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Local exhaust ventilation for upstream duty holders

This guidance is for a person conducting a business or undertaking (PCBU) that supplies, imports, designs, manufactures, installs, constructs or commissions local exhaust ventilation (LEV).

LEV is an engineering control measure that captures dust, vapours, gases and fumes at the source, minimising the risk of workers being exposed to contaminated air.

The importance of getting LEV right

In New Zealand each year, many workers develop occupational lung diseases such as occupational asthma and chronic obstructive pulmonary disease from breathing in too much dust, fume or other airborne contaminants at work. These diseases can cause death or long-term disability.

LEV can minimise the risk of workers breathing in contaminated air.

Safe and effective LEV starts with upstream duty holders

Upstream duty holders are PCBUs that are in the supply chain. They are the businesses that supply, import, design, manufacture, install, construct or commission plant, substances or structures to other businesses that are 'downstream'. For example, a business imports LEV (upstream) and sells it to a steel fabrication business (downstream).

Upstream duty holders are in a strong position to eliminate or minimise risk.

LEV suppliers, importers, designers and manufacturers

Suppliers, importers, designers and manufacturers of LEV can eliminate or minimise health and safety risks by making sure the LEV they supply, import, design or manufacture is safe for people who come into contact with it.¹

For example, if an LEV system is poorly designed or manufactured, workers will continue to be exposed to contaminated air and other risks, such as fire (from the build-up of dust and vapours in ventilation ducts) and hearing damage (from excessive noise from the LEV system). A supplier or importer can do research on the company it buys LEV from to make sure it is fit for purpose.

WHAT ARE YOUR DUTIES?

In addition to the primary duty of care, under the Health and Safety at Work Act 2015 (HSWA) you must also (so far as is reasonably practicable):

- make sure the LEV you supply (or import, design or manufacture) does not create health and safety risks to the people that use it and those nearby
- make sure the LEV you supply (or import, design or manufacture) has been tested so it is safe for use at work

¹ Health and Safety at Work Act 2015 (HSWA), sections 39–42.

- give the following information to those you supply (or import, design or manufacture for) LEV to:
 - the LEV's purpose or intended use
 - the results of calculations and tests
 - any general and relevant information about how to safely use, handle, store, construct, inspect, clean, maintain, repair, or otherwise work near the LEV you are supplying.

These duties may apply to matters across the LEV lifecycle - from construction to assembly, through to everyday use, decommissioning and disposal.

These duties do not apply to the sale (by suppliers) of second-hand plant sold 'as is'. 'As is' means the plant is sold without any representation or warranties about its quality, durability, or fitness, and the entire risk rests with the buyer.

For importers: imported products must meet all New Zealand regulatory requirements.

OTHER THINGS TO CONSIDER

It may be useful to consider how your customer will use the product and the risks of their work. Think about:

- the type of work to be done
- how the work will be done
- types of airborne contaminants the work will produce
- the concentration of airborne contaminants
- when workers will be most at risk of exposure to these airborne contaminants
- the LEV's impact on structures already in place such as roofing, ceilings and framing
- the potential places or processes that may create a risk of fire or explosion
- other risks that may be introduced by LEV, for example, noise, electrical.

Make sure the LEV complies with relevant New Zealand or joint New Zealand-Australian standards (or comparable overseas standards that give the same or better result).

You may need to get specialist advice from an occupational hygienist, mechanical or structural engineer, occupational physician or other health and safety professional.

LEV installers, constructors and commissioners

Installers, constructors and commissioners of LEV can eliminate or minimise health and safety risks by making sure the LEV they install, construct or commission is safe for people who come into contact with it.²

For example, if an LEV system is incorrectly installed, or inadequately commissioned, workers will continue to be exposed to contaminated air, and other risks such as fire (from the build-up of dust and vapours in ventilation ducts) and hearing damage (from excessive noise from the LEV system).

WHAT ARE YOUR DUTIES?

In addition to your primary duty of care, under HSWA you must also (so far as is reasonably practicable):

- make sure the way the LEV is installed, constructed or commissioned does not create health and safety risks to the people that come into contact with it.

This includes people who:

- install or construct the structure at a workplace
- use the LEV at a workplace for its intended purpose
- carry out the decommissioning, dismantling, demolition or disposal of the LEV
- are at, or near the workplace, and whose health and safety may be affected by any of the above activities.

More information

Fact sheet

[Upstream duties](#)

Quick guide

[Local exhaust ventilation](#)

² HSWA, section 43.