



Heads of Workplace Safety Authorities

Australia and New Zealand

HWSA Imported Materials with Asbestos Working Group Rapid Response Protocol



HWSA IMAWG - Rapid Response Protocol

Introduction

The Rapid Response Protocol (RRP) is a method of coordinated response by member agencies of the Heads of Workplace Safety Authorities (HWSA) Imported Materials with Asbestos Working Group (IMAWG) (referred hereinafter as the Working Group), to manage incidences of imported goods with asbestos that effect more than one jurisdiction. This Protocol enables the relevant agencies to work cooperatively and efficiently across jurisdictional and portfolio lines, and lawfully share pertinent information. This assists to facilitate the compliance and enforcement response in a rapid and consistent manner nationally, and where required, internationally.

If the importation is confined to only one jurisdiction, or is perceived to be of limited dispersion, a **Small Group Response** will be initiated (the RRP is not initiated in these circumstances). The Secretariat will circulate any minutes from a Small Group Response to all Working Group members out of session.

If the importation and/or distribution of affected goods has occurred into more than one jurisdiction, the **Rapid Response Protocol – Full Group Response** will be activated to coordinate a national multi-jurisdictional response and to keep all members informed.

The Working Group Terms of Reference (ToR) outlines the process for initiating both response types.

Objectives of the Rapid Response Protocol

1. Provide a method of approach for government to manage incidences of imported goods with asbestos that affect multiple jurisdictions.
2. Provide basis for that management to be undertaken as quickly as possible, in a coordinated and transparent manner, that is consistent across the affected jurisdictions in Australia and/or New Zealand.
3. Inform and coordinate the allocation of regulatory resources.

Rapid Response Protocol Activation – Full Group Response

The Protocol is usually activated when an importation of asbestos containing materials or goods with asbestos is identified as entering, or distributed to, more than one Australian jurisdiction or both Australia and New Zealand.

The general process of activation is:

1. Asbestos in imported goods/materials has been confirmed by testing in one or more jurisdiction.
2. The identifying Working Group member requests the activation of the protocol by contacting the Secretariat and Chair in writing or by phone as soon as possible.
3. The activating Working Group member provides current known facts to the Secretariat in the Rapid Response Activation Report template (Appendix A) to be circulated prior to the initial meeting for all members' awareness and accurate understanding of the importation and distribution facts.

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4. The Secretariat coordinates a suitable meeting time with all members. As per the Working Group ToR, members who are unable to attend nominate a proxy to the Secretariat. This ensures all jurisdictions are represented at the initial meeting to be informed and have the opportunity to contribute to a coordinated response.
5. Discussion at the initial meeting will address all known facts of the importation to collectively devise next steps in line with respective legislated frameworks.
6. Minutes will be produced within 7 days and circulated to all Working Group members.
7. The Working Group will collectively manage the response through to resolution which will include follow up meetings and information-sharing (as per the ToR).
8. Members will copy information and correspondence (subject to any restrictions they have on releasing such information) to the Secretariat to ensure transparent and complete record-keeping of Working Group activities and decisions.
9. As per the ToR, Working Group members agree to give notice to other Working Group members prior to the release of media statements (for example by providing their media talking points for circulation) about the incident and response, wherever possible.
10. As per the ToR, if a Safety Alert or similar is to be developed, members will negotiate the content to ensure consistent messaging, while maintaining jurisdictional subtleties.
11. The identifying Working Group member and Secretariat will cooperate to complete the Rapid Response Protocol Activation Record for inclusion in HWSA reporting.

This process is contained in the *Rapid Response Protocol Flow Chart* at Appendix B.

Remediation Objectives

The Working Group has determined that interim measures designed to merely inform rather than remediate, such as placing stickers, labels or engraving goods as containing asbestos, does not provide the required level of assurance that the asbestos or Asbestos Containing Materials (ACM) will be handled in a compliant manner.

The Working Group has determined that the following risks to the public and workers exist if coordinated remediation does not occur as early as possible in these matters:

1. Potential exposure to asbestos by current owners of the items who may choose to service/ install/ clean/ modify the item, unaware that it contains asbestos.
2. Australian-based suppliers may not have the ability to manage the risks of asbestos exposure to remediate a bulk shipment at disparate locations.
3. The current owner, or subsequent owner, engaging a service provider to work on the product/equipment without knowledge that it contains asbestos.
4. The longer that some parts (for example, gaskets) are in place, the more likely they are to become fused to other parts and so more difficult to remove, which increases the risk of exposure during removal.

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5. The longer the delay between workers' asbestos removal training and the remedial work, the higher the risks of errors in compliance and therefore the higher the risk of exposure.

Centralised Remediation Option

This option addresses matters of multiple goods that are transportable, such as vehicles, mobile plant, portable materials and equipment that have been imported and cleared for customs purposes into Australia or New Zealand, and:

1. Subsequent to that importation, have been identified as having parts or components containing asbestos, and
2. Those identified parts or components can be removed and/or replaced with non-asbestos parts.

This option is not available as a measure to remediate asbestos content in Australia, for goods which were known by the importer to contain asbestos, prior to their importation.

Policy position

The Heads of Workplace Safety Authority (HWSA) agrees that the owner of those goods is responsible for lawfully arranging for them to be gathered in one location or one location in each affected jurisdiction, for remediation within easy oversight of the relevant work health and safety regulator.

Rationale

The unlawful importation of asbestos, or goods containing asbestos, is prohibited under the *Customs (Prohibited Imports) Regulations 1956*. Under work health and safety laws, it is prohibited to carry out work on asbestos or to direct (or allow) a worker to carry work involving asbestos. This includes manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of or disturbing asbestos or asbestos containing materials. Once in the Australian supply chain, the asbestos in goods or materials is a risk to the health and safety of workers and members of the public.

Government has significantly increased the amount of published guidance to assist importers, and Australian suppliers of imported goods, to address the risk for asbestos in their supply chains. Importers and suppliers are reasonably expected to undertake enquiries, testing and sufficient due diligence to address the risk of asbestos in their supply chains.

The requirement for an importer who has imported goods, which have subsequently been found to contain asbestos, to recall or gather those goods for centralised remediation is consistent with the domestic ban. It is a proportionate regulatory response and acts as a strong deterrent. It also encourages due diligence and voluntary compliance with the import prohibition.

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Agreed Position of the Working Group

Transportable goods that have been imported and found to contain asbestos, should be recalled to, or gathered in, a centralised location for remediation, in order to:

1. Enable the development of a safe work method to ensure all required controls are in place to protect worker health and safety while undertaking the removal process
2. Ensure specific training for workers is undertaken in the identification, safe handling and suitable control measures for asbestos and ACM.
3. Minimise the impact on regulators' oversight resources and government costs. Remediation at multiple locations across the entire State or Territory at multiple times is resource intensive and a burden to the taxpayer.
4. Enable the relevant work health and safety regulator to ensure compliant work practices are undertaken.
5. Ensure an Occupational Hygienist is able to oversee the asbestos removal work and conduct air sampling to provide assurances that compliant practices had been undertaken and risks of exposure managed.

Endorsement by Heads of Work Safety Authorities

HWSA has endorsed this Centralised Remediation Option as a practical solution to minimise the risks to Australian workers during remediation, and Australians in general, associated with the risks of imported goods that contain asbestos.

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Appendix A: Rapid Response Activation Record Template

For the sake of accountability and transparency this report must be commenced and provided to the Chair and Secretariat as soon as relevant information is received for both small group and full group rapid response

This report is completed by the activating Working Group member to be provided to all Working Group members during the course of incident management until conclusion.

DATE	PARTIES INVOLVED	BACKGROUND	ISSUE	OUTCOMES

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Appendix B: Rapid Response Protocol Flow Chart

Rapid Response Protocol flowchart

