



Government of **Western Australia**
WorkSafe Commissioner

Statement of regulatory intent: Implementation of work health and safety regulations relating to crystalline silica processes

Valid for the period: 1 September 2024 to 31 March 2025

1 Purpose

This Statement of Regulatory Intent outlines the regulatory approach that the WorkSafe Group (WorkSafe) of the Department of Energy, Mines, Industry Regulation and Safety will use for the laws relating to working with crystalline silica substances under the *Work Health and Safety (General) Regulations 2022* (*WHS General Regulations*).

These laws became effective in Western Australia on 1 September 2024.

2 Approach to requirements for assessment of crystalline silica work and implementation of a plan for crystalline silica work that is high risk

The regulations require a person conducting a business or undertaking (PCBU) to assess if work with materials containing crystalline silica is 'high risk'. Identification of high risk silica work is covered in regulation 529CA.

If the work is identified to be high risk, before processing commences, the PCBU must:

- have a silica risk control plan (or safe work method statement if applicable) that complies with regulation 529CB;
- have controls in place to prevent exposure to crystalline silica and ensure those controls are reviewed and revised as required [regulation 38];
- ensure workers comply with the silica risk control plan [regulation 529CC(1) and (2)];
- review and revise the silica risk control plan if there are changes to controls [regulation 529CC(3)].

Inspectors will use WorkSafe's standard [Compliance and Enforcement Policy](#) in driving compliance on these issues. This may include providing information and education and/or issuing an improvement notice if the requirements have not been met.

3 Approach to requirement for training

Regulation 529CD requires PCBUs to ensure that a worker receives crystalline silica training if the worker is involved in, or otherwise at risk of exposure from, the processing of crystalline silica substances that is high risk.

Under this regulation, 'crystalline silica training' means training that is accredited, or that has been approved by the regulator in relation to health risks associated with exposure to respirable crystalline silica and the need for proper risk control measures required by the regulations.

WorkSafe is aware that nationally accredited training courses that fulfill these criteria may not yet be readily available.

However, there is already a requirement for training of workers in Division 1 of Part 3.2 of the WHS General Regulations. Suitable information, training and instruction must be provided to workers having regard to the nature of the work and the associated risks, and a record of training provided must be retained.

In the absence of an accredited or approved course of training being readily accessible, WorkSafe Inspectors will accept documented evidence that workers have been provided with information and training about the risks associated with exposure to respirable crystalline silica and suitable risk control measures.

4 Approach to requirement for health monitoring

Regulation 529CA of the WHS General Regulations requires the PCBU to assess the processing of a crystalline silica substance carried out by the business or undertaking at the workplace to determine if the processing is high risk.

Regulation 529CE requires that, where PCBUs or their workers are performing high risk processing of crystalline silica substances, health monitoring must be provided where there is a risk to workers' health.

Health monitoring was already required under Part 7.1 Division 6 of the WHS General Regulations prior to the introduction of the new regulations for crystalline silica work processes.

WorkSafe Inspectors will use the [Compliance and Enforcement Policy](#) to ensure that workers who are at risk of silicosis due to their work are provided with health monitoring. The approach will be risk based with priority given to those at most risk.

5 Approach to requirement for air monitoring

As required by regulation 50, air monitoring is required where there is uncertainty about whether the workplace exposure standard will be exceeded. PCBUs are able to use all available information to consider whether this is the case, such as previous air monitoring or results of air monitoring published in literature or by the equipment manufacturer for similar tasks.

6 Review

WorkSafe will continue to monitor the implementation of the regulations relating to processing of crystalline silica processes with industry, workers and their representatives and employer stakeholders.

Where matters of high priority are identified during the period 1 September 2024 to 31 March 2025, this Statement may be amended to assist in the successful implementation of the regulations.

Prior to 31 March 2025, consideration will be given as to whether this Statement of Regulatory Intent is required for a further period or whether the standard [Compliance and Enforcement Policy](#) will be generally applied to these issues.