prensa update
November 2016

Imported Building Products and Asbestos

Do Imported Products Contain ASBESTOS?

Asbestos was recently identified in new building products imported for use in at least two major construction projects. This included products used for roofing within the 1.2 billion dollar Perth Children's Hospital project and use of contaminated gaskets in a major commercial office building in the Brisbane CBD. These building products were found to be sourced from a Chinese manufacturing company raising questions regarding the potential for similar products to be present in other buildings constructed in recent years.

Asbestos was prohibited from use in building materials in the 1980's and totally banned from use in all forms on the 31st December 2003. The prohibition on the use of asbestos in Australia is supplemented by the Customs (Prohibited Imports) Regulations 1956, which bans the importation of all types of asbestos and products containing asbestos, except under limited circumstances. This ban is reflected in work health and safety (WHS) laws in all jurisdictions. Despite this prohibition, goods containing asbestos are still being identified at the border. "Asbestos-free" certifications provided to importers from overseas manufacturers have sometimes been proven incorrect or unreliable. For example, some overseas countries deem products "asbestos-free" if the proportion of asbestos falls below a certain percentage, whereas in Australia, any amount of asbestos in a product, no matter how minor, is prohibited. There are only a few specific exceptions to this law.

What Sort of Products are Affected ?

Due to the identification of asbestos in new building products, the Heads of Workplace Safety Authorities (HWSA) released information regarding a number of product imports that could potentially contain asbestos. The main products under suspicion are as follows:

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Type	Description
Building materials	Cement compound board, compressed and corrugated sheeting, bitumen products used for damp-proofing, heat resistant sealing and caulking compounds, heating equipment, lagging, switchgear with washers, electrical panel partitioning, electrical cloths and tape
Motor vehicles/bikes and parts (including electric types)	Gaskets, seals and friction materials (including brake and clutch linings)
Mining/Heavy industry equipment	Pre-assembled switch rooms, flash vessels, effluent treatment equipment, various gaskets, joining material in flues, washers and friction materials
Ships / locomotives	Components may include panels, bulkhead and other insulation, gaskets etc.

What Are The Risks?

The risk of contracting disease from asbestos is directly related to the inhalation of airborne respirable asbestos fibres. Asbestos materials remaining in good condition (i.e. sealed, undamaged) present a negligible asbestos exposure risk as they will not readily release the microscopic sized respirable fibres into the airborne environment. Physical damage to such materials may however result in free fibre release (e.g. by cutting, sanding or general weathering and deterioration over time).

As such where these asbestos products are installed in a building and are in good condition, the risk to occupants is negligible. However there may have been an increased health risk to workers at the time of installation (e.g. where tradespersons worked the material by cutting, sanding or otherwise abrading the product and creating dust). Further, if such dusts were allowed to remain in the work area, or were spread further around the building by sweeping, blowing or via other actions (e.g. foot traffic), an asbestos exposure risk may have lingered or potentially remains on site after the fact.

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Any building found to contain newly installed asbestos products could be subject to mandatory remediation works as their installation would represent a breach of work health and safety law. This will most likely involve removal of the asbestos material and replacement with a non-asbestos alternative. The costs for such works will likely need to be borne by the manufacturer, importer and / or relevant contractors (i.e. builder), depending on the circumstances and legal interpretation of obligations of persons under the work health and safety laws.

Suffice to say, removal and replacement of asbestos products from new buildings that are occupied and functioning could prove to be a costly exercise, particularly materials that were installed at height or deeply embedded within the fabric of the building.

The Solution

Since these events have transpired, Prensa has been engaged to undertake investigations of a number of major buildings to identify the potential for asbestos to be present. This has included conducting testing alongside consultants (as an independent validation) engaged by the building product company implicated in the Perth and Brisbane incidents. This process has included undertaking sampling, analysis and risk assessment of suspected materials and provision of support and advice regarding methods to manage / remove such materials.

In addition to mitigating the risk associated with installed asbestos containing products, Prensa was recently engaged by a major Australian building company to travel to China to conduct representative testing of building products before leaving the country of origin. This approach was implemented to minimise the potential for significant cost issues and project overrun due to the freight time required to send materials back to the country of origin and source new product. This also ensures that products proposed to be used in Australia have been assessed by an approved person under the Australian NATA accreditation system limiting the potential for queries to be raised regarding the validity of analysis results.

If you have used materials imported from China (or other suspect international source) and are unsure of their asbestos content, Prensa has experienced technicians that can sample the suspicious material and analyse it for asbestos content in our NATA accredited laboratories that are located across Australia. In the case where installed products are confirmed to contain asbestos, Prensa can risk assess such situations and provide the appropriate advice for safe management and remediation.

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