

**Submission
No 30**

INQUIRY INTO LOOSE FILL ASBESTOS INSULATION

Name: Mr Matt Rigter

Date received: 2/11/2014

Thank you for taking the time to consider my submission. I felt compelled to write a submission because I believe that the health effects and risks have been down played for over 20 years by successive NSW Governments. I believe that we have an opportunity now to revisit the issue and look at a way of managing the problem holistically.

I have structured my response as follows:

1. My Story
2. NSW Government response
3. Thoughts on the response in relation to me
4. Where to from now

1. My Story:

I started work full time in 2008 after finishing my study at . After two years of savings in July 2010 I bought by unit for 182,000, there was a price premium on this unit as it was one of the few on bedroom units in Queanbeyan to have a garage.

I paid a local company to complete a building inspection, which came back fine apart from asbestos in the roof cavity. The asbestos in the roof cavity was not tested and was stated as the reason the roof could not be accessed.

I spoke to the real estate agent about the asbestos and he stated that most units of that age in Queanbeyan had asbestos. I read the NSW health advice, and as was its intention, determined it was safe.

After two years, financial and personal reasons lead me to renting my home to a friend. I've since continued renting my unit to a number of tenants.

In June 2014 I received a letter from Queanbeyan City Council reminding me about Mr Fluffy Asbestos. This was the first time the asbestos in my building had been referred to as Mr Fluffy, an infamous name across the border in Canberra. This alerted me to the imminent risk/danger and caused a large amount of panic for me.

Since June 2014 have had high stress levels and more days off work than previously. I have had significant respiratory complications and due to my underlying asthma it is paramount that I am proactive about lung health. It was because I had been potentially exposed to asbestos that my health practitioner referred me to x-ray. It has come back negative for asbestos related disease. However as I have other lung conditions it is likely that over my life time there will be a number or x-rays increasing other health risk for me.

2. NSW Government response:

Summarised NSW Government response.

- 1) NSW Health previously had advice available on its website, the design of this advice was to allay residents' fears by stating that Mr Fluffy could be safely contained.
- 2) In the early 1990's a report was commissioned that stated as an interim measure loose fill Asbestos could be contained.
- 3) In June 2014 I was sent a letter, addressed to the householder, notifying me that my house was a Mr Fluffy house.
- 4) In August 2014 an investigation is announced that will identify the best way forward.
- 5) In August 2014 I was invited to attend a community forum.
- 6) I have had a number of letters/emails from Ministers and work cover. The work cover letter makes specific mention of the model asbestos policy

3. Thoughts on the response in NSW

The government response to this issue has not been coordinated or well thought out from June to August 2014. Since August the Government response has been one of denying facts and risks based on a 20 year old interim report.

As a concerned Landholder I have tried to bring evidence from the ACT, which has been made publically available. NSW Workcover representatives when ACT evidence is brought to them have been condescending in their tone. The following statements are two I can recall: "The downer house was in poor repair so it is not like Queanbeyan houses," Workcover August. "Our statement that NSW houses are safe is scientifically based,". In response to Peter Tighe stating that these houses cannot be made safe.

I am no lawyer but when discussing the issue I believe it is pertinent to note that in my opinion both the NSW government and the Commonwealth have been negligent. The Commonwealth because they knew about the risks and ignored the advice as early as `968 NSW because they put out advice that was designed to allay and calm residents and stood by it for 20 years even though the report stated containment could be done as an interim measure.

I have attached a number of claims made by the NSW government and my thoughts on each specific claim.

Government Claim	Source	Thoughts	Requested further information not supplied
<p>NSW Government has maintained an evidence base risk management approach.</p>	<p>HACA Chair, numerous times.</p>	<p>NSW has relied on one report created in 1992 and provided advice based on this report which states that as an interim measure asbestos could likely be contained. Although requested numerous times no further information to support this at the time of submission. Further NSW has done the risk assessment but has not been involved or actively engaged in implementing the controls. I also have been formally trained in numerous risk management frameworks and believe that it is not usually possible to accept a risk with a consequence of death still being possible.</p>	<p>The basis of this risk assessment with the likelihood of exposure and the consequence of exposure or exposures.</p> <p>Requested from Mr Peter Dunphy at the August community consultation meeting</p> <p>Any further information past 1992 that supports this view.</p> <p>Requested various times and ignored in responses.</p> <p>Acceptable level of exposure to asbestos fibres over the period of residences.</p> <p>Was going to be confirmed with the protocols but the protocols have not been distributed to effected residents. Requested at the community meeting and was told it was the workplace level but stated this may not be appropriate for households.</p>
<p>While a number of properties have been identified, the extent of the problem in NSW is not known. The Minister on the 15th August announced an investigation to determine the extent</p>	<p>HACA Chair, Work cover</p>	<p>NSW will not find the extent of the problem by a voluntary opt in scheme. People who have homes identified are destined for financial ruin. In the current environment selling is more likely than a voluntary inspection.</p>	

of the problem.			
An assessment program protocol has been developed.		The delay to develop the protocol reduces the chance of double testing by NSW, however this delay could have left people living in houses that may have loose fill asbestos in the living areas. For me this meant that my unit has been vacant for longer.	The assessment program protocol. Requested from Steve Niclovski
NSW is omitted to the health as safety of all citizens this is demonstrated by the: <ul style="list-style-type: none"> - Establishment of HACA - A state-wide asbestos plan - Model asbestos policy for local councils - A comprehensive awareness campaign for households and renovators 	HACA, Work Cover	These measures do not specifically refer to loose fill asbestos often and are insufficient to deal with this specific circumstance.	
Asbestos can be safely contained	NSW Health, NSW Workcover HACA	This statement seems to be based solely on the fact that a limited number of fibres were found in living areas 20 years ago. No documented consideration has been given to the fact Queanbeyan is on a riverbed and houses move. No consideration has been given to the times when inadvertent exposure could occur eg. cracking cornice or accidentally	

		putting holes in the walls or plaster board.	
Notice that I should register with DEEWRS Asbestos Exposure Register	NSW Work cover	Firstly DEEWR has been abolished since 18 September 2013, secondly you have told me that my unit is safe this contradicts the governments own letter	

The following statistics are a couple that I think are pertinent to the argument for action:

Statistic/Statement	Source
<p>Using guidelines developed by the United States Research Council Committee on Non-occupational Risk of Asbestiform Fibres, Professor Armstrong said the risk of mesothelioma or lung cancer for an average Australian over a lifetime was 26 deaths per million people. But the risk to people living in homes with Mr Fluffy insulation skyrocketed to 650 deaths per million people.</p>	<p>Professor Bruce Armstrong, then Director and Professor of Epidemiology and Cancer Research at the NHMRC Cited in the SMH</p>
<p>I don't think anyone can say that for someone living in a Mr Fluffy house there is a low level of risk.</p>	<p>Peter Tighe</p>
<p>ACT Decisions was based on advice from a number of leading professionals including:</p> <ul style="list-style-type: none"> • Emeritus Professor Bruce Armstrong and Professor Tim Driscoll – University of Sydney • Dr Ian Gardner – Senior Physician in Occupational & Environmental Medicine Department of Defence • Associate Professor Deborah Glass and Professor Malcolm Sim – Monash University • Rosalie Mayo-Ramsay – Consultant at Noel Arnold and Associates (former state coordinator for asbestos and demolition at NSW Workcover). • Peter McGarry – Manager, Asbestos and Occupational Hygiene and Health Unit Work Health and Safety Queensland • Clinical Professor Bill Musk – University of Western Australia • Michael Shepherd – President, Asbestos Industry Association Queensland • Brian Sketcher – Asbestos Audits Queensland • Peter Tighe – Chief Executive Officer, Asbestos Safety and Eradication Agency • Michael van Alphen – University of South Australia 	<p>ACT Asbestos taskforce</p>

<p>Last year, seven cases of mesothelioma were diagnosed in Canberra, which is a similar figure per head of population to the national average.</p> <p>Considering that ACT has no heavy industry and no asbestos mines this figure is concerning.</p>	ABC News
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NSWs Risk management really places the emphasis on the homeowners to ensure that their houses are safe. However if the substance was to remain the following costs would be untenable for many homeowners

Repair/Action	Cost with asbestos	Cost without
Asbestos management plan to be developed and reviewed bi-annually	1,500 (based on unit actual costs adjusted for a house)	Nil not required
Cornice or plaster board cracking	1,200	200
Kitchen renovation	30,000 – Estimate based on discussions. Note that in my case this would not be possible due to the cupboard forming part of the roof area	15,000
Turning off water (units only)	800 Estimate based on discussions	Free
Bathroom renovation	40,000 Estimate based on discussions	20,000
Repairing a roof leak	30,000 The most recent roof leak cost more than this to repair	400
Replacing a light fitting	1,200	200
Gutter cleaning	Not really possible in the unit	
Installing a Tastic	Not possible	Comparison not needed
Installing an exhaust fan for the oven	Not possible	Comparison not needed

I strongly believe that these costs cannot be borne by a regular householder. It is highly likely that without constant reminders of the risk a homeowner will inadvertently expose themselves to asbestos. Even with reminders accidental exposure is likely. I can remember when my brother and I were playing as children and broke through walls accidentally. I can also remember my cousin accidentally putting a broomstick through the roof once. These events would cause exposure in a Mr Fluffy house.

The Way forward

For me personally, no matter the circumstance I will be financially behind due to not fully understanding the dangers that were in my roof when I purchased my unit. I feel uncomfortable selling my unit as I see this as transferring something I deem as an unacceptable health risk to someone else. I feel trapped.

I think that by the NSW government stepping in we can make a safer community. By providing support to remove the Mr Fluffy once and for all through a demolition program similar to ACT's. By doing this the NSW government is most likely reducing the cost of its future health spend, reducing the overall risk to the surrounding residents especially in events such as fires, floods or other disasters.

In terms of the opt in investigation as a way of identifying houses that have Mr Fluffy, anything other than a comprehensive compulsory survey is going to fall short. This will mean that people may still be exposed unknowingly to asbestos when they buy a home in Queanbeyan or other affected areas in NSW. This is a major public health concern, as these people cannot enact an asbestos management plan if they do not know asbestos is present. In my opinion NSW needs to ensure that people cannot unknowingly buy a Mr Fluffy house as this will inevitably lead to exposure when people renovate.

Information from the NSW government to support its decisions and actions needs to be provided to affected residences as outlined above NSW government has assessed that the risk are manageable and the only piece of evidence supporting this is a 20 year old report. Residents and landlords hear news coverage from other jurisdictions and are sceptical of the overall response due to the lack of information being supplied.

Removal of the residences will provide the only longterm solution and it will be cheaper to act now rather than waiting until householders go bankrupt or a health consequences are proven further.