

Occupational Health and Safety (Lead) Regulations 2000

S.R. No. 62/2000

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STATUTORY RULES 2000

S.R. No. 62/2000

Occupational Health and Safety Act 1985

**Occupational Health and Safety (Lead) Regulations
2000**

The Governor in Council makes the following Regulations:

Dated: 27 June 2000

Responsible Minister:

BOB CAMERON
Minister for WorkCover

HELEN DOYE
Clerk of the Executive Council

PART 1—PRELIMINARY

100. *Objective*

The objective of these Regulations is to protect people against risks to their health associated with the use of lead at workplaces.

101. *Authorising provision*

These Regulations are made under section 59 of the **Occupational Health and Safety Act 1985**.

102. *Commencement*

These Regulations come into operation on 29 June 2000.

103. *Revocation*

The Occupational Health and Safety (Lead Control) Regulations 1988¹ are **revoked**.

104. Definitions

In these Regulations—

"administrative controls" means systems of work or safe work practices designed to prevent or minimise exposure to lead;

"biological monitoring" means determining the amount of lead in the blood of a person by testing venous blood corrected to a haematocrit of 0.45 (45%) for males and a haematocrit of 0.42 (42%) for females;

"blood lead level" means the concentration of lead in the whole blood expressed in micromoles per litre ($\mu\text{mol/L}$);

"breathing zone" means a hemisphere of 300 mm radius extending in front of a person's face measured from the mid-point of an imaginary straight line joining the ears;

"engineering controls" means physical controls designed to prevent or minimise employee exposure to lead either by suppressing or containing lead dust, fumes or mists at the source, or by minimising the airborne level of the lead in the work environment;

"exposure standard" means an airborne concentration of lead dust, mist or fumes in a person's breathing zone, as set out in the *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* published by the National Occupational Health and Safety Commission, as amended or published from time to time²;

"inorganic lead" means lead compounds and lead salts of organic acids;

"lead" means inorganic lead, lead metal or lead alloys;

"lead-containing hazardous substance" means a hazardous substance within the meaning of the Occupational Health and Safety (Hazardous Substances) Regulations 1999³ which contains lead;

"lead-risk job" means a job in which the blood lead level of the employee is reasonably likely to rise above—

- (a) 1.45 µmol/L; or
- (b) 0.48 µmol/L for female employees of reproductive capacity;

"lead process" means any process listed below which generates lead dust, fumes or mist—

- (a) any process listed in Schedule 1⁴ of the *National Standard for the Control of Inorganic Lead at Work*, as amended from time to time;
 - (b) any process listed in items (b), (c) or (d) of Schedule 2⁵ of the *National Standard for the Control of Inorganic Lead at Work*, as amended from time to time;
 - (c) the melting of lead or alloy containing greater than 50% lead by weight where the exposed surface area of the molten material is greater than 0.1 m² and the temperature of the molten material does not exceed 450° C;
 - (d) the use of a power tool, including abrasive blasting and high pressure water jets, to remove any surface coated with paint containing greater
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than 1% by dry weight of lead and the handling of waste containing lead resulting from such removal;

- (e) any process that exposes a person to dust or fumes of lead arising from the manufacture or testing of detonators or other explosives that contain lead;
- (f) any process that exposes a person to dust or fumes of lead arising from the firing of weapons at an indoor firing range;
- (g) foundry processes involving—
 - (i) the melting or casting of lead alloys containing greater than 1% by weight of lead in which the temperature of the molten material exceeds 450° C; or
 - (ii) the dry machine grinding, discing, buffing or cutting by power tools of lead alloys containing greater than 1% by weight of lead;
- (h) any process at a workplace determined by the Authority to be a lead process in accordance with regulation 108;

"medical examination" means the monitoring of an individual's health for the purpose of identifying changes in their health status due to occupational exposure to lead;

"MSDS" (Material Safety Data Sheet) has the same meaning as "current MSDS" has in the Occupational Health and Safety (Hazardous Substances) Regulations 1999;

"National Standard for the Control of Inorganic Lead at Work" means the *National Standard for the Control of*

Inorganic Lead at Work published by the National Occupational Health and Safety Commission, as amended or published from time to time;

"personal protective equipment" includes respiratory protective equipment and personal protective clothing;

"registered medical practitioner" means a registered medical practitioner within the meaning of the **Medical Practice Act 1994**;

"risk" means the likelihood of injury, illness or disease arising from exposure to lead.

105. *Application of these Regulations*

These Regulations apply to workplaces where a lead process is undertaken.

106. *Females deemed to be of reproductive capacity*

For the purposes of these Regulations, a female employee working in a lead process is deemed to be of reproductive capacity, unless she provides her employer with a written statement advising the contrary.

107. *Authority may grant exemptions from these Regulations*

- (1) The Authority may, of its own volition or on the written application of any person, exempt—
 - (a) a lead process; or
 - (b) any person; or
 - (c) any class of people—

from any requirement of, or prohibition in, these Regulations.

- (2) If the Authority grants an exemption under—
 - (a) sub-regulation (1)(a), the Authority must be satisfied that an equivalent level of health and safety can be achieved for the lead process as would be achieved if these Regulations had been complied with;
 - (b) sub-regulation (1)(b), the Authority must be satisfied that the person is capable of achieving an equivalent level of health and safety for the lead process at a workplace under the person's control or management as would be achieved if the person had complied with these Regulations;
 - (c) sub-regulation (1)(c), the Authority must be satisfied that the people in the class are capable of achieving an equivalent level of health and safety for the lead process at a workplace under their control or management as would be achieved if they had complied with these Regulations.
- (3) The Authority may impose conditions on an exemption in relation to—
 - (a) the commencement date and duration of the exemption; and
 - (b) risk control measures to be used or implemented; and
 - (c) any—
 - (i) atmospheric monitoring; or
 - (ii) medical examinations or biological monitoring; or
 - (iii) information, instruction and training; or

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- (iv) recording or keeping of health and safety information—
associated with the lead process; and
 - (d) the reporting of health and safety information including results of atmospheric monitoring, if applicable, or medical examinations or biological monitoring, to the Authority; and
 - (e) limits on the quantity of lead to be used at the workplace; and
 - (f) a requirement for the applicant to give notice that an exemption has been granted and any conditions of the exemption to any specified person who may be affected by the exemption.
- (4) If the Authority exempts a lead process under regulation (1)(a), or grants an exemption to a class of people under regulation (1)(c), the Authority must place a notice in the Government Gazette stating that the exemption has been made or granted.
- (5) If the Authority refuses to grant an exemption, the Authority must notify the person who applied for the exemption of the reasons for the refusal in writing.
- (6) The Authority may vary the conditions of an exemption or revoke an exemption at any time by —
- (a) in the case of an exemption under sub-regulation (1)(a) or (1)(c), placing a notice in the Government Gazette stating that a condition has been varied or an exemption has been revoked; or
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- (b) in the case of an exemption under sub-regulation (1)(b), sending a written notice to the person to whom the exemption applies.
 - (7) The notice must include the Authority's reasons for varying the conditions of the exemption or revoking the exemption.
 - (8) A variation of the conditions of an exemption or the revocation of an exemption takes effect on the date specified in the written notice.
 - (9) An application for exemption may be made for more than one lead process.
 - (10) The Authority may charge a fee calculated at the rate specified in Schedule 1 for the consideration of an application for exemption.

108. *Authority may determine lead process*

The Authority may determine a process to be a lead process by notice published in the Government Gazette if the Authority believes the health of employees at that workplace is at risk when blood lead levels or airborne lead levels are taken into account.

109. *Duty of employer to independent contractor*

- (1) The duties of an employer under these Regulations extend to an independent contractor and employees of the independent contractor, in relation to matters over which the employer—
 - (a) has control; or
 - (b) would have had control but for any agreement between the employer and the independent contractor to the contrary.
- (2) In this regulation, "**employee**" includes an independent contractor engaged by an employer and any employees of the independent contractor.

110. *Publication date of amendments to incorporated documents*

For the purposes of these Regulations, an amendment to any document incorporated, applied or referred to in these Regulations is published either—

- (a) on the date it is published in the Government Gazette of the Commonwealth; or
- (b) on the date on which the notice of its making is published in the Government Gazette of the Commonwealth—

whichever occurs first.

111. *Date of effect of amendments to incorporated documents*

If the effect of an amendment to any document incorporated, applied or referred to in these Regulations is to impose a new obligation or alter an existing obligation under these Regulations, a person may choose to comply with these Regulations as if the amendment had not been made until the expiry of 6 months after the date the amendment is published.

112. *Inconsistencies between provisions*

If a provision of any document incorporated, applied or referred to in these Regulations is inconsistent with any provision in these Regulations, the provision of these Regulations prevails.

PART 2—EMPLOYER'S DUTIES

Division 1—Provision of Information

201. *Information to job applicants*

An employer must provide each applicant who applies for employment with the employer in a lead process with information about the health risks and toxic effects associated with lead exposure and the need for, and content of, medical examinations and biological monitoring.

202. *Employer's duty to provide information, instruction and training to employees*

- (1) Before an employee first starts work in a lead process over which the employer has control, the employer must provide the employee with information in relation to the need for, and details of, medical examinations and biological monitoring.
- (2) An employer must provide any employees who work in a lead process, or who are likely to be exposed to a risk associated with the use of lead at the employer's workplace, with such information, instruction and training in relation to—
 - (a) the nature of the hazard and the risk associated with the use of the lead; and
 - (b) the need for, and proper use of, measures to control the risk—

as is necessary to enable the employees to perform their work in a manner that is safe and without risks to their health.

203. *Employer's duty to obtain MSDS*

- (1) An employer must ensure that a MSDS is obtained on or before the first occasion that a lead-containing hazardous substance is supplied to the employer's workplace.
- (2) An employer must ensure that the MSDS for a lead-containing hazardous substance is readily accessible to any employee who has the potential to be exposed to the substance.

204. *Employer's duty to ensure information in MSDS is not altered*

An employer must ensure that the information in a MSDS obtained under regulation 203 is not altered.

205. *Employer's duty to ensure that containers are labelled*

- (1) An employer must ensure that a container in which a lead-containing hazardous substance is supplied for use at the employer's workplace is labelled with the manufacturer's or importer's label.
 - (2) An employer must ensure that the label on a container in which a lead-containing hazardous substance is supplied for use at the employer's workplace—
 - (a) remains legible; and
 - (b) is not removed, defaced or altered.
 - (3) An employer is not required to comply with sub-regulation (1) if—
 - (a) the lead-containing hazardous substance is contained in a pipe, piping system, process vessel, reactor vessel or other plant that forms part of a manufacturing process; or
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- (b) the lead-containing hazardous substance is decanted into a container and—
 - (i) the container into which the lead-containing hazardous substance is decanted is clearly labelled with the product name of the substance; or
 - (ii) if it is not practical to label the container with the product name of the substance, the employer uses some other means of identifying the product name of the substance.
 - (4) An employer is not required to comply with sub-regulation (1) or (3)(b) if a decanted substance is consumed immediately and the container is immediately cleaned after use to the extent that it is no longer a risk to health.

206. *Employer's duty to identify lead-containing hazardous substances in systems*

An employer must ensure that lead-containing hazardous substances contained in a pipe, piping system, process vessel, reactor vessel or other plant that forms part of a manufacturing process is identified to employees who have the potential to be exposed to the lead-containing hazardous substances.

Division 2—Risk Assessment and Control

207. *Employer's duty to undertake risk assessment*

- (1) An employer must ensure that an assessment is made to determine whether there is any risk associated with the use of lead at the employer's workplace—
 - (a) before a lead process is commenced; or

- (b) in the case where an employer has undertaken an assessment under regulation 11 of the Occupational Health and Safety (Lead Control) Regulations 1988, before 29 June 2000, on or before 29 December 2000; or
 - (c) in the case of a lead process being undertaken before 29 June 2000, but which was not covered by the Occupational Health and Safety (Lead Control) Regulations 1988, on or before 29 December 2000.
- (2) A risk assessment must take into account—
- (a) the form of lead to be used; and
 - (b) any information available having regard to the state of knowledge about the health effects of lead; and
 - (c) any recent or past blood lead levels of employees at the workplace; and
 - (d) the specific tasks or processes required to be performed with the lead; and
 - (e) the frequency and duration of exposure; and
 - (f) possible routes of exposure; and
 - (g) any information regarding incidents, illnesses or diseases associated with the use of lead at the workplace.
- (3) After conducting a risk assessment in accordance with this regulation, the employer must determine whether the lead process being undertaken at the employer's workplace is a lead-risk job.
- (4) If there is uncertainty as to whether a lead process is a lead-risk job, the employer must ensure that another assessment is carried out—
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- (a) within 4 weeks after the previous assessment; or
 - (b) within the period of the job if it is anticipated to last less than 4 weeks—

to determine whether that process is a lead-risk job.

- (5) Notwithstanding sub-regulation (1)(b), if an employer was required to undertake biological monitoring under regulations 16(1) and (3) of the Occupational Health and Safety (Lead Control) Regulations 1988, the employer must identify whether the lead process being undertaken at the employer's workplace is a lead-risk job.

208. *Employer may make a generic risk assessment*

- (1) For the purposes of regulation 207, if lead is used in the same or similar circumstances at more than one workplace or at more than one work area within a workplace, an employer may apply a single generic assessment of representative work with the lead to each of those workplaces or work areas.
- (2) If an employer applies a generic assessment under sub-regulation (1), the employer must ensure that it is appropriate to apply the assessment and that all risks associated with the use of the lead are taken into account.

209. *Employer's duty to review and revise risk assessment*

An employer must ensure that a risk assessment is reviewed and, where necessary, revised, or that another assessment is carried out if—

- (a) the work activity or process changes significantly; or

- (b) there is an indication that the risk assessment no longer adequately assesses the risk associated with the lead process at the employer's workplace; or
 - (c) there is an indication that risk control measures in place are not adequately controlling the risk.
- (2) Despite sub-regulation (1), an employer must ensure that a risk assessment is reviewed, and where necessary, revised, at intervals not exceeding 5 years.

210. *Employer's duty to keep record of risk assessment*

- (1) An employer must record the results of any risk assessment, including any revised risk assessment and any review of a risk assessment, and retain the record of the results while the assessment is relevant to the use of the lead at the employer's workplace.
- (2) An employer must ensure that a copy of the record of the results is readily accessible to any employee who has the potential to be exposed to the substance.

211. *Employer's general duty to undertake control of risk*

- (1) An employer must ensure that any risk associated with the use of lead at the employer's workplace is—
 - (a) eliminated; or
 - (b) if it is not practicable to eliminate the risk, reduced so far as is practicable.
 - (2) Nothing in these Regulations limits the operation of sub-regulation (1).
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212. *Employer's duty to undertake specific measures to control risk*

- (1) For the purposes of complying with regulation 211, an employer must ensure that any risk associated with the use of lead is controlled by—
 - (a) substituting the lead with—
 - (i) a substance that is less hazardous; or
 - (ii) a less hazardous form of the substance; or
 - (b) isolating employees from the source of exposure to the substance; or
 - (c) using engineering controls; or
 - (d) combining any of the control measures in sub-regulations (a), (b) or (c).
- (2) If an employer has complied with sub-regulation (1) so far as is practicable and a risk associated with the use of lead remains, the employer must, so far as is practicable, use administrative controls to reduce the risk.
- (3) If an employer has complied with sub-regulations (1) and (2) so far as is practicable and a risk associated with the use of lead remains, the employer must control the risk by providing personal protective equipment appropriate to the task to employees at risk.

213. *Employer to consult health and safety representative in certain circumstances*

An employer must, if practicable, when undertaking in accordance with these Regulations—

- (a) any risk assessment; or

(b) risk control measures—

relating to the use of lead that may affect the health of any member of a designated work group, consult with that group's health and safety representative about the risk assessment or risk control measures, as the case may be.

214. *Employer's duty to ensure risk control measures are properly used and maintained*

An employer must ensure that any control measures used to control the risk associated with the use of lead are properly used and maintained.

215. *Employer's duty to ensure exposure standard is not exceeded*

An employer must ensure that an employee is not exposed to an airborne concentration of lead at the workplace above the exposure standard.

216. *Containment of lead*

An employer must ensure that contamination by lead is confined, so far as is practicable, to the area where the lead process is carried out.

217. *Cleaning methods*

- (1) An employer must, so far as is practicable, ensure that a lead process area is kept clean.
 - (2) An employer must ensure that the methods used to clean a lead process area—
 - (a) do not create a risk to the health of people in the immediate vicinity of the area being cleaned; and
 - (b) do not have the potential to spread the contamination of lead.
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218. *Prohibition on eating, drinking and smoking*

- (1) An employer must ensure that a person does not eat, drink, chew gum, smoke or carry materials used for smoking in any area where a lead process is carried out.
- (2) An employer must, so far as is practicable, provide employees with an eating and drinking area which cannot be contaminated with lead from any lead process.

219. *Provision of changing and washing facilities*

An employer must, so far as is practicable, provide and maintain changing and washing facilities for employees so as to—

- (a) minimise secondary lead exposure from contaminated clothing; and
- (b) minimise ingestion of lead; and
- (c) avoid the spread of lead contamination.

220. *Laundering and removal of protective clothing*

- (1) An employer must provide for the laundering of protective clothing used in the lead process area if it is likely that the clothing is contaminated with lead dust.
- (2) The employer must ensure a person does not remove lead contaminated work clothing from the workplace, except for the purpose of transfer to a commercial laundry or licensed landfill station.
- (3) If the employer arranges for lead contaminated work clothing to be laundered at a commercial laundry, the employer must ensure that the clothing is bagged and labelled in an appropriate manner to identify the contents.

- (4) If the employer arranges for lead contaminated work clothing to be transferred to a licensed landfill station, the employer must ensure that the clothing is bagged and labelled in an appropriate manner to identify the contents.

Division 3—Lead-Risk Jobs

221. Identification of a lead-risk job

- (1) The employer must identify any process likely to be a lead-risk job, having regard to the following—
- (a) any risk assessment undertaken under regulation 207;
 - (b) past blood lead levels of employees;
 - (c) whether the airborne lead level is greater than half the exposure standard.
- (2) Identification of a lead-risk job under this regulation must be undertaken without regard to the use of respiratory protection to control exposure.

222. Notification of a lead-risk job

- (1) If an employer identifies a lead process being undertaken by employees to be a lead-risk job, the employer must notify the Authority of the identification in writing as soon as possible after making that identification.
- (2) A notification under sub-regulation (1) must include a reference to the type of lead process being undertaken.

223. *Medical examination and biological monitoring when employee first commences work*

- (1) An employer must provide for a medical examination, including initial biological monitoring, of an employee working in a lead-risk job before the employee first starts work in a lead-risk job.
- (2) An employer must provide for biological monitoring of an employee one month after the employee starts work in a lead-risk job.

224. *Biological monitoring for employees already in lead-risk jobs*

An employer must, under the supervision of a registered medical practitioner, provide for biological monitoring of an employee already in a lead-risk job before 29 June 2000, in accordance with the following—

- (a) if the employee's last blood lead level recorded was less than 1.45 $\mu\text{mol/L}$ (in the case of females not of reproductive capacity and all males) or 0.48 $\mu\text{mol/L}$ (in the case of females of reproductive capacity), by 29 December 2000; or
- (b) if the employee's last blood lead level recorded was at or above 1.45 $\mu\text{mol/L}$ (in the case of females not of reproductive capacity and all males) or 0.48 $\mu\text{mol/L}$ (in the case of females of reproductive capacity), by 29 August 2000.

225. *Frequency of biological monitoring*

- (1) An employer must, under the supervision of a registered medical practitioner, provide for biological monitoring for all employees in a lead-risk job at a frequency based on the following—
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- (a) once every 6 months if the most recent blood lead level is less than—
 - (i) 1.45 $\mu\text{mol/L}$ —for females not of reproductive capacity and all males;
 - (ii) 0.48 $\mu\text{mol/L}$ —for females of reproductive capacity;
 - (b) once every 2 months if the most recent blood lead level is at or above—
 - (i) 1.45 $\mu\text{mol/L}$ —for females not of reproductive capacity and all males;
 - (ii) 0.48 $\mu\text{mol/L}$ —for females of reproductive capacity.
 - (2) An employer must increase the frequency of biological monitoring if an employee is undertaking an activity in which the nature, duration and frequency of lead exposure is likely to significantly increase the blood lead level of the employee.
 - (3) The Authority may, by notice published in the Government Gazette, nominate a different frequency for biological monitoring for a workplace or for a class of people undertaking a lead-risk job, having regard to—
 - (a) the nature of the work and likely duration and frequency of exposure; and
 - (b) the likelihood that the blood lead level of employees will significantly increase.
 - (4) If the Authority publishes such a notice and the notice applies to an employer's workplace or employees, the employer must provide the biological monitoring required by sub-regulation (1) in relation to the workplace or employees at the frequency specified in the notice.
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- (5) The employer must ensure that the results of biological monitoring are provided to the employee to whom the results relate as soon as is reasonably possible.

226. Removal from lead-risk job

- (1) An employer must immediately remove an employee from a lead-risk job if—
- (a) the results of biological monitoring reveal that the blood lead level of the employee is at or above—
 - (i) 2.41 $\mu\text{mol/L}$ —for females not of reproductive capacity and all males;
 - (ii) 0.97 $\mu\text{mol/L}$ —for females of reproductive capacity;
 - (iii) 0.72 $\mu\text{mol/L}$ —for females who are pregnant or breast feeding; or
 - (b) following a medical examination, a registered medical practitioner is of the opinion that the employee must be removed; or
 - (c) there is an indication that risk control measures in place have failed and as a result, it is likely that the blood lead level of the employee will reach or exceed the removal levels set out in sub-regulation (1)(a).
- (2) If an employee has been removed from a lead-risk job as a result of sub-regulation (1)(a) or (1)(c), the employer must provide for the employee to have a medical examination by a registered medical practitioner within 7 days.
- (3) The medical examination must be conducted in accordance with regulation 229.
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- (4) If a medical examination of an employee removed as a result of sub-regulation (1)(c) reveals that the blood lead level of the employee is below the levels set out in sub-regulation (1)(a), and the medical practitioner agrees, the employer may allow the employee to return to the lead-risk job.
- (5) The employer must ensure that a copy of the completed medical examination form in Schedule 2 is forwarded to the Authority as soon as is reasonably possible after the employer receives it.
- (6) If an employee has been removed from a lead-risk job, the employer must ensure that measures to control the risk are reviewed and if necessary, revised.

227. *Results of biological monitoring after removal*

If an employer has removed an employee from a lead-risk job in accordance with regulation 226, the employer must ensure that a copy of the results of the biological monitoring is—

- (a) forwarded to the Authority within 7 days of receipt; and
- (b) provided to the employee to whom the results relate as soon as is reasonably possible after the employer receives it.

228. *Return after medical removal*

- (1) An employer must arrange for an employee who has been removed from a lead-risk job in accordance with regulation 226(1)(a) or (b) to be re-examined by a registered medical practitioner at a frequency determined by the registered medical practitioner, to determine whether the employee is suitable to return to a lead-risk job.
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- (2) The employer must ensure that the employee does not return to a lead-risk job until—
- (a) the employee's blood lead level is less than—
 - (i) 1.93 $\mu\text{mol/L}$ —for females not of reproductive capacity and all males;
 - (ii) 0.48 $\mu\text{mol/L}$ —for females of reproductive capacity; and
 - (b) a registered medical practitioner certifies that the employee is fit to return to a lead-risk job.
- (3) The employer must ensure the medical examination is conducted in accordance with regulation 229.
- (4) This regulation only applies where it is expected that an employee will return to a lead-risk job in the future.

229. *Conduct of medical examinations*

An employer must ensure—

- (a) that any medical examination is performed by a registered medical practitioner; and
 - (b) that the registered medical practitioner is provided with a copy of the form in Schedule 2 with Part A filled in by the employer; and
 - (c) that the form in Schedule 2 is completed by the registered medical practitioner and returned to the employer; and
 - (d) that a copy of the completed form is given to the employee as soon as is reasonably possible after the employer receives it.
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230. Duty to notify Authority of nominated medical practitioner

An employer must notify the Authority in writing as soon as is reasonably possible of the name and contact details of the registered medical practitioner the employer has contracted to undertake a medical examination in accordance with regulation 229.

231. Employer's duty to keep medical examination forms confidential

An employer must ensure that a medical examination form provided under regulation 229 is kept confidential and may only release a copy of the form to—

- (a) an employee to whom the form relates; or
- (b) a third party, if the employee to whom the form relates authorises in writing access to the report by the third party; or
- (c) the Authority, if the employer is required under regulation 226(5) to provide a copy of the form to the Authority, or if the Authority requests a copy of the form.

232. Accredited pathology services for the testing of blood lead levels

- (1) A medical practitioner must use the services of an accredited pathology service for biological monitoring.
 - (2) In this regulation, "**accredited pathology service**" means a pathology service accredited in accordance with the **Pathology Services Accreditation Act 1984** or in accordance with any equivalent legislation of another Australian jurisdiction relating to the accreditation of pathology services.
-

233. *Medical examinations and biological monitoring to be at expense of employer*

An employer must ensure that when providing for medical examinations or biological monitoring of an employee in accordance with these Regulations, the medical examination or biological monitoring is at the expense of the employer.

234. *Employer's duty to keep records for 30 years*

An employer must retain any medical examination form returned to the employer by a registered medical practitioner under regulation 229, and all biological monitoring results of an employee, for—

- (a) a period not exceeding 30 years determined by the Authority by notice published in the Government Gazette; or
 - (b) if no period has been determined by the Authority, 30 years.
-

PART 3—EMPLOYEE DUTIES

301. *Employee's duty to ensure risk control measures are properly used*

While at work, an employee must—

- (a) use any risk control measures put in place or provided by the employer; and
- (b) use any risk control measures in the manner in which they were intended to be used.

302. *Employee's duty before eating, drinking or smoking or before entering area designated for eating and drinking*

- (1) An employee who has been in a lead process area must remove any lead contaminated clothing and equipment he or she has used before entering an area designated for eating and drinking.
- (2) An employee who has been in a lead process area must wash his or her hands and face before eating, drinking or smoking.

303. *Eating, drinking etc.*

To ensure ingestion of lead is minimised, an employee must not eat, drink, chew gum, smoke or carry materials used for smoking in any area where a lead process is carried out.

PART 4—TRANSITIONALS

401. *Employer may continue to comply with old regulations*

- (1) Subject to sub-regulation (2), an employer may continue to comply with the provisions of the Occupational Health and Safety (Lead Control) Regulations 1988 listed in the Table until 29 December 2000, as if those provisions made no reference to a medical practitioner as being "authorised", or to any person being "approved".

Table

Regulation number of OHS (Lead Control) Regulations 1988	Description	Equivalent regulation number in these Regulations
16(1)–(6)	biological monitoring + frequency of monitoring	224, 225(1) and (4)
17	removal of employee	226, 227
18(3)	removal + return after removal	226, 228

- (2) If an employer chooses to comply with the provisions listed in the Table, the employer must comply with all regulations listed, not only one in isolation.
- (3) This regulation expires on 30 December 2000.

402. *Delayed commencement for new lead processes*

- (1) This regulation applies if an employer used lead at a workplace before this regulation came into operation and—

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- (a) the use of that lead was not covered by the Occupational Health and Safety (Lead Control) Regulations 1988; and
 - (b) the lead process being undertaken falls within the definition of lead process under these Regulations.
- (2) The employer may continue to undertake the lead process without complying with these Regulations (other than regulation 207) until 29 December 2000.
- (3) This regulation expires on 30 December 2000.
-

SCHEDULES

SCHEDULE 1

FEEES

The fee for the consideration of an application for an exemption under regulation 107(1) is \$51 for each hour or part of an hour, with a maximum fee of \$1938.

SCHEDULE 2

RESULTS OF MEDICAL EXAMINATION

PART A: *To be filled in by an employer and supplied to the registered medical practitioner before a medical examination.*

Full name of employee:

Date of birth:

Sex:

Process engaged in:

Length of time employed in the above process:

Name of employer:

Address of employer:

Signed (employer):

Date:

PART B: *To be certified and signed by the registered medical practitioner at the time of the medical examination.*

Date of examination:

Date blood sample taken (if different from above):

Results of tests:

Blood lead level μmol/L

Other tests (specify) Results:

Results:

Name of pathology service used:

Certification

I certify that I have examined the person whose name appears above in Part A and that in my opinion this employee (*strike out where not applicable*):

- (a) on medical grounds is not suitable to work in a lead-risk job;
- (b) has excessive lead absorption and must not work in any lead-risk job;
- (c) shows symptoms or signs of clinical lead poisoning and is unfit to work;
- (d) is fit to return to work in a lead-risk job;
- (e) is fit to continue work in a lead-risk job.

Other comments:

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Sch. 2

Signed:

Date:

Name of registered medical practitioner:

=====

NOTES

¹ Reg. 103: S.R. No. 268/1988. Reprinted as at 17 July 1998.

² Reg. 104: Definition of "exposure standard": as at 29 June 2000, the *Exposure Standards for Atmospheric Contaminants in the Occupational Environment* set the exposure standard for lead as 0.15 mg/m³ calculated as a time-weighted average (TWA). A TWA represents an atmospheric concentration averaged over an eight-hour working day and applies to a 40 hour week.

³ Reg. 104: Definition of "lead-containing hazardous substance", S.R. No. 143/1999

⁴ Reg. 104: Definition of "lead process": as at 29 June 2000, Schedule 1 of the *National Standard for the Control of Inorganic Lead at Work* lists the following processes—

- (a) any work which exposes a person to lead dust in air or lead fumes arising from the manufacture or handling of dry lead compounds, except galena (lead sulphide) when its character or composition remains unchanged;
- (b) any work in connection with the manufacture, assembly, handling or repair of, or parts of, electric accumulators (batteries) which involves the manipulation of dry lead compounds, pasting or casting of lead;
- (c) breaking up or dismantling of lead accumulators and the sorting, packing and handling of plates or other parts containing lead removed or recovered from these accumulators;
- (d) spraying with molten lead or alloys containing greater than five per cent by weight of lead;
- (e) melting or casting of lead alloys containing greater than five per cent by weight of lead in which the temperature of the molten material exceeds 450⁰C;
- (f) recovery of lead from its ores, oxides or other compounds by a thermal reduction process;
- (g) dry machine grinding, discing, buffing or cutting by power tools lead or alloy containing greater than five per cent by weight of lead;
- (h) machine sanding or buffing of surfaces coated with paint containing greater than one per cent by dry weight of lead;

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NOTES—*continued*

- (i) any process whereby electric arc, oxy-acetylene, oxy gas, plasma arc or a flame is applied, for the purposes of welding, cutting or cleaning, to the surface of any metal which is coated with lead or paint containing greater than one per cent by dry weight of lead;
- (j) radiator repairs where exposure to lead dust or fume may occur;
- (k) fire assay where lead is used.

⁵ Reg. 4: Definition of "lead process": as at 29 June 2000, items (b), (c) and (d) of Schedule 2 of the *National Standard for the Control of Inorganic Lead at Work* lists the following processes—

- (b) hand grinding and finishing of lead or alloy containing greater than 50 per cent by weight of lead;
- (c) spray painting with lead paint containing greater than one per cent by dry weight of lead;
- (d) working with galena (lead sulphide) when its character or composition remains unchanged.

Table of Applied, Adopted or Incorporated Matter Required by Subordinate Legislation Regulations 1994

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definition of "exposure standard"	<i>Exposure Standards for Atmospheric Contaminants in the Occupational Environment</i> , published by the National Occupational Health and Safety Commission, 1995	The section titled "Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment"

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NOTES—*continued*

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definition of "lead process"	<i>National Standard for the Control of Inorganic Lead at Work</i> , published by the National Occupational Health and Safety Commission, 1994	Schedule 1 and Schedule 2
Regulation 104— Definition of "National Standard for the Control of Inorganic Lead at Work"	<i>National Standard for the Control of Inorganic Lead at Work</i> , published by the National Occupational Health and Safety Commission, 1994	Schedule 1 and Schedule 2