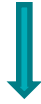# Use of chemicals:
Risks and mitigation measures

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Liability

Use of chemicals

↓

Injury to persons

Damage to property

Environment

↓

Liability

Source

Use of chemicals

➢Transport

➢Storage

➢Handling

➢Application

➢Disposal

Who/what is at risk?

➢ Persons
  ➢ Employees
  ➢ Private individuals
  ➢ General public

➢ Animals
➢ Crops
➢ Environment
  ➢ Pollution
  ➢ Contamination

Persons

➢Injury
- ➢Workers compensation
- ➢Health

➢Property damage

➢Financial losses

Environment

➢ Soil contamination

➢ Water contamination

➢ Impact on native vegetation

➢ Pollution

Why local government may be liable?

➤Duty of care
  ➤Civil Liability Act 2002 (WA)
  ➤Occupier's Liability Act 1995 (WA)
  ➤Common Law
    ➤Negligence
    ➤Nuisance

Why local government may be liable?

- ➤ Western Australia: Environmental Protection Act 1986 (EPA)
- ➤ Commonwealth: Environmental Protection and Biodiversity Conservation Act 1999 (EPBCA)
- ➤ Occupational Safety and Health Act 1984 (OSH Act)

How to assert the duty of care

➢Does the use of this product create or increase risk to persons, animals, crops and environment?

➢If the answer is yes:

  ➢is this risk **not insignificant**?

  ➢What is the likelihood of the risk?

➢What are the reasonable measures (if any) available to eliminate/mitigate the risk?

Reasonable measures

➢ Is it reasonable possible to eliminate the risk?

➢ Is it reasonable to replace the product currently being used?

  ➢ If yes, what are the costs, practicalities involved?

➢ Is my local government complying with the legal requirements?

➢ Is my local government using the product according to the instructions?

Mitigation measures

- Transport: quantities, documentation
- Storage: volume, licences, storage conditions, location
- Handling: labels, training, protective equipment
- Application: labels, training, protective equipment

IMPORTANT: Risk Assessment and Record Keeping

Questions?