monitoring and/or health surveillance for at least five years from the date of the last entry in them; and
 - (c) records of induction and training for at least five years from the date of the last entry in them.
- (2) Where an employer who holds records in accordance with sub-regulation 15(1)(a) ceases to trade, the employer shall provide these records to the relevant public authority.

EMPLOYEES' DUTIES

- 16(1) Employees shall comply, to the extent that they are capable, with all activities carried out in accordance with the provisions of these national model regulations.
- (2) Employees shall report promptly to their employer any matters of which they are aware that may affect the employer's compliance with the provisions of these national model regulations.

RELEVANT PUBLIC AUTHORITIES AND EMERGENCY SERVICES

- 17(1) Employers shall ensure that all relevant records on workplace hazardous substances which are required under these national model regulations are readily accessible to relevant public authorities and emergency services.

TRANSITIONAL ARRANGEMENTS

- 18(1) All information which is the subject of these national model regulations, and any MSDS or similar information which is held by suppliers or employers, shall be provided to users and employees from the commencement of these national model regulations.
- (2) A supplier shall ensure, in respect of the information provisions under regulations 6 and 7, that:
- (a) all new products comply with these national model regulations within 12 months from the commencement of these national model regulations; and
 - (b) all existing products comply with these national model regulations within 24 months from the commencement of these national model regulations.
- (3) An employer shall ensure, so far as practicable, that he or she complies with all other aspects of these national model regulations from the commencement of these national model regulations and in any event shall comply with these national model regulations in all respects from the second anniversary of the commencement of these national model regulations.

Note: The following codes of practice also relate to the control of workplace hazardous substances:

- (a) *National Code of Practice to Control Workplace Hazardous Substances* [NOHSC:2007(1994)]¹¹;
- (b) *National Code of Practice for the Preparation of Material Safety Data Sheets* [NOHSC:2011(1994)]¹²;
and
- (c) *National Code of Practice for Labelling of Workplace Substances* [NOHSC:2012(1994)]¹³.

**INGREDIENT DISCLOSURE –
TYPE I, TYPE II AND TYPE III INGREDIENTS**

TYPE I INGREDIENTS

1. Subject to this schedule, a Type I ingredient is an ingredient which:
- (a) in accordance with the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶ is carcinogenic, mutagenic, teratogenic, a skin or respiratory sensitiser, very corrosive, corrosive, toxic or very toxic, a harmful substance which can cause irreversible effects after acute exposure, or a harmful substance which can cause serious damage to health after repeated or prolonged exposure;

OR

- (b) has an exposure standard listed in the National Occupational Health and Safety Commission's *Adopted Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC:1003(1995)]⁴;

AND

- (c) is present in a quantity which exceeds the lowest relevant concentration cut-off level specified for the hazard classification in the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶.

TYPE II INGREDIENTS

2. Subject to this schedule, a Type II ingredient is an ingredient which:
- (a) is a harmful substance (not covered by section 1(a) above) in accordance with the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶;

AND

- (b) is present in a quantity which exceeds the lowest relevant concentration cut-off level specified for the hazard classification in the National Occupational Health and Safety Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]⁶.

TYPE III INGREDIENTS

3. Subject to this schedule, a Type III ingredient is any ingredient which does not meet the criteria for either Type I or Type II ingredients described above.

SUBSTANCES PROHIBITED FOR SPECIFIED USES

A list of hazardous substances and usages subject to prohibition is to be developed by the National Commission. Pending the development of this list, jurisdictions are to insert existing prohibitions in this schedule.

SCHEDULE 3:**HAZARDOUS SUBSTANCES FOR WHICH HEALTH SURVEILLANCE IS REQUIRED**

<i>HAZARDOUS SUBSTANCE</i>	<i>TYPE OF HEALTH SURVEILLANCE</i>
Asbestos	Occupational and medical history Demographic data Records of personal exposure
Crystalline silica	Occupational and medical history Demographic data Completion of a standardised respiratory questionnaire Standardised respiratory function test such as FEV1, FVC and FEV1/FVC Chest X-ray (full size PA view)
4,4'Methylene bis (2-chloroaniline) (MOCA)	Occupational and medical history Demographic data Urinary total MOCA Dipstick analysis of urine for haematuria, Urine cytology
Vinyl chloride	Occupational and medical history Demographic data Records of personal exposure
Isocyanates	Occupational and medical history Completion of a standardised respiratory questionnaire Physical examination of the respiratory system and skin Standardised respiratory function tests FEV1, FVC and FEV1/FVC
Organophosphate pesticides	Occupational and medical history Physical examination Baseline estimation of red cell and plasma cholinesterase activity levels by the Ellman or equivalent method Estimation of red cell and plasm cholinesterase activity towards the end of the working day
Acrylonitrile	Occupational and medical history Demographic data Records of personal exposure

REFERENCED DOCUMENTS

1. National Occupational Health and Safety Commission, *National Strategy for the Management of Chemicals Used at Work* [NOHSC:4003(1989)]
2. Summary reports are published in the *Chemical Gazette*, which is produced each month and can be purchased through Commonwealth Government Bookshops.
3. Federal Office of Road Safety, *Australian Code for the Transport of Dangerous Goods by Road and Rail*, 5th Edition, Australian Government Publishing Service, Canberra, September 1992
4. National Occupational Health and Safety Commission, 'Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment' [NOHSC:1003(1995)], in *Exposure Standards for Atmospheric Contaminants in the Occupational Environment*, Australian Government Publishing Service, Canberra, 1995.
5. National Occupational Health and Safety Commission, *List of Designated Hazardous Substances* [NOHSC:10005(1994)], Australian Government Publishing Service, Canberra, 1994.
6. National Occupational Health and Safety Commission, *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)], Australian Government Publishing Service, Canberra, 1994.
7. National Health and Medical Research Council, *Standard for the Uniform Scheduling of Drugs and Poisons*, Australian Government Publishing Service, Canberra, 1993.
8. Inter-Government Maritime Consultative Organisation, *International Maritime Dangerous Goods Code*, Australian Supplement, Australian Government Publishing Service, Canberra, latest edition.
9. International Civil Aviation Organisation, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, International Civil Aviation Organisation, Montreal, latest edition.
10. International Air Transport Association, *Dangerous Goods Regulations*, International Air Transport Association, Quebec, latest edition Reference
11. National Occupational Health and Safety Commission, *National Code of Practice to Control Workplace Hazardous Substances* [NOHSC:2007(1994)], Australian Government Publishing Service, Canberra, 1994.
12. National Occupational Health and Safety Commission, *National Code of Practice for the Preparation of Material Safety Data Sheets* [NOHSC:2011(1994)], Australian Government Publishing Service, Canberra, 1994.
13. National Occupational Health and Safety Commission, *National Code of Practice for the Labelling of Workplace Substances* [NOHSC:2012(1994)], Australian Government Publishing Service, Canberra, 1994.



NATIONAL HAZARDOUS SUBSTANCES REGULATORY PACKAGE

Substances Subject to Prohibitions on Use (Schedule 2)

**AMENDMENTS TO PROHIBIT CHRYSOTILE, AMOSITE
AND CROCIDOLITE ASBESTOS**

NOVEMBER 2001

TITLE

1. These amendments may be cited as *Amendments to Schedule 2 of the National Model Regulations for the Control of Workplace Hazardous Substances (Prohibition of Asbestos) 2001*.

OBJECTIVE

2. The objective of these amendments is to:
- (a) introduce a prohibition on the use of chrysotile asbestos in Australia with effect from no later than 31 December 2003; and
 - (b) consolidate current asbestos prohibitions in Schedule 2 by incorporating the prohibitions on crocidolite (blue) and amosite (brown) asbestos that occur under the Prohibited Carcinogens Schedule of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances*.

AMENDMENTS

3. Insert the following entries into Schedule 2 of the *National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)]*:

Amosite asbestos [Chemical Abstract Number 12172-73-5] (brown asbestos) – except for removal and disposal purposes and situations where amosite occurs naturally and is not used for any new application.

NOTE: This prohibition is identical to that applied to this substance under the NOHSC *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]

Chrysotile asbestos [Chemical Abstract Number 12001-29-5] (white asbestos) –all uses from 31 December 2003, including the replacement of chrysotile products when replacement is necessary, except:

- for bona fide research or analysis;
- when handled for storage awaiting disposal;
- for removal or disposal; or
- where encountered during non-asbestos mining.

The prohibition does not extend to the removal of chrysotile products *in situ* at the time prohibition takes effect.

Crocidolite asbestos [Chemical Abstract Number 12001-28-4] (blue asbestos) – except for removal and disposal purposes and situations where crocidolite occurs naturally and is not used for any new application.

NOTE: This prohibition is identical to that applied to this substance under the NOHSC *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]