

MemberUpdate

No. 2 of 2026 • 10 February 2026

TOPIC: *WorkSafe Victoria Regulatory Impact Statement – Adoption of Safe Work Australia’s (SWA) Workplace Exposure Limits for airborne contaminants (WEL list)*

DISTRIBUTION: *GTA Members – primary contact list. Please circulate to all appropriate internal parties.*

1. Purpose

To inform GTA Members that WorkSafe Victoria has released a Regulatory Impact Statement (RIS) for public comment via submissions. The RIS outlines WorkSafe Victoria’s assessment of the impacts on Victorian businesses of adopting the revised SWA WEL list.

2. Background

SWA conducted a review of the Workplace Exposure Standards (WES) list between 2019 and 2021 to ensure standards reflect contemporary scientific evidence and a rigorous scientific process.

Following this review, Work Health and Safety (WHS) Ministers agreed to update the WES list. The revised Workplace Exposure Limits (WEL) list will replace the existing [WES list](#), with a nationally consistent rollout commencing 1 December 2026.

For the grain industry, the key fumigants affected are phosphine (page 37) and methyl bromide (page 13), both subject to [significant reductions](#). These changes will have severe implications across the grain supply chain.

The revised limits assume that the case for change has been adequately established, industry impacts assessed, and industry appropriately consulted. However, the scientific advice relied upon by SafeWork Australia is not peer-supported and is refuted in several overseas jurisdictions. As such, the justification for the change is not scientifically sound.

GTA and industry maintain that changes to the WEL for phosphine and methyl bromide should be put on hold until these issues are addressed.

In the interim, should the WEL list proceed in December 2026, GTA members and industry stakeholders are working collaboratively to explore compliance pathways. This Working Group will engage with regulators to highlight impacts and seek a review, pause or cessation of the proposed changes pending further analysis and consultation.

The [WorkSafe Victoria RIS](#) estimates the impacts of adopting the WEL list in Victoria, noting the State’s relatively high concentration of manufacturing and construction businesses. The RIS estimates employer costs of \$6.3 billion over 10 years, compared to benefits of \$2.9 billion.

The reform aligns with the Victorian Government’s objective to reduce workplace harm and protect workers from hazardous substances.

[Submissions](#) on the RIS are invited from industry by **5.00pm, Friday, 27 February 2026**. GTA, through its Technical Committees, will lodge a submission. Individual members are also encouraged to consider making a submission.

Responding to the Survey

The RIS survey does not contain specific questions; instead, it follows the RIS headings and seeks industry comment.

The issues below, identified by GTA in consultation with industry, are intended to assist stakeholders in providing relevant comments based on their own circumstances.

1. Problem Statement

Industry takes worker and public health and safety seriously when using phosphine and methyl bromide.

Industry supports adoption of new technologies and standards where supported by updated, scientifically validated data and peer-reviewed evidence.

Robust procedures, PPE, monitoring and training are in place to manage worker and public safety, ensuring regulatory compliance. Industry fully understands the risks associated with these fumigants.

Based on historical management and compliance, industry does not believe there is a material safety issue justifying the magnitude of the proposed regulatory change. The RIS provides no evidence that health benefits outweigh implementation costs.

The impact on businesses of all sizes will be severe, with significant costs and limited consideration of practical implementation or incremental health benefits, given existing controls.

2. Objectives of Government Intervention

There are no market failures associated with the use of these fumigants.

Many export markets require fumigation to meet quarantine requirements. These fumigants are critical to maintaining grain quality and Australia's reputation; without access, the \$50b+ grain industry is at risk.

The scientific advice underpinning the changes is not peer-supported and is refuted in several overseas jurisdictions.

Current regulations are clear and effectively managed through established procedures.

The RIS identifies significant costs to Victorian industry; similar impacts will occur nationally, reducing industry profitability and economic contribution.

While national consistency is supported, it should not come at the cost of unjustified regulation that undermines competitiveness.

There is no record of significant occupational disease in the grain industry arising from use of these fumigants over the past 50 years.

3. Options

The RIS options assume adequate justification, consultation and impact assessment, which industry disputes.

Option 2 (proceeding as proposed) is not supported due to operational impacts without commensurate health benefits.

Guidance material is premature; consultation on the rationale for change has not occurred for these fumigants.

The RIS notes that alternative WEL values were not pursued due to analytical limitations.

Industry believes the SWA review process is flawed and did not adequately assess health impacts or implementation feasibility. The review did not consider technology limitations, supply chain impacts, or operational constraints across storage, handling and processing facilities.

4. Impact Analysis

Industry considers worker health benefits to be minimal and unsupported by evidence. No data is provided to substantiate claimed benefits for these fumigants. Existing management systems adequately control exposure risks.

Productivity is expected to decline due to increased compliance, PPE requirements and monitoring frequency.

RIS cost estimates apply to all chemicals and do not isolate impacts for phosphine and methyl bromide.

Industry anticipates significant cost increases but requires detailed data from regulators to assess impacts accurately.

No data supports the claimed \$2.8 billion in avoided disease burden for these fumigants and other chemicals listed in the RIS.

Community confidence will not increase without recognition of existing effective industry controls and coordinated communication on fumigants and their use.

Compliance costs include specialised monitoring equipment and extended delays in releasing fumigated grain.

Clearance times may increase from 1–2 days to over two weeks, severely disrupting domestic and export supply chains handling over 45 million tonnes annually.

RIS acknowledgements of supply chain disruption and monitoring limitations understate the practical impacts relative to the claimed benefits.

5. Summary of Preferred Option

Industry considers the proposed WEL reductions to be based on flawed or insufficient data.

Industry will engage with Commonwealth and State regulators to highlight deficiencies in the scientific justification.

Claims of improved national consistency are not valid; current regulations are already consistent.

Industry strongly urges Victoria not to adopt these changes for phosphine and methyl bromide pending further review and consultation.

6. Small Business and Competition Assessment

The industry includes operators ranging from individual growers to multinational corporations. All businesses will incur significant additional costs, exceeding anticipated benefits.

Larger businesses may absorb costs, but many small businesses will not, raising concerns about compliance and enforcement.

7. Implementation Plan

Guidance alone will not enable compliance across the industry.

The grain industry is highly self-regulated and refutes any implication that it cannot manage worker safety.

Effective compliance requires understanding the rationale for change and access to appropriate tools before implementation.

Developing compliant systems at scale before the 1 December 2026 deadline is impractical and economically unviable.

8. Evaluation Strategy

While post-implementation evaluation is appropriate, a comprehensive evaluation of costs and benefits is required before changes proceed.

Compliance is higher when industry understands and accepts the justification for regulatory change.

9. Hazardous Substances

Phosphine and methyl bromide are listed in Table 3 as hazardous substances with reduced WEL values. Industry recognises their hazardous nature and complies with all regulatory requirements, often exceeding minimum standards. The RIS does not acknowledge these existing controls.

10. Assessment Methodology

The methodology underpinning the proposed WEL reductions is flawed. No fumigant-specific assessment has been adequately conducted or provided to industry.

11. Stakeholder Engagement

Engagement by SWA and Ministers has been inadequate. Broad references to impacts across 250+ chemicals fail to reflect the specific use, risks, costs and benefits associated with phosphine and methyl bromide.

3. Further Information

For further information, please contact GTA at admin@graintrade.org.au