

Chemical Use



MAJOR WORKPLACE HAZARDS

WORKPLACE SERVICES
Department for Administrative
and Information Services



**Government
of South Australia**

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INTRODUCTION

The Kerr Report, released by the National Occupational Health and Safety Commission in 1996, estimates that each year in Australia 2300 people die as a result of occupational exposure to hazardous substances. Only 30 to 40 of these deaths are from acute poisoning. Many of the other deaths result from diseases of long latency, including cancers.

It is known that in addition to these 2300 deaths many more workers become sick, debilitated or disfigured through excessive exposure to hazardous substances at work.

Because of the time that it takes for some diseases to develop, it is difficult to prove a clear causal link or association between exposure to a particular substance and subsequent ill health. Unfortunately because of the delayed nature of these diseases many are not reported to WorkCover for compensation, instead they become a health issue for older workers and retirees. This is one reason why Hazardous Substances Regulations require employers to keep records of significant exposure to particular substances for 30 years.

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We use many chemicals in the workplace most of which we know little about. These substances are being replaced at an increasing rate by chemicals about which we know even less. It is only after we have epidemiological evidence of the effect of some of these hazardous substances that they are withdrawn from use. Not so long ago, asbestos, DDT, benzene and formaldehyde were used freely and extensively. Now we know a bit more about the potential health risks arising from exposure to these substances, their use is restricted.



The Hazardous Substances Legislation referred to in this booklet is based on similar legislation developed in Europe, the USA and Canada. Each jurisdiction in Australia has adopted this legislation over the past five years, in an attempt to reduce the incidence and severity of injury and disease arising from the use of hazardous substances in the workplace.

CHEMICAL LEGISLATION

There are laws to protect the health of people who could be exposed to hazardous substances in the workplace.

Occupational health and safety regulations describe how hazardous substances should be properly managed in the workplace. These regulations apply to all workplaces where hazardous substances are used or produced and to everyone who could be exposed to those hazardous substances.

The purpose of these regulations is to protect workers' health and prevent work related illness or disease that might come from exposure to hazardous substances.

The common theme in all chemical legislation is the provision of quality information about the product and to keep exposure to hazardous chemicals as low as possible so that health is not at risk.

This booklet concentrates on the requirements of Division 4.1 Regulations under the Occupational Health Safety and Welfare Act, General Hazardous Substances, associated Codes of Practice and other documents.





WHAT YOU NEED TO DO

Occupational health and safety regulations require employers, in consultation with their employees, to assess the level of health risk associated with working with hazardous substances.

TO MAKE A SUITABLE AND SUFFICIENT ASSESSMENT YOU SHOULD:

- ◆ know what the substance is
- ◆ know whether the substance is hazardous or not
- ◆ know how the substance is used (and misused) in the work process
- ◆ know if there is a chance of a person being exposed to the hazardous substance, how much they are exposed to, for how long and how often they are exposed
- ◆ know how to use this knowledge to assess the risk to a persons health.

Regulation 4.1.15 (1)

An employer must ensure that a suitable and sufficient assessment is made of the risks to health created by work that involves potential exposure to any hazardous substance.

Regulation 4.1.16 (1)

An employer must, on the basis of an assessment under Regulation 4.1.5, ensure that exposure to any hazardous substances is prevented or, where that is not reasonably practicable, adequately controlled so as to minimise the risks to health.



TO KEEP THE RISK AS LOW AS POSSIBLE YOU SHOULD:

- ◆ introduce controls which remove or reduce exposure to the substance and keep that exposure below published standards
- ◆ make sure that employees are trained in working with the substance
- ◆ check that controls are suitable and are working properly
- ◆ know when to conduct atmospheric monitoring or health surveillance to check if exposure is excessive
- ◆ keep records of all the actions taken.

See National Occupational Health and Safety Commission "Exposure Standards for Atmospheric Contaminants in the Occupational Environment".





HOW TO DO IT

There are several ways that information can be gathered, plans can be made and action taken to keep the risk to health from exposure to hazardous substances as low as possible. The following steps are an example of how it can be done. If the actions can be integrated into normal business management practice, so much the better.

OHS Inspectors may require evidence that employers have taken adequate steps to comply with the Law.

How this is done in a particular workplace is left up to those who do the work.

WHO DOES WHAT AND WHEN?

Responsibilities

The first step in determining a hazardous substance management system is particularly important. Without a clear direction the whole process could be abandoned because it might be seen as too difficult or too time consuming. If hazardous substances management is given low priority, reflected in poor direction, duplication of effort, lost records and the pressure of 'fitting in' yet another job into a busy schedule, then the process is doomed before it starts.

However, particularly in the case of an injury, a workplace may need to show that the Regulations have been complied with.

Decide who is going to do what and when they are going to do it. A committee might be formed to oversee the process, or individuals might be identified and given specific tasks to complete within a given time. If the organisation has health and safety representatives they could be given a lead role.

It is important that no person is given a task that is too difficult for them, either because there is a lack of time or resources or because the task is beyond their competence.

HOW DO WE MAKE A START?

Making a Start

The first step is to break the work into "bite sized pieces" or tasks. If the workplace is small then look at a task at a time or follow a particular substance through the whole process. If the enterprise is a large one then perhaps you could start by dividing into departments, then jobs, or some other alternative that will make assessment a manageable task.





DO WE HAVE TO LOOK AT ALL CHEMICALS?

Identification

It makes sense to identify **all substances** in the workplace whether you think that they are hazardous or not. Do not forget to record the by-products and waste products that are produced in the workplace such as diesel exhaust or welding fumes.

Experience shows that making a list of substances on site can uncover substances which:

- ◆ are no longer needed
 - ◆ are unlabelled
 - ◆ are past their use by date
- should be disposed of.

It is also useful at this stage to record:

- ◆ the name of the substance
- ◆ who is responsible for ordering the substance
- ◆ where the substance is stored
- ◆ how much of the substance is stored.

HOW DO WE FIND OUT IF IT IS HAZARDOUS?

Identify Hazardous Substances

Legislation to control hazardous substances covers only those substances that are used in a work activity. Tobacco, food, cosmetics, toiletries and therapeutic agents that are brought into work by employees and not used in a work process are not covered. However, if these substances are used in the course of work for example nurses using therapeutics or farmers using grain, then they are covered.

This list of workplace substances will be referred to as an inventory. It is not a legislative requirement to have one but it is a useful management tool.

A proforma for an inventory is available from Workplace Services in hard copy, or a version can be downloaded from www.eric.sa.gov.au

To identify hazardous substances it is necessary to read the label and the material safety data sheet (MSDS). If neither of these are available because the substance is produced in the workplace as a product, by-product or emission, then information from other sources must be sought.

Read the label

From the complete list of substances that you have made on the inventory, it is necessary to identify those that are hazardous.

The easiest way to determine if a substance is hazardous is to look on the label for the signal words Hazardous, Caution, Poison, or Dangerous Poison or other advice about specific health effects. If you are not sure then contact the supplier for more information.



All substances must be clearly labelled, including those that have been decanted into other containers. If a substance is found without a label it must immediately be labelled as “Caution do not use: unknown substance”. It should then be stored by itself, in a safe place until it is known what the substance is, or the substance is disposed of.

There are many other pieces of legislation that cover other hazardous chemicals or materials, this includes:

Radioactive eg. the Americium 241 source in smoke detectors, this is covered by the Radiation Protection and Control Act.

Infectious substances eg. Blood contaminated or bacteria infected waste and implements, this is covered by the Public and Environmental Health Act.

Storage and transport of chemicals that are primarily a safety risk such as explosives, flammables, corrosives and compressed gases, this is covered by the Dangerous Substances Act.

Agricultural and veterinary chemicals such as garden sprays and sheep dip, these are covered by the Agricultural and Veterinary Chemicals Act.

Drugs and medicines are covered by the Standard for the Uniform Scheduling of Drugs and Poisons under the Controlled Substances Act.



Read the Material Safety Data Sheet

The supplier of a hazardous substance must provide a Material Safety Data Sheet (MSDS). This sheet is the primary source of information about the nature of the substance and how to use it safely.

Retailers are exempt from the requirement for suppliers to provide MSDS. If you have purchased from a retailer, an MSDS can be requested from an upstream supplier such as a manufacturer or importer.

If the MSDS is not already in the workplace then contact the supplier for a copy that relates to the batch number of the product. A common mistake is to request an up to date MSDS that relates to a revised product. The chemical and the MSDS must match.

When you have the MSDS, place them in a folder and allow all workers who may be exposed to the substances to access the MSDS folder. We will call this folder the Register. This register is a legal requirement. A listing of the hazardous substances and their MSDS are the minimum content for a register.

WHAT DO I HAVE TO TELL THE WORKERS?

Information Provision

Information provision is one of the keystones of the hazardous substances legislation. This is why it is sometimes referred to as “Right to Know Legislation”.

It is also worth noting that the Environment Protection Act Deals with storage, disposal and emissions of hazardous substances and SA Water Trades Waste deals with disposal of hazardous substances to sewer.

If your product supplier refuses to provide an MSDS they are in breach of the law. Report them to Workplace Services and change your supplier.

Manufacturers and Importers Before supplying a substance for use at work the manufacturer or importer of that substance must determine whether the substance is hazardous to health. They have many ways of finding out how hazardous a substance is. NOHSC has published a list of commonly used hazardous substances called the List of Designated Hazardous Substances.

Suppliers of hazardous substances have special responsibilities to pass on correct and up to date information on the substances that they supply. Suppliers include manufacturers, importers, wholesalers and distributors of hazardous substances. For the purposes of this legislation, retailers are not classified as suppliers.

The information chain starts with the manufacturer or importer, goes through the wholesaler or distributor, on to the employer and ultimately to the end user.

Manufacturers and importers

Before supplying a substance for use at work the manufacturer or importer of that substance must determine whether the substance is hazardous to health and if it is, provide adequate information on its safe use.

Wholesalers and distributors

If a substance is hazardous to health a wholesaler or distributor of that substance must pass on the information provided by the manufacturer or importer.

Retailers

Retailers are not classified as suppliers under the hazardous substances regulations but the SA OHS&W Act (sect.24.3) makes no such distinction. The Act places a general duty on suppliers, including retailers to provide, as far as is reasonably practicable, adequate information about any conditions necessary to ensure the safe use, handling, processing, storage, transportation or disposal of hazardous substances supplied for work.

Employers

When an employer purchases a hazardous substance from a supplier the substance should be adequately labelled and it must, if it is the first supply, be accompanied by an MSDS.

If a substance, or an ingredient of a mixture of substances, is not included on the list then the substance or ingredient will have to be assessed against NOHSC's Approved Criteria for Classifying Hazardous Substances to determine if there is a risk to health at the formulated concentration.

If it is determined that a substance is hazardous to health then the manufacturer or importer must:

- produce, review and revise (at least every five years) a material safety data sheet (MSDS) for each hazardous substance supplied
- provide a current MSDS to the following
 - * the Australian National MSDS Repository
 - * a workplace that is buying the substance for the first time, unless the purchaser is a retailer or retail warehouse operator and the packages are less than 30L or 30kg
- provide an MSDS to any person who asks for one
- if it is a pure substance and is not on the NOHSC List of Designated Hazardous Substances, advise NOHSC that the substance is hazardous to health
- label each container of the hazardous substance in accordance with the requirements in the SA Code of Practice for Labelling of Workplace Substances



An employer must make sure that:

- ◆ they consult with all employees who could be exposed to the hazardous substance about the intention to use the substance
- ◆ an MSDS is obtained from the supplier before or on the first supply of the hazardous substance
- ◆ a register is kept and maintained. This register is to include all hazardous substances used or produced in the workplace
- ◆ the register is readily accessible to all employees who could be exposed to the hazardous substances
- ◆ the **supplier's MSDS** is included in the work-site hazardous substances register. If there is no copy, then one must be requested from the supplier
- ◆ MSDS provided by the supplier are not altered except where an overseas MSDS is to be rewritten to the NOHSC standard
- ◆ if the information from the supplier is inadequate then more information is to be sought from the supplier or manufacturer/importer
- ◆ substances produced in the workplace, including by-products, waste-products, intermediates and emissions for which no MSDS is available are identified and information is sought on health risks and precautions to be taken. A list of resources can be found in the SA Approved Code of Practice for the Preparation of Material Safety Data Sheets
- ◆ all containers of substances used at work, including those delivered to, and produced in the workplace are labelled in accordance with the Code of practice for the Labelling of Workplace Substances.

- ensure that the label and the MSDS disclose the hazardous ingredients as prescribed in the regulations
- if the substance is supplied for use at work, provide other information which will help in the safe use of the substance.

Information might include National Industrial Chemical Notification & Assessment Scheme (NICNAS) Reports which are released on new industrial chemicals and priority existing chemicals.

Wholesalers and Distributors

If a substance is hazardous to health, a wholesaler or distributor of that substance must:

- ensure that all containers of the substance are appropriately labelled. This can be done by following the Code of Practice for Labelling of Workplace Substances
- provide a current MSDS to the purchaser on the first occasion that they supply to that person
- provide a current MSDS on request
- provide on request other information which will help in the safe use of the substance. Information might include NICNAS Reports.

- ◆ hazardous substances contained in enclosed systems such as pipes or reactor vessels are identified (as described in AS 1345)
- ◆ labels, colour codes or other special markings, are not removed, defaced, modified or altered unless it is to comply with the Hazardous Substances Regulations
- ◆ a hazardous substance that has been poured into another container and is not used immediately is labelled properly, see the SA Code of Practice for the Labelling of Workplace Substances
- ◆ containers stay properly labelled until they have been cleaned and are completely free of the substances that were in them.

Some organisations are using third party MSDS electronic data bases. These are useful management tools but do not replace the requirement to have the supplier's MSDS in the workplace hazardous substances register.

An employer who is a retailer or retail warehouse operator who supplies or stores retail packages which are intended for retail sale, containing less than 30 litres or 30 kilograms and are not opened on the premises are not required to obtain MSDS from their suppliers but may request one if they want to. This is a good idea in case of spillage.

Employees have to cooperate with their employers in activities that are carried out to comply with the hazardous substances regulations.

Employees also have to tell their employers about anything that is likely to affect their own health and safety or that of others. This might include the immediate reporting of missing labels, leaking containers or equipment in need of maintenance or repair.

A check sheet for workplace hazardous substances assessment is available from Workplace Services in hard copy, or a version can be downloaded from www.eric.sa.gov.au



WHAT IF THERE IS NO EXPOSURE?

Analyse the Work Process

If the container remains closed, there will be no exposure and no health risk. However, if the substance is used or spilt the situation changes.



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The work process has to be examined to find out how much the substance is used and if there is a possibility of a worker being exposed to it. The workers involved will know a great deal about the work process including short cuts, bad habits and non approved systems of work, they must be consulted in the analysis.

Analysis of the work process might include looking at the following:

- ◆ Are workers being exposed?
 - ◆ How long are they exposed for?
 - ◆ How often are they exposed?
 - ◆ How much are they exposed to?

- ◆ Is the exposure from fumes, vapours, dusts or mists?

Workers might also point out that vapours are really bad in winter when all the doors and windows are closed. They might instead point out that vapours are worse in the heat of summer when solvents are evaporating more rapidly and the old ventilation system cannot cope.

- ◆ How is the worker exposed, is it through:
 - ◆ breathing the substance in
 - ◆ getting the substance on the skin
 - ◆ swallowing the substance?



- ◆ Are there safe operating procedures in place and if there are, are they being followed?
- ◆ Are control measures in place and how effective are they?

HOW DO I KNOW IF THERE IS A POTENTIAL FOR ILLNESS OR INJURY?

Assessment of the Health Risk

In order to carry out an assessment of the risk to health from using hazardous substances it makes sense to first identify all the substances used or produced in the work process. This was done in **Step 3**.

The Regulations for the Control of Hazardous Substances state: Regulation 4.1.15 (1). An employer must ensure that a suitable and sufficient assessment is made of the risks to health created by work that involves potential exposure to any hazardous substance.



If there are any hazardous substances used or produced, then the MSDS for those substances must be examined. If a substance is produced for which there is no MSDS then other equivalent information should be reviewed.

This was done in **Step 4**.

The next step is to analyse the work process in order to identify any risk of worker exposure to hazardous substances.

This was done in **Step 6**.

Something else that must be considered is the individual worker. Some workers will need a higher level of protection against risk to health from dealing with hazardous substances.

The increased health risk may be associated with:



- ◆ the amount of training that the workers have received
- ◆ their skill levels
- ◆ their state of health
- ◆ history of previous exposure
- ◆ sensitivity to the substance or
- ◆ other personal characteristics that may increase their health risk when using the hazardous substance.

When all the information has been gathered and analysed it should be possible to assess if the worker's health is at risk.

This assessment will come to one of four conclusions:

- 1 There is no significant risk to health or safety either now or in the future.** For example, using felt tipped markers containing xylene and toluene, both are hazardous substances although exposure under normal use is minimal, and so is the risk. With this outcome it is only necessary to put a note in the hazardous substances register to show that the assessment has been done and that there is no significant risk.
- 2 There could be a significant risk to health. However, there are controls in place and these controls, if maintained, provide an environment that keeps worker exposure as low as reasonably practicable.** In any case of airborne contaminants this will be below the published exposure limits for the substance. With this outcome it is necessary to provide a report of the findings, what the controls are and a system to ensure that the controls remain adequate.
- 3 There is a significant risk to health and it needs to be controlled.** Action needs to be taken. With this outcome the employer needs to institute immediate controls to eliminate exposure, or if that is not reasonably practicable reduce the exposure to an acceptable level. An acceptable level for airborne contaminants is a level below the published exposure standards for the hazardous substance. Most hygienists would argue that less than 50% of the published levels should be the target.



- 4 **Unsure of the risk.** Something still needs to be done. You may need to get more information on the substance, the work process, the exposure or the person. It may be necessary to call in an occupational hygienist to measure the exposure. It is always best to play it safe. If you are unsure then assume that there is a risk until shown otherwise. It is more sensible to spend time, money and effort on reducing exposure than it is to measure it.

In all cases the assessment must be done again whenever there has been a change in personnel, information, work practice, or anything else that might affect a workers exposure to the hazardous substance. In all cases the assessment is to be done again within five years even if there have been no identifiable changes.

WHAT CAN BE DONE TO REDUCE EXPOSURE?

CONTROL

The purpose of control measures is to prevent exposure of employees to hazardous substances. If exposure cannot be stopped then employers must consult with their employees to find ways of maintaining exposure to the lowest practicable level.

Employers must not allow themselves or their employees to be exposed to hazardous substances in greater amounts than those listed in National Occupational Health and Safety Commission's Exposure Standards for Atmospheric Contaminants in the Occupational Environment.

A record sheet for workplace hazardous substances control is available from Workplace Services in hard copy, or a version can be down loaded from www.eric.sa.gov.au

The Code of Practice for the Control of Workplace Hazardous Substances presents a hierarchy (ordered list) of controls.

Elimination	(get rid of it)
Substitution	(try something else)
Isolation	(separate the process)
Engineering	(special plant or process)
Administrative	(safe operating procedures)
Personal Protective Equipment	(rubber gloves and respiratory protection etc)



You may decide that the best control for a process is to substitute for something less hazardous and use personal protective equipment.

Some topics that should be included in a complete hazardous substances training program are:

- information, such as reading a label and an MSDS
- special information about particular hazardous substances used in the workplace, including information about how the substance can get into the body and what the likely health effects of exposure might be
- a description of the identification, assessment and control process and how the employee can be involved
- safe work practices and procedures to be followed in the case of an emergency
- first aid and incident reporting
- what is involved in monitoring or health surveillance, and the reasons for doing it.

(See the Core Training Elements for Hazardous Substances available from the Commonwealth Bookshop.)



One administrative control for exposure to hazardous substances has been the focus of debate. Published exposure standards require that exposure to hazardous substances must be kept below a given eight hour average. Some employers have been controlling exposure by rotating tasks in polluted areas such that more people are exposed for a shorter period. This is not in the spirit of the legislation even though it may be mathematically correct. The intent of the legislation is to clean up the workplace, not to share out the risks.

WHO IS TRAINED ON WHAT?

TRAINING

All workers who are likely to be exposed to hazardous substances must be trained in the safe use of those substances. They must also be trained in any special work procedures and how to access relevant information. It is also necessary to train managers and supervisors and others who need to know about management systems and control measures. Employers have to make sure that all their employees are trained. Training is particularly important for those employees who are starting a new job that could expose them to hazardous substances. All training must be at a level that the employee can understand and be appropriate to the level of risk that the employee is likely to meet.

HOW DO WE CHECK IF CONTROLS ARE ADEQUATE?

MONITORING

The purpose of monitoring is to keep a check on control measures. Atmospheric and personal monitoring can show whether controls, for example ventilation, are working effectively or if maintenance or further controls are necessary. **Monitoring in itself is not a control.**

The results of any monitoring, and what the results mean, must be provided to employees who might be exposed. Records must be kept in a way that allows easy access by employees. These records must be kept for thirty years.

HEALTH SURVEILLANCE

Health surveillance is monitoring the employee's health, and is to be carried out where:

- ◆ the employee works with substances listed in schedule six of the OHS&W Regulations and there is a significant health risk
- ◆ it is known that there is a disease or health effect related to exposure to a particular substance
- ◆ there is a reasonable likelihood that the worker will suffer the disease or health effect as a result of working with the substance
- ◆ there are reliable methods of detecting the substance in the body
- ◆ there are valid biological monitoring procedures available and a reasonable likelihood that published exposure standards are being exceeded.

Health surveillance is to be carried out by a registered medical practitioner who is adequately trained in the procedures. The practitioner shall provide the results of the monitoring to the employee with a full explanation of what the results mean.

The health practitioner must keep the health surveillance records as a confidential record and tell the employer about any action that needs to be taken.

The employer must take action as soon as practicable after being advised by the medical practitioner that action is needed. Action will include doing the assessment again and may mean that the worker has to be employed in another position away from work that could cause exposure to the hazardous substance.





HOW DO WE KEEP TRACK OF WHAT HAS BEEN DONE?

RECORD KEEPING

Employers must keep records of assessment reports that show the need for monitoring or health surveillance for at least thirty years. This long period is related to the incubation period for diseases of long latency such as cancers. Other assessment reports and records of training have to be kept for at least five years.

THE REGISTER

An employer must make sure that the register is kept up to date for all hazardous substances used in the workplace; and that the register is readily accessible to all the employees who could be exposed to hazardous substances. As a minimum the register is to contain MSDSs for all hazardous substances used. Assessment reports should also go into this register.

It is important that employee representatives, emergency services and other relevant public authorities have access to information on hazardous substances. The Register is an ideal vehicle for centralising this information.

If the organisation ceases to trade then all records shall be provided to Workplace Services.

SUMMARY OF STEPS

- 1 Determine who is going to do what and when.
- 2 Break the tasks into manageable units. Follow one work process at a time.
- 3 Identify all workplace substances used and gather information on their characteristics and health effects.
- 4 Identify which of the substances are hazardous and can cause a health risk and which are dangerous and can cause a safety risk. Use the label and material safety data sheet.
- 5 Information provision is meant to form an unbroken chain from the supplier of the substance to the end user. The employer must ensure that employees are informed about the risks of using the substance.
- 6 Analyse the work process to determine the extent of exposure to the hazardous substance. How much? How long? How often?
- 7 Assess the level of health risk arising from exposure to the hazardous substances in the work process.
- 8 Eliminate or control exposure to the hazardous substance in order to minimise the health risk.
- 9 Train the workers to ensure that they follow the safe operating procedures.
- 10 Determine if atmospheric or personal monitoring is required or if it necessary to conduct health surveillance.
- 11 Make records of all actions taken and ensure a workplace hazardous substances register is compiled.



FOR FURTHER INFORMATION

South Australian Regulations for the Control of Workplace Hazardous Substances Div 4.1 OHS&W Regulations

South Australian Code of Practice for the Control of Workplace Hazardous Substances

South Australian Code of practice for the Labelling of Workplace Substances

South Australian Code of Practice for the Preparation of Material Safety Data Sheets

National Occupational Health and Safety Commission's Exposure Standards for Atmospheric Contaminants in the Occupational Environment

National Occupational Health and Safety Commission's Approved Criteria for Classifying Hazardous Substances

National Occupational Health and Safety Commission's National List of Designated Hazardous Substances

National Occupational Health and Safety Commission's Core Training Elements for Hazardous Substances

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Where can I find more help?

WORKPLACE SERVICES

Call us on
1300 365 255

Adelaide Office

Level 3, 1 Richmond Road
KESWICK SA 5035

Visit our website

www. **Eric** .sa.gov.au

Statewide Emergency

Serious accidents and incidents report number
1800 777 209 (24 hour service)