

**INQUIRY INTO PLANNING AND DELIVERY OF SCHOOL
INFRASTRUCTURE IN NEW SOUTH WALES**

Name: Name suppressed
Date Received: 5 September 2022

Partially
Confidential

September 2022

Dear NSW Parliament

Please find below my submission to the ***Asbestos at Castle Hill High School, Planning and delivery of school infrastructure in New South Wales*** inquiry and please suppress my name.

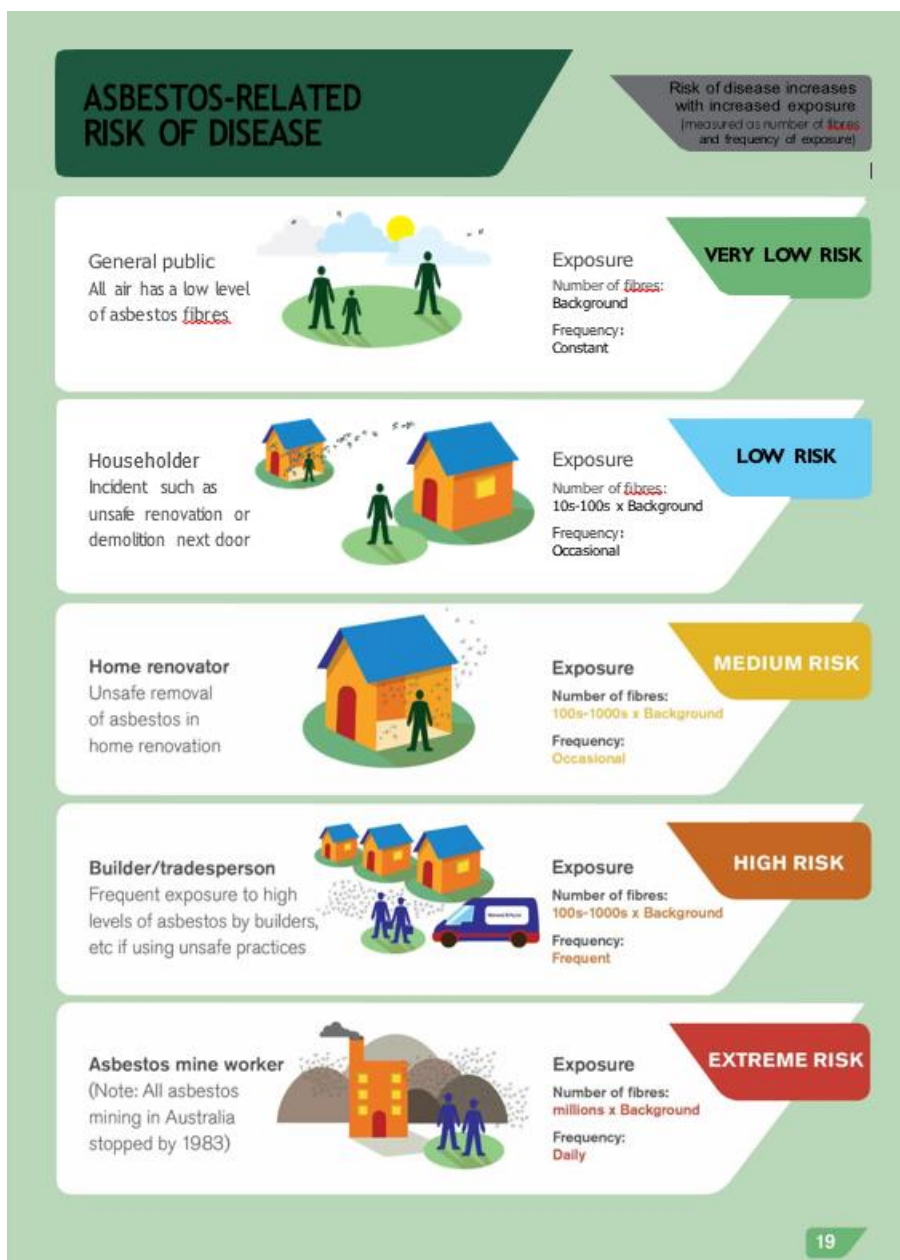
As a concerned parent of a child at Castle Hill High School (CHHS), there are three main issues I would like to raise:

1. The asbestos should be removed. The approximately 8,000 m² of asbestos at the school, including 2,400 m² of friable asbestos that has a high remediation-need rating is too much to contain. With workmen making mistakes (as happened this year), unpredictable children surrounded by asbestos containing materials, old deteriorating structures (as caused friable asbestos exposure this year) and potential damage from pests, this extent of asbestos is a substantial risk of causing unacceptable exposure to our children. Our children's safety is a priority for our tax money and our votes, and this asbestos needs to be removed. Asbestos containing demountable buildings should be replaced immediately and within six months the children should be moved to a safe location until all the asbestos is removed.
2. Parents should have easy access to all relevant information. The spirit of the NSW Asbestos Regulations is that workers and student should have access to all information regarding the present and past asbestos situation at their place of work or study; and parents require full information to decide for themselves. It is inappropriate that parents need to undertake Freedom of Information requests or take time off work to sift through boxes of documents at NSW Parliament in order to read the air monitoring reports, find undisclosed air monitoring reports of high levels this year, find that deteriorating ceilings caused friable asbestos to leak into school buildings this year, that inappropriate work practices by workmen renovating the buildings this year caused asbestos to enter classrooms, that asbestos was found on storage containers, carpet and furniture this year, to find out the real or full reasons for remediation works this year. Whether students were present or not, this information is important for parents to make fully informed decisions for their children. The CHHS Principal and staff, NSW Department of Education (DoE), SafeWork NSW and NSW Parliament may also be responsible for our children's safety; however, CHHS is a good example that these people are not as concerned as the parents about the children's safety and the parents must be informed so that they can be the final check.
3. Until all asbestos is removed, all asbestos must be labelled or signed as instructed by the NSW Asbestos Regulations. Our schools should not be less safe than other workplaces and these warning signs/labels are important for safety. For example, would the mistake by workmen this year that caused respirable asbestos to enter the classrooms being renovated have happened if there were warning labels/signs. Safety takes priority and the signs need to be in place.

Coincidentally, in 2016 when asbestos was found in dust falling from the ceilings of CHHS, Janine Thomas, a new mother-to-be, was diagnosed with terminal cancer caused by asbestos exposure from her school in Footscray (where she was a student from 2000 to 2006). To rob a young child of their mother, or our children the chance to grow up and raise kids is not forgivable. In 10 -20 years, how many Janine Thomases, will be caused by asbestos exposure to our kids from CHHS? As parents, taxpayers, and voters, keeping our kids safe from deadly harm, such as asbestos should be a priority and as such, eliminating the asbestos is not too hard a problem. Asbestos exposure is an ongoing

issue at CHHS, and it is time our leaders stood up or stepped aside so that the asbestos at CHHS can finally be dealt with.

Our schools and the DoE should be following the relevant regulations, codes of practice and guidelines more diligently than most other places of work. Firstly, the impact on families, community, and country from exposing children to asbestos is greater than exposure of working adults. While terminal cancer at 50 or 60 years of age is terrible, exposing children to asbestos risks terminal cancer at a time when they will be starting families. Furthermore, the exposure guidelines in the NSW WHS regulation and SafeWork NSW guidelines often relate to episodic exposure of builders and tradespeople and are not appropriate for constant levels of exposure for our children. The risk of asbestos-related-disease can be determined by the following figure from the *Environmental Health Standing Committee (enHealth), Asbestos: A guide for householders and the general public, Australian Health Protection Principal Committee, Canberra, 2013*; and their reported background level of asbestos in Australia of 0.00001-0.0002 fibres/ml (0.01-0.2 fibres/L).



The Australian exposure standard for asbestos fibres is 0.1 fibres/ml of air and the action limit for asbestos fibres is 0.01 fibres/ml (NSW WHS Regulations 2017), which are 500-10,000-fold and 50-1,000-fold higher than the background levels, respectively. Continuous exposure of 0.1 or 0.01 fibres/ml during schooling both correspond to a high risk of asbestos related disease that is equivalent to a builder/tradesperson who frequently uses unsafe practices, which is obviously an unacceptable risk level to subject our children to. Thus, stable asbestos levels in our schools should be well below both the 0.1 fibres/ml exposure standard and the 0.01 fibres/ml action limit. Schools should be afforded more stringent asbestos management than workplaces for adults, and not less.

Although the DoE and our schools should diligently follow NSW Acts, Regulations, Codes of Practice, Advisory Standards, and industry standards to ensure the safety of our children, the DoE employ management practices that fail to comply with these standards and would not be acceptable in the workplaces of the students' parents. For example:

(i) NSW WHS Regulation 424, is explained in the Safe Work Australia; *How to manage and control asbestos in the workplace; Code of Practice; JULY 2020*) as:

“Presence and location of asbestos to be indicated. A person with management or control of a workplace must ensure the presence and location of:

- all asbestos or ACM identified at the workplace is clearly indicated, and*
- all asbestos or ACM assumed to be at the workplace, including where the asbestos is inaccessible, is clearly indicated.*

If reasonably practicable, the presence and location of the asbestos or ACM must be indicated by a label. However, it may be more appropriate to use signs.... For example, if floor tiles have been identified as containing asbestos, an appropriate warning sign may be displayed on an adjacent wall....Any areas of a workplace that contain asbestos, including plant, equipment and components, should be signposted with warning signs to ensure the asbestos is not unknowingly disturbed without the correct precautions being taken.

One example given of an appropriate sign is



If signs like this were in place at CHHS, would the 2022 incident/s where inappropriate renovation practices resulted in respirable asbestos fibres contaminating classrooms, have occurred. Failure to comply with NSW WHS Regulation 424 may well have led to unnecessary and dangerous asbestos exposure of our children, school staff and/or other workers. Yet the NSW DoE Asbestos Management Plan states *“In the teaching and public areas of the DoE Facility, labels are not to be installed”*. There are rarely practical reasons why labels and/or signs could not have been installed in our schools and the DoE policy means that our schools are less safe than adult workplaces, and as seen at CHHS in 2022, has resulted in asbestos exposure that should have been avoided. Nowhere in the NSW WHS 2017 regulation or SafeWork NSW guidelines are public places or schools exempted from clearly warning of the presence of asbestos. Any argument that the NSW DoE does not want to scare our kids is not acceptable and counterproductive if it results (as it seems to have occurred) in potential exposure, which then means children need to be placed on the National Asbestos Exposure Register (as has been advised by CHHS to all parents this year) and will result in our children being scared about getting cancer as young adults. Also, it seems to reflect an attitude and/or promote a

culture of covering up the presence of asbestos and any exposure to it, and not properly providing this information to parents that would allow parents to keep their children safe. It also raises the question of whether the DoE is more concerned with appearance and reputation of the schools than their safety.

NSW WHS Regulation 36, is explained in the *Safe Work Australia; How to manage and control asbestos in the workplace; Code of Practice; JULY 2020*) as:

“Hierarchy of control measures

There are a number of ways to control the risks associated with asbestos or ACM (asbestos containing materials) in the workplace. Some control measures are more effective than others. Control measures can be ranked from the highest level of protection and reliability to the lowest. This ranking is known as the hierarchy of control.

A person conducting a business or undertaking (PCBU) must always aim to eliminate a hazard and associated risk first, for example by removing the asbestos.... The ultimate goal is to have a workplace free from asbestos. Removal may be the most appropriate way to achieve this....

What is enclosure?

Enclosure is the creation of a structure built around the asbestos so that it is completely covered to prevent exposure of the asbestos to air and other substances. Enclosure creates a separate physical barrier that prevents access to the asbestos and therefore minimises the potential for exposure to airborne fibres. Enclosure should only be used on non-friable asbestos where removal is not reasonably practical and where the asbestos is at risk of damage from work activities. Consideration must be given when designing the enclosure for the need to provide access to the asbestos for regular inspection of its condition.

What is encapsulation?

Asbestos that is encapsulated in a resilient matrix, for example in reinforced plastics, vinyls, resins, mastics, bitumen, flexible plasters and cements has little opportunity to release airborne asbestos unless the matrix is damaged.

This type of encapsulation will seal any loose fibres into place and should be used only when the original asbestos bond is still intact. Although encapsulation has limited application and can create a health risk for workers undertaking the activity, it is used when it would create a greater risk to remove the asbestos.

Similarly, *CODE OF PRACTICE FOR THE MANAGEMENT AND CONTROL OF ASBESTOS IN WORKPLACES [NOHSC: 2018 (2005)]* states:

“If the ACM are friable and not in a stable condition, and there is a risk to health from exposure, they should be removed by an asbestos removalist as soon as practicable.

If the ACM are friable but are in a stable condition and are accessible, serious consideration should be given to their removal. If removal is not immediately practicable, short-term control measures, such as sealing and enclosure, may be able to be used until removal is possible, although some State and Territory OHS authorities do not permit the sealing or encapsulation of ACM.”

SafeWork NSW and the NOHSC make it clear that the safest and preferred measure is to remove the asbestos. This especially applies to friable asbestos and the NOHSC code of practice states that enclosure or encapsulation is only a short-term control measure. Yet again the DoE have implemented a management practice at CHHS that does not comply with SafeWork NSW and the NOHSC guidelines and this management plan would not be accepted in the workplaces of the students' parents.

If it has been possible to remove asbestos at other NSW schools despite requiring closure of the school during the works, and our children deserve nothing less. As taxpayers, removing the asbestos is a priority for our tax dollars, and as parents, for most of whom it is difficult to relocate and move our children to another school, we welcome our children moved to safer locations, whether it be (asbestos-free) demountables placed on the oval and/or temporary placement in other schools or buildings until CHHS is made safe from asbestos. If CHHS had eliminated its asbestos in 2020 rather than just enclosing the friable asbestos in the roof, would we have had the high air monitoring levels in January 2022 and the asbestos found on storage tubs in 2022, asbestos found on carpets in 2022 and the asbestos found in classrooms by the sticky tap test in 2022? The CHHS asbestos register is a good example of why removal is required. As of June 2022, the CHHS asbestos register reported all five main buildings with friable asbestos insulation material throughout their ceiling voids spaces, this friable asbestos all had a high remediation rating and spanned a total area of 2,400 m²; 8 items of medium remediation rating spanning a total of 16 m²; 115 items of low remediation rating spanning a total of 3,363 m²; 118 items not yet given a remediation rating spanning a total of 2,007 m². It is obvious that this extent of asbestos will inevitably lead to exposure, especially in 58-year-old buildings. This much friable asbestos and ACM cannot be kept intact and enclosed indefinitely. Not even 2 years after the 2020 remediation works, the first post-clearance air monitoring tests, in Jan 2022, returned unacceptably high asbestos levels.

Why was high mediation rating friable asbestos not removed and only enclosed when this is against SafeWork NSW and NOHSC code of practice and also apparently against DoE policy. DoE Asbestos Management plan states that *"All friable ACM products are removed immediately. Being programmed out of school hours, possibly during a school vacation. All known friable ACM removed"* Further, the DoE Asbestos Management plan states that *"Please note: All high remediation rated priority items were removed by DoE in 2008. Medium remediation items were dealt with within 12 months of the issued registers."* Yet the friable asbestos at CHHS has been disclosed on its asbestos register at the DoE at least since 2020.

With asbestos, the regulations requires transparency and active provision of information. For example, the *CODE OF PRACTICE FOR THE MANAGEMENT AND CONTROL OF ASBESTOS IN WORKPLACES [NOHSC: 2018 (2005)]* states:

As with all occupational health and safety issues, if ACM are present or thought to be present in a workplace, there must be full consultation, information-sharing and involvement by everyone in the workplace, including employers, workers, contractors and others, throughout the processes of identifying ACM, developing an asbestos management plan, assessing the risks and developing and implementing control measures.

Persons with control of premises must also consult with any other person who may be affected by the presence of ACM. For example, building owners must consult with their building's occupants and all relevant contractors.

Yet the information actively provided to parents by the CHHS and DoE is limited to implicitly misleading parents that all air monitoring are below 0.01 fibres/ml and that the asbestos situation was made completely safe in 2020. Despite requests for full information, other parents and I have never been provided information that, in this year (2022), asbestos has been found on carpets, furniture, and storage tubs; nor has information been provided that ceilings were damaged or deteriorated and that this led to asbestos being found in the rooms below; nor has information been provided that asbestos-inappropriate renovation practices led to asbestos contamination of

classrooms. I was informed of a transmission electron microscope (TEM) analysis this year returning a negative result but was failed to be informed that there was also a positive TEM finding of asbestos fibres in school rooms. We have also never been informed, despite requests, of the full reason for remediation work this year. Not only was the information that there was asbestos on carpets this year and that ceiling integrity had been compromised allowing friable asbestos to enter below not provided; it is also unclear if any of these issues led to potential student exposure this year. There should be full disclosure and easy access to full information for all parents.

Yours sincerely

A concerned parent