



Coal Workers' Pneumoconiosis Select Committee

Response to Public Submissions on Extended Terms of Reference

1 August 2017

This publication has been compiled by Mines Safety and Health, Department of Natural Resources and Mines.

© State of Queensland, 2017

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.

Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.



You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

ABBREVIATIONS

the Act	<i>Mining and Quarrying Safety and Health Act 1999</i>
CMSHA	<i>Coal Mining Safety and Health Act 1999</i>
CMSHR	<i>Coal Mining Safety and Health Regulation 1999</i>
Committee	Coal Workers' Pneumoconiosis Select Committee
DNRM	Department of Natural Resources and Mines
MQSHA	<i>Mining and Quarrying Safety and Health Act 1999</i>
MQSHR	<i>Mining and Quarrying Safety and Health Regulation 2001</i>
RCS	Respirable Crystalline Silica
RCS Guideline	The RCS Guideline – Guideline for the management of respirable crystalline silica in Queensland mineral mines and quarries.
Operator	Operator of a mine site, under the MQSHA
SEG	Similar Exposure Group
SSE	Site Senior Executive for a mine site, under the MQSHA

DNRM SUBMISSION ON THE EXTENDED TERMS OF REFERENCE

The Department of Natural Resources and Mines (DNRM) supports the work of the CWP Select Committee in investigating occupational respirable dust issues beyond the coal mining sector. DNRM will continue to assist the Committee in progressing its inquiry under its extended terms of reference.

This submission is in addition information previously provided by DNRM to the Committee about dust exposure to workers outside the coal mining sector, including the written briefing provided on 8 June 2017, the oral briefing on 14 July 2017 and responses to questions on notice from the oral briefing.

As at 1 August 2017, the Committee has published 21 public submissions on the extended terms of reference. To the extent these submissions concern findings and recommendations made in the Committee's final report dated 29 May 2017 on its initial terms of reference, DNRM does not propose to make responses within this submission. Rather, these are matters to be addressed in the Government's response to the report, due to be tabled in Parliament by 29 August 2017. Otherwise, DNRM's responses are set out below.

Table 1 – DNRM response to public submissions on extended terms of reference

Sub no.	Submitter	Summary	DNRM response
1	Campbell J Staines	Mr Staines' submission seeks findings from environmental asbestos monitoring undertaken in relation to a quarry on the Gold Coast	The matters raised in this submission do not fall within the DNRM portfolio.
2	James Prentice	Mr Prentice's submission recommends additional controls to prevent exposure in coal transportation, haulage and stockpiling.	The matters raised in this submission do not fall within the DNRM portfolio.
3	Bernard Corden	Mr Corden provides an overview of exogenous and endogenous risks to workers associated with respirable dust exposure. Mr Corden also raises concerns regarding the adequacy of current control and exposure monitoring measures.	DNRM considers that the matters raised in this submission are addressed in previous DNRM submissions, particularly the DNRM written brief to the Committee on its extended terms of reference, subsequent oral briefing and further response to the Committee's questions on notice from those briefs.
4	No response published.		
5	Luke and Jean Daglish	Mr and Mrs Daglish raises concerns regarding community health impacts from air particulate concentrations at Mt Cotton.	The matters raised in this submission do not fall within the DNRM portfolio.

6	Clean Air Wynnum	Clean Air Wynnum flags its concerns regarding community health impacts from air particulate concentrations in Wynnum area.	The matters raised in this submission do not fall within the DNRM portfolio.
7	Anthony Moloney	Mr Moloney raises concerns regarding community health impacts from air particulate concentrations across Queensland.	The matters raised in this submission do not fall within the DNRM portfolio.
8	Bruce Ham	<p>Mr Ham advocates a 'step-change' in thinking to manage disease associated with occupational exposures. The submission highlights the challenge associated with workers working across multiple industries and jurisdictions, and the consequent need for collaboration between regulators and Operators in different states. Mr Ham highlights that the health surveillance scheme for coal mine workers' is also critical for non-mine workers, and workers in the mineral mining and quarrying sectors.</p> <p>Mr Ham also submits that respiratory disease in workers must be considered as a dose-response phenomenon, and that effects may be progressive or delayed.</p> <p>Mr Ham also comments that from 1993 to 2002, the Coal mine Workers' Health Scheme did not exclude non-coal workers. Mr Ham states the program included workers from the Dalrymple Bay Coal Terminal.</p>	<p>DNRM agree that effective occupational exposure management and surveillance is critical for all workers in the broader Queensland minerals and energy resources sector.</p> <p>DNRM understand also that collaboration with regulatory counterparts in other Australian states is necessary to achieve full safety and health coverage for workers.</p> <p>The RCS Guideline accounts for the dose-response relationship highlighted by Mr Ham. The guideline sets a requirement for health surveillance if the mean exposure for a particular worker, workgroup or SEG is greater than 50% of the occupational exposure limit for the particular hazard.</p> <p>The purpose of the Coal Mine Workers' Health Scheme has always been to provide for the health assessment of workers at mines, and persons offered work at mines. DNRM has reviewed the Health Assessment Database and has been unable to locate any assessment of workers</p>

			at the Dalrymple Bay Coal Terminal.
9	John Schneider	Mr Schneider emphasises the importance of a properly resourced, implemented and supported regulatory framework for all hazardous occupational exposures. This submission draws on the example of a UK report on health surveillance in silica exposed workers, which concludes that health surveillance should include a review of a worker's RCS dose based on SEG data	DNRM agree that a whole-of-system focus is critical to ensuring the health and safety of workers in the mineral, resources and associated industries. The RCS Guideline requires occupational physicians conducting health assessment to consider a worker's SEG exposure profile.
10	Maurice Blackburn Lawyers	Maurice Blackburn's submission focuses on workers in the broader coal industry (i.e. workers who are not in coal mines), and also on builders exposed to occupational dust hazards. The submission also includes a discussion of asbestos exposure associated with the manufacture of asbestos containing construction materials. Maurice Blackburn submit that the "regulatory pendulum" has swung too far in favour of large employers.	Some of the matters raised in the Maurice Blackburn submission do not fall within the DNRM portfolio. DNRM refers to information provided in written and oral briefings regarding measures to support small Operators. In particular, the RCS Guideline provides a prescriptive framework for exposure monitoring and health surveillance based on SEG exposure profiles; this is equally applicable to all Operators. DNRM's structured inspection guideline and monitoring schedule also ensures Operators of all sizes are subject to comprehensive regulatory oversight.
11	Dr Gunther Paul	Proposes establishment of a tropical occupational health surveillance scheme for miner's health. Dr Paul submits that exposure monitoring is not mandated under the currently regulatory framework, and that the requirement under	Matters relating to the establishment of a health surveillance scheme are matters to be addressed in the Government's response to the Committee's Final

		<p>the MQSHA for workers to manage their own risk extinguishes the corresponding obligations of Operators and SSEs.</p>	<p>Report, which is due to be tabled in the Queensland Parliament by 29 August 2017.</p> <p>Under the MQSHR, SSEs must ensure worker's exposure to hazards is monitored. Operators and SSEs are required under the MQSHA to ensure the risk to workers is at an acceptable level. These obligations are not derogated in any way by a worker's responsibility to manage their own risk.</p>
12	Queensland Resources Council (QRC)	<p>The QRC submission is primarily a response to the Committee's final report on its initial terms of reference.</p> <p>The QRC also submits that the risk from RCS exposure is well known and managed in industry, and emphasises the need to manage hazards in line with their likelihood to cause harm.</p> <p>The QRC submit that occupational exposure limits should be nationally consistent.</p>	<p>The QRC's submissions about the Committee's final report on its initial terms of reference are matters to be addressed in the Government's response, due to be tabled by 29 August 2017.</p>
13	Cement Concrete and Aggregates Australia (CCAA)	<p>The CCAA submission identifies RCS as a primary occupational respirable dust exposure. The submission provides overview of management systems and engineering and administrative controls applied by industry to control occupational exposures. The CCA submit that the RCS Guideline will be a critical tool in managing RCS exposure.</p> <p>The CCAA submission also includes a response to the Committee's final report on its initial terms of reference.</p>	<p>The CCAA's submissions about the Committee's final report on its initial terms of reference are matters to be addressed in the Government's response, due to be tabled by 29 August 2017.</p>
14	Stanwell Corporation	<p>Stanwell's submission provides an overview of the company's dust management, monitoring, health surveillance and employee support programs.</p>	<p>DNRM does not propose to make any submission on particular Operators'</p>

			management, monitoring or surveillance programs.
15	BHP	BHP's submission provides an overview of measures taken by the company to prevent occupational illness from dust exposure at its port and rail operations, and support provided to workers since re-identification of CWP.	DNRM does not propose to make any submission on particular Operators' management, monitoring or surveillance programs.
16	Cyclopharm	This submission provides an overview of a Cyclopharm-patented lung ventilation product, called Technegas. Cyclopharm consider that the product should be included in the Coal Mine Workers' Health Scheme, and propose a database of results to allow longitudinal analysis and comparison of workers' spirometry and lung function results.	The incorporation of new medical diagnostic methods into the Coal Mine Workers' Health Scheme must be evidence-based. In considering new or emerging technologies, DNRM take advice from industry, medical professionals and other stakeholders. DNRM note that the timeline for gathering meaningful data from any longitudinal study is at least 10 years.
17	Dr Brian Plush	Dr Plush submits that further research is needed to quantify and understand the risk posed by dust particles to coal port, coal rail, open cut mining, coal-fired power station and other workers.	The matters raised in this submission do not fall within the DNRM portfolio. Notwithstanding this, DNRM is supports taking an evidence-based approach to managing and regulating occupational dust exposures in industry.
18	Queensland Law Society	The Queensland Law Society submission is primarily a response to the Committee's final report on its initial terms of reference.	The QLS's submissions about the Committee's final report on its initial terms of reference are matters to be addressed in the Government's response, due to be tabled by 29 August 2017.

19	Safe Work Australia	This submission provides an overview of Safe Work Australia's work towards a nationally harmonised workers' health and safety framework, and review of occupational exposure limits for coal dust, silica and other contaminants.	DNRM is supportive of Safe Work Australia's work on occupational exposure limits. Any changes to exposure standards set by DNRM will reflect the outcomes of this review.
20	Pacific National	The submission from Pacific National is primarily a response to the Committee's final report on its initial terms of reference.	Pacific National's submissions about the Committee's final report on its initial terms of reference are matters to be addressed in the Government's response, due to be tabled by 29 August 2017.
21	EHP	The submission from EHP provides an overview of action taken by the department in respect of air quality regulation and compliance.	DNRM supports EHP in delivering on its regulatory objectives.
22	Australian Labor Party (QLD) Port Curtis and Hinterland Branch	This submission seeks further clarification of legislation to ensure medical and other expenses associated with CWP screening are borne by the employer, and states that further consideration should be given to workers' compensation arrangements for workers diagnosed with CWP.	Employers are required to pay for workers' health assessments, health surveillance and associated reports under both the MQSHR and CMSHR. Workers' compensation is not a matter within the DNRM portfolio.