



Environmental Health & Safety Audit Protocol New South Wales, Australia 2021

release notes

STP ComplianceEHS (STP) announces the release of its recently updated EHS audit protocol for New South Wales, Australia. This audit protocol, which covers relevant national and State of New South Wales EHS requirements, was previously updated in March 2019. The regulatory date for the current release is March 2021. The table below shows the extent of regulatory changes that have occurred since the previous update.

Number of Legislative Instruments and their Status
(since March 2019)

Protocol Section	No Change	New	Amended	Repealed
General Environmental	2	0	13	0
Air Emissions	2	0	7	0
Solid and Hazardous Waste	7	0	3	0
Water Resources	3	1	7	1
Above and Below Ground Tank Management	0	1	2	1
Community Noise	0	0	2	0
PCBs	2	0	1	0
Asbestos	1	0	7	0
General Health and Safety	0	0	7	0
Equipment, Machine and Electrical Safety	0	0	6	0
Material Handling and General In-Plant Safety	1	0	5	0
Fire Safety	0	1	4	0
Transport of Dangerous Goods	2	0	3	0
Industrial Hygiene	0	1	5	1
Chemical Management	1	2	7	2
Construction Work Site Safety	0	0	7	0

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highlights of selected new legislation

- **The national *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*** were updated to incorporate new rules for charging refrigeration and air conditioning equipment which came into force on 1 January 2020 to support the hydrofluorocarbon (HFC) phase down and reduce emissions of climate damaging HFCs. These Rules ban charging of refrigeration and air conditioning equipment with a higher global warming potential (GWP) refrigerant than the equipment was designed to use, with an exception for refrigeration or air conditioning equipment that is essential for health or public safety purposes where the design refrigerant is not available.

- **The national *Product Emissions Standards Rules 2017*** were updated to delay the commencement of the prohibition on supplying an emissions-controlled product that was due to commence on 1 July 2019 for 12 months, until 1 July 2020. The delay will allow an additional 12 months for suppliers and retailers to sell uncertified stock that was imported before the commencement of the import prohibition. Under the Product Emissions Standard Rules, certain propulsion marine engines and non-road engines are designated as “emissions-controlled products” which must be certified as meeting the Australian emissions standard, or a recognized foreign standard, in order to be imported or supplied in Australia.

- **The national *Industrial Chemicals (Notification and Assessment) Act 1989* and the *Industrial Chemicals (Notification and Assessment) Regulations 1990*** were repealed and have been replaced by a new regulatory scheme for industrial chemicals under the *Industrial Chemicals Act 2019* and the *Industrial Chemicals (General) Rules 2019*.

- **The national *Industrial Chemicals Act 2019 (assented to in March 2019)*** establishes a new regulatory scheme, the Australian Industrial Chemicals Introduction Scheme (AICIS), for the importation and manufacture (introduction) of industrial chemicals in Australia. The AICIS replaced the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) on 1 July 2020. The AICIS establishes a new way of categorizing and introducing industrial chemicals that focuses the pre-introduction assessment on higher risk chemical introductions and provides streamlined introduction pathways for lower risk chemicals that are intended to reduce the regulatory burden for industry. It also focuses on post-introduction evaluation and monitoring to help maintain the protection of health and safety of the public, workers, and the environment.

- **The national *Industrial Chemicals (General) Rules 2019 (effective 1 July 2020)*** supports the new industrial chemicals regulatory scheme established by the *Industrial Chemicals Act 2019*. These Rules set forth the technical and operational details and the requirements introducers must meet, including the requirement to categorize their chemicals that are not listed on the Australian Inventory of Industrial Chemicals.

- **The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019** commenced on September 1, 2019 and replaces and remakes, with some changes, the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*, which has been repealed. The 2019 Regulation introduces provisions to improve documentation of site management procedures, clarifies requirements for groundwater and loss monitoring systems, requires 30-days' notice be given to local councils of the intention to decommission an underground petroleum storage system, and aligns best practice pollution prevention equipment with *Australian Standard 4897 – 2008: The Design, Installation and Operation of Underground Petroleum Storage Systems*.

- **The Work Health and Safety Regulation 2017** was amended on 1 July 2019 to revise requirements for lead work. The amendments make changes to the definition of lead risk work, revise the frequency of biological monitoring for workers who carry out lead risk work, reduce blood lead levels for the immediate removal of workers from carrying out lead risk work, and reduce the thresholds at which a worker may be allowed to return to lead risk work. These requirements are subject to a two-year transitional period from 1 July 2019 to 1 July 2021.

The *Work Health and Safety Regulation 2017* was amended by the *Work Health and Safety Amendment (Silica) Regulation 2020* to make it illegal for a person conducting a business or undertaking at a workplace to direct or allow a worker to cut manufactured stone containing crystalline silica with a power tool unless certain controls are in place to protect workers from inhaling the dust from the cutting.

The *Work Health and Safety Regulation 2017* was amended on 18 December 2020 by the *Work Health and Safety Amendment (GHS Labelling) Regulation 2020* to facilitate the transition from the third revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) to the seventh revised edition (GHS 7). GHS 7 introduces several changes to classification, labelling and safety data sheet (SDS) requirements for workplace hazardous chemicals. In addition to these changes, the definition of "hazardous chemical" has been clarified to ensure that it captures all Category 2 eye irritants.

- **The Water Management (General) Regulation 2018** was amended in 2021 to make into law the Guideline for the implementation of the NSW Floodplain Harvesting Policy, which details the processes of issuing and implementing floodplain harvesting access licenses and approvals in NSW, as well as managing the take of water associated with floodplain harvesting. The amendments formalize how actual or proposed floodplain water usage by landholders will be converted into replacement floodplain harvesting licenses.
- **The Water NSW Regulation 2020** remakes, with minor amendments, and replaces the *Water NSW Regulation 2013*, which was repealed on 1 September 2020. The *Water NSW Regulation 2020* contains provisions for the regulation of certain conduct on land in a special area or controlled area that is declared under the *Water NSW Act 2014*, including offensive conduct, the taking of water, pollution, entering certain land (including with vehicles or animals), lighting fires and causing harm to flora, fauna or buildings, structures or fixtures.

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- **The Environmental Planning and Assessment Act 1979 (EPA Act) 2020** was amended by the *COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020* to temporarily revise requirements related to the lapsing and rejection of development consents. This change temporarily extended the lapsing dates of development consents and deferred development consents. The amendment introduced a “prescribed period” during which the amendments apply, which is the period commencing on 25 March 2020 and ending on 25 March 2022.
- **The Protection of the Environment Operations (General) Regulation 2009** was amended in 2021 to add new requirements intended to minimize and manage the potential risks to human health and the environment posed by firefighting foam containing per- and poly-fluoroalkyl substances (PFAS). The new requirements ban the discharge of PFAS firefighting foam from firefighting training and demonstrations effective 1 April 2021.



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