



28 February 2025

s 9(2)(a)

Official information request

Our ref: R00770

Tēnā koe ^{s 9(2)}
(a)

Thank you for your Official Information Act 1982 (OIA) request, which the Ministry for Regulation (Ministry) received on 30 January 2025. You requested:

- *Please advise where you got the information about WorkSafe WES guidance being about the size of particles – this is incorrect. WES are about the CONCENTRATION of airborne substances, not the size, although sometimes the WES refer to the concentration of a particular size of particles. Please desist in publishing this disinformation.*
- *Where did the Ministry get the information about 0.2 mg/m³ being almost unmeasureable? That is patently untrue. Please desist in publishing this disinformation.*

Information released

We appreciate you sharing your concerns regarding the news article previously published on our website with references to “size”, rather than “concentration” as the unit of measurement under the workplace exposure standards (WES). We acknowledge this was incorrectly referenced by us and we have since updated the news story on our website to reflect the corrected wording.¹

Our understanding of 0.2mg /m³ being near impossible to measure was formed by the views shared by an occupational hygienist expert who was consulted prior to this issue being raised with the Ministry .

We have noted your view that WES are advisory and not regulatory in nature. The Ministry takes a broad view of regulation. As outlined in our strategic intentions², we consider that regulation encompasses any government intervention that is intended to order or influence behaviour, and how people interact with each other, including directing the use and exchange of private property, resources, or capital to pursue a desired policy objective. In this case, we are aware of the WES influencing compliance behaviour. Although the WES are guidance rather than mandatory requirements, they are considered a form of regulation.

¹<https://www.regulation.govt.nz/assets/Uploads/Flour-dust.pdf>

²<https://www.regulation.govt.nz/about-us/our-publications/strategic-intentions-2024-25-2028-29/>

Thank you again for raising this error with us. Please note that we may publish this response (with your details removed) on the Ministry's website.

Ngā mihi

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Aisling Risdon

Head of Ministerial Services
Ministry for Regulation