

ASBESTOS: the next national plan

Proactivity, prevention, planning

Workshop 1

National coordination to prevent importation
of asbestos



#2018ASEACONF



Australian Government
Asbestos Safety and Eradication Agency



National Coordination to Prevent Importation of Asbestos

Adrian Breen, Branch Manager
Work Health and Safety Policy Branch
Department of Jobs and Small Business



Australian Government

Department of Jobs and Small Business

Work Health and Safety Policy Branch

- Policy responsibility for WHS issues in the Commonwealth
- Leading coordinated Commonwealth response to asbestos
- Work closely with a range of portfolios including:
 - Home Affairs and ABF
 - Environment and Energy
 - Comcare and jurisdictional WHS regulators
 - Australian Competition and Consumer Commission
 - Industry, innovation and science
 - Infrastructure
 - Health
 - Foreign Affairs

Whole of Government Coordination

- Aim to prevent asbestos exposure for workers and the community
- All levels of government have a role to play in relation to asbestos
- Government response guided by the National Strategic Plan for Asbestos Management and Awareness (ASEA)

Whole of Government Coordination

- Important to address asbestos from all directions
 - Work health and safety
 - Public health
 - Consumer safety (ACCC)
 - Environment
 - Waste management

Asbestos Inter-departmental Committee

- Co-chaired by Department of Jobs and Small Business & Department of Home Affairs
- Range of senior policy makers across the Commonwealth
- Worked to improve policy, regulation, processes and communication
- Address asbestos issues across the supply chain - pre, at and post border.

Illegal asbestos imports – pre border

- Internationally advocating and supporting a global ban on asbestos
 - Sharing our experience of the harm and implementing a ban
- Controlling dangerous goods internationally - Rotterdam Convention
 - continuing to advocate for the listing of chrysotile asbestos in Annex III

Illegal asbestos imports – pre border

- Raising awareness of the risks of imports containing asbestos
- Ensuring importers and industry understand requirements and responsibilities prior to importation
- Awareness of the importance of supply chain assurances

Illegal asbestos imports – at border

- Australian Border Force detections
- Improving testing and sampling processes
- Exploring new technology

Illegal asbestos imports – post border

- Heads of Workplace Safety Authorities' Imported Materials with Asbestos Working Group
- Respond to incidents where imported goods containing asbestos are identified
- Rapid Response Protocol developed to:
 - Improve information sharing
 - Ensure appropriate remediation strategies
 - Communicate incidents to the community
 - Developing strategies to address illegal installation in the workplace.

Strengthened regulatory framework

- Aim to simplify and streamline
- Amendments to strengthen offences and penalties for illegal importation
- Reviewing Customs (Prohibited Imports) regulations
- Working with Safe Work Australia to strengthen WHS regulations

Thank you

The bottom of the slide features a decorative graphic consisting of two overlapping shapes. On the left, there is a dark blue shape that tapers towards the right. On the right, there is an orange shape that tapers towards the left, overlapping the blue one.

Panel Discussion



CREATING AN ASBESTOS-FREE AUSTRALIA
asbestossafety.gov.au/asbestosconference2018



ASBESTOS:
the next national plan

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**Australian
BORDER FORCE**

Asbestos & the role of the ABF

Contents

- Role of ABF
- Recent detections
- Importer & exporter responsibilities
- Awareness & information



Role of Australian Border Force



- Asbestos prohibition commenced December 2003
- ABF administers border controls
- Department of Jobs & Small Business is responsible for policy
- Intelligence informed & risk based approach
- 100% of goods imported into Australia are risk assessed

Compliance & Enforcement Measures

- ABF promotes voluntary compliance
- Responses to non-compliance include:
 - Advice
 - Education
 - Checks
 - Seizure
 - Infringement notices
 - Prosecution



Responsibilities

Importers & exporters must:

- Ensure goods do not contain asbestos
- Understand their supply chains and production processes
- Be aware of differences in overseas definitions & standards



Testing

- Provides assurance & helps protect community
- Not intended to penalise importers

In Australia

- Use a NATA accredited laboratory



Outside Australia

- Samples may be tested before goods are imported
 - Laboratory accredited by NATA recognised equivalent
 - Must be from same shipment & indicate presence of any asbestos

Asbestos Detections at the Border



- Motor vehicles & parts
- Brake pads & gaskets
- A prefabricated building
- Building products

FY17/18 detections summary

65 detections

- 3 related to buildings
 - EPS boards, flooring, wall panels
- 61 related to automotive or aircraft parts
 - Brake pads/linings, gaskets

18 separate countries of export origin

- Includes China, Italy, Japan, NZ, UK, USA

60 infringement notices served

- \$295,050 in penalties value

Australian Border Force nabs Maseratis

March 22, 2018

[story](#)

[photos](#)

[story](#)

[photos](#)



MCGRATH MASERATI

TO

To whom it may concern

MM

Unit 8
Claggy Road
Kimpton Hertfordshire
SG4 8QB

+44 (0)1438 832161
+44 (0)1438 833695
service@mcgrathmaserati.co.uk
mcgrathmaserati.co.uk

27/11/17

Re: Declaration of Asbestos free.

This letter confirms that the Maserati cars listed below have been looked after by McGrath Maserati in the UK for many years and all are in regular use.

Car	Registration	Owner
1964 Maserati 5000 GT		
1972 Maserati Bora 4.7		
1972 Maserati Indy 4.7		
1972 Maserati Ghibli SS		
1974 Maserati Quattroporte Frua		
2009 Maserati Quattroporte Bellagio		
1971 Maserati Ghibli SS		
2004 Maserati 4200 Spyder		

We have undertaken restoration, either complete or partial, of all the pre-2003 cars and all asbestos-bearing parts have been replaced. To the best of our knowledge, none of these cars (pre or post 2003) contain any asbestos.

We have also undertaken a program with our suppliers to ensure they have supplied us only with parts which are asbestos free and can provide further information if required.



August 25, 2017

McGrath Maserati
Unit 8 Claggy Road Herts
Kimpton SG48QB
UNITED KINGDOM



Based on our conversation this week, I examined your purchase history and am confident that none of the parts sold by MIE Corporation contain asbestos. None of the supplied parts, that historically contained asbestos, were manufactured prior to the time asbestos was banned. And, all of the suppliers we use currently manufacture these parts with non-asbestos, modern alternative materials.

Please let me know if you require any additional information on this matter.

Sincerely,



October 12, 2017

McGrath Maserati
Unit 8 Claggy Road Herts
Kimpton SG48QB
UNITED KINGDOM



Based on our conversation this week, I examined your purchase history and am confident that none of the parts sold by MIE Corporation contain asbestos. None of the supplied parts, that historically contained asbestos, were manufactured prior to the time asbestos was banned. And, all the suppliers we use currently manufacture these parts with non-asbestos, modern alternative materials.

Here is a list of parts we have supplied to McGrath Maserati. None of them contain asbestos.

Manufacturer	Part Description	Part number	Contains Asbestos? Yes or No
Various	Brake pads set -- front & rear	71163 & 71164	NO
Ehrling	Engine gaskets -- head seal	62823 & 62822	NO
Various	Rubber seals	Various	NO
Various	Rubber suspension parts	Various	NO
Various	Rubber hoses	Various	NO
Remflex	Paper gaskets	Various	NO
Various	Engine Bearings	Various	NO
Various	Distributor cap & rotor	Various	NO
Various	Ignition Wire set	Various	NO
Coleman	Brake Disc	Various	NO
Various	Clutch slave cylinder	Various	NO
Various	Steering tie rod	Various	NO

MCGRATH MASERATI

TO

WHOM IT MAY CONCERN MM

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Claggy Road
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SG4 8QB

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13/12/2017

MASERATI GHIBLI SS



ASBESTOS COMPLIANCE

BRAKE PADS- SEE COMPLIANCE LETTERS FROM SUPPLIERS-
MIE,PAGID,TRW.

CLUTCH PLATE-SEE COMPLIANCE LETTERS FROM SUPPLIERS-AP
CLUTCH via ASTON MARTIN LAGONDA LTD via RAICAM CLUTCH LTD.

HEAD GASKET-SEE COMPLIANCE LETTER FROM SUPPLIER-
MIE CORPORATION

ALL OTHER GASKETS-SEE COMPLIANCE LETTER FROM SUPPLIER-
RAM GASKET SOLUTIONS LTD

EXHAUST-SEE COMPLIANCE LETTER FROM SUPPLIER-
P.D.GOUGH & CO.LTD

HEAT SHIELD & SLEAVING- SEE COMPLIANCE LETTER FROM
SUPPLIER-DESIGN ENGINEERING,INC. (DEI)

PAG10 BRAKE PADS



MATERIAL SAFETY DATA SHEET

HMSIS RATINGS: 1-0-0-E

PAGE 1 of 3

May be used to comply with OSHA's Hazard Communication Standard 29 CFR 1910, 1200. Standard must be consulted for specific requirements.

The product identity on this page meets the OSHA definition of an article and is exempt from the Hazard Communication Standard as to all normally careful uses. Some potential may exist for exposure to dust.
 The ingredients in these products are resin bonded and hazards normally associated with contact to pure dusts of the listed ingredients should not be significant. Federal Mogul has listed all of the essential ingredients present in a series of products of this general description. All products identified on this MSDS are asbestos free. The friction materials listed below will not contain all of the ingredients shown below. The recommended exposure limits are those for the most hazardous substance in a class of substances. Exact formulation is considered proprietary and confidential. Precise product information will not be disclosed, other than to a health professional in accordance with the regulations, without an approved Secrecy Agreement.
 The information herein is believed to be accurate, however, Federal Mogul makes no representation or warranty as to its accuracy. This data is furnished gratuitously and independently of any sale of the product, and only for customer investigation and independent verification. Federal Mogul shall in no event be responsible for any damages of whatever nature directly or indirectly resulting from the publication or use of or reliance upon data contained herein. No express or implied warranty of any kind, including warranties of merchantability or fitness for use, with respect to the product or to the data herein is made hereunder.

IDENTITY (As Used on Label or on Friction Material)

Formulations:
 NA-27 (A, W), 927A, 929A, 931-(66, 83, 92, 162), 987-(6, 6B), 1027-138, 1048-(9, 109, 111), 1083-(7, 49, 63), 1143-(3, 153M, 155, 162M, 301, 320M), 1135-8, 1165-(2, 2H, 61, 155, 169), 1159-5, 1157-14, 1162-15, 1175-8, 1177-9, 1182-95, 1184-41, 1189-10, 1194-3, 1199-17, 1223-44, 1224-(66, 78), 1228-(7, 16, 17), 1272-15, 1273-48, 3006-27, 3027-(73, 85, 91, 91B, 91CP, 108, 127), 3030-(9, 7, 67CP, 114, 153, 168, 160, 197, 212, 227, 259), 3041-29, 3059-(3, 19), 3059-(52, 52A, 91, 100, 100A, 120, 120A, 122A), 3079-(6, 7, 10, 13, 14, 16, 17, 38), 3080-21, 3086-(22A, 40, 65, 65A), 3115-(4, 5, 18, 23, 36, 40, 48, 49, 131), 3153-1, 3156-1, 3159-16, 3152-(21, 22, 26, 27), 3164-(4, 9), 4308-3, 3170-(1, 2, 7, 8, 23, 24, 25)

Edge Codes:
 ABEX-(647, 665, 689, 697, 6000, 6009-1, 6009-1S, 6009, 6011, 6020, 6024, 6028, 6029, 6033, 6035, 6036, 6037, 6040, 6042, 6043, 6047, 6048, 6053, 6054, 6055, 6056, 6058, 6060, 6062, 6064, 6068, 6074, 6076, 6078, 6079, 6080, 6082, 6085, 6087, 6088, 6089, 6090, 6092, 6095, 6097, 6098, 6100, 6101, 6103, 6104, 6105, 6109, 6110, 6111, 6173, 6184, 6224, FT, SM, VL20, VL23), ABE-(281, 282, 285, 294, 296, 2003-1, 2005, 2015, 2019, 2022, 2023, 2027, 2029, 2031, 2034, 2036, 2041, 2042, 2047, 2049, 2050, 2052, 2054, 2056, 2063, 2069, 2071, 2073), COM-(371, 372, 377, 383, 385, 392-1, 395, 397, 3005, 3009, 3013, 3014, 3016, 3020, 3034, 3036, 3040, 3042, 3048, 3054, 4000, 4002, 4005, 4007, 4009), ABE-(187, 197S), AE-(1181, 1185, 1210, 1215, 1220, 1225, 1230, 1240, 1250, 1255, 1280, 1270, 1275, 1290, 1320, 1340, 1350, 1360, 1475, 1490), AR-(1, 2), ASAA-2171, BDX-2171, City 20, E1-(30HS, 30GHS, 40HS), E88A, EES-(400, 401, 420, 421, 500, 501, 600, 601, 700, 701, 710, 711, 800, 801, 1101), FA (14, 18, 22, 28, 34, 887, 3000, 3010, 3020, 3030, 4000, 4005, 4006, 4008, 4010, Met, FMT, PM172D-1, PM23-1), FA OE (456, 718, 887), FC-(20, 23), Ferodo (385, 392-1, 397, 3013, 3022, 3059, 3061, 3062, 3063, 3064, 3153, 3142, 3219, 4008), FM (200, 200-1, 296, 372, 385, 392-1, 2003-1, 2007, 2022, 2031, 2048, 2073, 2074, 2075, 2076, 2077, 2158, 2169, 2237), MA614, METALLIC 23K, MTP (20,30), MPV 2015, NAB (035, 131, 132, 285, 286, 286-1, 456, 456-3, 718-9, 743, 887), NSS-(1200, 1205, 1245, 1250, 1255, 1260, 1265, 1270, 1280, 1285, 1310, 1330, 1350), OFS (18, 20, 23), OTR (I, II, III, IV, V, VI, BRZ, BLK, BLU, GRN, RED, ORG, GLD, SILV), R-(201, 203, 204, 208, 209, 301, 401, 403, 404, 501, 503, 602, 607, 608, 609), RC101, SB (C, A20, A23, P20, P23), and SCR215.

SECTION I	
Manufacturer's Name:	Federal Mogul Friction Products
Address: (Number, Street, City, State, Zip Code)	2410 Papermill Road, PO Box 8250 Winchester, VA 22604
Emergency Telephone Number:	(540) 662-3842
Telephone Number for Information:	(540) 662-3871
Date Prepared:	April 11, 2005
Preparer:	J. P. Kwolsek / Dick Hummel

SECTION II - Hazardous Ingredients / Identity Information			
All Components (Hazardous and non) (Specific Chemical Identity; Common Names)	MINIMUM		MINIMUM
	OSHA PEL	ACGIH TLV	TLV
Phenolic, Cashew, Elastomeric, Linseed Compounds, Lime	5.0 mg/M ³	5.0 mg/M ³	
Vitreous and Non Vitreous Fibers: organic and inorganic: (proprietary)			
Vitreous and Non Vitreous Fibers: organic and inorganic: (trivalent chromium), Amorphous silica, Barites, Calcium Carbonate, Mica, Iron Chromite			
Sodium hexametaphosphate, Ferrophosphorus, Fullers earth, Portland Cement, Slag wool, Vermiculite			
Metal/Metal Oxides: (Aluminum, Aluminum Oxide, Magnesium Oxide, Iron, Iron oxides, Titanium Dioxide, Steel, Zinc Oxide)	2.0 mg/M ³	2.0 mg/M ³	
Carbon Products: (Carbon, Carbon black, Graphites, Coke, Coal)	2.0 mg/M ³	2.0 mg/M ³	
Talc, Kyanite, Rottenstone, Lime, Mica, Mineral fibers (exempt), Woollastonite, Zeospheres	1 fiber/cm ³	1 fiber/cm ³	1.0 mg/M ³
Inorganic (biologically) fibers	1.0 mg/M ³	1.0 mg/M ³	
Copper, Zinc, Brass fibers and chips	0.5 mg/M ³	0.5 mg/M ³	
Chrome green oxide	0.5 fibers/cm ³	0.5 fibers/cm ³	
Ceramic fibers	0.3 mg/M ³	0.3 mg/M ³	
Quartz, Tripoli	0.005 mg/M ³	0.005 mg/M ³	
Lead (<0.025% in brass chips only, <0.25% in formula)			

FORM: WIN-EHS-MS-019-21B
 Rev. ISSUE: 07/21/2005
 PRINT DATE: 02/19/2007

Awareness & Information

Rapid Response Protocol

- Information sharing across jurisdictions

Communication Channels

- Goods Compliance Update
- Compliance Advisory Group
- Website
- Fact sheets & Notices
- Industry forums
- Media releases



Asbestos information page

<https://www.abf.gov.au/importing-exporting-and-manufacturing/prohibited-goods/categories/asbestos>

The screenshot displays the Australian Border Force website. At the top, there is a navigation bar with the Australian Border Force logo and a search icon. Below the navigation bar, a breadcrumb trail reads: Home > Importing, exporting and manufacturing > Categories >. The main heading is "PROHIBITED GOODS". Below this heading are three tabs: "OVERVIEW", "CATEGORIES", and "LIST OF ITEMS". The "CATEGORIES" tab is selected. On the left side, there is a sidebar with a "Categories" section containing three items: "Animals and plants", "Asbestos", and another category. The "Asbestos" category is selected. The main content area features a large image of a female Australian Border Force officer. Below the image, the heading "Asbestos" is followed by a paragraph: "An Australia-wide ban on the use of all types of asbestos took effect on 31 December 2003. Work Health and Safety (WHS) and environment laws in all states and territories prohibit the unauthorised supply, transport, use (including manufacturing), or handling of asbestos." Below this paragraph, it states: "To support the domestic ban:" followed by a bullet point: "importing fibrous forms of asbestos or goods containing asbestos into Australia is prohibited, unless a permission or exemption has been granted or a lawful exception applies, under [Regulation 4C of the Customs \(Prohibited Imports\) Regulations 1956](#)". At the bottom right, there is a help icon (a question mark in a circle) and a system tray showing the time as 2:22 PM on 13/11/2018.



Australian Government
Department of Home Affairs



Australian
BORDER FORCE

Managing the risk of asbestos when importing a motor vehicle

The border control

The health risks posed by exposure to asbestos are well known. An Australia-wide ban on the manufacture and use of all forms of asbestos took effect on 31 December 2003 to protect the Australian community. A border control for asbestos was enacted at the same time to prevent the unlawful importation of asbestos, and goods containing asbestos.

Thank you

Website

www.homeaffairs.gov.au

www.abf.gov.au

Border Watch

Phone: 1800 009 623



BORDER WATCH

Help protect Australia's border

Panel Discussion



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Work Health & Safety Regulators Role on Imported Asbestos

Jason Wall – Acting State Inspector
SafeWork NSW



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National Response

When Asbestos crosses Borders

- Asbestos Safety and Eradication Agency (ASEA)
- Department of Home Affairs (Home Affairs)
- Safe Work Australia
- Dept. of Immigration & Border Protection (Border Force)
- Australian Competition and Consumer Commission (ACCC)
- HWSA – Heads of Workplace Safety Authorities (State and National Regulators)

- Rapid Response Protocol:
- Regulatory Response Coordinated through the “Rapid Response Protocol” (the Protocol) which has been developed to enable government agencies to work cooperatively and efficiently across jurisdiction (including other states) and portfolio lines *when products have been identified as containing asbestos* and there is concern such products may cross/have crossed state lines.

Legislative Framework

Australia-wide ban on the manufacture and use of all types of Asbestos Containing Materials (ACM's)

Work Health & Safety Regulation (Cl 419)

Prohibition -

“work involves asbestos if the work involves manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of or disturbing asbestos or ACM”.

Customs (Prohibited Imports) Regulations 1956

Note – can be imported for purpose of testing/analysis

WHS Regulator Role on Imported Asbestos

Sharing of Information

- Rapid Response Protocol
- WHS regulator websites
- ASEA
- Border Force
- ACCC

Enforcing compliance

- Issue of Notices / penalties / prosecution

Educating Stakeholders

- Presentations
- Safety Alerts



Enforcing Compliance

- Issuance of notices to remove
- Notices to isolate and manage until removal complete
- Penalties
- Prosecution

Body Corporate / PCBU - **\$30,000**

Individual - **\$6,000**

Option - Enforceable Undertaking

NSW WHS Act 2011

Category 1

- \$3m for corporation
- \$600k individual PCBU/officer and/or 5 years jail or both
- \$300,000 for a worker and/or 5 years jail or both

Category 2

Category 3

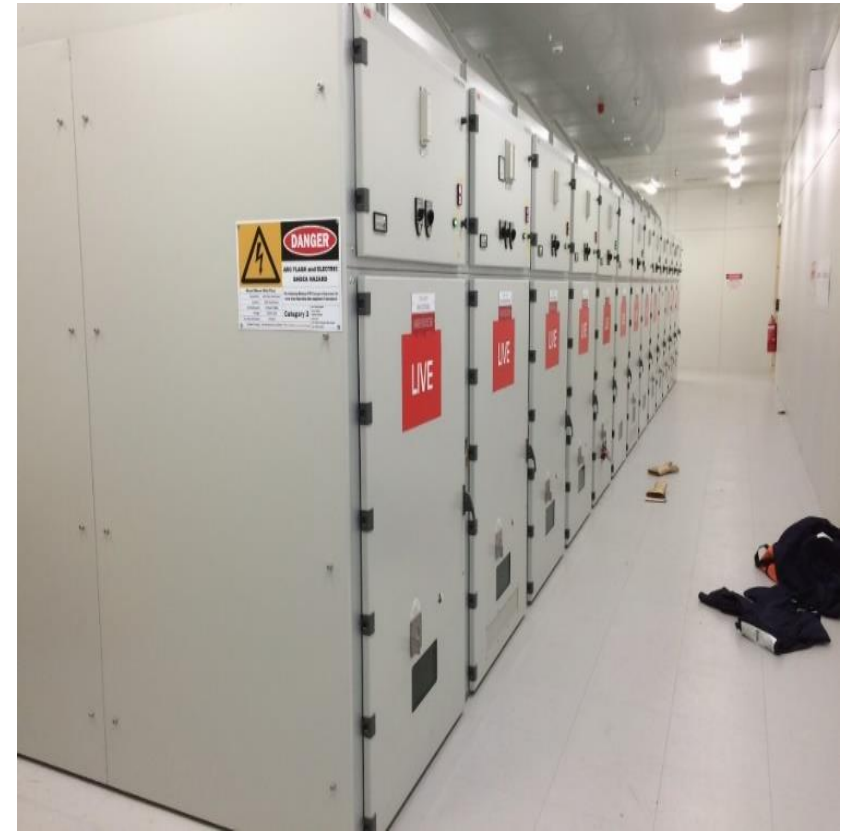
Builder Imported Fibre Cement Sheets

- Builder imported fibre cement sheets - international website:
- Advertised as 100% non-asbestos fibre wall board.
- Was not aware of potential for containing asbestos in the sheets
- Notice issued by SafeWork NSW to remove
- *All expenses attributed to the builder*



Engineering Company Imported Fibre Cement Sheeting

- Certificate supplied as asbestos free:
- Used as flooring in switch rooms – across the country VIC, NSW, SA, NT, QLD
- 8 sites in NSW controlled by other PCBU's
- SafeWork NSW issued notices to controllers
- Final compliance achieved September 2018



Distributing Company Imported Utility vehicles containing asbestos

- Asbestos identified in internal engine and exhaust gaskets
- 87 in total distributed into NSW, QLD & VIC
- 53 into NSW
- SafeWork NSW issued enforcement notice to distributor to remove illegal gaskets
- Agreement with Border Force to export affected vehicles instead back to country of origin
- To date more than half have been exported as whole vehicles



Products – Other Asbestos Imports



Thank You

WWW.SAFEWORK.NSW.GOV.AU



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Panel Discussion



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National Co-ordination to Prevent Importation of Asbestos

Malcolm Burgin – Managing Director
OccSafe Australia Pty Ltd



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What happens if asbestos is imported or a concern is raised that the contents of a shipment is considered at risk?



Case Study 1: Portable Accommodation

- A South Australian based building company who imported asbestos cement sheet filed for administration and closed its doors following the identification of asbestos material within their production.
- All the buildings manufactured by this company had to be inspected and sampled.



Case Study 2: Pre Fabricated Buildings

- A WA Based importer of pre fabricated buildings had a Border Force Query issued against a shipment containing 11 containers.
- Containers held in storage until arrangements could be made to inspect the contents (9 days).
- Storage Fees \$400 per day per container
- Asbestos Assessor to inspect the containers and sample.
- Costings
 - 11 containers x \$400 a day x 9 days = \$39,600 storage.
 - Asbestos Assessor 1 day and sampling.
 - Total cost = \$43,050

Case Study 3: Building Product Importer

- An importer of building products had a failure in the supply chain that resulted in Asbestos Material entering the production process.
- It was identified that this had occurred following testing within Australia and the manufacture undertook a full review of their projects and products and implemented a systematic review of all sites they had worked on.
- 2 sites were identified as positive to asbestos and the importer and builders undertook the remediation process.
- Estimated costs for both sites for remediation \$53M
- Manufacture and importer have since implemented ongoing monitoring of all inward and outbound products from their factories and over the last 2 years have worked to make their entire operations Asbestos Free.



Why do we have these issues?

- This is only 3 examples in recent times.
- In most cases we have been involved in where asbestos material was imported there has been an issue either around the supply chain or the testing process to non NATA Standards.
- Only 56 countries have banned the use of Asbestos.



Australia Standards vs Other Countries testing Standards

- Australian Standards to deem an item Asbestos Free states 99.99%.
 - Chinese Standard – vary depending on the product type being tested from 3% to 11% asbestos material can be deemed Asbestos Free.
 - USA Standard – up to 1% asbestos material is deemed Asbestos Free
 - Other countries have differing standards for testing and declarations.
-
- Asbestos testing needs to be done to NATA/ Australian Standards for all high risk products entering Australia from countries that have not banned the use of asbestos.



What are we doing?

- OccSafe Australia have staff within China who currently sample identified at risk materials for a number of importers and shipping agents and these samples are forwarded (under an importation exemption for scientific testing) to our partner laboratory and tested against the Australian Standards.
- Once items are deemed Asbestos Free they are then released into the manufacturing lines.
- All end products are tested and the factories undergo 3 monthly surveillance audits to ensure they remain asbestos free.
- Costing on Average per shipment in country testing - \$2,400



Panel Discussion



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