



## MANAGING IMPORT OF ASBESTOS-CONTAINING MATERIALS INTO AUSTRALIA

Recent media reports relating to the illegal import of asbestos-containing goods or materials has highlighted the need for more awareness of the risks of inadvertent import of asbestos-containing goods or materials by Australian businesses. This fact sheet outlines

- What businesses importing material must do to ensure the imported products do not contain asbestos
- What people within Australia who are receiving imported materials from importers or other suppliers can expect by way of verification that the materials do not contain asbestos
- How the import of asbestos is regulated in Australia and the products at particular risk of containing asbestos.

### THE BAN ON THE IMPORT OF ASBESTOS INTO AUSTRALIA

The import of asbestos or goods containing asbestos into Australia is prohibited under the *Customs (Prohibited Imports) Regulations 1956* (Import Regulations). An Australia-wide ban on the import, manufacture and use of all types of asbestos and products containing asbestos took effect from 31 December 2003. To complement this ban, the import prohibition on asbestos under the Import Regulations was also introduced.

### WHY ARE GOODS CONTAINING ASBESTOS, OR ASBESTOS CONTAINING MATERIALS STILL BEING IMPORTED INTO AUSTRALIA IF THERE IS A BAN ON IMPORTING ASBESTOS?

Asbestos is still widely used in some countries. Despite the ban on importing asbestos into Australia, there have been a number of incidents that have occurred in recent years involving the import of goods or materials containing asbestos, in breach of the Import Regulations. Often, this is a result of unreliable certification being provided from overseas manufacturers that the goods are asbestos-free. However, upon testing these goods upon arrival in Australia, they are subsequently found to contain asbestos.

Some countries also regard products to be 'asbestos free' if they contain asbestos below a certain level. However, in Australia, a product found with any level of asbestos is considered a contaminated product. Therefore importers should be mindful of the differing definitions, guidelines and variations in standards applied in different countries in regards to what constitutes a 'good containing asbestos'.

There are a limited number of circumstances in which asbestos can legally be imported into Australia. For amphibole or chrysotile asbestos, importation is prohibited under the Import Regulations unless:

- the goods are raw materials that contain naturally occurring traces of amphibole or chrysotile asbestos; or
- the importation is of 'hazardous waste' as defined in *the Hazardous Waste (Regulation of Exports and Imports) Act 1989*; or
- **Commonwealth Government ministerial permission is granted or exemptions are granted and confirmed in accordance with relevant Commonwealth of Australia law in respect to workplace health and safety (and for chrysotile asbestos, the goods are for research, analysis or display); or**
- the importation is from the Australian Antarctic Territory (chrysotile only); or
- all of the following apply:

- the importation is of a ship or resources installation;
- the amphibole or chrysotile asbestos in the ship or resources installation was fixed or installed before 1 January 2005; and
- the amphibole or chrysotile asbestos in the ship or resources installation will not be a risk to any person unless the amphibole or chrysotile asbestos is disturbed.

## **PRODUCTS AT RISK OF CONTAINING ASBESTOS**

There are many different products that are at risk of containing asbestos. Below are examples of the types of goods previously imported into Australia, and subsequently found to contain asbestos. It should be noted that this is a sample of the types of products that might contain asbestos and is not an exhaustive list. Further information can be found by following this link:

[http://www.customs.gov.au/webdata/resources/files/FS\\_ImportingAsbestos.pdf](http://www.customs.gov.au/webdata/resources/files/FS_ImportingAsbestos.pdf)

### ***Building materials***

Asbestos might be found in various imported building materials. Some of these materials include: cement compound board, compressed asbestos sheeting (for example mill board), corrugated sheets, bitumen products used for damp-proofing, heat resistant sealing and caulking compounds, heating equipment, lagging, switchgear with washers, electrical panel partitioning as well as electrical cloths and tape.

### ***Motor vehicles/bikes and vehicle parts***

Asbestos can be manufactured into motor vehicles/bikes including electric motor vehicles. Some motor vehicle/bike parts at risk of containing asbestos include gaskets (including throttle gaskets) as well as seals and friction materials (such as brake linings or blocks and clutch linings).

### ***Mining/Heavy industry equipment***

Asbestos can be found in a range of mining and heavy industry equipment. Items at risk include: pre-assembled switch rooms, effluent treatment equipment, gaskets (including bore transport gaskets, water inlet pipe gaskets and throttle gaskets), joining material in flues, switchgear with washers, as well as friction materials (such as brake linings or blocks and clutch linings).

### ***Vessels, such as tugs and barges***

Asbestos can be found in a range of vessels, including flash vessels, barges and tugs. Some materials used in vessels at risk of containing asbestos include electrical panel partitioning.

### ***Trains / Locomotives***

Asbestos can also be found in trains/locomotives, including in insulation around the exhaust and muffler system, around coolant pipes and in the brake exhaust section.

## **WHAT MUST THE IMPORTER DO TO ENSURE IMPORTED MATERIALS DO NOT CONTAIN ASBESTOS?**

There are a number of steps an importer can take to ensure imported materials do not contain asbestos. For example, importers can:

- request certification from the manufacturer that the goods are asbestos-free
- obtain evidence from the overseas supplier, e.g. by way of product testing results from the supplier that the product/material does not contain asbestos, etc.

- Arrange for a competent person to sample the goods/materials and have the sample/s tested by a laboratory accredited by the National Association of Testing Authorities (NATA), prior to the import of the bulk of the goods./ materials.
  - Overseas certification that goods are asbestos-free has sometimes been found to be unreliable. Accordingly, importers who suspect their goods may contain asbestos, or who import at-risk goods can arrange to have a competent person sample the goods/materials and have the sample/s tested by a laboratory accredited by the National Association of Testing Authorities (NATA), prior to the import of the bulk of the goods.

Laboratories accredited by NATA can be identified by following the link: <http://www.nata.com.au/nata/>

- In order to arrange testing by a NATA accredited laboratory, samples of goods or materials may need to be imported into Australia.
- To do so legally, an exemption from the Import Regulations needs to be obtained prior to any import of samples.
- A number of NATA accredited laboratories currently hold ongoing exemptions to import samples of asbestos into Australia for the purpose of analysis. Accordingly, an importer who suspects their goods may contain asbestos can contact a NATA accredited laboratory to see whether they hold such an exemption. If so, an individual or business may decide to engage their services to import samples for the purpose of analysis.
- Alternatively, individuals or businesses can also apply to the Federal Minister for an exemption to import asbestos, for the purpose of analysis. To find out more information about applying for an exemption, please contact the Asbestos Safety and Eradication Agency by emailing [enquiries@asbestossafety.gov.au](mailto:enquiries@asbestossafety.gov.au)

#### **WHAT SHOULD I DO IF I HAVE INADVERTENTLY IMPORTED ASBESTOS CONTAINING MATERIAL?**

Cease using the product and do not supply the product to others. Contact the relevant work, health and safety regulator in your state/territory. A link to work, health and safety authorities in each state/territory can be found by following this link: <http://asbestossafety.gov.au/organisation-links>

#### **WHAT EVIDENCE CAN YOU REASONABLY EXPECT FROM A SUPPLIER OF MATERIALS**

If you receive materials from a supplier within Australia and those materials have been imported, you should ask the supplier for evidence the imported material does not contain asbestos. For example you can ask to see:

- Import certification
- Testing results

This Fact sheet has been developed by the HWSA Imported Materials with Asbestos Working Group, whose membership comprises representatives from the Asbestos Safety and Eradication Agency, Australian Competition & Consumer Commission, Australian Customs and Border Protection Service, SafeWork South Australia, Safe Work Australia, WorkCover NSW, Workplace Health and Safety Queensland, WorkSafe Australian Capital Territory, Worksafe Northern Territory, WorkSafe Tasmania, the Victorian WorkCover Authority and WorkSafe Western Australia.