

Submission
No 32

INQUIRY INTO LOOSE FILL ASBESTOS INSULATION

Organisation: Asbestos Safety Eradication Agency, Australian Government

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Australian Government
Asbestos Safety and Eradication Agency

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Revd the Hon Fred Nile MLC
Committee Chairman
Parliament of New South Wales
Joint Select Committee on Loose Fill Asbestos Insulation

Dear Chairman

Thank you for the invitation to make a submission to the New South Wales Parliament's Joint Select Committee on Loose Fill Asbestos Insulation. I commend the approach of the NSW Government to investigating the issue of loose-fill asbestos in NSW and note the response to date has been well coordinated to address the immediate concerns of NSW residents.

The potential identification of loose-fill asbestos in a person's home can be of significant concern to them, causing stress for families and communities. This must be taken into account when forming any response. The attached response includes suggestions of how the Asbestos Safety and Eradication Agency (ASEA) can assist the NSW Government with any potential response to loose-fill asbestos insulation.

You may also be interested to note the Asbestos Safety and Eradication Agency is hosting the inaugural International Conference on Asbestos Awareness and Management from 16-18th November 2014. This will bring together some of the leading international experts in asbestos related issues, with examples of government and industry responses to the challenges posed by asbestos in the built environment in Australia.

Kind regards

A stylized signature in blue ink, appearing to read 'Peter Tighe'.

Peter Tighe



Summary

The recent focus on loose-fill asbestos insulation has been in response to the identification of asbestos fibres in homes in the Australian Capital Territory (ACT). The properties in question were subject to a clean-up programme in the 1980s. Despite a targeted effort, this initial programme did not remove all the risks posed by loose-fill asbestos in people's homes.

We now know that the ACT was not the only location in Australia where loose-fill asbestos has been installed, but the full extent of the use of loose-fill asbestos insulation is not yet known.

While the ACT may have been the initial focal point, a number of differences exist between the issue of loose-fill asbestos insulation in the ACT and in NSW. The ACT remediation programme which took place from 1989-1993 resulted in the removal of the majority of loose-fill product from ceiling spaces. It is now understood the initial remediation programme did not capture all asbestos fibres, as fibres had migrated down into internal cavities of the homes. The loose-fill material found in NSW homes poses a greater health risk because there was no earlier clean-up programme, potentially resulting in a greater number of asbestos fibres being present in homes today.

In responding to the terms of reference for the inquiry, ASEA suggests the following key considerations for the committee:

1. Accurate identification of the extent and location of loose-fill asbestos will require significant attention and the government may need to consider extending the current testing period.
2. Any potential remediation programme that involves work being undertaken by contractors or third parties will require close monitoring to ensure it does not increase the risk of exposure to residents, workers, or the general community.
3. Effective communication to people who may be affected by the risk of loose-fill asbestos needs to be a priority and a central point of contact to provide support may be warranted.



4. Loose-fill asbestos insulation is only one type of asbestos containing material (ACM) found in the built environment. It presents a higher risk than most ACMs because of a higher chance of asbestos fibres being inhaled; however, it represents only a small proportion of ACMs found in people's homes. Ongoing effort is required to support general asbestos awareness and management in the community.



Background

The formation of the Asbestos Safety and Eradication Agency

Asbestos Management Review

The Commonwealth Government established the Asbestos Management Review in 2010. The Asbestos Management Review Report was released on 16 August 2012 and included 12 recommendations which addressed a range of issues related to asbestos in Australia, including:

- identification
- management
- transport, storage and disposal
- awareness and education
- improved data and information sharing
- the development of a national strategic plan and creation of a new statutory Commonwealth agency to administer it
- medical research
- international leadership, and
- former compulsorily acquired property.

As part of the consultation process, 57 submissions in response to an issues paper were received from a range of stakeholders. Where relevant, the Asbestos Management Review and these submissions have been incorporated into the following response.



Asbestos Safety and Eradication Agency

Following the recommendation of the Asbestos Management Review, the Asbestos Safety and Eradication Agency (ASEA) was established on 1 July 2013 to provide a national focus on asbestos issues. ASEA's focus goes beyond workplace safety to encompass environmental and public health concerns. ASEA aims to ensure asbestos issues receive the attention and focus needed to drive change across all levels of government. This is achieved through the development and coordination of a National Strategic Plan for Asbestos Management and Awareness.

Under section 8 of the *Asbestos Safety and Eradication Agency Act 2013* (Cth), the role of ASEA is to:

- encourage, coordinate, monitor and report on the implementation of the national strategic plan
- provide advice to the Minister on matters of asbestos safety
- liaise with Commonwealth, State, Territory, local and other governments about matters relating to the national strategic plan and asbestos safety, and
- commission, monitor and promote research about asbestos safety.

Current work of ASEA

ASEA is currently coordinating the development of the National Strategic Plan for Asbestos Management and Awareness, through consultation with state and territory governments across portfolios. This process aims to bring together leading national thinking and experience to address the future risks facing Australia as ACMs in the built environment age.



ASEA is also working on a number of key projects including:

- the testing of a range of asbestos identification and grading tools for use in the Australian environment
- a review of current asbestos-related training arrangements in the utilities sector and proposals to strengthen asbestos-related training materials in this sector
- conducting baseline awareness research to ascertain current community knowledge and attitudes towards the dangers of asbestos
- hosting the 1st International Conference on Asbestos Management and Awareness (November 16 – 18, 2014)
- working with other Commonwealth government bodies and state and territory jurisdictions to identify Australia's current and future capacity for safe asbestos disposal, and
- partnering with key stakeholders to develop and deliver a range of education and awareness programmes and activities.

Responses to the inquiry terms of reference

(a) the number and location of homes affected by loose-fill asbestos insulation

ASEA understands the NSW Government is currently working to identify the extent of loose-fill asbestos insulation contamination. Identifying the number and location of affected properties is the first step required. This poses a difficult task as records are often missing or incomplete.

The Government is currently reliant on home owners to self-identify the potential for loose-fill asbestos insulation to be present in their home and to undertake voluntary testing. There is a risk that people may be unwilling to discover the extent of the issue without first knowing how this could affect the value of their home or if any government response will be undertaken (and the impact of potential government action). This means the free testing period may need to be



extended beyond the initial 12 month period to ensure that as many properties as possible are identified through this self-reporting process.

The requirement for large scale inspection programmes may also need to be considered. The experience of the ACT has been unique because a large scale inspection programme was able to be achieved during the initial clean-up programme. This was also possibly because there was a relatively small geographic area being reviewed. Given anecdotal evidence that installation was often undertaken by door to door salesmen, the NSW Government may need to consider implementing regional inspection programmes in areas where voluntary testing identifies potential corridors of loose-fill asbestos in homes.

The Asbestos Management Review identified that accurate and reliable information on the levels and condition of ACMs in Australia is not currently available. There is a general lack of information regarding the location and condition of asbestos, and this is particularly acute for loose-fill asbestos insulation. The challenges of identification of ACMs in the residential sector will need to be addressed, including ongoing communication to NSW residents to identify potential homes affected by loose-fill asbestos and the need to take a precautionary approach when dealing with this product.

How ASEA can assist

ASEA is aware that NSW residents are becoming increasingly aware of the risks of loose-fill asbestos due to media attention, and the NSW Government response to the issue. We note this has led to an increase in the number of submissions to the National Asbestos Exposure Register and the number of general enquiries ASEA has recently received.



National Asbestos Exposure Register

ASEA administers the National Asbestos Exposure Register (the Register) to allow people to self-report potential asbestos exposure. This database has been operating for approximately one year and has received over 1500 submissions nationally. Building this register enables ASEA to monitor community awareness trends regarding the risks of asbestos exposure, and identify emerging issues.

On 28 July 2014, ASEA introduced an additional question on the Register to enable registrants to indicate whether they believed they had been exposed to loose-fill asbestos insulation. From the introduction of this question to 31 August 2014 there were 312 additions to the register, 227 of which identified the source of their potential exposure as being loose-fill asbestos insulation.

In the ACT, 95% of the registrations received during this time period were for potential exposure to loose-fill asbestos. The rate was 35% for registrations received from those living in NSW. ASEA has worked with the NSW Heads of Asbestos Coordinating Authorities (HACA) to ensure that NSW residents are also made aware of the register. It is expected that registrations from NSW residents will rise as a result of increased awareness.

Enquiries to ASEA group mailbox relating to loose-fill asbestos

ASEA receives regular correspondence from the general public seeking information, advice and guidance on a range of matters relating to asbestos safety.

Following reports in the media of homes in NSW potentially containing loose-fill asbestos insulation, ASEA has received six inquiries from residents in NSW since this inquiry was announced. The inquiries were received from residents living in Sydney, North West Sydney, Robertson, Orange, St Peters and Liverpool. All indicated that they were alerted to the issue of loose-fill asbestos via recent media reports. We note however, that some people are reluctant



to identify their location when seeking advice. The primary reason these individuals contacted ASEA was to advise they suspected loose-fill asbestos insulation had been installed in their homes, and to obtain advice in regard to how they can determine whether their homes are safe and whether the insulation poses a health risk.

(b) the actions taken by governments to deal with loose fill asbestos insulation in other jurisdictions

ASEA notes that the ACT Asbestos Response Taskforce was established in response to the issue of loose-fill asbestos in the ACT. This response reflects the expectation from the community that governments act quickly with a targeted approach due to the potential risks of asbestos exposure leading to asbestos-related diseases.

Some of the reasons this response has been effective have been because the taskforce:

- is focused solely on the issue, drawing people together with the relevant experience and has built the necessary expertise to address loose-fill asbestos in residential properties
- allows for collaboration between a number of government bodies and expert stakeholders
- provides community support, including health and mental health services
- provides ongoing stakeholder engagement and communication to those affected, and
- provides a single point of contact within government to coordinate all services and requirements.

(c) the role of state and local governments to advise and assist home owners and occupiers to reduce the risks posed by loose-fill asbestos insulation

ASEA considers that individual state and local governments are best placed to respond to this question. We note the important role local government plays in assisting home owners in dealing with asbestos issues, particularly in rural and regional areas, and that a uniform



approach to information and advice is essential. ASEA would be happy to provide advice or assistance in this area.

(d) the requirements for property owners to notify potential buyers, renters, tradespeople and emergency service officers regarding the presence of loose-fill asbestos insulation in their property

Submissions to the Asbestos Management Review across non-government stakeholder groups indicated support for a requirement for home owners to identify the presence of asbestos in their property. Many suggested an assessment could be required by a licenced assessor at key milestones, including when the property is sold or leased, or when it is to be renovated or demolished.

Submissions further suggested that an auditing or labelling system could be used to note the presence and condition of any identified ACM. However, submissions also raised concerns about the regulatory burden involved in obtaining a report and the potential expenses involved.

Loose-fill asbestos is in a form where asbestos fibres can be readily inhaled and presents a higher risk than most other forms of ACM. It is therefore reasonable that there may be a higher expectation to notify people who may be impacted by its presence at the point of sale, refurbishment or building demolition.

Notification of buyers, renters, tradespeople and emergency services

The issue of notification of the presence of loose-fill asbestos insulation has largely been addressed in the ACT by the introduction of the requirement that affected properties display an identification sticker inside the electricity meter box. This decision was reached after consideration of a number of factors including the privacy of the homeowner, possible stigma



attached to the property and the need to protect the health and safety of tradespeople conducting work on the property.

This identification sticker system appears to balance the interests of all stakeholders and increases the awareness of the dangers at that property. It does not necessarily mean that contractors, emergency personnel or others accessing the property will be sufficiently protected, or take necessary precautions if they become aware that a house has loose-fill asbestos insulation.

For example, in an emergency, the home owner may not be present, or may be incapacitated or distressed. This may result in a lack of notification to emergency service personnel presenting to assist, particularly in situations where they may lack the ability to check for the presence of an identification sticker.

Any response which sees loose-fill asbestos material remaining in properties will require close monitoring of the material to ensure it can address the potential for changes in condition that will occur over time. This will be particularly important as time and disturbance (both physical and environmental) will increase the risk of exposure to asbestos fibres.

(e) any other related matter

General awareness of when asbestos poses a risk can be improved

Raising awareness of the dangers of asbestos has been identified as one of the key strategies under the National Strategic Plan for Asbestos Management and Awareness. ASEA has recently undertaken baseline research to measure current attitudes and levels of knowledge about the dangers of asbestos within the community. The research focused on four groups: members of the general community, tradespeople, DIY home renovators and real estate agents/landlords.



While the research does not include specific findings about loose-fill asbestos insulation, the results show that people feel more information on asbestos is needed, particularly for asbestos risks in the home.

Preliminary findings indicate:

- Confidence across all groups to identify asbestos is low, with only 64% of tradespeople reporting that they are confident to identify material that contains asbestos, with 29% of DIY home renovators and 17% of the general public reporting the same.
- Practical information about identifying asbestos and asbestos containing materials was needed by four in ten of general public and tradespeople, while 25% needed general information and guidelines.
- Formal asbestos awareness and safety training was not widespread among tradespeople, with 40% having undertaken this and one in three seeing future training as useful to them.
- When undertaking DIY home renovations, about half the recent work undertaken by homeowners did not involve any risk assessment of asbestos materials being present, and 50% of people reported being able to make decisions that relate to asbestos when doing renovation work.

Summary documents outlining all key findings of the research are currently being developed by ASEA.

Health risks from exposure to loose-fill asbestos insulation

The World Health Organisation¹ and the International Agency for Research on Cancer² have both stated there is no identified safe threshold for exposure to asbestos; even limited or short-term exposure to asbestos fibres can be dangerous. Exposure however, does not necessarily

¹ World Health Organisation, *Elimination of asbestos-related disease*, September 2006

² International Agency for Research on Cancer (IARC) *Monographs on the Evaluation of Carcinogen Risks of Chemicals to Man*, Asbestos, Volume 14, 1977 (page 81)



mean that a person will develop an asbestos-related disease and there is still much research required to find out why some people are susceptible to asbestos related-diseases and others who have been regularly exposed to asbestos do not develop an asbestos-related disease.

Given this fact, government must be careful to ensure that a precautionary approach be taken when responding to the present issue.

While tradespeople who are working directly in the ceiling space or accessing a wall cavity of an affected property are likely to come into contact with the highest doses, long-term sustained exposure of owners and residents has the potential to be dangerous and all activities with the potential to disturb the material should be viewed as high risk.

Training and competency of workers undertaking removal of asbestos

Any work undertaken that involves disturbing the loose-fill asbestos will require close monitoring and supervision. This is particularly important when subcontractors are involved in carrying out works. Recent examples of managing programmes of work that involve ACM have shown the oversight and training of workers requires continual monitoring.

In May 2013, there were a number of reported instances of inappropriate handling and removal of ACM during the Telstra/NBN cabling rollout, including reports of dozens of plastic bags filled with asbestos being left in the open for a number of days near a Ballarat primary school. There were also reports of inappropriate handling and removal of ACM in Penrith, NSW and Mandurah, Western Australia, leading to concerns the project posed a risk to the community in relation to exposure to asbestos fibres.

In order to prevent the exposure to airborne asbestos fibres during the removal of asbestos from Telstra's telecommunication pits, the Commonwealth established an independent taskforce (the National Taskforce – Asbestos Safety in Telstra Infrastructure) to monitor ongoing activities, including ensuring comprehensive training and supervision of employees and contractors was put in place.



The independent taskforce, which included representation from ASEA, identified the most effective way to achieve this was to engage 14 independent monitors across Australia to oversee the work in relation to the NBN cabling roll-out. ASEA was tasked with coordinating the monitors and overseeing their work on the project.

The monitors' role in the NBN cabling roll-out was to ensure the asbestos removal work was undertaken in accordance with evidence-based best practice standards, in line with the workers' training.

One of the key lessons learned from the taskforce was the importance of contractors and third parties having sufficient monitoring procedures in place so that any removal activities do not increase the risk of asbestos exposure to the workers and the community.

The final report from the Chairman of the National Taskforce included recommendations to address the issues that arise during oversight of works that involve ACM, which may be relevant to this inquiry, such as:

- developing and implementing an improved practical competency based asbestos safety and handling training programme for all workers engaged in the works programme
- streamlining how information regarding safe work methods and standards can be provided to workers, including the ways in which workers are consulted about essential safety documents, to ensure it is clear and understandable
- engaging suitably qualified and experienced asbestos managers and assessors by all principal contractors involved



- requiring all supervisors engaged by principle contractors to have appropriate asbestos training and experience that reflects the full spectrum and scale of risks associated with asbestos removal, transport and disposal.

ASEA recommends that these matters be carefully considered if a decision is made to remove loose-fill asbestos from residential properties in NSW. Specific attention should be given to the supervision of employees who undertake any removal work to ensure shortcuts are not being taken and there is full compliance with work health and safety requirements.

Transport and disposal

Prior to any decision being made involving the removal of loose-fill asbestos insulation, ASEA suggests the NSW Government consider whether there are appropriate asbestos waste disposal facilities in place with capacity to accept the scale of waste that may be involved. Special care must also be taken to ensure that any transport of loose-fill asbestos waste is appropriately tracked to avoid potential risk to residents through inappropriate contractor practices during transport and disposal.

