

**Submission
No 7**

INQUIRY INTO LOOSE FILL ASBESTOS INSULATION

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Response to the Loose Fill Asbestos Insulation Enquiry

We are writing to the inquiry to plead with the members to support the affected homeowners both past and present, and to drive practical outcomes to resolve this insidious problem, once and for all.

We purchased our house in Queanbeyan in mid-2008. In late June of this year, six years after we purchased the house, we received a notice from the Queanbeyan City council informing us that our house was known to contain loose-fill asbestos fibres.

This letter was the first time we were made aware that we could have a “Mr Fluffy” home, and as the weeks unfolded and the testing came back, the realisation kicked in that not only did we have an asset that was worth less than the mortgage we had on it, but that we and our friends had unknowingly waded through a roof space filled with a class 1 carcinogen.

And as time went on we investigated what living with and being exposed to Mr Fluffy asbestos actually meant. We had renovated extensively and, with assistance from friends, entered the roof space on multiple occasions to install down lights, ceiling speakers, exhaust vents, skylights and a solar air-conditioner. In doing so bundles of very visible fibres (fibres so small that you can fit thousands of them on the head of a pin) floated down into the living areas. We swept up what we could see and popped it in the bin, thinking no more of it than annoying renovation mess to be cleaned up.

Similar bundles of fibres were often floating around the house either coming through the broken manhole in the laundry, the vents in the double brick wall or from the top of the closet which had a small hole in it to the ceiling and these are what we could see. Now when we think back to when the light filtered in through the front room and lit up the small “dust” particles floating in the air, our memories of these times turn from quiet solace to feelings of dread.

What we are left with today is a combined feeling of fear, anger and guilt.

We feel guilty because our friends came to help us renovate out of the kindness of their hearts, and they, like us, crawled through our asbestos-filled roof space entirely unprotected, totally exposed. Then there’s the guilt for those who visited after these renovations, as they may also have been exposed due to us not being aware that the ceiling space should have been sealed and never accessed. Our thoughts are also for the tenants who stayed at the house when we moved out two years ago, as well as the tradesmen who visited over the years. Guilt is a funny thing – despite the fact that we didn’t know, and couldn’t know, a guilt remains like a strong acidic feeling in the stomach whenever we think about it.

Then there’s the anger, towards previous owners, the council, the NSW government – any of those individuals or organisations that knew our house was toxic and did nothing to help us minimise our risk of exposure. The previous owners who sold us the house likely knew about the asbestos – and if not they, then definitely owners prior, who ignored advice to seal up the roof space, label and lock the manhole so that it couldn’t be opened.

Anger towards the NSW government, as the lack of requirement to notify homeowners as part of sale meant that we had no idea that we were purchasing a toxic property, nor how we could safely live there. And anger at the Queanbeyan Council who were aware of the fact that we owned a “Mr Fluffy” property but did not inform us of this for six long years – years in which we unknowingly spread the asbestos fibres extensively throughout our house and living areas through renovation and general maintenance, combined with ignorance.

And then there’s the fear. The fear of not knowing if the cancers so associated with this poisonous material will affect us. Or worse, affect our family and friends whom we exposed because we did not, and could not know. Unlike Fluffy houses in the ACT which underwent removal of much of the asbestos through a clean-up scheme, the NSW houses, for the most part, remain entirely ripe with these tiny fibres. Our health risk is even greater than those in the ACT who are evacuated from their homes even as this inquiry progresses, with the chance of exposure amplified by the fact that due to the lack of appropriate NSW legislation, many of us don’t know it exists in our homes.

This needs to stop. No one should have to go through this.

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We don't know whether we should pay cost now to get the house repaired as per the current NSW advice, which we know to be only a poor band-aid solution without guaranteed effectiveness, or hold out in the hope that history won't repeat itself again, and that the government will realise that they should be protecting their citizens from this threat and help us out of this impossible situation.

We ask ourselves whether we could morally put the house on the market for rental knowing, that we could expose others to this toxic threat, but individuals can only suffer so much guilt and we think ours is maxed out. So our house will remain empty and a financial and emotional strain for now - at least we can then feel that in one way we are doing the right thing.

Further to this, even if we did seal and clean the house to a standard that we felt comfortable it could be safe, a small movement in the house and a crack in the cornice or at the top of a cupboard could see tens of thousands of fibres enter the living areas before anything could be done about it. And if, in years to come, tenants develop an asbestos related cancer, would we be liable? Insurance does not cover asbestos, either for lost rent or for those entering the property - we have checked and our policy is worthless in this respect.

Should we did decide that we were willing to take this risk to stem the thousands we are losing each month on our Fluffy death-trap, no reputable real estate manager will take on our house. The Real Estate Institute of NSW (REINSW) has advised its members that they cannot operate without or against the direction of their public liability insurer, who has advised their agents that they do not have any cover associated with asbestos. Their advice - have nothing to do with our houses meaning affiliated real estate companies will not act as managers or sell our Mr Fluffy properties.

The ACT experience has clearly demonstrated that even with the fibres "cleaned" from the roof, they will make still likely their way into the living area. The lack of mandatory disclosure means that NSW is effectively outsourcing a risk, that it is well aware of, to potentially unknowing homeowners and tradespeople. These factors combined result in a clear and foreseeable health danger, with individuals already exposed when pipework bursts in service ducts, fires occur, or when unknowing owners perform basic maintenance.

Now we have a house that we can't rent but must pay the mortgage and the associated interest, rates, insurances and so forth. And we have to keep up the property too - cut the grass, trim the trees and bushes, check on the property etc. because it currently sits vacant. We've had to go through our possessions and think about whether what we brought to our current property we can no longer live with because of the chance of residual fibres and quarantine those items from the rest of the house (rugs, cushions, chairs etc.).

And to add to our strain a forced redundancy in April and the tight job market has left us with one income. We have always saved for a rainy day - and now it pours. We do not know how long we can maintain this, we know only that each day that goes by we put our eventual retirement back further and further, and that one day, should the banks call in our loans, we would be lost.

It seems that everyone agrees that the Mr Fluffy issue is an issue for the community in general, not just for those living in the residences. Anyone who visits these homes, be it friends, family, trades people or emergency workers could potentially be exposed. And should a natural disaster occur such as a storm, and the roof space is open to the elements then this insidious material is spread throughout the surrounding community.

If the NSW government is indeed "absolutely committed to ensuring the health and safety of all citizens in this state," as Minister Perrottet has stated, then a "seal it up and don't touch it" approach which has been the NSW response to date is as short-sighted as it is unrealistic, especially as legislation means many owners, such as was the case for ourselves, don't know it exists in their homes. This insidious friable asbestos must be removed from our communities once and for all.

To date it appears no one disagrees with the fact that we have to deal with this issue, that it is a health issue, a financial strain on those who know they have it, and a looming disaster for those who have it, or are about to buy it, but are unaware. What no one seems to agree upon is the money.

Individual home owners such as ourselves cannot afford to pay for the demolition of our homes with the safe removal of the asbestos and then rebuild, so we need government help. If the expected ACT result of buy back and knock down is realised, there will be no question that our NSW houses are next to worthless.

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As the Committee is aware, the NSW government recently started a program to confidentially test for friable asbestos free of charge to home owners who suspect they may have it in their roof space. However this is likely putting the cart before the horse. Without government help in place, where is the incentive for home owners to have their residences tested? A positive test will mean that overnight their house will be worth nothing, and add the stigma of owning a “Mr Fluffy” house.

In fact, a far more likely scenario is that the moment owners find out they have a house with friable insulation they will put it on the market to sell - for there exists no requirements to do anything with this knowledge, only “strong advice” to seal the roof space. Because there is no legislation in place that forces individuals selling to notify that they have friable insulation in their house, unsuspecting first home buyers, such as ourselves, are likely to purchase the property at full market value, and unwittingly expose themselves and others to the asbestos. Asbestos testing is not covered in a normal building inspection, and given the onus in NSW is on the buyer for the inspection, it is unlikely that tests that cost as much as the inspection, are very unlikely to occur. Until there is appropriate remediation in place we suspect that many will put off having the test performed, and so the threat will remain, We are normally upbeat people who try to be positive and accept the situation as is, but it’s challenging when we speak to other home owners who tell us stories of multiple NSW governments avoiding the issue, and who don’t seem to see the human impact. We are struggling. We bought a house in good faith and through no fault of our own have increased our risk of cancer, lost (and continue to lose) tens of thousands of dollars, and are living with increased stress and anxiety.

On top of this, we have to deal with a stigma that has been expressed by a number of members of the public that people with these houses are engaged in a “money-grabbing exercise” by asking the government for help. As others have pointed out, this issue is not as visible as it would be if a bushfire ripped through our house (and we would be insured for that). Instead it’s a dirty topic that many people want to ignore.

We accept we now have an increased risk of a painful degrading death, but can’t risk this for others and are trying to do the right thing. All we can do is hope is for this committee to protect both current and prospective owners.

Containment has been shown not to work, clean-ups have failed, lack of mandatory disclosure has resulted in exposure in every conceivable way, and putting the problem aside has merely delayed the impact 20 years, and expanded the long term health costs to the state and individuals.

The Real Estate Agents understand the risk, the Federal Asbestos Safety and Eradication Agency Head has stated the required solution, the ACT Government are acting and supporting residents – we just need to catch up over the border.

What we ask is that the political parties to get together with owners to discuss what the best possible situation is for them, and then to do what it can and must to remove this threat to our community for all.