

TRAINING AND LICENSING REQUIREMENTS FOR ACTIVITY 21A: CONSULTATION PAPER

Purpose

The purpose of this consultation paper is to receive submissions from accredited persons (APs), installers and other interested parties on the framework we propose to minimise safety risks associated with the replacement of lamps, in particular compact fluorescent lamps (CFLs), under activity 21A of the Victorian Energy Efficiency Target Regulations 2018.

We would like your views in relation to:

- the ongoing mandatory safety training (MST) framework we propose to implement to manage safety risks for activity 21A
- the transition arrangements which should be adopted that best manage safety risks after we have made a decision following consultation and prior to the implementation of the proposed ongoing new MST framework

Introduction

The Victorian Energy Efficiency Target Regulations 2008 (the old regulations) will be replaced by the Victorian Energy Efficiency Target Regulations 2018 (the VEET Regulations) from 10 December 2018.

Under the old regulations, approximately 15 million CFLs were installed in over 1.4 million households as part of the VEU program.

Under the VEET Regulations, activity 21A allows the replacement of CFLs (and other inefficient lamps) with high efficiency LED GLS lamps and has the potential to be a high volume activity, particularly for replacements involving the higher efficiency lamps under the activity.

The VEET Regulations introduces a new decommissioning requirement for mercury-containing lamps, which include CFLs, to be sent to a licensed recycling facility¹ prior to the creation of VEECs.

Risks considered

Electrical safety is regulated by Energy Safe Victoria (ESV). Minimising the risks associated with the existence of unsafe electrical installation in homes or businesses is the responsibility of ESV through its licensing regime and compliance programs, as those risks are common and fall outside of the scope of the Victorian Energy Upgrades program.

However, there are inherent risks associated with the replacement of CFLs as these lamps may break during their replacement at a higher rate than other lamps. We have considered the following risks associated with activity 21A when determining which training or licensing requirements to implement:

1. If a CFL is broken during its replacement, there is a risk of cuts and eye injuries.
2. If a CFL is broken during its replacement, small amounts of mercury may be released, with consequential risks to installers and residents.
3. The replacement of broken CFLs may also pose electrical risks (electrocution).
4. If a CFL is not sent to a licensed recycling facility it can lead to environmental pollution and non-compliance with the commission's disposal determination under regulation 36(3).

Current requirements

Under the old regulations, we require installers under activity 21A to achieve certain units of competency to meet the program's mandatory safety training requirements. Installers are required to complete:

- one MST unit from Group A: Units relating to health and safety risks and OH&S requirements
- one MST unit from Group B: Unit relating to energy and water efficiency retrofits
- one MST unit from Group C: Units relating to working at heights

Installers most commonly complete the unit VU21858 (in meeting the Group A unit requirement) which is offered through '22311VIC Course in Retrofitting for Energy and Water Efficiency' (which also provides for the Group B MST Unit) (Attachment A). The course is accredited by the Victorian Registration and Qualifications Authority (VRQA) and provided by Registered Training Organisations (RTOs).

¹ A facility licensed by the Environment Protection Authority Victoria to accept D121 waste for the purpose of recycling at that facility (i.e. has a license with treatment code R4 for D121 waste)

Gaps in risk minimisation

We have made a preliminary assessment as to the likelihood that the risks mentioned above may be explicitly or implicitly addressed within the current training course.

Table 1. Potential gaps in the understanding of 21A CFL related risks in course 22311VIC

Risk	Likelihood/extend of gaps
Broken glass	Likely, minimal gaps
Mercury	Unlikely, substantial gaps
Electrocution	Possible, moderate gaps
Recycling disposal	Possible, moderate gaps

Initial submissions from stakeholders

We have received submissions from various stakeholders including APs, members of the Energy Savings Industry Association (ESIA), industry bodies, and contractors that participate under the VEU program, expressing concerns over the safety of the activity from the electrical perspective. These stakeholders have recommended that we impose a requirement that installers must be licensed electricians to undertake installations under activity 21A.

We have also received submissions from other participants of the VEU program that the replacement of CFLs under this activity can be managed through our MST requirements framework without the need of a licensed electrician.

Energy Safe Victoria (ESV) has also received similar submissions from a number of these stakeholders. We have sought advice from ESV on the issues raised in the submissions and they have advised us that effective mitigation of the electrical risks associated with the replacement of CFLs does not require a licensed electrician.

Options under consideration

The risks associated with mercury spillage will remain unmitigated unless specific training or resources are dedicated to address them. As a result, we believe some form of action to amend our training/licensing framework is required to mitigate these known risks.

We considered three options:

- Option 1: Require a licensed electrician.
- Option 2: Put the onus on APs regarding training

- Option 3: Require refreshed and upgraded training through completion of specified MST courses or units.

We applied the following criteria to guide our decision-making:

- 1) Which option, or combination of options, uniformly addresses all four key risks?
- 2) Which option, or combination of options, is proportional to the risks?
- 3) Which option provides us with intervention and monitoring levers to redress potential non-compliance?

Option 1: Require a licensed electrician

We considered the use of licensed electricians to undertake the replacement.

We formed the view that licensed electricians would address the electrical risks of the CFL replacement, although this would not specifically address the mercury risks or disposal risks and may impose a disproportionate cost on industry if implemented. Our position is also informed by advice from ESV on the issue.

Option 2: Put the onus on APs regarding training

Within option 2, we considered two implementation approaches:

- 2.1. APs to train installers for CFL specific risks and supervise individual installations in accordance with general duty safety requirements
- 2.2. APs to have in place best practice safety and auditing systems that ensure installers are trained and have the systems required to manage any specific CFL replacement risks.

The first approach would rely largely on the capability of each individual AP with regards to safety and dedicated safety personnel.

The second approach would be linked to health and safety standards such as AS/NZS 4801, ISO 45001 for APs and/or installers, or other suitable standards.

We formed the view that these options would link effectively with existing occupational health and safety requirements that cover the broadest spectrum of risks, although they would provide limited monitoring and intervention levers to redress instances of non-compliance.

Option 3: Require refreshed and upgraded training through completion of specified MST courses or units

Within option 3, we considered two implementation approaches:

- 3.1. Initiate a process to formally change and upgrade the VU21858 unit (in the 2311VIC course) to include training addressing risks of CFL replacements, and require installers to achieve the new / upgraded unit from a future date.
- 3.2. Initiate a process to inform RTOs of the regulatory changes and expect them to include training to address risks associated with CFL replacements under the existing unit structure covering “Identify hazards at the worksite, assess risks and implement control measures”, “Identify hazardous materials, assess risks and control risks” and “Stop retrofitting activities when unexpected situations arise that present a hazard to the retrofitter and/or owner/occupier”, and require installers to undertake a refresher from a future date.

Changes to the course requirements must be agreed with the Department of Education and Training and the MST course steering committee. The commission and ESV are part of the committee, which also includes industry representatives.

The first approach would provide certainty that installers who have completed the course would have been trained to manage specific CFL replacement risks. It would also provide a reliable method of differentiation between installers who have undertaken the updated unit/course and those who have undertaken the current unit/course.

The second approach would provide a lesser degree of assurance that CFL risks have been comprehensively covered, or a less reliable method to know whether installers undertook the current or updated unit/course training.

Under both approaches, our MST framework would be updated so installers are required to complete the new unit (or an updated VU21858 unit) for this activity. Installers would no longer be able to complete one of the other Group A units² to satisfy our MST requirements for this activity.

This unit, as a Group A requirement, is also potentially completed by installers for the following activities: external window activities, some weather sealing activities, shower rose replacement activities and 21B lighting activities. We note that updating the existing unit may also impact on installers seeking to undertake these other activities. These impacts would be minimised if a new, 21A specific unit is required.

Attached to this paper is the syllabus content for the 22311VIC Course in Retrofitting for Energy and Water Efficiency which provides for training for the current VU218158 unit.

² CPCCOHS2001A: Apply OHS requirements, policies & procedures in the construction industry or CPCPCM2043A: Carry out WHS requirements

Our proposed requirements

Our view is that that option 3.1 provides the most comprehensive, proportional and flexible approach to manage the safety risks associated with the replacement of CFLs. This option provides us with the monitoring levers to effectively identify instances of non-compliance. Accordingly, we propose to modify the existing MST requirements for 21A in the form of a new unit/course with new syllabus that explicitly addresses the safety risks associated with the replacement of CFLs under activity 21A.

Transitional arrangements

During the consultation period

Transitional arrangements for activity 21A must be put in place to ensure the safety of installers and home owners under the program from 10th December 2018 until a decision is made following consultation (the consultation period). We are aiming to make a decision in February 2019.

As these are transitional arrangements, we have adopted a conservative approach in managing the known/perceived risks associated with undertaking the new 21A activities. Therefore, we require licensed electricians to undertake this activity until the outcome of the consultation is made.

The Department of Health and Human Services (DHHS) is responsible for environmental public health in Victoria and publishes a mercury-spills and clean-up protocol. To mitigate risks associated with mercury, we have incorporated a link to DHHS's mercury safety web page in our guidance material (activity guide). The link is <https://www2.health.vic.gov.au/public-health/environmental-health/environmental-health-in-the-home/mercury-spills-and-safe-clean-up>

After the consultation period and prior to implementation of ongoing framework

Our proposed approach of creating and accrediting a new MST unit/course will take additional time to implement as it will have to be managed through the Department of Education and Training's course development process and the VRQA's accreditation procedures. Based on preliminary estimates, a new accredited course would be available from 1 July 2019.

If we adopt an alternative ongoing approach as a result of this consultation, this may also require additional work and time to put the alternative arrangement in place.

We are seeking your views on the transition arrangements that should be adopted for this period.

Stakeholder submissions

The consultation documentation consists of the following:

- This consultation paper
- Attachment A: The syllabus for '22311VIC Course in Retrofitting for Energy and Water Efficiency'

Stakeholders are invited to provide submissions on:

- our proposed new mandatory safety training (MST) framework to mitigate the risks of activity 21A
- the transition arrangements which should be adopted which best manages safety risks after the consultation period and prior to implementation of the proposed ongoing new MST framework.

Please note that we are not seeking submissions on matters of policy as part of this consultation, or matters that do not relate to the safety risks of 21A activities.

The consultation documentation is available on our website at www.esc.vic.gov.au/veu

Submissions must be received by 5.00pm Friday 11 January 2019, in electronic format if possible.

Electronic submission should be made via email to veu@esc.vic.gov.au and contain the following subject line: 'Training and licensing requirements for 21A'.

Submissions by mail should be addressed to:

Essential Services Commission
VEET Division – 21A Training
Level 37
2 Lonsdale St
Melbourne VIC 3000

Our general approach is that submissions will be published on our website, except for any information that is commercially sensitive or confidential. Submissions should clearly identify which information is sensitive or confidential and include a request that it is not made publicly available.

Should you require further information, please contact VEU stakeholders on veu@esc.vic.gov.au or (03) 9032 1310.