

Fact sheet

Sampling airborne dust at non-coal mines

May 2024

Introduction

The Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 took effect on 1 September 2022. This fact sheet provides guidance on changes to the airborne dust exposure monitoring and notification requirements for non-coal mines.

Obligations of non-coal mine operators

The WHS (MPS) Regulation 2022 prescribes new obligations for non-coal mine operators who have identified respirable crystal silica as a hazard when undertaking personal dust exposure monitoring, in terms of:

- methodologies used for sampling of airborne dust
- licensing requirements for sampling
- areas of the mine where samples are collected
- sample numbers and frequency rates for monitoring mine workers
- notification of exceedance events.

Obligations under Schedule 6

Schedule 6 of the WHS (MPS) Regulation 2022 stipulate a minimum requirement for sampling airborne dust at non-coal mines. The minimum requirement applies to mines that have identified respirable crystalline silica as a hazard following airborne contaminant monitoring undertaken in accordance with clause 50(1) Work Health and Safety Regulation 2017.

General requirements

Non-coal mine operators must sample airborne dust in accordance with the general requirements outlined in Schedule 6, Part 2 of the WHS (MPS) Regulation 2022. In summary:

- sampling or analysing airborne dust under Schedule 6 is 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
- as far as reasonably practical, sampling must be carried out from the start to the end of a

Fact sheet

shift (i.e. full shift monitoring), with a minimum sampling period equivalent to 80% of the total shift length

- samples must be taken from as close as reasonably practical to places where people work. As far as reasonably practical, samples taken of a particular work role or task must be collected from a person conducting that work role/task for the duration of the shift
- samples should be analysed as soon as reasonably practical in accordance with Australian Standard methodologies (AS 2985-2009). Respirable crystalline silica analysis should be performed on each respirable dust sample collected
- samples taken incorrectly (void samples) must be resampled.

Specific requirements for non-coal mines

Schedule 6 (8) of the WHS (MPS) Regulation 2022 outlines the sampling requirements specified for noncoal mine operators that have identified respirable crystalline silica as a hazard. These requirements include that:

- samples must be taken from each part of the mine where dust is or may be present. Samples should be taken from the breathing zone of at least 5 people.
- samples collected from parts of the mine where extraction is occurring (as per above) must include, as far as reasonably practical:
 - a person working as a drill operator, shotfirer or stemmer, and
 - a person who is operating mobile plant.
- samples of respirable dust must be taken at least once every 12 months.

Further information about the identification of a crystalline silica hazard and sampling obligations of non-coal mines under Schedule 6 (8) can be found in the [Fact Sheet: Identifying respirable crystalline silica as a hazard \(version 2.0\)](#) on the Regulator website. The current list service providers who hold a licence for the sampling and analysis of airborne dust can be found here: [List of current licences](#).

Duty to notify Regulator – Section 124

Mine operators must report any exceedance of the exposure standards to the Regulator as a ‘high potential incident’ under section 124 of the WHS (MPS) Regulation 2022, as follows:

- Section 124(5)(q) – a person was exposed to an 8-hour time-weighted average atmospheric concentration of inhalable dust, respirable dust or diesel particulate matter that is more than the amounts specified in section 41(1)(b).
- Section 124(5)(s) – a person was exposed to an 8-hour time-weighted average atmospheric concentration of crystalline silica that is more than the exposure standard specified in the Workplace Exposure Standards for Airborne Contaminants.

Notifications of an exceedance incident must be made using the safety and health reporting function of the Regulator Portal. Information relating to the exceedance incident will be collected, such as the similar exposure group (SEG) of the worker, the tasks undertaken / equipment used, and

Fact sheet

respiratory protection worn during the monitoring, in addition to the measured exposure concentration.

Further information about the initial notification of incidents can be found in the [Guide: Notification of incident and injury](#) on the Regulator website.

© State of New South Wales through Regional NSW 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute Regional NSW as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2024) and may not be accurate, current or complete. The State of New South Wales (including Regional NSW), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.