



Response to Review of Duplication between agricultural and veterinary chemical and work health and safety legislation

May 2016

labelreview@deloitte.com.au

Contact:

D. Vallance, AMWU National OHS Coordinator
deb.vallance@amwu.asn.au

Response to Review of Duplication between agricultural and veterinary chemical and work health and safety legislation

The AMWU believes that this review is a reiteration of previous arguments and is very unsure why resources and time are being spent on a review of a decision that is over 6 years old.

The AMWU, for reasons of parity and equal protection for rural workers would support the use of the GHS in the agricultural and veterinary sector, as in any other sector that uses hazardous substances. Therefore the AMWU would support the realigning of the FAISD with GHS requirements [Option 4] but acknowledges that this is outside this review and would require significant change.

In this context and the timing of this review, the drawing to a close of a five year transition period and the previous 6 years of discussion of these proposals by the OHS/WHS regulators , the option agreed at preceding SWA members meetings is supported i.e. Option 1.

It should be noted that Page 6, last paragraph under Option 3, could lead to a mistaken assumption. WHS/OHS regulators are the majority members of the SWA members group, so a decision by SWA members will need to have had a majority decision of the OHS/WHS Regulators, so the last sentence of the paragraph is irrelevant.

General comment

OHS/WHS regulations generally require control of the potential for chemical exposures to be minimised "so far as is reasonably practicable". The AgVet requirements are clearly weaker in this regard.

The review paper recognises that the level of worker protection secured under the APVMA labelling regime is of necessity weaker than that afforded by the WHS regime because APVMA labelling relies on a risk assessment for "likely exposures" as opposed to being for specific workplaces, and does not consider actual workplace use, rather considering "proposed use patterns".

It is interesting to compare the notation between the FAISD [Dep't Health] and the HSIS [SWA website].

Tetrachloroethylene

FAISD ---- a,c,d,e,f,g. s 12, 16, 101, 104, 108, 111
i.e. first aid warnings if exposure occurs and vapour is harmful to health on prolonged exposure and avoid skin and breathing fumes

HSIS:

Labelling Xn: N: R40 - 51/53, S:(2) – 23 - 36/37 - 61

Cat 3 Cat 3: R40 N; R51-53

i.e possible carcinogen, don't breathe in fumes, use PPE and gloves

The OHS/WHS advice alerts the end user to the potential long term effects of the substances, this is missing from the FAISD advice.

This example highlights the differences between the two systems.

The AMWU therefore notes that

- Those who work in the agvet sector, like those who work in the health sector, need to be informed like any other worker who is potentially exposed to hazardous substances
- That information, should be nationally consistent – the intrinsic qualities of hazardous substances do not change when the name or occupation of the user changes
- Provision of information is essential if those using hazardous substances are to reduce potential exposures
- The GHS system is an international system, which for reasons of international comparability, ease of trade etc. has been adopted by the UN
- The RIRDC research “Effectiveness of Risk Control measures to Reduce Occupational Exposures to pesticides” Feb 2009 recommended the adoption of GHS on labels – noting that this research interviewed farm chemical users, rural retailers and a desk top study of 300 labels of pesticides.
- Given that the industries for which an increased cancer risk has been observed repeatedly in epidemiological studies and have the highest number of potentially exposed workers include: Agriculture; Construction; Health services; Machinery & equipment manufacturing (mfg); Metal product mfg; Wood & paper product mfg. It seems extraordinary that every effort is not made to improve the level of understanding about hazardous substances and their potential health effects [acknowledging that the increased levels of cancer may not be due to these exposures – the evidence is not clear]
- Given the over reliance on the lower orders of the hierarchy of control in agvet labelling [see RIRDC study 2009], an increase in profile of potential health effects may be beneficial to end users – there is no evidence that information would be harmful.
- Australia made the decision to transition to the GHS in 2017, in 2011/12. Industry has had an ample transition phase i.e. five years – the time span required for review of SDSs etc.
- The compromise position of the health and safety regulators of allowing agvet labels to exclude the GHS pictograms is significant and is not supported given the high level of overseas and NESB workers in the agricultural sector.
- The proposal that is in the WHS laws and has been agreed multiple times at Safe Work Australia is a compromise that should satisfy ever the most ardent of free marketeers.

The AMWU finds no evidence that the current proposals agreed by the OHS/WHS Regulators, i.e Option 1, would be detrimental to workers and therefore opposes any further changes.