

In reply please quote: 98/9707

EXF 16014

The Hon J W Shaw QC MLC
Attorney General and Minister for Industrial Relations
Level 20
Goodsell Building, Chifley Square
SYDNEY NSW 2000

Dear Minister

I refer to your letter of 31 August 1998, seeking an exemption under section 15 of the Clean Air Act 1961 for the WorkCover Authority of NSW (WorkCover) in relation to its Londonderry Occupational Safety Centre (the Centre).

I note that exemptions have been previously granted in relation to the centre under section 15 of the Clean Air Act and that the most recent exemption is due to expire on 24 September 1998.

You have informed me that the need for the exemption arises because some of the Centre's activities produce dark smoke and that this production could constitute a contravention of the Clean Air Act. You advise that the dark smoke has been the cause of complaints from neighbours and that typical smoke-producing activities at the Centre include:

- fire ratings tests for fire extinguishers
- flammability tests to conveyor for use in coal mines
- flammability tests of cables to be used in high rise buildings
- hot fire training for fire fighters
- research into improving flammability test methods

You further advise that the centre is a major occupational health and safety testing and research facility and that the exemption sought is essential to:

- Improve safety in relation to flammability of materials, training of fire fighters and the effectiveness of fire extinguishers.
- Ensure overall State wide reduction of smoke emission by improving materials and fire fighting expertise.
- Permit manufacturers to meet Government obligation, including those imposed by the EPA.
- Permit the Centre to conduct research into more effective and lower smoke producing flammability tests.

I note that the Centre has successfully instigated a program to improve smoke emissions and that, over the past three years, there has been a substantial reduction in the number of occurrences where smoke emissions from hot fire training by the fire brigade and private training exceeds Ringelmann No.1.

In light of the above, I consider that there are special circumstances that warrant the granting of a further exemption to WorkCover in relation to the Centre under section 15 of the Clean Air Act.

Accordingly, I hereby exempt WorkCover, for the period of 12 months from the date of this letter, from the provisions of section 15 of the clean Air Act in their application of the following smoke producing activities at the centre:

- fire rating tests for fire extinguishers
- flammability tests of conveyor for use in coal mines
- flammability tests of cables to be used in high rise buildings
- hot fire training for fire fighters
- research into improving flammability test methods

The exemption is granted subject to the following conditions:

1. The maximum number of times during the exemption period that an activity listed in the Table below may occur with a standard concentration of smoke emitted (when compared with the Ringelmann chart) is the same as or darker than shade 1 on the chart is the number specified next to that activity:

Activity	Maximum Number of Occurrences
Conveyor belt Research	50
Fuel Can Tests to AS 2906	30
Cable Burn Tests to AS 1660.5.1	30
Fire Brigade Training	25

Private Fire Training	30
Fire Extinguisher Rating Tests to AS 1850	100

2. In calculating the number of times an activity occurs for the purposes of condition (1), occurrences involving a smoke emission that when compared to the Ringelmann Chart is lighter than shade 1 on that chart are to be disregarded.
3. The standard concentration of smoke emissions is to be measured for the purposes of condition (1) at a point 30 metres above ground level.

By September 30 1998, WorkCover must advise in writing all residents within 500 metres of the boundary of the centre of the details of this exemption, and of the nature and expected frequency of emissions.

If you have any further queries regarding this matter, please do not hesitate to contact the EPA's Manager Sydney Industry, Paul Elton (02) 9795 5236.

Yours sincerely

(SGD Pam Allan) 23/10/98

PAM ALLAN, MP
Minister for the Environment