

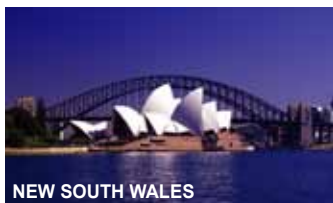


MASTER BUILDERS
AUSTRALIA

Master Builders National Asbestos Management Control and Removal Policy

July 2009

building australia



Introduction

Master Builders supports the introduction of best practice in health and safety measures into the Australian workplace for asbestos management, control and removal.

The number of people diagnosed with mesothelioma and other asbestos-related conditions is rising every year. The number of people diagnosed with asbestos related diseases is expected to peak in 2020. By then it is estimated that there will be 13,000 cases of mesothelioma and up to 40,000 cases of asbestos-related lung cancer.¹

In light of these disturbing figures, Master Builders supports calls to end the specific exemptions to the 2003 ban on the use of asbestos given the known health risks of exposure to such material.

Background

Asbestos-related diseases are moving away from heavy exposures (involving direct contact with airborne asbestos fibres during the mining, milling and manufacture of asbestos containing materials) to diseases resulting from exposures during the abatement of loose asbestos and the use and removal of asbestos containing materials.²

The occupations that account for the greatest number of mesothelioma cases have changed over the years from miners/millers, product manufacturers and insulation workers to other end-users of asbestos-containing materials, in particular workers in the building and construction industry and in shipyards.³ Although the level of individual risk is lower for such end-users, the higher number of workers in building and construction means that these workers contribute greater absolute numbers to the national mesothelioma toll.⁴

This is confirmed by recent workers' compensation statistics which show that for the period 2004-05 to 2006-07, 40 per cent of all compensated fatalities in the building and construction industry were related to exposure to asbestos.⁵

Master Builders is committed to reducing the incidence rate for serious claims and fatalities in the building and construction industry. Master Builders' OH&S Policy Blueprint 2009-

2015 reconfirms Master Builders' commitment to the National OH&S Strategy and to achieving the strategic priorities and targets in that strategy. One of the strategic priorities is to prevent occupational disease more effectively.

Master Builders therefore supports the Code of Practice for the Safe Removal of Asbestos and the Code of Practice for the Management and Control of Asbestos in Workplaces,⁶ and has done so from the time of their introduction.

Recommendation 1

All specific exemptions to the 2003 ban on the use of asbestos should end immediately to ensure that workers are not exposed to known hazards and risks to their health.

Master Builders notes that the Codes of Practice make frequent reference to State and Territory legislation. This can make it difficult for employers to be fully aware of the extent of their legal obligations where a workplace contains asbestos. In 2005, Master Builders engaged an expert in regulatory benchmarking to undertake a comparison of the State and Territory regulatory requirements with the declared Codes. That study⁷ found that there were significant areas of difference between the Codes and State and Territory legislation. Many of those differences have now been addressed, including through the calling up of those codes in jurisdictional legislation.⁸ However, there remain some areas of difference in particular relating to the licensing requirements for asbestos removal. An asbestos removal licence is required for the removal of 10 square metres of non-friable asbestos in NSW, Victoria, Queensland, South Australia, the ACT and the Northern Territory. In WA a removal licence for non-friable asbestos is not required except where more than 200 square metres of asbestos containing roofing material is to be removed. This is currently under review by WorkSafe WA. WorkSafe WA has signaled that they are intending to make their licensing requirements consistent with the other States listed above. In Tasmania, the licence requirements vary according to the building type (100 square metres for Class 1A and Class 10 buildings and 20 square metres for other building classes).

1 These figures are quoted on the asbestos diseases foundation web site – see http://www.adfa.org.au/news/adfa_campaign_nov_2006.htm accessed 24 February 2009.

2 D Bromwich, The 2005 Australian asbestos codes of practice: an occupational hygiene perspective, *Journal of Occupational Health and Safety*, v22(5), p464.

3 J Leigh and D Henderson, The epidemiology of malignant mesothelioma, *Journal of Occupational Health and Safety*, V22(5), p443.

4 Ibid.

5 Australian Safety and Compensation Council, *Compendium of Workers' Compensation Statistics Australia 2006-07, March 2009*, page 49. There were 133 fatalities in this period, 53 of which were related to asbestos exposure. Of the 53 fatalities, 40 were as a result of Mesothelioma and 13 from Asbestosis.

6 National Occupational Health and Safety Commission (NOHSC), *Code of Practice for the Safe Removal of Asbestos*, 2nd Edition, April 2005 and *Code of Practice for the Management and Control of Asbestos in Workplaces*, April 2005.

7 Bryan Bottomley and Associates, Comparison of current jurisdiction provisions against NOHSC Codes of practice on asbestos in workplaces, May 2005.

8 The codes of practice have legal standing in NSW, Qld, SA and NT as a result of being called up in regulations or being gazetted under relevant legislation as approved codes of practice.

Recommendation 2

Master Builders supports the uniform regulation of asbestos management, control and removal across jurisdictions, including consistent training and licensing requirements.

Eradication of asbestos

The ACTU has recently called for the establishment of a national program to accelerate the removal of asbestos.⁹

Master Builders supports existing programs to remove asbestos but does not support the ACTU's proposal. It would create unnecessary risks to workers involved in the removal, transport and disposal of the asbestos and to the public, would be costly to implement and is generally not practical because of the scale of work required.

The risks posed by asbestos depend on the nature and condition of the materials and the potential for exposure. Left undisturbed, bonded asbestos material in good condition does not pose a risk to health. As the *Code of Practice for the Management and Control of Asbestos in Workplaces* makes clear, it is the removal of asbestos containing materials that poses significant additional hazards.¹⁰ It can potentially expose workers and others to higher levels of airborne asbestos fibres than leaving the materials in situ.

One in every three houses in Australia built before 1985 will have asbestos in them. In many cases significant components of the house are made from asbestos containing material (for example corrugated asbestos cement roofs, asbestos cement wall linings). The ACTU's proposal to remove asbestos would, in some cases, entail almost the complete demolition and rebuilding of houses. This clearly is not practical or cost effective. For business, there is not only the direct removal cost of the asbestos itself, but also the indirect impact of the disruption to their business while the asbestos is removed.

Given the large number of buildings which contain asbestos material, a national program of removal would also create a significant disposal issue as there are limited designated asbestos disposal sites, which would create a risk of illegal disposal.

Master Builders preferred approach is that asbestos be left in situ and wherever possible should not be disturbed. Where there is a risk of deterioration of the asbestos material (for

example weathering of asbestos roofing) Master Builders recommends that the alternative abatement measures outlined in the Code of Practice for the Management and Control of Asbestos in Workplaces be adopted as the appropriate response.

Recommendation 3

Master Builders recommends that the existing regulation of asbestos management, control and removal across jurisdictions should be maintained and enforced as it already provides a realistic and adequate framework for the gradual removal of asbestos containing materials from all premises (domestic and commercial).

Register of infrastructure containing asbestos

Master Builders supports the intent behind the ACTU's proposal to establish a national, centralised register of infrastructure containing asbestos but does not support the ACTU's proposal in its current form. Such a register would be cumbersome, bureaucratic and expensive to establish and maintain. A centralised register would also lead to complacency about the existence of asbestos – with the risk that people falsely assume that a building not on the register does not contain asbestos.

Master Builders' view is that the current requirement in the Code of Practice for the Management and Control of Asbestos in Workplaces for the person in control of a workplace to maintain an accurate register of asbestos containing materials is a much better approach than a centralised register. A workplace based register enables workers involved in maintenance or refurbishment of a building to know where asbestos containing materials are specifically located, rather than a mere indication that the workplace contains asbestos. This enables workers to assess the risks associated with undertaking particular work and to adopt appropriate controls.

Recommendation 4

Master Builders' recommends that the current requirement in the Code of Practice for the Management and Control of Asbestos in Workplaces for the person in control of a workplace to maintain an accurate register of asbestos containing materials should be retained.

⁹ *Time for the federal government to get serious about asbestos and enforce a full ban*, ACTU media release, 21 January 2009, accessed from the ACTU web site on 13 February <http://www.actu.asn.au/Media/Mediareleases/TimefortheFederalGovernmenttogetseriousaboutasbestosandenforcefullban.aspx>

¹⁰ NOHSC, *Code of Practice for the Management and Control of Asbestos in Workplaces*, page 2

Domestic premises

The Asbestos Diseases Foundation estimates that up to 25 per cent of newly diagnosed cases of mesothelioma are in respect of home renovators.

Asbestos cannot be identified by sight, and the range of asbestos containing materials is surprisingly wide. For example, it is not well known that two types of floor covering may contain asbestos: vinyl floor tiles and fibre reinforced paper backing for linoleum produced before 1984. Not many people would be aware that asbestos has also been used to reinforce some marble swimming pools.¹¹

Most home owners buy a house with the intention of making changes and do so soon after buying. For example, over the 10 year period to 1999, two thirds of dwellings built between 1920 and 1949 had been renovated.¹²

While Master Builders supports efforts to educate home owners about the risks of disturbing asbestos, Master Builders believes that the education should encourage home owners to engage appropriate experts to identify and, if required, remove asbestos rather than potentially create risks to their health by undertaking the removal themselves.

Where a home owner wishes to undertake renovations, and the home owner suspects that the building may contain asbestos, they should seek expert advice before commencing renovations. Any work involving removal of asbestos, including under an owner builder permit, should only be permitted to be carried out by a person licensed to remove asbestos.

Recommendation 5

Master Builders recommends that the removal of any friable asbestos or more than 10 square metres of bonded asbestos should only be permitted to be carried out by a person licensed to remove asbestos and should apply to all situations (all workplaces and domestic premises that are not workplaces).

Conclusion and summary of recommendations

Master Builders is committed to reducing the incidence rate for serious claims and fatalities in the building and construction industry, including by more effectively preventing occupational diseases. The following recommendations, if implemented, will assist in achieving these objectives.

Recommendation 1

All specific exemptions to the 2003 ban on the use of asbestos should end immediately to ensure that workers are not exposed to known hazards and risks to their health.

Recommendation 2

Master Builders supports the uniform regulation of asbestos management, control and removal across jurisdictions, including consistent training and licensing requirements.

Recommendation 3

Master Builders recommends that the existing regulation of asbestos management, control and removal across jurisdictions should be maintained and enforced as it already provides a realistic and adequate framework for the gradual removal of asbestos containing materials from all premises (domestic and commercial).

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¹¹ D Bromwich, op cit, p467

¹² Data from Australian Bureau of Statistics, *Australian Social Trends, 2002. Housing and lifestyle: home renovation* quoted in D Bromwich, op cit, page 467