



# REMOVAL & WORKING WITH ASBESTOS CONTAINED MATERIAL (ACM)

WHS A008

NARRANDERA SHIRE COUNCIL POLICY

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## Removal and Working with Asbestos Containing Material



<b>Policy No:</b>	<b>WHS A008</b>
<b>Policy Title:</b>	<b>Removal and Working with Asbestos Containing Material</b>
<b>Section Responsible:</b>	<b>Executive Services</b>
<b>Minute No:</b>	
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### Objective

The objective of this document is to act as a guide to inform all persons, including Contractors employed by Narrandera Shire Council, of the safe work procedures when undertaking work in an environment that has been identified, or suspect of, containing Asbestos or material that contains Asbestos.

Narrandera Shire Council has written, in this document, specific procedures and instructions to protect its staff from this hazard. The content of this document provides guidelines to eliminate, as far as possible, the risks and hazards inherent in working with this hazard.

Employees of Narrandera Shire Council and Contractors employed to undertake work on Council buildings and / or in areas under Council's jurisdiction, that have been identified to contain ACM must understand that these instructions/ procedures are formulated to comply with Narrandera Shire Council's obligations under the WHS Act and regulation 2011 and are mandatory for Narrandera Shire Council workers and contractors employed there in.

Contractors should take actions to assess these hazards and take actions to protect their staff under the WHS legislations to which it is subject.

### Scope

This procedure applies to all Narrandera Shire Council workers, including contractors, visitors and volunteers.

### Definitions

Refer to Appendix B

## General Information

**\*ONLY NON FRIABLE ACM CAN BE REMOVED\***

**From January 2009, should the removal of Asbestos containing material be over 10m<sup>2</sup>, it will need to be removed by a licensed asbestos removalist.**

Asbestos is the generic term for a number of fibrous silicate minerals. There are two major groups of asbestos:

- The serpentine group contains chrysotile, commonly known as white asbestos
- The amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos), as well as some of the other less common types, such as tremolite, actinolite and anthophyllite.

### **Serpentine Group**

Chrysotile is the only form of asbestos that has been used commercially from the serpentine group.

In the past, chrysotile has been used in the manufacture of:

- Asbestos cloth, tapes, ropes and gaskets for packing, and in thermal and chemical insulation
- Asbestos cement sheets and pipes for construction, casing for water and electrical/telecommunication services
- Rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- Fire-rated doors, equipment and structural beams of buildings
- Fillers and filters

Until recently, chrysotile was used almost exclusively in the manufacture of packing and friction material, such as gaskets, and brake and clutch linings. Care must be taken that imported products do not contain any chrysotile asbestos.

### **Amphibole Group**

Until the early 1980s, amosite and crocidolite were used in many products but, in the mid 1980s, the use of all asbestos in the amphibole group were banned. The products include:

- Asbestos cement sheets and pipes for construction, casing for water and electrical/telecommunication services
- Thermal, acoustic and chemical insulation- fire rated doors, limpet spray, lagging and gaskets.

## Effects on Health

Asbestos is formed in fibre bundles and, as it is further processed or disturbed, the fibre bundles become progressively finer and more hazardous to health. The small fibres are the most dangerous. These smaller fibres are invisible to the naked eye and penetrate deep into the lungs upon being inhaled.

Significant health risks may arise from the inhalation of airborne asbestos fibres. Compared with straight amphibole fibres, chrysotile fibres are curly and less likely to penetrate the deepest parts of the lung.

The inhalation of fibres brings a risk of asbestosis, lung cancer and mesothelioma. Evidence has shown that asbestos causes gastrointestinal and laryngeal cancers in humans, but to a far lesser extent than lung cancer. In most cases there is a delay or latency period of 20 to 40 years between first exposure and the onset of symptoms and/or the detection of the disease. It must be noted that Asbestos related diseases can appear or progress after a person is no longer exposed.

**Asbestosis** is the scarring of the lung tissue that can result from the breathing in substantial amounts of asbestos over a period of years. The main symptoms, associated with this disease, are breathlessness which may lead to disability and, in some cases, death. Minor changes in x-ray images may not be detected for many years without any symptoms of asbestosis or progression of the disease.

**Lung Cancer** is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

**Mesothelioma** is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). The risk of mesothelioma is less with chrysotile than with the other types of asbestos. This type of cancer is associated with exposure to both amosite and crocidolite type asbestos. Mesothelioma rarely occurs in less than 15 years from the first exposure, and most cases occur over 30 years after first exposure (Working with Asbestos guide; 2008: pg4).

In the instance of working with **cancer** causing substances, there are no safe levels of exposure for lung cancer or mesothelioma, which has been identified. It has been recognised that the amount of asbestos fibres in the air that is being inhaled is the important factor in determining the level of health risk. **The risk is increased depending on the concentration of asbestos fibres in the air.**

## Responsibilities

It is the responsibility of the Director of Technical Services to ensure all works to be done on premises or sites identified to contain Asbestos, are done so by following the procedures listed in the following appendices and by following the Asbestos Policy WHSA008, and that the procedures here in are communicated to Council employees or contractors assigned to the relevant works.

Council is committed to fulfilling its responsibilities to workers under the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2011* and maintaining a safe work environment through Council's:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- Procedures for identifying and managing asbestos containing materials in Council premises.

### **General Manager & Directors (Officer of the PCBU)**

The General Manager and Directors have a duty to exercise due diligence to ensure that Council complies with the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2011*. This includes taking reasonable steps to ensure that Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

Also refer Procedure – Appendix A

### **Managers / Supervisors**

Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

Also refer Procedure – Appendix A

### **Workers**

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

- must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation.

Also refer Procedure – Appendix A

### **Council's general responsibilities**

Council has general responsibilities under the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2011*. Accordingly Council will:

- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the *NSW Work Health and Safety Regulation 2011*) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- ensure that the exposure standard for asbestos (defined in Appendix B) is not exceeded in the workplace
- notify WorkCover immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air
- ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed
- consult with workers as required by the *Work Health and Safety Act 2011*.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, Council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

### **Education, training and information for workers**

As required by the *NSW Work Health and Safety Act 2011* and *NSW Work Health and Safety Regulation 2011*, Council will:

- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of Council business
- ensure workers who Council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

### **Health monitoring for workers**

Narrandera Shire Council workers will be provided with health monitoring as identified under the NSW Work Health and Safety Regulations, where it has been identified that their work may expose them to Asbestos. Narrandera Shire Council will engage the services of the workers Compensation Dust Disease Board (DDB) to provide respiratory health monitoring on the DDB Mobile Respiratory Unit.

Where quantities of Asbestos are outside the normal levels for council workers (10 square metres or more of non-friable asbestos is to be removed) a suitably qualified and licensed contractor will be engaged to perform works as required. It is the responsibility of the Council Project managers to ensure that only appropriately licensed contractors are contracted to remove Asbestos from any building or site as referred to in the Asbestos register.

### **Asbestos management plan**

*Council will prepare an asbestos management plan.*

### **Procedure**

Refer Appendix A

### **Legislation**

- NSC Work health and Safety policy
- Work health and Safety act, 2011 NSW
- Work health and safety regulation 2011
- WorkCover Working with Asbestos guide 2008
- Code of Practice for the safe removal of Asbestos [NWHSC: 2002(2005)]
- Code of practice from the Management and Control of Asbestos in the Workplace [NWHSC: 2018 (2005)]
- Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust [NWHSC: 3003 (2005)]
- NSW Government – Asbestos Blueprint : A guide to roles and responsibilities for operational staff of state and local government November 2011

### **Naturally occurring asbestos**

The Narrandera Shire Council is not aware of any naturally occurring asbestos in the LGA.

### **Non-compliance with the policy**

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

In the event that employees fail to comply with the policy, Council's disciplinary procedures shall be followed.

The appropriate supervisor, manager, director, or the General Manager, shall take action in the case on non-compliance with this policy and this may include providing education and training, issuing a verbal or written warning, altering the worker's duties, or in the case of serious breaches, terminating the worker's services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

### **Variations to this policy**

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

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#### **Policy History**

Adopted	November 2009
Reviewed	November 2011, Nov 2012, March 2013
Amended	November 2011, Dec 2012, August 2013

Authorised Staff to Insert GM Signature Here

Signed:           General Manager

Date: .....

# Appendix A - Procedure

## Actions/ Procedures

### 1.1 Risk and Exposure Assessment

A risk assessment must be performed before commencing any works. This will be used to enable decisions to be made about appropriate control measures, training, monitoring and health surveillance.

**Use Form: K:\FORM DOCUMENT REGISTER\1 - WHS Forms WHS - 112**

### Identification of ACM

Where upon a premises, building or site has been identified with a warning sign, identifying the presence of ACM, the Asbestos register will be used to determine the location of ACM and its state/ or condition.

If there is any uncertainty as to whether there is the presence of ACM at the site or building it should be deemed that materials present are ACM and dealt with in the prescribed method.

### Suspected asbestos

If a worker suspects there is asbestos in a Council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material. If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

### Asbestos Register

The Narrandera Shire Council's Asbestos register is linked to this document. The register will be controlled and updated by the Manager of Development & Environmental Services. The register will be reviewed every 2 years, at the same time as this policy and procedure, or when work has been done to any of the sites listed in the register where the status of the ACM has changed or where a lease agreement has a specified review date.

**\*ONLY NON FRIABLE ACM CAN BE REMOVED\***

**From January 2009, should the removal of Asbestos containing material be over 10m<sup>2</sup>, it will need to be removed by a licensed asbestos removalist.**

**If friable ACM is identified, DO NOT DISTURB. Seal and enclose as far as practical in order to prevent contact or further generation of any air borne fibres.**

**REMOVAL OF FRIABLE ACM MUST BE CONDUCTED BY A LICENCED ASBESTOS REMOVALIST.**

**The NSW *Work Health and Safety Regulation 2011* specify requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. WorkCover is the lead agency for regulating the safe management of asbestos at workplaces.**

## **1.2 Preparation for Working with or Removal of ACM**

- With the use of barriers, restrict access to the work area. In the event that removal is within a workplace occupied with personnel, barrier tape and warning signs are required.
- Visually inspect work area to determine the need for extra lights and provisions for working at height if the ACM work will need to be done at height. In such cases the WHS (prevention from falls) Reg 2003 must be complied with.
- Have ready all necessary equipment. This should include, but not be limited to the following items:
  1. Hand tools
  2. Water spray
  3. wet wipes
  4. Asbestos waste bags
  5. Plastic sheets and tape.

### **1.2.1 Working with Asbestos**

#### **Safe work procedures and requirements**

The following requirements and procedures must be observed at all times when carrying out any building, renovation or asbestos work:

#### **Bonded asbestos**

When handling bonded asbestos material there are a number of precautions that

need to be observed to minimise the release of asbestos fibres and dust.

Protect yourself:

- Wear a half-face filter respirator fitted with a class P2 filter cartridge, the mask must have an airtight fit.
- Wear disposable coveralls to prevent contamination of any clothing.
- Wear a disposable hat and gloves. Thoroughly scrub in decontamination area before leaving site.
- Leave the respirator on until contaminated clothing is removed. Coveralls must be disposed of with other asbestos waste.
- Thoroughly wash your hands, shower and wash your hair after handling asbestos.

**When working outdoors:**

- Keep windows and doors of the house closed and cover air vents to prevent asbestos fibres and dust from entering the building.
- Place heavy duty plastic sheeting on the ground to catch dust, debris and off-cuts of asbestos materials.
- Remove play equipment, personal belongings and vehicles from the work area.
- Keep household members and pets away from the area until all work and clean up is complete.
- Inform any neighbours that they should close their windows and doors while works are in progress.
- If possible avoid working with asbestos on a windy day.

**When working indoors:**

- Isolate the area you are working in from the rest of the building. Exterior doors and windows should be left open so as to maximise ventilation.
- Place heavy duty plastic sheeting on the floor (200um thick) to catch all dust, debris and off-cuts of asbestos materials.
- Keep household members and pets away from the area.

**General requirements:**

- **Do not use power tools on asbestos products.** Only use non-powered hand tools, as these only generate small amounts of dust.
- Gently but thoroughly wet down the material before you start work by lightly spraying with water. Keep it wet while working to reduce the release of fibres and dust. The material may be sealed with PVA sealant, if wetting down increases the risk of the material falling, limit the use of moisture in this area.
- Do not use high-pressure water jets as this may increase the spread of any loose fibres and dust.
- Do not drop or smash or break up asbestos sheeting. Retain in whole sheets wherever possible.
- Work in well-ventilated areas where possible.
- Minimise dust by using wet methods or use a High Efficiency Particulate Air

(HEPA) filter.

- Use drop sheets to collect debris and dust.
- Stack and wrap the asbestos material in heavy duty plastic sheeting.

Asbestos policy 7

- Do not leave asbestos materials lying around the site or building, dispose of them safely to an approved waste facility as soon as possible.
- Dispose of waste and collected dust in plastic bags which are clearly labelled asbestos waste.
- Do not abrade or scrub the surface. Pre-seal with polyvinyl acetate (PVA) sealant, use paint stripper to remove paint instead of sanding.
- Do not walk directly on asbestos cement roofing, as it may be brittle and unsafe.
- Maintain personal and public safety at all times.

### **1.3 Removal of ACM (non friable only)**

**Removal of Asbestos containing material over 10m<sup>2</sup>, will need to be removed by a licensed asbestos removalist.**

**For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW *Work Health and Safety Regulation 2011* including the requirements to:**

- **Notify WorkCover at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, Council may request to WorkCover that this five days period be waived**
- **prepare, supply and keep an asbestos removal control plan**
- **obtain a copy of the asbestos register before carrying out asbestos removal work**
- **inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace**
- **erect signs and barricades**
- **limit access to the asbestos removal area**
- **properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment**
- **arrange a clearance inspection and clearance certificate.**

**The use of Powered hand tools is prohibited when working with Asbestos by the Narrandera Shire Council.**

1. Correct PPE must be worn. This includes but is not limited to:

- Disposable overalls which fit well and provide coverage when worn. No short sleeved overalls.
- P1 or P2 respirators are to be used during removal and clean up process. When P1 respirators are to be used, it is noted that, they have a useful life of one working

day. P1 respirators should be disposed of at the end of each job or at the end of each day, whichever occurs first.

- Disposable gloves
- Eye protection- safety glasses are a minimum. Enclosed Goggles are preferred.
- Hair protection in a disposable form.

2. Wet down all ACM to be removed

3. Use plastic drop sheets to collect Debris

4. Disconnect ACM and fittings, take care to minimise damage and breakage.

5. Continue to wet down material during the course of removal.

6. All ACM should be placed straight into waste bags that are at least 200um thickness, or placed onto plastic sheets, ready to be wrapped, sealed and labelled.

7. All ACM debris that is visible is to be removed and placed into the waste bags. All bags are to be filled to no more than 2/3<sup>rd</sup>s of their max capacity.

8. Using wet wipes or appropriate wet clothes, wipe down all areas that have been in contact with the ACM.

9. Conduct a final visual inspection of area. Any fine residue left may be cleaned using an approved vacuum cleaner with a HEPA filter (Normal household vacuum cleaners are not to be used).

10. Decontaminate tools and boots. Place all waste wipes, rags into waste bags.

11. Remove overalls, Gloves, and head protection and place into waste bag and seal.

12. Place bagged rags and clothes into 2<sup>nd</sup> waste bag, remove respiratory protection and place in 2<sup>nd</sup> bag. Goose neck and seal bag with tape.

13. Bag is to be labelled and taken to Asbestos waste skip as soon as practical. The amount of ACM and source are to be recorded to meet EPA requirements, and the information updated in the Council register.

**Note: All ACM must be double wrapped in 200um plastic and correctly labelled before moving in a vehicle.**

### **Clearance inspections and certificates**

Where Council commissions any licensed asbestos removal work, Council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor. The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

### **Accidental disturbance of asbestos by workers**

In situations where asbestos is accidentally disturbed by Council work and has, or could, become airborne, Council will act to minimise exposure of workers and the wider public to airborne asbestos.

Refer to point 1.2.1 above for details on the procedure to be used in the event of asbestos becoming accidentally disturbed.

## **1.4 Safe Disposal**

### **Collection and Storage**

All bonded Asbestos waste must be:

- Kept damp (prevent runoff water)
- Collected, labelled and sealed using appropriate plastic or leak proof containers
- Stored in labelled, plastic-lined bins that are covered, or leak proof containers that are covered
- Placed in bins or trucks that are large enough to contain full sheets without breaking them
- Stored in a secure area
- Removed from the site as soon as practicable

The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

### **Transportation**

The *Dangerous Goods (Road and Rail Transport) Regulation 2009* requires placarding and licensing for the transport of asbestos where it falls outside of provision 168.

The following special requirements apply to the transport of asbestos waste, and non-compliance with these requirements is an offence:

- a. Bonded asbestos material must be securely packaged at all times
- b. Friable asbestos material must be kept in a sealed container
- c. Asbestos-contaminated soils must be wetted down
- d. All asbestos waste must be transported in a covered, leak-proof vehicle.
- e. Not mixed with general building waste

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005*. Asbestos waste transported within New South Wales does not need to be tracked. The waste tracking system is administered by the EPA. An environment protection licence is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the *Protection of the Environment Operations Act 1997*). Penalty notices may be issued for \$1500 (to individuals) and \$5000 (to corporations).

## **Disposal**

The Waste Regulation stipulates the following prescriptive controls for off-site disposal of asbestos waste, and non-compliance with these requirements is an offence:

- a. asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste
- b. when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos
- c. when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust
- d. asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence:
- e. initially (at the time of disposal), to a depth of at least 0.15 metre
  - at the end of each day's operation, to a depth of at least 0.5 metre
  - finally, to a depth of at least 1 metre (in the case of bonded asbestos waste or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

Further to the above steps the following points apply:

- Asbestos waste in any form must be disposed of in a manner approved by the EPA and the Department of Heritage and Environment (DH&E) and at a waste facility licensed by DH&E to accept asbestos waste
- Vehicles and their containers must be cleaned before leaving the waste facility
- Proof of proper disposal needs to be obtained, copies of asbestos waste disposal receipts are to be kept for inspection by WorkCover and DH&E.

## **Situations in which asbestos waste may be rejected from waste facilities**

Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3 of the code of practice)

- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2005*).

Individuals may be fined \$1500 and corporations may be fined \$5000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2005* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

### **Re-excavation of landfill sites**

The re-excavation of a Council landfill site where significant quantities of asbestos waste are deposited should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

## **1.5 Licensed Removal Contractors & Licences**

It is the responsibility of the Council Project managers to ensure that only appropriately licensed contractors are contracted to remove Asbestos from any building or site as referred to in the Asbestos register. A copy of their current licence is to be requested and copied for filing. Licences are valid for only 2 years.

WorkCover can be contacted to confirm that a licence is still current.

### **Licence types**

Class A asbestos removal licence allows the licence holder to remove friable asbestos and non-friable asbestos and asbestos contaminated dust (ACD). (Clauses 485 and 487 of WHS Regulation).

Class B asbestos removal licence allows the licence holder to remove non-friable asbestos and ACD associated with the removal of non-friable asbestos. (Clause 487(1) of the WHS Regulation).

An asbestos assessor licence is required for air monitoring, clearance inspections and clearance certificates for class A removal work (friable asbestos removal work). (Clause 489 of the WHS Regulation).

### **Scope**

## Class A asbestos removal licence

A class A asbestos removal licence is required for the removal of friable asbestos or ACD. (Clause 485 of the WHS Regulation).

ACD is asbestos contaminated dust or debris and means any dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos. (Clause 5 of the WHS Regulation).

A class A asbestos removal licence is not required for the removal of ACD that is associated with the removal of non-friable asbestos or is only a minor contamination. (Clause 486 of the WHS Regulation).

## Class B asbestos removal licence

A class B asbestos removal licence is required for the removal of more than 10 square metres of non-friable asbestos or ACM, or ACD associated with the removal of more than 10 square metres of non-friable asbestos.

Class B asbestos removal licence is not required for the removal of:

- 10 square metres or less of non-friable asbestos or ACM.
- ACD associated with the removal of 10 square metres or less of non-friable asbestos or ACM.

(Clause 487 of the WHS Regulation).

Asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos. (Clause 5 of the WHS Regulation).

## Asbestos assessor licence

An asbestos assessor licence is required for air monitoring, clearance inspections or the issuing of clearance certificates for class A asbestos removal work, where a class A licence is required. (Clause 489 of the WHS Regulation).

A competent person who is not a licensed asbestos assessor can carry a clearance inspection for licensed asbestos removal work that does not require a class A licence. (Clause 473(2)(a)(b) of the WHS Regulation).

The contractors should develop a site specific risk assessment and control plan before commencing works for ACM removal. The plan should be used to ensure the removal and handling meets WHS regulations and that all works are carried out in a safe manner.

Asbestos licences Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: <ul style="list-style-type: none"><li>• any amount of friable asbestos or asbestos containing material</li><li>• any amount of asbestos containing dust</li><li>• any amount of non-friable asbestos or asbestos containing material.</li></ul>

Class B	<p>Can remove:</p> <ul style="list-style-type: none"> <li>• any amount of non-friable asbestos or asbestos containing material</li> </ul> <p><b>Note:</b> A Class B licence is required for removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material.</p> <ul style="list-style-type: none"> <li>• asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material.</li> </ul> <p><b>Note:</b> A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m<sup>2</sup> of non-friable asbestos or asbestos containing material.</p>
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> <li>• up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>• asbestos containing dust that is: <ul style="list-style-type: none"> <li>- associated with the removal of less than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>- not associated with the removal of friable or non-friable asbestos and is only a minor contamination.</li> </ul> </li> </ul>

## 1.6 Emergency Management

### Background

An emergency such as fire, flood, storm, explosion or accident can cause damage to buildings or land that contains asbestos, creating site contamination issues and potential exposure to emergency service workers and the general public.

### Control framework

The *State Emergency and Rescue Management Act 1989* provides the legislative basis for co-ordination of emergency prevention, response and recovery operations.

The Act provides for:

- the establishment of the State Disasters Council to advise the Government on all matters relating to the prevention and preparation for, response to and recovery from emergencies
- the establishment of Emergency Management Committee at State, District and Local Government levels
- the preparation of a State Disaster Plan (Displan), subordinate and supporting plans to ensure a co-ordinated response and recovery from emergency management operations

- arrangements for controlling emergency operations including specific provisions relating to emergency powers and liability of emergency services personnel.

Fire and Rescue NSW (FRNSW) is the State Government agency responsible for the provision of fire, rescue and hazmat services in cities and towns across New South Wales in accordance with the *Fire Brigades Act (1989)*. FRNSW is one of the agencies involved in the response phase of most emergency events throughout NSW.

Table 1.1 below provides an explanation of the different emergency plans and controllers of emergency operations who may be deployed during an emergency response.

**Table 1.1: Response phase controls for emergency incidents**

Term	Explanation
State Disaster Plan	<ul style="list-style-type: none"> <li>• Identifies the combat agency primarily responsible for responding to the emergency and specifies the tasks to be performed by agencies in the event of an emergency.</li> <li>• Provides for the co-ordination of the activities of other agencies in support of the combat agencies.</li> <li>• Specifies the responsibilities of the Minister and the State, District, or Local Emergency Operations Controller.</li> </ul>
Local and District Disaster Plans	District and Local Displans recognise: <ul style="list-style-type: none"> <li>• The Combat Agencies designated in the State Disaster Plan</li> <li>• The Functional Areas designated in the State Disaster Plan</li> <li>• The roles and responsibilities of both participating and supporting organisations detailed in the State Disaster Plan</li> <li>• The response and recovery arrangements.</li> </ul>
Hazardous Materials/Chemical, Biological, Radiological (Hazmat/CBR) Sub Plan	The aim of this plan is to detail the specific emergency management arrangements to deal with an actual or imminent, deliberate or accidental, hazardous material/chemical, biological and radiological (CBR) emergency in NSW.

Term	Explanation
Combat Agency	The agency identified in the Displan as the agency primarily responsible for controlling the response to a particular emergency.
State Emergency Operations Controller (SEOCN)	The responsibilities of the SEOCN are varied and a detailed explanation can be found within Section 19 of the <i>State Emergency and Rescue Management Act 1989</i> .
State Emergency Recovery Controller (SERCON)	The responsibilities of the SERCON are varied and a detailed explanation can be found within Section 20b of the <i>State Emergency and Rescue Management Act 1989</i> .
District Emergency Operations Controller (DEOCON)	The responsibilities of the DEOCON are varied and a detailed explanation can be found within Section 25 of the <i>State Emergency and Rescue Management Act 1989</i> .
Local Emergency Operations Controller (LEOCON)	The responsibilities of the LEOCON are varied and a detailed explanation can be found within Section 31 of the <i>State Emergency and Rescue Management Act 1989</i> .

Regulatory Authorities such as WorkCover and Environment and Protection Authority provide a secondary role in providing information and guidance to assist the Emergency Services in controlling the emergency and rendering the site safe. This is particularly relevant in the case of combat agencies who are routinely working in areas which are prone to asbestos contamination throughout initial response operations.

### **Responsibilities in the clean up after an emergency or incident**

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, WorkCover is the lead agency.

Council may issue a clean-up, prevention, cost compliance or penalty infringement notice or alternatively, Council may act under the *Environmental Planning and Assessment Act 1979*.

Council will determine an appropriate response depending on the nature of the situation. This may include to:

- Seek advice from a Work hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to Council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by WorkCover NSW.
- Ensure that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean-up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

## **Recovery phase arrangements**

After the response phase the site may be handed over by the combat agency to another party to manage the recovery phase. Before handing over, the combat agency of the response phase should:

- Ensure the asbestos contaminated zone is clearly secured, marked and communicated to persons at the site
- Where practical give the owner/occupier the *Handover of Site Response Form*
- Depending on the premises type advise the owner/occupier to contact WorkCover NSW, Environment and Protection Authority and/or the Local Council for advice on removing the asbestos contaminated waste

The handover may be to the SERCON, Local Council, property owner or an emergency service organisation – for example a handover to the NSW Police Force who may be investigating a crime scene.

### **Role of Local Council in the clean up after an emergency**

The *Protection of Environment Operations Act 1997* (POEO Act) provides the legislative basis for environmental protection in areas such as pollution pertaining to air, noise, water and waste.

The POEO Act provides Council authorised officers with regulatory powers and tools to issue clean up, prevention and infringement notices, which are applied to the management of environmental issues and pollution events.

Any reasonable costs incurred in monitoring or enforcing clean-up and prevention notices can be recovered through a compliance cost notice. Council should keep accurate records of tasks undertaken, the staff hours to undertake those tasks and any 'out of pocket' expenses incurred.

### **Responsible Party for Cleanup and Site Management after an emergency**

The responsibility for cleaning up asbestos containing materials lies with the person or company that caused the pollution or otherwise the owner of the land. In many situations insurance may cover the cleanup costs, and the relevant insurer should be contacted to engage appropriate parties to manage the cleanup.

To avoid delays in taking emergency cleanup action where the responsible parties/owners cannot be located, the Environment and Protection Authority administer the Emergency Pollution and Orphan Waste Clean-Up Program. The Emergency Pollution and Orphan Waste Clean-up Program is provided for in section 16 of the *Environmental Trust Act 1998*.

## Appendix B - Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by WorkCover NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by WorkCover NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011.*

**accredited certifier** in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

**airborne asbestos** means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

**asbestos** means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. actinolite asbestos
- b. grunerite (or amosite) asbestos (brown)

- c. anthophyllite asbestos
- d. chrysotile asbestos (white)
- e. crocidolite asbestos (blue)
- f. tremolite asbestos
- g. a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

**asbestos containing material (ACM)** means any material or thing that, as part of its design, contains asbestos.

**asbestos-contaminated dust or debris (ACD)** means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

**asbestos-related work** means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011*, other than asbestos removal work.

**asbestos removal licence** means a Class A asbestos removal licence or a Class B asbestos removal licence.

**asbestos removal work** means:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. Class A asbestos removal work or Class B asbestos removal work.

**asbestos removalist** means a person conducting a business or undertaking who carries out asbestos removal work.

**asbestos waste** means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

**Bonded asbestos** – Any material containing asbestos in a bonded matrix. It may consist of Portland cement or various resin/binders and it cannot be crushed by hand.

**certifying authority** means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

**Class A asbestos removal licence** means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

**Class A asbestos removal work** means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2011*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

**Class B asbestos removal licence** means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

**Class B asbestos removal work** means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

**competent person** means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- a. a certification in relation to the specified VET course for asbestos assessor work, or
- b. a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

**Construction site** – Any land or building where work or preparation for building (including the remediation of contaminated land), demolition, erection, and/or excavation is being carried out and also includes any work associated with vehicle delivery and pick up from the site.

**contaminant** means any substance that may be harmful to health or safety.

**contamination of land** means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

**control measure**, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

**Council** – means the Narrandera Shire Council.

**demolition work** means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- a. the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- b. the removal of power, light or telecommunication poles.

**development** means:

- a. the use of land
- b. the subdivision of land

- c. the erection of a building
- d. the carrying out of a work
- e. the demolition of a building or work
- f. any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

**emergency service organisation** includes any of the following:

- a. the Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. the NSW Rural Fire Service
- d. the NSW Police Force
- e. the State Emergency Service
- f. the NSW Volunteer Rescue Association Inc
- g. the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- h. an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**exempt development** means minor development that does not require any planning or construction approval because it is exempt from planning approval.

**exposure standard for asbestos** is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

**friable asbestos** means material that:

- a. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b. contains asbestos.

**health** means physical and psychological health.

**health monitoring**, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

**independent**, in relation to clearance inspections and air monitoring means:

- a. not involved in the removal of the asbestos
- b. not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

**in situ asbestos** means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

**licence holder** means: in the case of an asbestos assessor licence – the person who is licensed:

- a. to carry out air monitoring during Class A asbestos removal work
- b. to carry out clearance inspections of Class A asbestos removal work
- c. to issue clearance certificates in relation to Class A asbestos removal work, or
  - in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
  - in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

**licensed asbestos assessor** means a person who holds an asbestos assessor licence.

**licensed asbestos removalist** means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

**licensed asbestos removal work** means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

**NATA** means the National Association of Testing Authorities, Australia.

**NATA-accredited laboratory** means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

**naturally occurring asbestos** means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

**non-friable asbestos** means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

**Note.** *Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).*

**occupational hygienist** means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

**occupier** includes a tenant or other lawful occupant of premises, not being the owner.

**officer** means an officer as defined in the NSW *Work Health and Safety Act 2011*

**orphan waste** means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

**person conducting a business or undertaking** a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

**personal protective equipment** means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

**respirable asbestos fibre** means an asbestos fibre that:

- a. is less than three micrometres wide
- b. more than five micrometres long
- c. has a length to width ratio of more than 3:1.

**specified VET course** means:

- a. in relation to Class A asbestos removal work – the following VET courses:
  - remove non-friable asbestos
  - remove friable asbestos, or
- c. in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- d. in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- e. in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

**structure** means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- a. buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- b. any component of a structure

c. part of a structure

d. volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

**waste** includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

**waste facility** means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

**worker** a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- a. an employee, or
- b. a contractor or subcontractor, or
- c. an employee of a contractor or subcontractor, or
- d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. an outworker, or
- f. an apprentice or trainee, or
- g. a student gaining work experience, or
- h. a volunteer, or
- i. a person of a prescribed class.

**workplace** a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.