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Your Ref:

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Dear Dr Pickin

Best practice governance of waste asbestos transport, storage and disposal

Thank you for the opportunity to provide feedback on the Discussion Paper - *Best practice governance of waste asbestos transport, storage and disposal*. The timeframe for comment on the Paper means only limited consultation with Local Government has occurred. The Municipal Waste Advisory Council will consider this Submission on Wednesday 26 April and you will be informed if there are any changes as a consequence.

WALGA strongly recommends that ASEA carries out further consultation on this issue. A minimum 2 month comment period would allow Associations to actively engage their members and go through the usual approval process for Submissions.

The Discussion Paper effectively draws attention to a number of important issues relating to waste asbestos transport, storage and disposal. The comparison between states provides some interesting insights. It is clear that there are opportunities to improve the regulatory approach used in Western Australia, such as requiring that licenced asbestos removalists / commercial transporters of asbestos use the State based waste tracking system and ensuring that the Department of Environment Regulation maintains records and has a system in place to monitor asbestos disposal in regional Western Australia.

General comments

- Local Government sites accepting commercial waste: An observation was made in the Paper that some Local Government sites do not accept commercial asbestos waste. A motivation for this may be that in most states Local Government only has legislative responsibility for household waste – not commercial waste. There is not a strong imperative for Local Government to provide a service for commercial disposal, unless there is a strong financial motivation, or where the Local Government is the only service provider, as is most often the case in the non-metropolitan area.
- Disposal costs: From the analysis in the Paper, the current approach of only having 'free' asbestos disposal for householders is supported. For the householder who does not have time/labour costs, the main cost is disposal. In removing disposal costs for householders, the question must be asked as to who will take on that cost. To encourage correct disposal, lower costs, subsidised by Government are supported. For the private sector, where asbestos is removed on a commercial basis, disposal is only a proportion of operating costs and could be seen as 'the cost of doing business'.

- **Accessibility:** When considering the accessibility of asbestos disposal points, distance travelled is only one factor. Issues such as opening hours also need to be considered. Also, whether the listed disposal sites are for the public, or commercial businesses. That is, licenced removalists. The current threshold for when licenced removalists must be used in a workplace setting to remove non-friable asbestos is 10m². The regulatory framework to be established under the Public Health Act 2016, could potentially include thresholds for licenced asbestos removal from households.
- **Areas with many asbestos structures:** The research does not highlight that there are a number of areas, predominantly in the non-metropolitan region, where over 50% of structures are likely to contain asbestos. These structures can present a significant risk to the community and waste management operators at the end of life or in an emergency event. For example, asbestos significantly impeded recovery efforts in the 2016 Yarloop Fires. To begin addressing this issue, WALGA has submitted a funding application to the Office of Emergency Management to work on embedding waste management considerations into emergency management systems.

Discussion Prompts:

1. *Is the text in Section 2.1 a reasonable expression of the ideal waste asbestos disposal system and its pre-requisites?* Yes, the system identified is reasonable. The Association is concerned with how this vision will be achieved, given the current financial situation.
2. *Is it reasonable to consider cost impacts in setting standards for managing asbestos exposure risks? If so, have we got the balance right in asbestos governance frameworks?* Yes it is reasonable and usually part of government decision making through a Consultation/Decision Regulatory Impact Statement, at the Federal level, and through a similar process at the State level. In considering cost impacts it is important to take into account the cost of inaction, including significant impacts to human health, the health care system and the clean-up of illegal dumping material.
3. *Would it be useful to agree on a national target for accessibility to facilities accepting waste asbestos? If so, how should this be expressed.* Yes, it would be useful to have a nationally agreed target. However, this target must be underpinned by a clear strategy that outlines additional regulatory and resourcing requirements. Preferably, the target will be practically achievable, rather than aspirational. The Target should be set at a State level, rather than national. The draft wording for a target in the Discussion Paper addresses this issue. More thought is needed on what 'access' means. Lessons can be learnt from the National TV and Computer Product Stewardship Scheme on how 'reasonable access' can be interpreted. For example, reasonable access to the Scheme in a regional population centre was 'met' by providing a half day drop off, on a Tuesday, in an industrial area with very limited advertising.
4. *How could the network of disposal facilities accepting waste asbestos be most readily expanded?* Regardless of the approach that is taken, the network must be appropriately regulated and resourced. In the event that the mobile events/drop off system is adopted, parameters of 'what's in,' and 'what's out' must be clearly communicated.
5. *How can the government encourage waste facilities to accept asbestos?* Financial incentives would be an effective mechanism. Asbestos management at sites requires expertise, training, has risk attached and may be difficult to justify. Therefore there needs to be an incentive for sites to accept material.
6. *Under what circumstances is it appropriate for transfer stations to accept asbestos?*
The licence conditions for a transfer station will outline operating requirements for acceptance of asbestos. Given the risks associated with managing this material and the different approaches to

operations/resourcing, acceptance should remain at the discretion of each site. Some transfer stations are located close to landfills. In these instances, operations can be structured to minimise movements of asbestos on site. For other transfer stations, this is not the case. To reduce risk, large quantities of asbestos from licenced removalists / commercial transporters of asbestos should be directed straight to appropriately licenced landfills.

7. *Could waste facilities be required to accept asbestos? If so, how could prices be controlled?* No. Waste facilities should not be required to accept asbestos, an incentive based approach is suggested.
8. *To what extent would widespread adoption of the WA Model (no levy on waste ACM) or the Victorian model (lower levy on asbestos wastes) help to ensure asbestos waste are safely and directly transported to landfill?* It should be noted that QLD and NT do not place a Levy on asbestos (or any other waste). WALGA supports the Levy as an economic instrument partly to discourage waste to landfill and to provide funds to invest in strategic waste initiatives. Asbestos is a material which should be disposed of in landfill, therefore it is not appropriate that a Levy is applied.
9. *Under what circumstances is it appropriate to subsidise the collection and disposal of asbestos from households?* The example given of the Local Governments in NSW is a good test case to demonstrate in which circumstances this approach may be appropriate. That is, where there is a high concentration of properties with asbestos either in the house or surroundings. In the event that this approach is adopted, parameters of 'what's in,' and 'what's out' must be clearly communicated. An industry wide discussion is required on who should subsidise asbestos collection and disposal. The limited number of free asbestos drop off points provided in Western Australia are currently absorbing disposal costs into their own operating budgets. In some cases, costs are incurred from those living outside of a rateable area. Any proposal to expand free disposal services needs to acknowledge the cost of providing this service, and which party should pay for it.
10. *Has every state and territory given full effect to the National Environment Protection (Assessment of Site Contamination) Measure 1999, including Vol 2: Sch B1 and Vol 3 Sch B2 on asbestos materials in soil? Does the Measure have any specific problems or weaknesses? Could the asbestos contaminated soil be defined simply by referring to the wastes generated from an asbestos contaminated site remediated in accordance with the Measure?*
No comment.
11. *Would you support the following reconfiguration of waste codes and practices under the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998?*
 - *Waste ACM: N220*
 - *soil contaminated with asbestos: N120 (with contaminants recorded so the presence of asbestos is not overlooked)*
 - *other waste contaminated with asbestos: N221 (a new code).*No comment.

In undertaking this important work, it is important that ASEA understands that substantial funding may be needed in different States and Territories to address this issue and that there is a reluctance to use funds from various Landfill Levies for this purpose. Levies were established with a clear imperative to divert waste from landfill, not fund disposal of materials such as asbestos. Product Stewardship is also not an appropriate mechanism, as this material is no longer sold in Australia. Therefore alternative funding streams will need to be identified.

The Association requests that ASEA works closely with the Local Government sector in seeking to resolve the issues associated with waste asbestos transport, storage and disposal. Local Government plays a significant role in the ongoing management of waste asbestos and is well placed to work with the Community, State and Federal Governments to progress this issue. Political commitment from all levels of Government is imperative to achieving the ideal waste asbestos disposal system.

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Yours sincerely



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