

Compliance priority report

Airborne contaminants– METEX surface/underground

January 2024 to June 2024



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Executive summary

A crucial part of the NSW Resources Regulator’s incident prevention strategy for mines and petroleum sites involves:

- Targeted assessments and planned inspection programs – focusing on assessing an operation’s control of critical risks by evaluating the effectiveness of control measures in the mine’s safety management system.
- Priority programs – proactively assessing a topic that is an emerging risk throughout the industry, which is determined primarily from incident data as well as evolving industry trends. Although these topics may also be contained within the Regulator’s planned inspection programs, the aim of compliance priority programs is to gather further information and knowledge about how the industry is managing and controlling a specific issue.

The compliance priority ‘airborne contaminants’ targeted metalliferous surface and underground mines during the first six months of 2024.

In NSW mines no person is to be exposed to dust and airborne contaminants that exceed exposure standards and mines must ensure worker exposure is as low as reasonably practicable. The workplace exposure standards for airborne contaminants and dust were revised in 2022 and are set out in legislation.

Mine operators must sample airborne dust where a risk of worker exposure is identified.

Sampling or analysing of airborne dust under WHS (MPS) Regulation 2022 Schedule 6 is now classed as a licenced activity. This means that sampling or analysis must not be carried out unless in accordance with a licence issued by the NSW Resources Regulator.

The transition period for compliance to the WHS (MPS) Regulation 2022 includes a 12-month transition period for non-coal mine operators to comply with the requirements of Schedule 6 after the commencement on 1 September 2022. Therefore, from 1 September 2023 sampling or analysing of airborne dust under Schedule 6 is classed as a licenced activity and must be conducted by a licensed operator.

This compliance priority is a review of mine operators to assess progress on complying with new or amended sections of the WHS (MPS) Regulation 2022.

This report will provide information on assessment findings and recommendations for METEX surface and underground mine operators.

In summary of METEX surface sites (24 quarries, 3 dredging sites and 2 processing sites) and 10 METEX underground mines there were 39 assessments resulting in 10 compliance notices issued to 7 surface sites and 1 underground mine.

The METEX airborne contaminants assessment program was conducted between January 2024 and June 2024.

Explanatory notes on the assessment system are listed in Appendix A.

Assessment criteria for all assessments

Assessment criteria were identified by the Regulator to review mine operator compliance with the requirements of the regulations.

A tabulation of the assessment criteria for airborne contaminants at METEX surface and underground mines is provided in Table 1.

Table 1. Criteria for the planned inspection program airborne contaminants at METEX surface and underground mines

Criteria number	Criteria
1	Has the mine identified the risk of dust or other airborne contaminants?
2	Has the mine conducted personal dust monitoring of workers?
3	Who does the monitoring and analysis?
4	Does the occupational hygiene contractor have a current licence issued by the Resources Regulator for the licenced activity?

Assessment findings for METEX surface and underground mines

Overall, the assessment findings for METEX surface and underground mines were:

- 29 METEX surface sites were assessed (24 quarries, 3 dredging sites and 2 processing sites)
- 10 METEX underground mines were assessed
- 156 individual findings for the assessed criteria,
- 16 assessment findings with enforcement action recorded,
- 10 compliance notices were issued to 7 surface sites and 1 underground mine

Figure 1 provides a summary assessment of the overall results by criteria.

Figure 1. Summary assessment findings of overall results by criteria for METEX surface and underground mines

01	02	03	04	Grand Total
Has the mine identified the risk of dust or other airborne contaminants?	Has the mine conducted personal dust monitoring of workers?	Who does the monitoring and analysis?	Does the occupational hygiene contractor have a current license issued by the resource regulator for the licensed activity?	
 100%	 98%	 95%	 75%	 92%

- Green (=100%)
- Yellow (>= 80% and <100%)
- Orange (>= 65% and <80%)
- Red (<65%)

In summary the overall assessment findings by criteria were assessed in total as 92%.

The lowest assessment finding was 75% (orange colour category) for criteria 04 – Does the occupational hygiene contractor have a current licence issued by the Resources Regulator for the licenced activity?

All the other criteria from 01 to 03 were assessed ranging from 95% to 100% (yellow to green colour category).

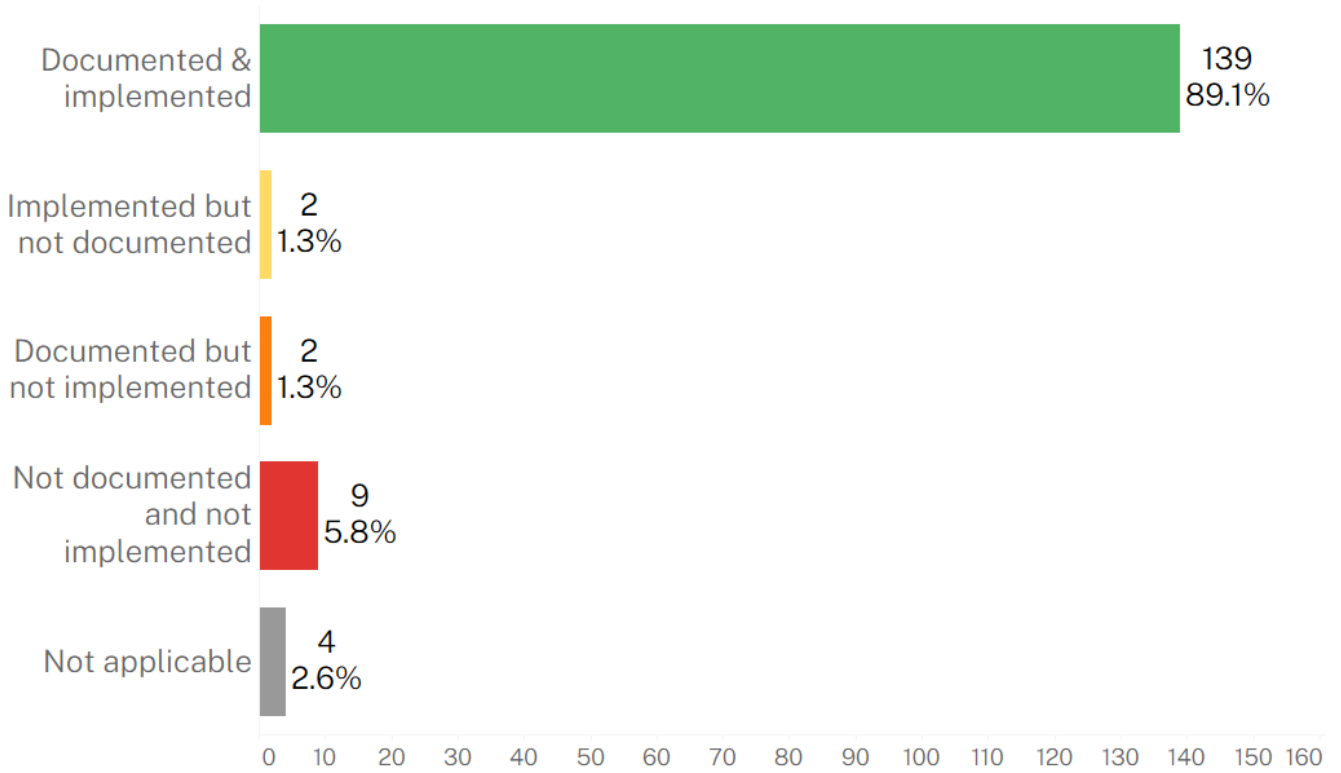
Assessment overall ratings for METEX surface and underground mines

In summary the overall assessment ratings for surface coal mines were:

- 89% rating for documented and implemented finding,
- 1% rating for implemented but not documented finding,
- 1% rating for documented but not implemented finding,
- 6% rating for not documented and not implemented finding.

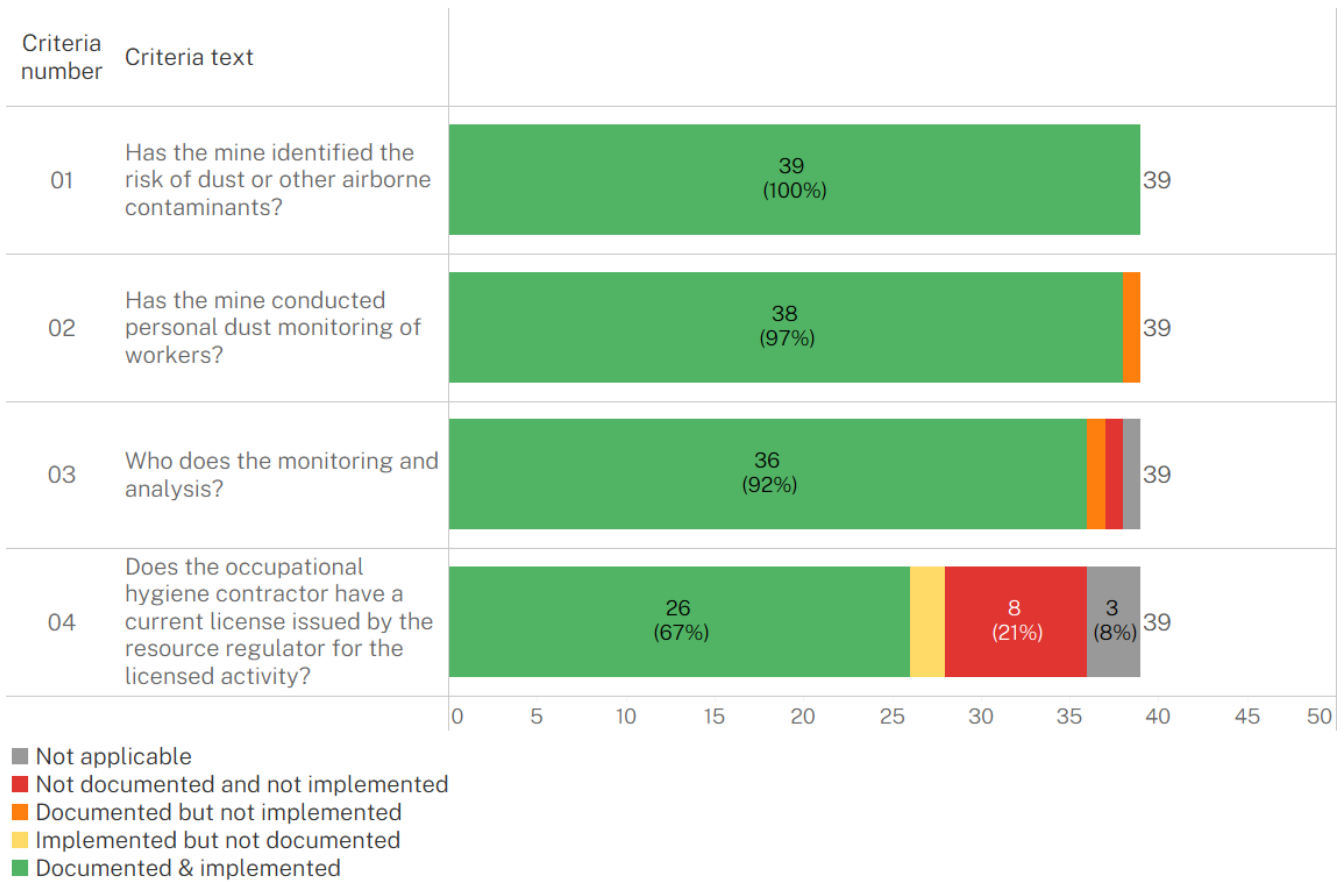
The overall assessment findings ratings for METEX surface and underground mines is shown in Figure 2.

Figure 2. Overall assessment findings ratings for METEX surface and underground mines



The overall assessment ratings by criteria for METEX surface and underground mines is shown in Figure 3.

Figure 3. Overall assessment ratings by criteria for METEX surface and underground mines



Notices issued to METEX surface and underground mines

In total there were 39 assessments conducted at METEX surface and underground mines.

In summary, there were 156 individual assessment findings and of those 16 assessment findings required enforcement action to be taken at METEX surface and underground mines.

In summary, there were 10 compliance notices issued to 7 surface sites and 1 underground mine. comprising:

- 4 x section 191 improvement notices
- 6 x section 23 cause for concern notices

Note some notices issued were related to other identified non-compliance issues.

The compliance notices issued for METEX surface and underground mines were reviewed and Table 2 lists the notices issued by type and number.

Table 2: Notices issued for METEX surface and underground mines

Notice type	Total issued	Number of sites
s.191 improvement notice	4	3
s.23 notice of concern	6	6
Total	10	8
		Note: some mine sites were issued multiple notices

Recommendations for METEX surface and underground mines

Based on the findings outlined in this report and with respect to the numbers and types of compliance notices issued during the assessment of airborne contaminants it is recommended that the following topics should be reviewed by operators of METEX surface and underground mines:

- Consult with site management and relevant workers about the arrangements for providing health and safety information and the implementation and monitoring of the airborne contaminants sampling program at the site.
- Provide dust sampling and analysis reports to site management and workers who participated in dust sampling the results and recommendations in the report to ensure that appropriate measures are taken to manage health risk(s) arising from airborne contaminants at the site.
- Ensure the airborne contaminants sampler has a current licence issued by the Resources Regulator for the licenced activity.

Further information

For more information on safety assessment programs, the findings outlined in this report, or other mine safety information, please contact the NSW Resources Regulator.

CONTACT TYPE	CONTACT DETAILS
Email	cau@regional.nsw.gov.au
Incident reporting	To report an incident or injury call 1300 814 609 or log in to the Regulator Portal
Website	www.resourcesregulator.nsw.gov.au
Address	NSW Resources Regulator 516 High Street Maitland NSW 2320

Appendix A – Assessment criteria rating

Each assessed criteria is rated from one to 4 based on evidence supporting the expected control supports identified at the mine site.

Evidence supporting expected control supports

Expected control supports	Rating	Evidence supporting rating / comments				
	<table border="1"> <tr> <td>4</td> <td>3</td> </tr> <tr> <td>2</td> <td>1</td> </tr> </table>	4	3	2	1	
4	3					
2	1					

Assessment findings results are calculated based on the total points allocated to the assessed ratings as a percentage of the maximum possible points for each criteria group, and any findings rated as ‘Not applicable’ were excluded from the calculation.

Criteria assessed ratings and points

Assessed as	Rating	Points
Documented & implemented Compliant	4	4
Implemented but not documented Improvement needed	3	2
Documented but not implemented Significant improvement needed	2	1
Not documented and not implemented Non compliant	1	0
Not applicable (N/A)		

Findings results (points) with colours assigned as follows:

- Green (=100%)
- Yellow (>= 80% and <100%)
- Orange (>= 65% and <80%)
- Red (<65%)
- Not applicable