

Asbestos

- What are your options ?

Presented by David Rodighiero, Partner

Introduction

Queensland is the first State to adopt the National Asbestos Codes:-

- *Workplace Health and Safety Act 1995*
- *Workplace Health and Safety Regulations 1997*
- *Code of Practice for the Safe Removal of Asbestos*

Code of Practice for the Management and Control of Asbestos in Workplaces

Agenda

- Licensing / Certificates
- The Asbestos Removal Code
- Decontamination
- Disposal
- Prohibited Activities
- Consequences of failure to comply
- Implications

Licensing / Certificates

(prior to 1st July 2006)

- Bonded ACM v Friable ACM
 - Bonded ACM – bonding compound reinforced with asbestos
 - Friable ACM – unbonded ACM – may be crumbled/powered by hand e.g. sprayed fireproofing/insulation
- Present Certificates
 - < 10m² of Bonded ACM = 'competent person'
 - =>10 m² of Bonded ACM or any quantity of Friable ACM - holder of certificate is certified to perform asbestos removal (s29B WHS Regs)

Licensing / Certificates

(changes as at 1st July 2006)

'A' and 'B' Class Licences replace certificate

- 'A' Class
 - *removal of Friable ACM and Bonded ACM => 10m²*
- 'B' Class
 - *removal of only Bonded ACM => 10m²*
- Competent Person
 - *removal of only Bonded ACM < 10m²*

The Asbestos Removal Code

By reason of s69C of the WHS Regulations
Asbestos Removal Code gives statutory force:

- Responsibilities of the client
- Responsibilities of the removalists
- General requirements

Control Measures

- *Part 10 of Asbestos Management code /
Part 11 of Asbestos Removal Code:*

- If friable, not stable and risk to health – remove ASAP
- If friable but stable – serious consideration for removal – short term measures
- If not friable and stable – minimising disturbance and encapsulation may be appropriate
- ACM should be clearly labeled and regularly inspected
- Removal before demolition, renovation or refurbishment



Removal - Bonded ACM => 10 m2 or more of bonded ACM

- Determine asbestos removal boundaries
- Security, signs and barriers
- Electrical installations
- Preparation activities:
 - minimising the number of people
 - correct tools
 - personal protective equipment (PPE)
 - decontamination materials
- Methods for removing ACM - wet spray / dry removal
- Air monitoring

Removal - Friable ACM

- *“Part 9 and Part 10 of the Asbestos Removal Code”*

Aimed to prevent the release of asbestos fibres into the air

- Comply with requirements for bonded ACM
- Close ventilation and air-conditioning
- Seal all vents
- Upon completion, and final cleaning replace mechanical ventilation filters

Removal - Specific Procedures

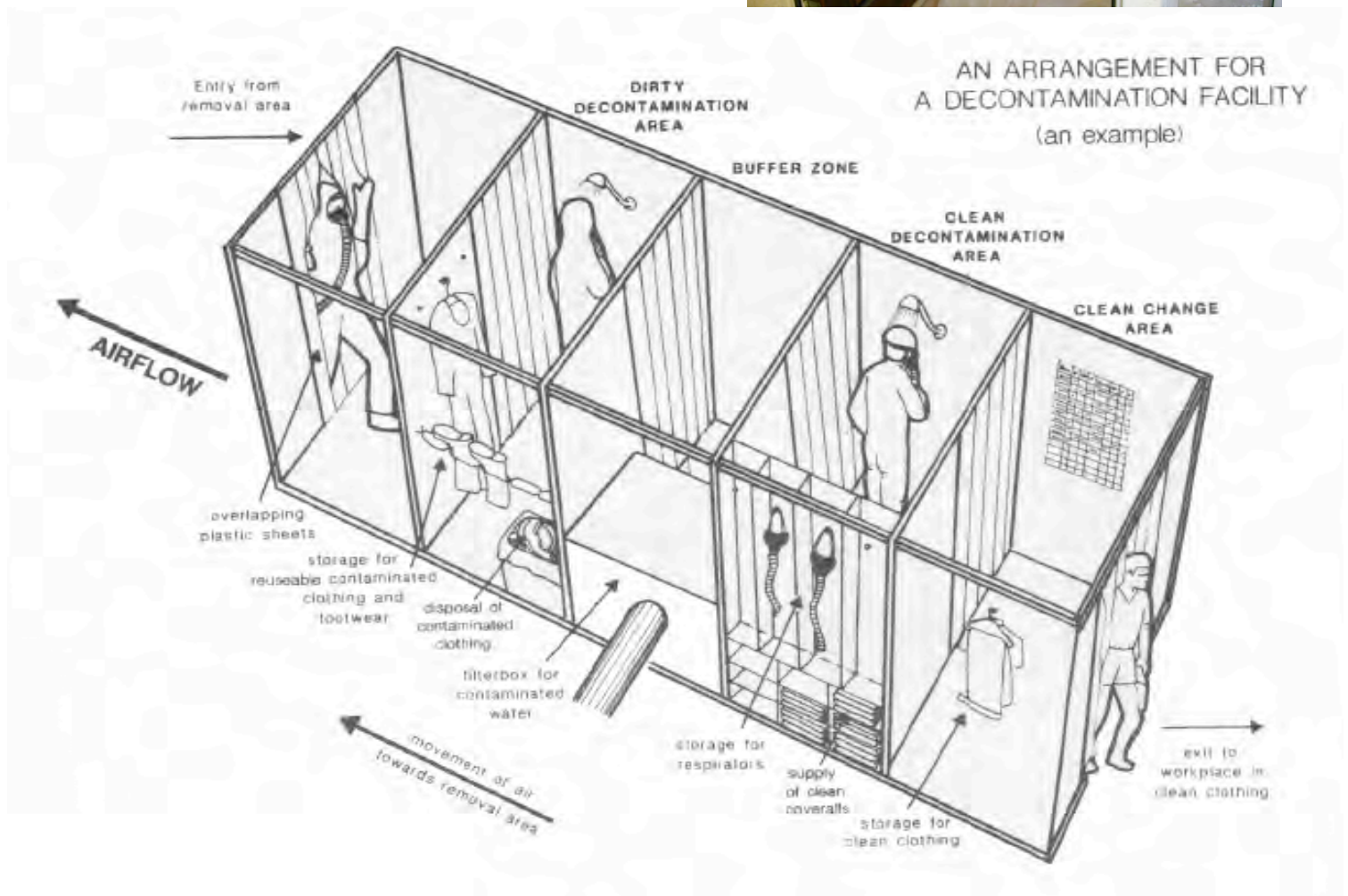
- "Part 12 of the Asbestos Removal Code"

Specific asbestos removal procedures

- Asbestos-cement products
- Floor coverings containing asbestos
- Asbestos gaskets and rope
- Asbestos switchboards or meter boards
- Asbestos mastics and bitumen
- Ceiling tiles
- Asbestos friction products.

Decontamination

- Type depends on ACM
- Decontamination Units
- Wet /Dry decontamination
- Personal decontamination



Disposal

- Paragraph 9.11 – Removal Code
- In accordance with relevant State Legislation or guidelines ?
 - Local Council – bonded ACM
 - Licensed removalist

Prohibited Activities

- Prohibited tools or work methods
 - Section 69E of *WHS Regulation*; and
 - Sections 11.6 and 11.8 of the Asbestos Management Code
- Include the use of
 - High-speed abrasive power and pneumatic tools
 - High pressure water cleaners
 - Compressed air or abrasive blasting
 - Vacuum cleaners other than specifically designed for asbestos.

Consequences of Failure to Comply

- **Penalties - section 24 WHS Act**
 - Multiple deaths – max \$150,000 or 3 years
 - Exposure to a substance likely to cause death or grievous bodily harm – max \$56,250 or 1 year
 - Other breaches - \$37,500 or 6 months
 - *Stratton Creek Pty Ltd v Morrison* [2005] NSWCS 84 - first time offence \$1,500

Consequences of Failure to Comply

- **Common law claims**
 - Rectification costs
 - Personal injury claims

Implications

- For Loss Adjusters
 - Responsibilities when assessing claims
 - Responsibilities to their employees
- For Insurers
 - Property damage claims
 - Contract Works policy

