

**NATIONAL CODE OF PRACTICE  
FOR THE CONTROL OF  
SCHEDULED CARCINOGENIC SUBSTANCES  
[NOHSC:2014(1995)]**



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## 1. TITLE

**1.1** This national code of practice may be cited as the *National Code of Practice for the Control of Workplace Hazardous Substances, Part 2—Scheduled Carcinogenic Substances* [NOHSC:2014(1995)].

**1.2** In this document it is generally referred to in abbreviated form as the *National Code of Practice for the Control of Scheduled Carcinogenic Substances* [NOHSC:2014(1995)]. Similarly, the *National Model Regulations for the Control of Workplace Hazardous Substances, Part 2 — Scheduled Carcinogenic Substances* [NOHSC:1011(1995)] are referred to as the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>.

## 2. PURPOSE

**2.1** The *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> and the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> establish provisions to minimise risks to health arising from work with any hazardous substance. Hazardous substances include substances which are classified as Category 1, 2 or 3 carcinogens in accordance with the National Commission's *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)]<sup>4</sup>. As such, the provisions of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> and the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> apply to carcinogenic substances as for all hazardous substances.

**2.2** In addition to the provisions applying to hazardous substances, some carcinogenic substances have been scheduled and are subject to specific prohibition or notification requirements. The object of these specific requirements for scheduled carcinogenic substances is to eliminate or minimise risks to health associated with these substances by imposing stricter controls on their use at work. These requirements are established in the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>.

**2.3** The purpose of this *National Code of Practice for the Control of Scheduled Carcinogenic Substances* [NOHSC:2014(1995)] is to provide practical guidance on how to comply with the prohibition and notification requirements for scheduled carcinogenic substances. It also explains the specific requirements for assessment and control of risks arising from work with scheduled carcinogenic substances, and the specific requirements for record keeping.

### 3. SCOPE AND APPLICATION

**3.1** This part is additional to other provisions of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> and the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup>, both of which should be consulted for the general requirements which also apply to scheduled carcinogenic substances as hazardous substances.

#### 4. DEFINITIONS

**4.1** The interpretations contained in regulation 4 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> are to be used in conjunction with those contained in the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>. These documents should be consulted for definitions of terms used in this national code of practice.

## 5. ASSESSMENT OF RISKS TO HEALTH

**5.1** Regulation 11 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> requires an employer to ensure that a suitable and sufficient assessment is made of the risks to health created by work involving potential exposure to any hazardous substance. The following information is additional to Chapter 11 of the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup>.

### IDENTIFICATION OF CARCINOGENIC SUBSTANCES

**5.2** The first step in performing an assessment is the identification of scheduled carcinogenic substances. The process of identifying hazardous substances under Chapter 11 of the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> will enable any scheduled carcinogenic substance to be identified. Further information on certain substances may be obtained from the Summary Reports of the National Industrial Chemicals Notification and Assessment Scheme which are published in the monthly *Chemical Gazette*<sup>5</sup>.

**5.3** Schedule 1 and Schedule 2 to the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> should be checked to determine whether any of the hazardous substances identified in the assessment are listed in either of these schedules.

**5.4** If a Schedule 1 or Schedule 2 carcinogenic substance is identified and its use is not permitted as described in regulations 5 and 6 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>, or if its use is no longer required, then that substance should be disposed of safely in consultation with the relevant public authority for waste management.

### ASSESSMENT

**5.5** A full detailed assessment shall take place in each of the following circumstances:

- (a) if a Schedule 1 carcinogenic substance is identified in the workplace and its use is permitted as described in regulation 5 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>;
- (b) if a Schedule 2 carcinogenic substance is identified in the workplace; or
- (c) if a known Schedule 2 carcinogenic substance is proposed for use in the workplace.

**5.6** There are some specific requirements for assessing risks to health from work with these scheduled carcinogenic substances. An assessment of risks to health created by work involving the use of any scheduled carcinogenic substance will not be considered suitable and sufficient unless the following steps have been taken:

- (a) there shall be a review of a current Material Safety Data Sheet from the supplier of the scheduled carcinogenic substance (or the mixture which contains the scheduled carcinogenic substance) and other additional information that is available about the substance, for example, from chemical information databases or scientific or technical references; and
- (b) the specific work involving potential exposure to the scheduled carcinogenic substance shall be assessed. The assessment shall therefore take place prior to the use of the scheduled carcinogenic substance.

## **Generic Assessment**

**5.7** A generic assessment is not suitable and sufficient for work with any scheduled carcinogenic substance.

**5.8** The assessment of work involving potential exposure to scheduled carcinogenic substances should include a thorough evaluation of the likely routes of exposure and the potential effectiveness of the planned control measures in preventing exposure.

### **ACTION ARISING FROM THE ASSESSMENT**

**5.9** As with all hazardous substances, the assessment of risks to health provides the basis for determining appropriate control measures, and whether ongoing monitoring of the work environment or health surveillance are required to evaluate exposure of employees to the scheduled carcinogenic substance and to detect any adverse health effects.

**5.10** The first steps in the control of exposure are elimination and substitution, where possible. Consideration should be given during the assessment to the possibility of substituting a less hazardous substance for the scheduled carcinogenic substance. Chapter 9 of this national code of practice has more information about controlling exposure to scheduled carcinogenic substances.

### **RECORDING OF ASSESSMENT REPORTS**

**5.11** The assessment report for work involving potential exposure to any scheduled carcinogenic substance should include information as required for a Laboratory Notification, which is set out in regulation 6 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>.

**5.12** A separate assessment report should be prepared for each work activity or work process which it is necessary to assess under regulation 6 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>. Therefore, there may be more than one assessment report for any particular notification.

### **REVISION OF THE ASSESSMENT**

**5.13** The requirements to revise an assessment of work involving potential exposure to a scheduled carcinogenic substance are the same as for hazardous substances in general. That is, the assessment shall be revised whenever there is evidence to indicate that it is no longer valid or there has been a significant change to the work. In any case, the validity of the assessment shall be reviewed at least every five years.

## 6. PROHIBITION OF SCHEDULED CARCINOGENIC SUBSTANCES

**6.1** The *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> prohibit, except in specific circumstances, the supply and use of carcinogenic substances listed in Schedule 1 to the national model regulations. These prohibitions have been made because the risk to health due to exposure to these scheduled carcinogenic substances cannot be justified, especially as their use is not essential or suitable alternative substances can be used instead.

### EXEMPTIONS

**6.2** Prohibited Schedule 1 carcinogenic substances may be used:

- (a) for the purpose of bona fide research or analysis, where the relevant public authority has been notified of the use of the substance(s) for that purpose by submission of a Laboratory Notification in accordance with sub-regulation 6(6) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>; or
- (b) if the relevant public authority has approved an application from the employer for exemption under sub-regulation 5(1)(b) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>.

**6.3** Chapter 7 of this national code of practice provides more information on Laboratory Notifications and on requests for exemption.

### PROHIBITION OF SUPPLY

**6.4** The supplier has the responsibility to ensure that a Schedule 1 carcinogenic substance is not supplied except as permitted. The supplier should therefore ensure that appropriate documentation is obtained from the purchaser prior to supply. The following documentation should be obtained:

- (a) a copy of the Laboratory Notification made by the purchaser to the relevant public authority, and a copy of the acknowledgment of the Laboratory Notification from the relevant public authority where the Schedule 1 carcinogenic substance is supplied for bona fide research or analysis in a laboratory; or
- (b) a copy of the statement of exemption granted by the relevant public authority where an exemption has been granted to use a Schedule 1 carcinogenic substance.

**6.5** The supplier should ensure that any acknowledgment of notification or exemption approval is current for the period of supply.

### PROHIBITION OF USE

**6.6** The employer (who may also be a supplier) has a responsibility to ensure that a Schedule 1 carcinogenic substance is not used except as permitted. The employer shall therefore ensure that appropriate records are maintained of either the notification to the relevant public authority for the use of the substance for bona fide research or analysis in a laboratory, or any exemption granted by the relevant public authority to use a Schedule 1 carcinogenic substance under regulation 8 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>.

## 7. NOTIFICATIONS AND EXEMPTIONS

**7.1** Under regulation 6 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>, a notification requires an employer to provide certain information to the relevant public authority prior to the use in the workplace of a scheduled carcinogenic substance. This enables the relevant public authority to oversee the use of scheduled carcinogens and the measures implemented to prevent or minimise exposure to them. The relevant public authority may also specify any conditions which are to be met by the employer for the use of any scheduled carcinogenic substance.

**7.2** An employer will need to provide evidence of notification, as well as acknowledgment by the relevant public authority, in order to purchase a scheduled carcinogenic substance, as a supplier shall not supply such a substance without evidence that the purchaser has made an appropriate notification.

**7.3** The responsibility for providing a notification to the relevant public authority is placed on the employer wishing to use a scheduled carcinogenic substance. Notifications should be completed in the format prescribed by the relevant public authority. The relevant public authority may require additional information before determining the conditions under which the scheduled carcinogenic substance may be used.

### TWO TYPES OF NOTIFICATION

**7.4** There are two types of notification:

- (a) A **Schedule 2 Notification** that involves an individual notification for each Schedule 2 carcinogen used in a workplace. A Schedule 2 Notification shall contain the information required under sub-regulation 6(4) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>.
- (b) A **Laboratory Notification** for the use of Schedule 1 or Schedule 2 carcinogenic substances in a laboratory for the purpose of bona fide research or analysis. The Laboratory Notification is a single notification of the use of one or more scheduled carcinogenic substances at a location under the control of the employer. A Laboratory Notification shall contain the information required under sub-regulation 6(6) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>

**7.5** As advised in Chapter 5 of this national code of practice, it will facilitate notification to the relevant authority if the report of an assessment of work involving potential exposure to any scheduled carcinogenic substance includes relevant details which will be required for the Schedule 2 Notification or the Laboratory Notification.

### REVISIONS TO NOTIFICATIONS

**7.6** A revised **Schedule 2 Notification** should be submitted whenever there is evidence to indicate that it is no longer valid, when there has been a significant change in the use of the Schedule 2 carcinogenic substance or when the assessment is reviewed. In any case, a new Schedule 2 Notification shall be submitted at least every five years.

**7.7** Any significant changes to the information provided in a Laboratory Notification shall be notified to the relevant public authority when these changes occur. Significant changes might include:

- (a) a change in business address;
- (b) a change in the total quantity of each scheduled carcinogenic substance used;
- (c) a change in the preventive measure implemented to control exposure; or
- (d) any new scheduled carcinogenic substance that is introduced.

#### **REQUEST FOR EXEMPTION FOR USE OF A SCHEDULE 1 CARCINOGENIC SUBSTANCE**

**7.8** A Laboratory Notification applies only to the use of scheduled carcinogenic substances for bona fide research or analysis. However, an employer may seek an exemption under regulation 5 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>, to use a Schedule 1 carcinogenic substance for purposes other than bona fide research or analysis. For example, a supplier of Schedule 1 carcinogenic substances to a laboratory will not be using these substances for bona fide research or analysis, and will require an exemption for use of the substances.

**7.9** An employer seeking an exemption under regulation 5 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>, should make application to the relevant public authority in a form specified by the authority.

## **8. RESPONSE OF THE RELEVANT PUBLIC AUTHORITY**

### **NOTIFICATION**

**8.1** Following acknowledgment of the receipt of a notification, the relevant public authority may respond within 60 days of receipt specifying in writing the conditions to be met by the employer (or supplier) for the use of any scheduled carcinogenic substance. For example, the relevant public authority may require the implementation of specific control measures to prevent or minimise exposure to scheduled carcinogenic substances, the establishment of particular in-house procedures to protect the health of employees, specific arrangements to monitor exposure or surveillance of the health of employees.

### **EXEMPTION FOR USE OF A SCHEDULE 1 CARCINOGENIC SUBSTANCE**

**8.2** Where the relevant public authority has approved an exemption under regulation 5 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> for use of a Schedule 1 carcinogenic substance, the relevant public authority shall provide a statement of exemption to the employer. Such a statement should include any conditions under which the exemption has been granted.

## **9. CONTROL OF EXPOSURE TO SCHEDULED CARCINOGENIC SUBSTANCES**

**9.1** The following information is additional to the requirements of regulation 12 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> and to the information in Chapter 12 of the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup>.

### **PREVENTION OR CONTROL OF EXPOSURE TO A SCHEDULED CARCINOGENIC SUBSTANCE**

**9.2** Where the use of scheduled carcinogenic substances is not prohibited, exposure to these substances shall be prevented or, where that is not practicable, adequately controlled so that risks to health are minimised. In particular, the employer (who may be a supplier or end user) is required to justify why elimination or substitution of the scheduled carcinogenic substance is not possible and also to justify that the controls which are put in place are the best practicable. This justification shall be provided in the notification to the relevant public authority as described in sub-regulations 6(4) and 6(6) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>.

### **ELIMINATION OF A SCHEDULED CARCINOGENIC SUBSTANCE**

**9.3** Where the use of a scheduled carcinogenic substance is not essential, its use should be eliminated wherever practicable. In deciding whether it is practicable to eliminate a particular scheduled carcinogen, consideration should be given to:

- (a) whether it is necessary to use the process in which the substance is used, for example:
  - a particular laboratory test may be replaced by an alternative procedure, or
  - it may not be necessary to produce a particular product, and
- (b) whether the work may be done differently, for example:
  - it may be possible to use another process to produce a particular product, or
  - it may be possible to do the work without using a scheduled carcinogenic substance.

### **SUBSTITUTION OF A SCHEDULED CARCINOGENIC SUBSTANCE**

**9.4** If elimination is not practicable, then consideration should be given to alternative substances that may be used instead of the scheduled carcinogen or alternative forms of the substance or processes that will involve less exposure to employees. Consideration should be given to:

- (a) alternative substances that are not carcinogenic;
- (b) alternative substances that are not scheduled carcinogens;
- (c) alternative forms of the substance, for example, pellets or paste rather than powder, as there is less risk of breathing in airborne dust; and
- (d) alternative processes which involve less exposure to the substance.

**9.5** If a less hazardous substance or a safer form of a scheduled carcinogen are available, they should be used. If they are not used, the employer shall justify, in the notification to the relevant public authority, why it is not practicable to use the substitute substance or alternative form of the substance.

## **ADEQUATE CONTROL OF EXPOSURE BY OTHER CONTROL MEASURES**

**9.6** Sub-regulation 12(2) of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> requires the prevention or adequate control of exposure to hazardous substances to be secured, as far as practicable, by measures other than the provision of personal protective equipment. If elimination and substitution are not practicable and this can be justified, then adequate control of exposure shall be achieved by using other control measures. Preference should be given to control measures which prevent employee exposure to the scheduled carcinogenic substance and prevent contamination of the work environment.

### **Isolation of Work Processes**

**9.7** Isolation of work processes by barriers prevents employee exposure and prevents contamination of the work environment. This may be done by:

- (a) remote operation of plant or processes, for example, by the use of control panels in large production systems;
- (b) use of a physical barrier between employees and the work process;
- (c) use of closed work systems, for example, glove bags which contain the substance within the bag and protect the employee from the substance by the use of gloves which are part of the glove bag system; and
- (d) total enclosure of the work process and handling systems.

### **Engineering Controls**

**9.8** If isolating the scheduled carcinogenic substance from employees is not practicable, then these substances should be contained or contamination of the work environment minimised by the use of engineering control measures. Consideration should be given to the use of:

- (a) plant, processes or systems which minimise the generation of dusts, fumes or vapours;
- (b) local exhaust systems, for example, fume cupboards and dust extractors;
- (c) controls and valves that include fail-safe switches;
- (d) any capacity to isolate and decontaminate plant or a work area before employees have to work on or in the area; and
- (e) process designs which minimise the quantities of scheduled carcinogens which are used.

**9.9** Any engineering control measures require a program of regular testing and maintenance to ensure that they operate effectively on a continuing basis.

## **ADDITIONAL CONTROL MEASURES**

**9.10** Control measures which do not either prevent exposure to scheduled carcinogenic substances or minimise exposure by controlling the substance at its source shall only be used to provide additional protection in conjunction with other control measures or in emergencies when other control measures fail, for example, spills or leaks. Thus, safe work practices and use of personal protective clothing and equipment may provide additional protection in conjunction with the control measures of substitution, isolation or engineering controls. However, they should not be used as the only method of exposure control except where no other controls are practicable.

## **Safe Work Practices**

**9.11** Safe work practices are administrative practices which require people to work in safer ways. Some of these practices are set out at section 12.15 of the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup>. In work involving potential exposure to scheduled carcinogenic substances, the following safe work practices are particularly important:

- (a) regular cleaning of work surfaces to remove contaminants;
- (b) decontamination of personnel and changing into clean clothing before leaving a designated work area;
- (c) limiting the number of people potentially exposed by only allowing designated personnel to work in contaminated areas; and
- (d) placing warning signs at the entrance to designated areas limiting access to designated personnel who are properly protected.

**9.12** Safe work practices are particularly important for those employees involved in cleaning up spills, regular cleaning and maintenance work. However, many sources of exposure of employees in these situations can be reduced by the use of effective control measures which control hazards at source in the first instance.

## **Personal Protective Clothing and Equipment**

**9.13** Information about the use and selection of personal protective clothing and equipment is provided in the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup>.

## 10. MONITORING

**10.1** An assessment under regulation 11 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> may determine that monitoring is to be performed. The frequency of monitoring should be determined by the assessment of risk.

### PROCEDURES FOR MONITORING

**10.2** In addition to the procedures outlined in section 13.6 of the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> and Appendix 1 of that national code of practice, advice on suitable sampling techniques and methods of analysis for monitoring surface contamination by scheduled carcinogenic substances may be found in the United States Occupational Safety and Health Administration's *Industrial Hygiene Technical Manual*<sup>6</sup> and the National Commission's *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC:1003(1995)]<sup>7</sup>.

## 11. HEALTH SURVEILLANCE

**11.1** Regulation 14 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> requires employers to provide health surveillance for employees exposed to hazardous substances when the assessment process indicates that this is necessary. The relevant public authority may specify the type of health surveillance to be carried out. During assessment(s), a decision should be taken on the need for health surveillance for employees exposed to any scheduled carcinogenic substance. Chapter 14 of the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> should be consulted on requirements for health surveillance. The *Guidelines for Health Surveillance* [NOHSC:7039(1995)]<sup>8</sup> published from time to time by the National Commission also provide information about health surveillance for some specific carcinogens.

### TYPES OF HEALTH SURVEILLANCE

**11.2** The need for biological monitoring to detect exposure to a scheduled carcinogenic substance, or tests to detect health effects caused by exposure, should be carefully considered when the assessment is conducted. In particular, information should be obtained about health surveillance which can detect early warning signs of hazardous exposure or disease.

**11.3** In the case of substances known to cause, or suspected of causing, cancer of the skin, health surveillance should include regular skin inspection by a suitably qualified person. Similar approaches are available to detect other forms of cancer, and some are described in the National Commission's *Guidelines for Health Surveillance* [NOHSC:7039(1995)]<sup>8</sup> published from time to time by the National Commission.

### THOSE EMPLOYEES REQUIRING HEALTH SURVEILLANCE

**11.4** Health surveillance is required for employees who have a significant risk to health from one of the hazardous substances listed at Schedule 3 to the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup>. Therefore, health surveillance is also required for the scheduled carcinogenic substances listed at Schedule 3.

### FREQUENCY OF HEALTH SURVEILLANCE

**11.5** Health surveillance should continue throughout the period of use of a scheduled carcinogenic substance.

**11.6** Health surveillance should be repeated at the time of job transfer or termination of employment in view of the long latency period between exposure to a scheduled carcinogenic substance and appearance of a cancer. It may be appropriate, on professional advice, for an employer to continue health surveillance of employees after exposure to a scheduled carcinogenic substance has ceased.

## 12. RECORD KEEPING

### WHAT THE EMPLOYER NEEDS TO KEEP AS RECORDS

**12.1** General record keeping requirements are established under regulation 15 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup>. The *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> should be consulted for guidance on keeping records.

**12.2** Regulation 8 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> requires certain additional records to be kept. These are:

- (a) a copy of each notification made and each exemption granted for the use of a scheduled carcinogenic substance;
- (b) a copy of the conditions for use of a scheduled carcinogenic substance; and
- (c) a copy of certain information retained by the supplier for each scheduled carcinogen substance supplied.

**12.3** In addition to these regulatory requirements, the employer should also keep records of the acknowledgment of notification under regulation 6 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> which confirms that a notification has been made as required.

### RECORDS OF EXPOSURE

**12.4** To aid in keeping an accurate record of an employee's exposure to a scheduled carcinogenic substance, in accordance with sub-regulation 8(1) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup>, the following information should be recorded:

- (a) the employee's date of commencement and termination of employment, specifying the periods of potential exposure to any scheduled carcinogenic substance;
- (b) the employee's present and past job classification and area of work at the workplace; and
- (c) the employee's previous employment records in relation to any chemical exposure and medical condition, where available.

**12.5** Where practicable, the employer should keep records of the maintenance of control measures, including dates and location of faults detected in engineering controls and personal protective equipment. Work to remedy such faults should also be recorded.

## **WHAT THE SUPPLIER NEEDS TO KEEP AS RECORDS**

**12.6** A supplier shall keep as a record for five years documentation associated with the supply of a scheduled carcinogenic substance, including the following information:

- (a) the name of the purchaser; and
- (b) the name and quantity of each carcinogenic substance supplied.

**12.7** A supplier should also obtain from the purchaser and keep as a record a copy of the documentation relating to permitted use of any Schedule 1 carcinogenic substance. This documentation should include a copy of a relevant Laboratory Notification or exemption granted by the relevant public authority. These records will indicate that the supplier has supplied Schedule 1 carcinogenic substances under permitted circumstances.

### 13. ADVICE AND REPORTING

**13.1** Regulation 9 of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> requires that an employer provide a report to the relevant public authority, as soon as practicable, whenever there is an increased risk of exposure to a scheduled carcinogenic substance. A report shall be made whenever:

- (a) a leak, spill or other incident occurs which results or might result in exposure of a person to a scheduled carcinogenic substance; or
- (b) monitoring and/or health surveillance results indicate the following:
  - an absorbed dose above the accepted level,
  - exposure above the exposure standard or any level set by the relevant public authority,
  - increased body burden where any indicator of biological exposure set by the relevant public authority has been exceeded, or
  - chronic or acute health effects.

**13.2** In the event of a leak, spill or other incident involving a scheduled carcinogenic substance occurring, the employer should provide the following information to the relevant public authority:

- (a) the time and place of the leak, spill or incident;
- (b) the name and quantity of the scheduled carcinogenic substance involved in the leak, spill or incident;
- (c) the number of employees exposed, or reasonably thought to have been exposed, and their names;
- (d) the emergency procedures undertaken;
- (e) the action taken to prevent a recurrence of the leak, spill or incident; and
- (f) the results of any atmospheric or any biological monitoring undertaken.

**13.3** The relevant public authority may request additional information concerning a leak, spill or other incident involving a scheduled carcinogenic substance.

#### ADVICE TO EMPLOYEES

**13.4** Sub-regulation 9(2) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> requires an employer to advise an employee, as soon as practicable, when accidental exposure of the employee to a scheduled carcinogenic substance is reasonably thought to have occurred.

**13.5** Sub-regulation 9(3) of the *National Model Regulations for the Control of Scheduled Carcinogenic Substances* [NOHSC:1011(1995)]<sup>1</sup> requires an employer to provide, in certain circumstances, a written statement on termination of employment to an employee. This statement should also include details concerning the following:

- (a) the exposure of any employee to a Schedule 2 carcinogenic substance which has been the subject of a Schedule 2 Notification;
- (b) the exposure of any employee to a Schedule 1 carcinogenic substance which has been the subject of a Laboratory Notification or an exemption;
- (c) the exposure of any employee to any scheduled carcinogenic substance as a result of a spill, leak or other incident; and
- (d) the excessive exposure of any employee to a scheduled carcinogenic substance, as indicated by monitoring or health surveillance.

**13.6** A written statement under section 13.5 of this national code of practice shall include:

- (a) the name(s) of the scheduled carcinogenic substance(s) that the employee was potentially exposed to;
- (b) the period of potential exposure to the scheduled carcinogenic substances;
- (c) details of how and where records of exposure may be obtained; and
- (d) the advisability of having periodical health assessments and the types of tests or procedures which should be done.

#### **HOW TO ADVISE EMPLOYEES OF EXPOSURE TO SCHEDULED CARCINOGENIC SUBSTANCES**

**13.7** Regulation 9 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> requires an employer to ensure that an employee is advised of accidental exposure to a scheduled carcinogenic substance. It is important that this advice is given to employees as they are likely to suspect that they have been exposed even if direct advice is not given. This uncertainty can be a source of concern. However, it is important that provision of advice about exposure is handled sensitively so as to minimise the psychological impact on the employee.

**13.8** This can best be done by providing social support, for example, access to counselling services, information and appropriate health surveillance together with the advice about exposure to a scheduled carcinogenic substance. Where health surveillance data is involved, this should be conveyed to employees by a registered medical practitioner in accordance with regulation 14 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup>. Otherwise, information provision and social support should be the responsibility of a person with appropriate skills, for example, in counselling. If an employee is continuing to work in a job where there is the potential for exposure to a scheduled carcinogenic substance, then it will be important to reinforce advice about the effectiveness of the control measures in place and their correct use.

## **14. RESPONSE TO ACCIDENTS AND EMERGENCIES**

**14.1** Regulation 17 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup> requires that all records be accessible to relevant public authorities and to emergency services.

**14.2** Chapter 17 of the *National Code of Practice for the Control Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> should be consulted for information concerning the responses required in the event of an accident or emergency.

## 15. CONSULTATION OF OTHER PROVISIONS

**15.1** In addition to the above, attention should be paid to the following regulations of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)]<sup>2</sup>:

- Regulation 7—Disclosure of Ingredients of Hazardous Substances; and
- Regulation 18—Transitional Arrangements.

**15.2** The following chapters of the *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)]<sup>3</sup> should also be consulted:

- Chapter 4—Definitions;
- Chapter 5—Consultation;
- Chapter 7—Provision of Information—Suppliers' Duties;
- Chapter 8—Provision of Information—Employers' Duties;
- Chapter 10—Induction and Training;
- Chapter 13—Monitoring;
- Chapter 14—Health Surveillance; and
- Chapter 16—Employees' Duties.



**RELEVANT PUBLIC AUTHORITIES**

**NEW SOUTH WALES**

WorkCover Authority of New South Wales

**VICTORIA**

Health and Safety Organisation  
Department of Health and Community Services

**QUEENSLAND**

Division of Workplace Health and Safety  
Department of Employment, Vocational Education, Training  
and Industrial Relations

**SOUTH AUSTRALIA**

WorkCover Corporation  
Department of Mines and Energy  
Department of Labour and Administrative Services

**WESTERN AUSTRALIA**

Department of Occupational Health, Safety and Welfare  
Department of Health  
Department of Minerals and Energy

**TASMANIA**

Industry Safety and Mines  
Tasmania Development and Resources  
Department of Community and Health Services

**NORTHERN TERRITORY**

Department of Health and Community Services  
Department of Mines and Energy  
Work Health Authority

**AUSTRALIAN CAPITAL TERRITORY**

Department of Health  
ACT WorkCover

**COMMONWEALTH**

Commission for the Safety, Rehabilitation and  
Compensation of Commonwealth Employees

## REFERENCED DOCUMENTS

1. National Occupational Health and Safety Commission, 'National Model Regulations for the Control of Scheduled Carcinogenic Substances' [NOHSC:1011(1995)] in *Control of Workplace Hazardous Substances, Part 2 — Scheduled Carcinogenic Substances: National Model Regulations and National Code of Practice*, Australian Government Publishing Service, Canberra, 1995.
2. National Occupational Health and Safety Commission, 'National Model Regulations for the Control of Workplace Hazardous Substances' [NOHSC:1005(1994)] in *Control of Workplace Hazardous Substances: National Model Regulations and National Code of Practice*, Australian Government Publishing Service, Canberra, 1994.
3. National Occupational Health and Safety Commission, 'National Code of Practice for the Control of Workplace Hazardous Substances' [NOHSC:2007(1994)] in *Control of Workplace Hazardous Substances: National Model Regulations and National Code of Practice*, Australian Government Publishing Service, Canberra, 1994.
4. National Occupational Health and Safety Commission, *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(1994)], Australian Government Publishing Service, Canberra, 1994.
5. Summary Reports are published in the *Chemical Gazette* which is produced each month and can be purchased through Commonwealth Government Bookshops.
6. Occupational Safety and Health Administration (United States), 'Sampling for Surface Contamination', *Industrial Hygiene Technical Manual*, OSHA Instruction CPL 2-2.20A, Chapter viii, Government Printing Office, Washington, 1984.
7. 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.
8. National Occupational Health and Safety Commission, *Guidelines for Health Surveillance* [NOHSC:7039(1995)], Australian Government Publishing Service, Canberra, 1995.