

ASBESTOS MANAGEMENT GUIDELINES

ROLES AND RESPONSIBILITIES FOR GOVERNMENT AGENCIES

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Asbestos Management Guidelines

Roles and Responsibilities for Government Agencies

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The Department of Health and Families - Environmental Health Program, prepared these guidelines with input from the following stakeholders:

- Department of Local Government and Housing
- Department of Business and Employment
- Northern Territory Police, Fire and Emergency Services
- Department of Justice - NT WorkSafe
- Department of Education and Training
- Department of Natural Resources, Environment, The Arts and Sport
- Department of Planning and Infrastructure.

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Table of Contents

1.	Introduction.....	4
2.	Asbestos – an Overview.....	5
3.	Agency Roles and Responsibilities – an Overview	8
4.	Agencies Involved in Emergency Incidents with Asbestos.....	14
	4.1 Northern Territory Fire and Rescue Service (NTFRS)	14
	4.2 Department of Justice.....	14
	4.3 Department of Natural Resources, Environment, The Arts and Sport.....	15
	4.4 Department of Health and Families	15
5.	Conclusion.....	16
6.	Other Resources	19
	Health Effects of Exposure to Asbestos	19
	Agency for Toxic Substances and Disease Registry.....	19
	World Health Organisation	19
	National Environmental Health Committee (enHealth).....	19
	Sampling	19
	Transport.....	19
7.	Relevant Contacts	20
	Department of Justice - NT WorkSafe.....	20
	Regional Offices	20
	Department of Education and Training – Infrastructure Services.....	20
	Department of Natural Resources, Environment, The Arts and Sport	20
	Regional Offices	20
	Department of Health and Families – Environmental Health	20
	Regional Offices	20
	Department of Local Government and Housing	21
	Department of Planning and Infrastructure – Building Advisory Services	21
	Regional Offices	21
	Appendix 1 Relevant Legislation.....	22
	Appendix 2 Monitoring Asbestos Fibres.....	25
	Appendix 3 Asbestos-Containing Material	26

List of Tables

Table 1 – Asbestos – Incidents	17
Table 2 – Emergency Asbestos Incidents	18

1. Introduction

In the Northern Territory, a range of legislation covers the safe handling and disposal of asbestos. For the purpose of this document, asbestos-related issues are separated into two sections covering the management of asbestos in both work and non-work related environments:

- workplace, home or broader environment (air, land or water)
- emergency incidents involving asbestos (fires, explosions or natural disasters).

These guidelines assist officers within Northern Territory Government agencies and Local Government Authorities to work together in managing asbestos-related issues, including emergency incidents involving asbestos. In brief they set out:

- legislative and non-legislative requirements for dealing with asbestos-related issues
- legislative requirements for dealing with emergency incidents involving asbestos
- roles and responsibilities of agencies involved in investigating and/or managing
 - asbestos-related issues
 - emergency incidents (recovery, post event).

The roles and responsibilities for managing asbestos-related issues and emergency incidents are shared by various government agencies. In certain circumstances, a single agency is involved and in others, a number of agencies work together to resolve a problem. For emergency incidents, emergency service agencies get involved in the response phase of the incident and one or more other agencies manage the post event issues that may arise.

For all situations involving more than one agency, it is essential that communication, investigation and management of the issue or incident are well coordinated. This is to ensure that any potential health risks are investigated, to protect both individual, occupational and public health and safety.

2. Asbestos – an Overview

2.1 Purpose of these Guidelines

The purpose of these guidelines is to help clarify NTG Agencies' roles and responsibilities for managing asbestos issue, especially in the determination of the lead agency in an investigation.

2.2 Background

Asbestos is a group of fibrous minerals that occur naturally in the environment. Asbestos was widely used in Australia between the 1940s and late 1980s, because of its durability, fire resistance and excellent insulating properties.

Asbestos can cause health problems when fibres become airborne and are inhaled. Once inside the lungs, most fibres are removed by the body's clearance mechanisms. Remaining fibres become trapped in the lungs¹ and, in some individuals result in serious lung diseases (asbestosis, lung cancer or mesothelioma) that may develop years later. Asbestos fibres can also migrate into the peritoneum (lining of the abdomen), where they may cause peritoneal mesothelioma. Rarely, mesothelioma also develops in other parts of the body (for example, around the heart). Pleural plaques (patches on the outer lining of the lung) also occur from asbestos exposure, but are generally not harmful.

Asbestos-related disease is generally associated with inhaling asbestos over a long period of time. However, a very small number of people may develop mesothelioma after brief exposure. The reason why this occurs is not known, so it is always important to keep exposure to asbestos fibres as low as possible.

For more detailed information about asbestos exposure, related health conditions or diseases, see the enHealth document *Guidelines for the Management of Asbestos in Non-Occupational Environments*², and the Australian Safety and Compensation Council web page <http://www.ascc.gov.au> for reference to national standards, codes of practice and guidance materials which relate to the safe use and management of asbestos containing materials in work related environments.

NOHSC2002 National Code of Practice for the Safe removal of Asbestos 2nd Edition [NOHSC: 2002(2005)]

NOHSC2018 National Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018(2005)]

NOHSC3003 Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres [NOHSC: 3003(2005)]

2.3 Forms of Asbestos

Asbestos can be found in two forms — friable (loosely bound) or non-friable (firmly bound).

¹ Asbestos fibres can accumulate in a person's lungs over their lifetime. This is not from specific activities or exposure situations, but rather a general accumulation of inhaled background fibres.

² A copy can be downloaded from the enHealth Council website <http://enhealth.nphp.gov.au>

Friable (Loosely Bound) Asbestos Materials

When friable asbestos is dry or worked on, it can be crumbled, pulverised or reduced to powder by hand pressure. Asbestos fibres can then become airborne and are more likely to be inhaled, thereby posing a health risk.

Friable asbestos may be found in:

- insulation inside old stoves and heaters
- industrial-grade insulation in some public or commercial buildings (but not generally in homes).

Non-friable (Bound) Asbestos Materials

Non-friable (bound) asbestos materials are unlikely to release fibres, unless handled in such a way that produces dust containing asbestos fibres i.e. breaking, drilling, grinding or cutting. Generally, non-friable asbestos materials are less risky than friable forms. This form of asbestos may be found in the home.

Non-friable asbestos may be found in:

- asbestos cement sheeting ('AC sheeting' or 'fibro') used for walls and roofing
- asbestos cement roof shingles, flues and water pipes
- vinyl floor tiles impregnated with asbestos fibre and fibre-reinforced linoleum backing
- some old textured paints
- gaskets and brake linings.

In relation to Australian asbestos cement products, asbestos fibres were replaced after 1985 with cellulose fibres. Therefore, cement sheeting installed prior to 1985 should be treated as containing asbestos fibres, until proven otherwise. The age of the building or date of renovation work can indicate whether asbestos is likely to be present or not, otherwise the material will need to be analysed. For a detailed list of asbestos-containing material, refer to Appendix 3.

2.4 Availability of Asbestos Material

Asbestos products were gradually removed from production during the 1980s. Between 1981 and 1983, asbestos flat sheeting was phased out. In 1985, corrugated products (roofing and cladding) followed suit. Asbestos-lined piping was not made after 1987 and in 2003, brake pads and linings ceased to contain asbestos.

Even though most asbestos material was phased out of production in the 1980s, it is possible that some material was sold, reused and imported into Australia until the current restrictions were introduced on 31 December 2003.

2.5 Current Restrictions

New materials are no longer allowed to contain asbestos fibres and people are no longer able to manufacture, supply, store, transport, sell, use, reuse, install and replace asbestos-containing materials.

This restriction does not apply to:

- asbestos materials or products that are in place in structures
- certain recycled construction materials containing less than 0.001 per cent weight per weight (w/w) asbestos and intended for re-use as base material in roads, foundations or similar constructions. This material is sealed over, to prevent asbestos fibres being released. (For further information on this issue, contact NT WorkSafe on 1800 019 115)
- reuse of soil from which asbestos-containing material has been removed. A visual inspection must be undertaken by a qualified and experienced person to determine that no asbestos material remains.

3. Agency Roles and Responsibilities – an Overview

The nature of an asbestos-related issue, or emergency incident involving asbestos, determines how it is managed and which agencies become involved. One agency, or several with one agency leading the overall investigation and resolution of the issue may manage it.

Before referring a complainant to another agency, first contact that agency to discuss the specifics of the issue. This minimises the need for the complainant to repeat the details of the incident to multiple agency contacts. It is also particularly important for serious complaints that have the potential to increase community concerns, or lead to legal action. In general client agencies that own the asset are responsible for managing the issues with the assistance of other agencies, this avoids double handling and provides one point of contact for coordination and information.

Northern Territory Government agencies that may become involved in asbestos-related issues include:

- Northern Territory Fire and Rescue Service
- Department of Justice - NT WorkSafe
- Department of Education and Training
- Department of Natural Resources, Environment The Arts and Sport
- Department of Health and Families - Environmental Health Program
- Department of Local Government and Housing -Territory Housing
- Department of Business and Employment
- Department of Planning and Infrastructure.

Local Government Authorities may also become involved in asbestos-related issues.

Sections 3 and 4 of this document provide more detail on each agency's roles and responsibilities for:

- asbestos-related issues (in workplaces, homes, general environment, transport or disposal, vandalism or illegal dumping)
- emergency incidents involving asbestos (fires, explosions, and natural disasters).

Reference should also be made to the NT Government's *Asbestos Alert* website which provides asbestos information developed for schools, contractors, Do it Yourself (DIY) renovators and the general public. Website: <http://www.asbestos.nt.gov.au/>

3.1 Northern Territory Fire and Rescue Service

When an emergency incident occurs, the Northern Territory Fire and Rescue Service (NTFRS) will be the controlling agency until such time as the emergency has been contained and initial fire investigations carried out.

The NTFRS may be involved in post incident issues such as:

- securing the site
- ensuring remaining building structures are safe
- assisting other agencies where appropriate.

Note: The NTFRS is not responsible for the management of assessing the site for the presence of asbestos, removal of contamination or dissemination of information to the general public.

3.2 Department of Justice

NT WorkSafe

Asbestos in the workplace is regulated and enforced by the Department of Justice - NT WorkSafe, in accordance with the provisions of the *Workplace Health and Safety Act* and the *Workplace Health and Safety Regulations*.

A workplace means a 'place whether or not in a building or structure, where workers work.' For example, under specific circumstances, a home can be defined as a 'workplace' for that period when a contractor has been engaged to undertake work, or where it has been used as a home occupation.

Examples of asbestos issues regulated by NT WorkSafe include:

- requirement to undertake an asbestos risk assessment prior to commencing work
- asbestos removal (greater than 10m²) and air monitoring within a workplace
- asbestos removal from residential or commercial buildings
- construction sites undertaken by contractors
- complaints about the presence of asbestos in a workplace
- unexpected incidents within a workplace (fires, natural disasters, explosions or vandalism)
- off-site releases of asbestos from a workplace
- complaints regarding derelict industrial or commercial sites where it has been deemed to be a workplace, i.e. the presence of security guards may deem the premises a worksite
- storage of asbestos material
- transportation of industrial and commercial (but not domestic) asbestos waste.

These issues should be referred to the nearest NT WorkSafe regional office.

In addition, NT WorkSafe is responsible for licensing authorised asbestos removalists.

3.3 Department of Education and Training

Internal Communications, Media and Marketing Services

This unit has been responsible for developing the Government and community-wide *Asbestos Alert* public awareness program. While NT WorkSafe and the Department of Education and Training (DET) Internal Communications jointly manage the *Asbestos Alert* program, NT WorkSafe focuses on its regulatory responsibility in regard to workplaces.

Infrastructure Services

Infrastructure Services oversees the DET's repairs and maintenance and minor new works programs for NTG schools and liaises with the Department of Planning and Infrastructure (DPI) and School Councils.

3.4 Department of Natural Resources, Environment, The Arts and Sport

Environment

The Department of Natural Resources, Environment, The Arts and Sport's (NRETAS) powers are laid out in the *Waste Management and Pollution Control Act*. The Act aims to protect the environment through encouragement of effective waste management, pollution prevention and control practices.

Under the Act the environment includes land, air, water, organisms and ecosystems and includes:

- the well-being of humans
- structures made or modified by humans
- the amenity values of an area
- economic, cultural and social conditions.

The Act regards asbestos as a 'listed waste'. 'Listed wastes' are prescribed under schedule 2 of the *Waste Management and Pollution Control (Administration) Regulations*.

Apart from Shoal Bay landfill site in Darwin, licensed landfills are not permitted to accept 'listed wastes', including asbestos, without the permission of the Chief Executive Officer of NRETAS.

Examples of asbestos-related issues generally managed by NRETAS include:

- considering applications by licensed landfills to accept asbestos waste
- remediation of land contaminated with asbestos.

Transport, Storage and Disposal of Asbestos

Licensing Requirements

- Contractors collecting, storing or disposing of asbestos require an environment protection licence issued by NRETAS as required under Section 2, Part 2 of Schedule 2 of the *Waste Management and Pollution Control Act*.

Applications and guidelines for Listed Waste Handlers can be found at:

<http://www.nt.gov.au/nreta/environment/licences/guides.html>.

Disposal

- For disposal at a landfill a contractor needs to find out from the nearest landfill operator or Shire Council whether asbestos is accepted. Unless a landfill licence holder seeks an exemption, landfill licences do not allow a licence holder to accept a listed waste, including asbestos. Applying to NRETAS for permission to accept asbestos at a landfill is at the licence holder's discretion.
- Where a landfill will not accept asbestos or for other reasons transporting the asbestos to landfill is not possible, for example because the location is remote, a contractor or other personnel should consult the fact guidelines on alternative methods of asbestos disposal:

<http://www.nt.gov.au/nreta/environment/waste/guidelines/index.html>.

Contaminated Sites

The National Environment Protection Measure (NEPM) provides national guidelines for the assessment of contaminated sites. A landowner or developer responsible for a site potentially contaminated with asbestos should read the *Site Contamination* fact sheet at <http://www.nt.gov.au/nreta/environment/waste/factsheets>.

Heritage

NRETAS also administers the *Heritage Conservation Act*. There may be situations where a building or structure that contains asbestos is historically significant and/or is protected by the *Heritage Conservation Act*. In these situations, consideration needs to be given to conservation requirements. The Heritage and Arts section of NRETAS should be contacted for advice.

3.5 Department of Health and Families

Environmental Health Program

The Environmental Health Program is located within the Health Protection Division of the Department of Health and Families (DHF). Staff have specialised skills in relation to asbestos and public health issues.

Environmental Health provides a mainly advisory role with a controlling role where major asbestos complaints are received.

Asbestos may be treated as a public health *nuisance* under public health legislation, as it is similar to any other contaminant (pesticide spray drift, refuse accumulation, rodent infestation etc) or irritant (e.g. dust etc) that might interfere with the general public. Environmental Health therefore will deal with major asbestos complaints in the non-occupational environment as it would for any other public health nuisance under public health legislation.

In relation to asbestos-related issues, DHF acts in an advisory capacity by:

- providing information and technical advice on managing health risks associated with public asbestos exposure
- providing advice for homeowners/occupiers on ways to safely maintain or remove asbestos in the home
- providing advice on the provisions of the Public Health Act and Public Health (Nuisance Prevention) Regulations for a potential asbestos nuisance situation. Under these provisions, the owner of a property or person causing a nuisance must take all reasonable steps to eliminate the nuisance. In this context, a 'nuisance' could be the spread of dust or fragments potentially containing asbestos
- assisting NRETAS with public health advice on asbestos-related issues (as requested)
- advising the public on the potential health risks associated with asbestos in the home.

Examples of asbestos-related issues generally managed by Environmental Health include:

- potentially unsafe removal of asbestos by owners and occupiers of private dwellings
- dumping of asbestos materials
- complaints about asbestos material in poor or unsafe conditions at sites that are not workplaces
- an unexpected incident such as fire, explosion or vandalism, in places other than a workplace
- community concern about removal of asbestos in the neighbourhood
- unknowingly handling asbestos in a domestic situation
- asbestos fragments in soil at public spaces or properties
- owned or leased by DHF, except where a DHF property is a workplace (refer to NT WorkSafe)
- demand for public health advice about the potential health effects of exposure to asbestos fibres
- storage of asbestos material in residential settings (private dwellings)
- complaints about derelict industrial or commercial sites, where these are not deemed to be a workplace.

Facilities Unit

This Unit manages the buildings and facilities under the control of DHF.

3.6 Local Government Authorities

Darwin City Council, Palmerston City Council, Katherine Town Council, Alice Springs Town Council and other local government authorities can provide advice about asbestos material in poor or unsafe conditions in their respective public places.

3.7 Department of Planning and Infrastructure

Building Advisory Services

Building Advisory Services can provide advice on the structural integrity on building or structures (within Building Control Areas) that have asbestos material in poor or unsafe conditions.

Asset Information Services

Asset Information Services arranges the routine inspections of all Government Buildings and manages the Building Asset Management System (BAMS). Slap plans in BAMS note the possibility of asbestos, and BAMS data collectors are trained to identify asbestos.

Construction Division

This Government Business Division is responsible for the management and delivery of Capital Works and Repairs and Maintenance Programs for public infrastructure (non-roads) throughout the Northern Territory for NT Government client agencies.

3.8 Department of Local Government and Housing

Territory Housing

Territory Housing (TH) governs and maintains public, indigenous and government employee housing in the Northern Territory. As the landlord for these categories of housing TH is the primary contact for all tenant management and maintenance issues including those relating to asbestos.

TH is also the lead agency for the management of various construction activities, including the Strategic Indigenous Housing and Infrastructure Programme. This programme will oversee the extensive refurbishment of a large proportion of the housing in remote indigenous communities over the next five years. TH will ensure that contractors follow the required NT WorkSafe standards when working with asbestos detected in any of these dwellings.

TH has an asbestos register for all public housing and this requires updating as it is a condition based register. Registers do not currently exist for indigenous housing as responsibility for these dwellings was only transferred to Territory Housing from 1 July 2008. There is currently a major asbestos audit being undertaken by the Australian Government that will provide excellent baseline data regarding affected houses in the majority of the major indigenous communities.

There are primarily two catalysts that generate activity in relation to suspected asbestos issues. The first being the receipt of a concern/complaint from either a tenant or contractor doing work on a dwelling. Concerns can be lodged through the TH maintenance call centres or regional property manager offices listed in section 7.

The second being through the identification of asbestos issues at the time of vacate inspections carried out at the end of each tenancy.

Established operating procedures for the urban environment are outlined below.

Telephone Concerns/Complaints

1. Complaint registered
2. Initial inspection made within 4 hours if possible
3. Licensed contractor called to rectify situation (in the major urban centres 2&3 will occur concurrently)
4. Area made safe and residents relocated if required
5. Rectification work undertaken by licensed contractor
6. Department receives Certificate of Clearance
7. Residents reoccupy dwelling if they were relocated.

Vacate Inspections

1. Housing maintenance contractor inspects the dwelling to assess what work is required prior to re-tenanting
2. If asbestos is suspected the TH property manager attends and makes a determination on the appropriate course of action
3. Range of actions that would be considered include:
 - removal of asbestos
 - encapsulation of asbestos
 - disposal of asset.

3.9 Department of Business and Employment

Leased Property Management

The NT Property Management group manages the NT Government's leased property portfolio on behalf of tenant agencies and also manages building maintenance issues for this portfolio.

Occupational Health and Safety

The Occupational Health and Safety (OHS) Unit provides advice to NTG agencies on OHS trends and strategies, and assistance with the development and implementation of OHS risk management plans. The Unit also reports on OHS statistics across Government and conducts OHS systems audits for agencies.

3.10 Department of Regional Development, Primary Industry, Fisheries and Resources

This Department is the regulator responsible for administering the provisions of the *Mining Management Act* and administers safety requirements on mine sites.

4. Agencies Involved in Emergency Incidents with Asbestos

An emergency is broadly defined as ‘an incident, which endangers, threatens to endanger the safety or health of any person, or destroys any property or endangers or threatens to endanger the environment’.

An emergency involving asbestos may be caused by a fire, explosion, storm, accident or demolition resulting in a building being declared unsound, or in danger of collapse. After the initial response to an emergency, the site needs to be secured, assessed and appropriately cleaned up, to protect the health of site workers, residents, site visitors and nearby neighbours. The development of public information bulletins and press releases may also be necessary, depending on the scenario.

In an emergency incident potentially involving asbestos, the responsibilities of agencies other than the fire brigade or police are usually enhanced.

The type of premises / land involved in the emergency incident will generally determine which agency (or agencies) are responsible for coordinating the post incident investigation, management, clean up and recovery activities.

4.1 Northern Territory Fire and Rescue Service (NTFRS)

NTFRS is the lead agency during the response phase of an emergency incident involving hazardous materials. NTFRS’ emergency response role is determined under the *Fire and Emergency Act*. Agencies that support NTFRS include NT WorkSafe, NRETAS, Department of Health and Families and local government (as requested).

The response phase includes:

- containing the incident (for example, extinguishing the fire)
- fire investigation
- securing the site in conjunction with other relevant agencies
- assessing potential risks to health or likelihood of injury (structural collapse or other hazards).

Examples of asbestos-related incidents managed by NTFRS during the response phase include spills, fires, explosions or events involving hazardous materials.

On conclusion of emergency operations declared by the NTFRS Incident Controller, following fire investigation and scene security the appropriate agency will be advised of the incident and the possibility of asbestos contamination.

The NTFRS has a responsibility to ensure that fire service resources are available for response to other emergencies and as such will be required to hand over control of the incident site to the relevant agency as soon as is practicable.

Note: The NTFRS is not responsible for the management of assessing the site for the presence of asbestos, removal of contamination or dissemination of information to the general public.

4.2 Department of Justice

NT WorkSafe

NT WorkSafe provides advice in an asbestos emergency within a workplace in accordance with the provisions of the *Workplace Health and Safety Act* and Workplace Health and Safety Regulations. Incidents for which NT WorkSafe would be the lead agency include:

- unexpected incidents at a workplace (such as fires, natural disasters and explosions)
- off-site releases of asbestos from a workplace.

The *Workplace Health and Safety Act* and Workplace Health and Safety Regulations have requirements to protect members of the public visiting a workplace, or being impacted upon by events arising from a workplace. NT WorkSafe provides advice to DHF Environmental Health staff in emergencies where public health may be affected. This may include an assessment of potential off-site release of a hazardous material from an affected workplace, with likely implications for local community health.

4.3 Department of Natural Resources, Environment, The Arts and Sport

In emergencies involving asbestos, NRETAS has a responsibility to ensure that the environment is not polluted by any off-site discharge from an affected site. NRETAS involvement in an asbestos-related emergency incident can include:

- providing advice/enforcement in relation to transport and disposal of asbestos-containing wastes
- providing technical support during an assessment of the likely impacts on the local off-site environment
- take action under the Waste Management and Pollution Control Act in cases where there is illegal dumping of asbestos.

During any emergency incident involving a spill, release or burning of hazardous materials, NRETAS are regularly contacted by the NTFRS for assistance on:

- providing advice on air emissions and scope of evacuation (if required)
- assessing need for monitoring of air emissions and other potential land/water impacts
- providing advice on preventing environmental contamination.

4.4 Department of Health and Families

DHF may assist other agencies in the response phase of an asbestos-related emergency incident, as well as the post incident recovery phase.

In the response phase, DHF is a support agency to the NTFRS, as required. It is generally involved whenever there is potential for public exposure (with or without need to evacuate).

In relation to the recovery phase, DHF is the lead agency. It assists agencies to provide effective and appropriate services to community.

DHF involvement in an asbestos-related emergency incident can include:

- providing technical information/support
- providing information on potential public health risks to concerned local residents. This may also involve assisting other agencies with the preparation of public health information bulletins.

5. Conclusion

The nature of an asbestos event, the establishment of its work relatedness and its setting will generally determine which agency leads the investigation.

Overall, it is strongly recommended that the lead agency coordinate with all other agencies with a potential role in the situation, to confirm agreed roles and responsibilities. This type of agreement will ensure nothing is missed or duplicated when timelines are tight. The lead agency coordinates the investigation and prepares the final report and debriefing.

In general if the event is primarily:

- a public health issue, refer it to DHF Environmental Health. DHF can also provide advice on the health effects of asbestos
- an occupational health and/or workplace safety issue, refer it to NT WorkSafe
- a transport and disposal issue, refer it to NRETAS
- a school issue should be referred to DET Infrastructure Services.

Some enquiries will not fit neatly into a single category and there is often an overlap of responsibilities involving two or more agencies. A coordinated approach produces the most satisfactory outcome for all involved.

Table 1 summarises the roles and responsibilities of agencies involved in various asbestos incidents. In some instances, more than one agency may become involved in the management of an asbestos incident.

Table 1 – Asbestos – Incidents

Issue	Lead Agency	Legislation
Removal of asbestos roof or cladding from a factory or any other workplace	NT WorkSafe	<i>Workplace Health and Safety Act</i> and the Workplace Health and Safety Regulations
Contractor removing material from a residential property	NT WorkSafe	<i>Workplace Health and Safety Act</i> and the Workplace Health and Safety Regulations
Home owner removing asbestos material	DHF	<i>Public Health Act</i> and Public Health (Nuisance Prevention) Regulations
Transport of asbestos material (including houses) by a contractor	NT WorkSafe	<i>Workplace Health and Safety Act</i> and the Workplace Health and Safety Regulations
Transport of asbestos material by a home owner	DHF	<i>Public Health Act</i> and Public Health (Nuisance Prevention) Regulations
Storing asbestos material on a work site	NT WorkSafe	<i>Workplace Health and Safety Act</i> and the Workplace Health and Safety Regulations
Storing asbestos material on a residential property	Initially DHF but if necessary NT WorkSafe	<i>Public Health Act</i> and Public Health (Nuisance Prevention) Regulations
Derelict building being converted to residential use	NT WorkSafe	<i>Workplace Health and Safety Act</i> and the Workplace Health and Safety Regulations
Damaged asbestos in a building that is a workplace	NT WorkSafe	<i>Workplace Health and Safety Act</i> and the Workplace Health and Safety Regulations
Derelict building (comprising asbestos) that is not a workplace	DHF	<i>Public Health Act</i> and Public Health (Nuisance Prevention) Regulations
Fire incident involving structure (comprising asbestos)	NTFRS	<i>Fire and Emergency Act / Fire and Emergency Regulations</i>
Non-fire damaged building, fence, shed or structure (comprising asbestos) on private land	DHF	<i>Public Health Act</i> and Public Health (Nuisance Prevention) Regulations
Dumping asbestos material on private land	DHF	<i>Public Health Act</i> and Public Health (Nuisance Prevention) Regulations
Dumping asbestos material on Territory Housing land	Territory Housing/NRETAS	<i>Waste Management and Pollution Control Act / Waste Management and Pollution Control (Administration) Regulations</i>
Dumping asbestos material on public land owned/managed by a Local Government Authority	Local Government	<i>Local Government Act / Council By-laws</i>

Issue	Lead Agency	Legislation
Dumping asbestos material on public land owned by the Northern Territory Government	DHF	<i>Public Health Act</i> and Public Health (Nuisance Prevention) Regulations
Polluting land with asbestos material	NRETAS	<i>Waste Management and Pollution Control Act</i> / Waste Management and Pollution Control (Administration) Regulations
Asbestos material on a mine site	Department of Regional Development, Primary Industry, Fisheries and Resources	<i>Mining Management Act</i>
Asbestos material in an NTG School	DET	Refer to DET Facilities Unit
Asbestos material in an NTG Health Care Facility, e.g. hospitals, remote clinics	DHF	Refer to DET Infrastructure Services
Burial of asbestos to licensed landfill site	NRETAS	<i>Waste Management and Pollution Control Act</i> and Waste Management and Pollution Control (Administration) Regulations

Table 2 – Emergency Asbestos Incidents

Incidents	Lead agency - Response	Lead Agency - Recovery	Legislation
House being demolished by homeowner	Worker removing asbestos material >10m ² must be licensed	NT WorkSafe	<i>Work Health Act</i> and Work Health (Occupational Health and Safety) Regulations
Fire at a worksite	NTFRS	NT WorkSafe	<i>Fire and Emergency Act</i> and Fire and Emergency Regulations / <i>Workplace Health and Safety Act</i> and the Workplace Health and Safety Regulations
Fire at a residential premises or other structure that is not a worksite	NTFRS	DHF	<i>Fire and Emergency Act</i> and Fire and Emergency Regulations / <i>Public Health Act</i> / Public Health (Nuisance Prevention) Regulations

6. Other Resources

Health Effects of Exposure to Asbestos

Doll, R and Peto, J., 1985, *Health Effects of Exposure to Asbestos*, Her Majesty's Stationary Office, London.

Agency for Toxic Substances and Disease Registry

U.S. Department of Health and Human Services, 2001, *Toxicological Profile for Asbestos*, Public Health Services, Atlanta, Georgia.

Also available at <http://www.atsdr.cdc.gov/>.

World Health Organisation

International Program on Chemical Safety (IPCS) Environmental Health Criteria 53 (Asbestos), 1986

National Environmental Health Committee (enHealth)

The enHealth Council is a national body comprising all state/federal government environmental health sections. This is a health partnership for discussing environmental health issues focusing on the physical impacts the environment can have on health (such as asbestos and public health) <http://enhealth.nphp.gov.au/>.

Guidelines for the management of asbestos in the non-occupational environment, Department of Health Western Australia (enHealth 2004)

Sampling

NOHSC3003 Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres [NOHSC:3003(2005)]

Also available at <http://www.ascc.gov.au/>.

Transport

Workplace Health and Safety Regulation 163 – Storage and Disposal of Asbestos

Where asbestos is stored in, or moved from a workplace for disposal, it shall be contained in a receptacle designed to prevent the escape of the asbestos into the air.

Asbestos moved or removed from a workplace for disposal shall be disposed of by burying it at an approved site.

7. Relevant Contacts

Department of Justice - NT WorkSafe

General enquiries (toll free) 1800 019 115

Regional Offices

Darwin (08) 8999 5010

Katherine (08) 8973 8416

Alice Springs (08) 8951 8682

website: <http://www.worksafe.nt.gov.au>
<http://www.asbestos.gov.au>

Department of Education and Training – Infrastructure Services

Top End (08) 8901 4928

Central Australia (08) 8951 5730

Department of Natural Resources, Environment, The Arts and Sport

Pollution Hotline – 24 hour (toll free) 1800 064 567

Regional Offices

Darwin (08) 8924 4139

Alice Springs (08) 8951 9201

website: <http://www.nt.gov.au/nreta/environment/>

Department of Health and Families – Environmental Health

General enquiries (08) 8922 7152

Regional Offices

Darwin Urban (08) 8922 7377

Darwin Rural (08) 8922 7483 / 8922 7481

Katherine (08) 8973 9062 / 8973 9061

East Arnhem (08) 8987 0440 / 8987 0441

Barkly (08) 8962 4302

Alice Springs (08) 8955 6122

Tiwi Health Services (08) 8922 7642

Katherine West Health Board (08) 8971 9315

website: <http://www.nt.gov.au/health/envirohealth>

Department of Local Government and Housing***Territory Housing Maintenance Call Centres***

Alice Springs/Tennant Creek (08) 8951 5501

Darwin/Nhulunbuy/Jabiru (08) 8999 8860

Katherine (08) 8976 8939

Territory Housing Regional Property Manager Offices

Casuarina (08) 8922 5533

Darwin (08) 8999 8373

Palmerston (08) 8999 4765

Alice Springs (08) 8951 5503

Tennant Creek (08) 8962 4558

Katherine (08) 8973 8476

Nhulunbuy (08) 8999 8408

Department of Planning and Infrastructure – Building Advisory Services**Regional Offices**

Darwin (08) 8999 6435

Katherine (08) 8973 8926

Alice Springs (08) 8951 9253

Tennant Creek (08) 8962 4523

website: <http://www.nt.gov.au/lands/building/>

Appendix 1 Relevant Legislation

Workplace Health and Safety Legislation

Sections 55,56,57 and 59 of the *Workplace Health and Safety Act* outline the duty of care that various people including employers, workers, occupiers, owners and self employed persons have to ensure that workplaces are safe and without risk to the health or safety of the workers and any other person who may be affected by the work being carried out. Workplace can include private dwellings if a worker or contractor is employed to do work there.

The *Workplace Health and Safety Act* Regulations have specific requirements that must be complied with when working with asbestos.

Regulation 151 requires that before a building or structure is demolished the person carrying out the demolition shall examine the building or structure to determine whether asbestos is present in the building or structure; and (b) ensures that, if asbestos is present, it is removed in accordance with the Regulations.

Regulations 158 to 164 outline the specific requirements that must be complied with when working with asbestos.

Under Regulation 15 persons working with more than 10 square metres of non-friable asbestos must hold an asbestos removal licence. Full details of when a licence is required can be found in Schedule 3 of the regulations.

The *Workplace Health and Safety* Regulations also call up the National Codes of Practice for Asbestos, which outline procedures to be followed when dealing with asbestos.

NT Fire and Rescue Service legislation

NFRS powers concerning their emergency response to an emergency (including an asbestos issue) are covered under the provisions of the *Fire and Emergency Act*.

20. Powers of incident commander

- (1) The incident commander at a fire or other emergency shall –
 - (a) try, by such practicable means as he or she thinks fit, to control and extinguish the fire or deal with the emergency and to protect and save life and property; and
 - (b) control and direct those members who are at the fire or other emergency and any person who voluntarily places his or her services at the incident commander's disposal.
- (2) Without limiting the generality of subsection (1), the incident commander, at or immediately after a fire or other emergency, may–
 - (a) enter, or cause to be entered, and, if necessary, force open, or cause to be forced open, any land, building, vehicle or vessel on fire or which he or she considers may be on fire, menaced by fire, or in the vicinity of the fire or other emergency;
 - (b) cause land, a building, vehicle or vessel to be taken possession of, pulled down, sunk, damaged, destroyed or removed;
 - (c) take, or cause to be taken, equipment (including a vehicle) into, through, over or on land, a building, vehicle or vessel which he or she considers provides convenient access to the fire or other emergency;
 - (d) take possession of, remove and keep in safe custody any property on land or in a building, vehicle or vessel on fire or in the vicinity of the fire or other emergency;
 - (e) cause a street or thoroughfare in the vicinity of the fire or other emergency to be closed to traffic during the continuance of the fire or emergency;
 - (f) order a person to vacate land, a building, vehicle or vessel on fire or in the vicinity of the fire or other emergency;

- (g) remove, or order a member to remove, a person, vehicle, vessel or thing the presence of whom or which at or near the fire or other emergency might, in the incident commander's opinion, interfere with the work of the members, or create a danger;
- (h) pull down, destroy or shore up, or cause to be pulled down, destroyed or shored up, a wall or building which, in the incident commander's opinion, has, as a result of the fire or emergency, become damaged, insecure or dangerous to life or property;
- (j) use, without being liable to pay for it, any convenient supply of water to extinguish the fire;
- (k) cause water to be shut off from a main or pipe, or to be redirected, to obtain a greater pressure or supply of water;
- (m) cause the supply of electricity, gas or other fuel to land or a building –
 - (i) on fire;
 - (ii) adjacent to land or a building on fire; or
 - (iii) in the vicinity of the fire or other emergency, to be shut off or disconnected;
- (ma) cause a fire or fires to be lit as a precautionary measure to prevent the spread of a larger fire;
- (n) administer, or cause to be administered, first aid and basic life support to persons injured by the fire or other emergency;
- (o) require any potentially contaminated person to undergo decontamination procedures if the nature of the fire or emergency gives rise to concern that a biological or chemical hazard exists; or
- (p) direct or authorise the doing by a member or by a person who voluntarily places his or her services at the disposal of the incident commander, of an act or thing which the incident commander is, under this section, empowered to do.

Environmental Protection Legislation

Section 12 of the *Waste Management and Pollution Control Act* provides for a general environmental duty to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm.

Section 83 states that a person must not pollute the environment and details the various levels of offences under the Act from serious environmental harm through to environmental nuisance.

Section 14 outlines the duty to notify of incidents causing or threatening to cause pollution. Under the Act a person must report an incident to the administering agency as soon as practicable after and within 24 hours of becoming aware of the incident.

Mining Legislation

NT WorkSafe has jurisdiction under the *Workplace Health and Safety Act* on mine sites and mining activities in regard to occupational health and safety.

Public Health Legislation

Environmental Health's powers concerning the abatement of asbestos issues are dealt with under the provisions of the *Public Health Act* or *Public Health (Nuisance Prevention) Regulations*.

Public Health legislation is not specific to the supply and transportation of hazardous materials, however it is covered in Workplace Health and Safety Regulation 163 storage and disposal of asbestos and the asbestos Codes of Practice.

Public Health Act

Section 7C. states that the “Chief Health Officer may require risk to public health to be rectified

(1) Where, in the opinion of the Chief Health Officer, an owner or occupier of land has committed an offence against this Act or the Regulations which, in the opinion of the Chief Health Officer, causes or may cause a risk to public health, the Chief Health Officer may, if he is of the opinion that the offence is continuing, by notice in writing, require the owner or occupier of the land to cause the risk to be removed within such time as he specifies in the notice.

(2) Where the person on whom a notice under subsection (1) has been served fails to comply with the requirements of the notice within the time specified in the notice, the Chief Health Officer may authorize a person to enter, with or without employees, vehicles, plant, equipment or materials, on the land and carry out such work as is reasonably necessary to remove the risk specified in the notice.

(3) The costs of carrying out the work referred to in subsection (2) may be recovered from the person on whom the notice is served as a debt due and payable to the Territory.”

Public Health (Nuisance Prevention) Regulations

Regulation 3. Nuisance and offensive trades states that a “premises in such a state as to be a nuisance or injurious or prejudicial to health shall be deemed to be a nuisance liable to be dealt with in a manner provided by these Regulations”

A “premises includes messuages, buildings, lands, easements, and tenements of any tenure, and also a caravan or vehicle”

Regulation 52. Penalty states that “any person who contravenes or fails to comply with any provision of these Regulations; or fails to comply with any order or notice given under these Regulations, shall be guilty of an offence, and shall be liable, upon conviction, to a penalty not exceeding \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

In this context, a ‘nuisance’ could be considered as the spread of dust or fragments potentially containing asbestos.

Appendix 2 Monitoring Asbestos Fibres

Asbestos Air Sampling

Monitoring for atmospheric asbestos fibres during or after an emergency can help determine if people have been potentially exposed to asbestos, or to define the area or extent of asbestos contamination.

Following an illegal demolition, fire or explosion, it would be difficult to establish air monitoring in the community. It is usually not possible to arrange for air sampling at the time of an incident such as an illegal demolition, as the equipment required to undertake the analysis is highly specialised and not usually available at short notice.

Research into community exposure following an asbestos incident is limited. The 'World Trade Centre' and 'Pentagon' examples below support the claim that the health risks for members of the public as a result of an incident is negligible. The level of asbestos fibres in the environment is unlikely to exceed normal background levels, however air sampling may still be initiated to alleviate community concerns.

The decision to undertake air sampling is determined after discussion with other government agencies. There is no right or wrong answer when deciding whether to undertake air sampling, or not. Air monitoring after an incident such as a fire, explosion or demolition invariably indicates levels below detection limits³. Asbestos material burnt at high temperatures above 600°C⁴ may result in complete degradation of the fibres. However, during a fire, asbestos fibres may be released without being exposed to prolonged high temperatures.

The following examples illustrate that air sampling did not detect asbestos fibres following prolonged exposure to high temperatures:

World Trade Centre disaster (These buildings were built from 1968 to 1972 and a slurry mixture of asbestos and cement was sprayed on as fireproofing). The U.S. Department of Labour Occupational Safety & Health Administration undertook air monitoring following the collapse of the World Trade Centre towers on 11 September 2001. Sampling commenced on 13 September 2001 at various locations, including Ground Zero and surrounding areas. More than 1,400 air samples were taken to test for the presence of asbestos. All were below the permissible exposure levels for asbestos and 95 per cent were below detection limits⁵.

Pentagon building The US EPA undertook air sampling following the airplane crash on 11 September 2001. Air samples were taken between 11 to 29 September 2001 from the site. A total of 136 asbestos samples were collected from the site. No levels were above the permissible limits.

When considering whether air sampling should be conducted, the agencies in attendance must assess the type of incident, where it occurred and community reaction following the incident. As previously stated, air monitoring determines if the community have been exposed to asbestos fibres above the background levels. Sampling may be necessary regardless of scientific evidence indicating that asbestos fibres are unlikely to be above background levels, to alleviate community concerns.

³ enHealth, *Guidelines for the management of asbestos in non-occupational environment*, Department of Health Western Australia September 2005.

⁴ Hoskins JA, Brown RC, *Contamination of the air with mineral fibres following the explosive destruction of buildings and fire*, Drug Metabolism Reviews 1994, 26(4), 663–673 states that 'chrysotile starts to break down at 450°C and the amphiboles at 400–600°C and although the asbestos may still appear to be fibrous, the fibres will be readily converted to a dust which does not have the same pathogenicity as the original fibre.'

⁵ Statement of Patricia K Clark Regional Administration before the Subcommittee on National Security, *Emerging Threats and International Relations Committee on Government Reforms* U.S House of Representatives Oct 28, 2003.

Appendix 3 Asbestos-Containing Material

(This is not an exhaustive list)

A

Airconditioning duct, in the exterior or interior acoustic and thermal insulation
Arc shields in lift motor rooms or large electrical cabinets
Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats
Asbestos ceiling tiles
Asbestos cement conduit
Asbestos cement electrical fuse boards
Asbestos cement external roofs and walls
Asbestos cement in the use of formwork for pouring concrete
Asbestos cement internal flues and downpipes
Asbestos cement moulded products such as gutters, ridgecapping, gas meter covers, cable troughs and covers
Asbestos cement pieces for packing spaces between floor joists and piers
Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc
Asbestos cement render, plaster, mortar and coursework
Asbestos cement sheet
Asbestos cement sheet behind ceramic tiles
Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards
Asbestos cement sheet internal walls and ceilings
Asbestos cement sheet underlay for vinyl
Asbestos cement storm drain pipes
Asbestos cement water pipes (usually underground)
Asbestos-containing laminates (such as Formica) used where heat resistance is required
Asbestos-containing pegboard
Asbestos felts
Asbestos marine board (marinate)
Asbestos mattresses used for covering hot equipment in power stations
Asbestos paper used variously for insulation, filtering and production of fire resistant laminates
Asbestos roof tiles
Asbestos textiles
Asbestos textile gussets in airconditioning ducting systems
Asbestos yarn
Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid, (roofs and floors, also in brickwork)
Bituminous adhesives and sealants
Boiler gaskets
Boiler insulation, slabs and wet mix
Brake disc pads
Brake linings

C

Cable penetration insulation bags (typically Telecom)
Calorifier insulation
Car body filters (uncommon)
Caulking compounds, sealant and adhesives
Cement render
Chrysotile wicks in kerosene heaters
Clutch faces
Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings
Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation
Electric hot water services (normally no asbestos, but some millboard could be present)
Electric light fittings, high wattage, insulation around fitting and bituminised)
Electrical switchboards: see Pitch-based exhausts on vehicles

F

Filler in acetylene gas cylinders
Filters: beverage; wine filtration
Fire blankets
Fire curtains
Fire door insulation
Fire-rated wall rendering containing asbestos with mortar
Fire-resistant plasterboard, typically on ships
Fire-retardant material on steel work supporting reactors on columns, in refineries in the chemical industry
Flexible hoses
Floor vinyl sheets
Floor vinyl tiles
Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)
Gaskets: chemicals, refineries
Gaskets: general
Gauze mats in laboratories/chemical refineries
Gloves: asbestos

H

Hairdryers – insulation around heating elements
Header (manifold) insulation

I

Insulation blocks
Insulation in electric reheat units for airconditioner systems

L

Laboratory bench tops
Laboratory fume cupboard panels
Laboratory ovens: wall insulation
Lagged exhaust pipes on emergency power generators
Lagging in penetrations in fireproof walls
Lifts shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations
Limpet asbestos spray insulation
Locomotives: steam; lagging on boilers, steam lines, steam dome and gaskets

M

Mastics
Millboard between heating unit and wall
Millboard lining of switchboxes
Mortar

P

Packing materials for gauges, valves, etc., can be square packing, rope or loose fibre
Packing material on window anchorage points in high rise buildings
Paint, typically industrial epoxy paints
Penetrations through concrete slabs in high-rise buildings
Pipe insulation including moulded sections, water-mix type, rope braid and sheet
Plaster and plaster cornice adhesives
Pipe insulation, including moulded sections, water-mix type, rope braid and sheet
Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings & tiles
Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts
Sealant or Mastik on windows
Sealants and Mastik in airconditioning ducting joints
Spackle or plasterboard wall jointing compounds
Sprayed insulation – acoustic wall and ceiling
Sprayed insulation – beams and ceiling slabs
Sprayed insulation – fire retardant sprayed on nut internally, for bolts holding external building wall panels
Stoves – old domestic type; wall insulation

T

Tape and rope – lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

V

Valve or pump insulation

W

Welding rods

Woven asbestos cable sheath