



Asbestos Council of Victoria

20th December 2016

Senate Standing Committees on Economics
PO Box 6100
Parliament House
Canberra ACT 2600

Email: economics.sen@aph.gov.au

Dear Committee

Subject: Importation of Asbestos products: Community Support and Advocacy Group

Thank you for the opportunity to provide a submission to the inquiry on asbestos products in the Australian community.

The purpose of this submission is to provide information on some of the current issues relating to the import and sale of products containing asbestos as we know it.

Children's games – e.g. 2015 CSI kit –finger print dusting powder was asbestos (tremolite) - (we have one in our possession –photo of kit provided)– one was purchased at a local OP shop and another was purchased on eBay

This kit was prepared in China and then shipped to America where CBS who have the rights to the show CSI sold the brand to the Toy Company – Planet Toys NY

The American Government was alerted to the contents of the kit by the asbestos group in America - Asbestos Diseases Awareness Organization – (ADAO) and court proceedings commenced with the Toy Company for those who purchased kits from the company.

There was not one warning on any of the Australian alerts that come out from our Government on this kit and we believe that the kits were imported into Australia in large quantities.

Crayons 2015 – made in China were detected by our organization to contain two types of asbestos in them. These were certified by an appropriate lab in Australia and we have the documentation to these. The crayons that we tested were popular and found all over Australia. Disney Princesses, Ben Ten, Frozen, Cars, Mickey Mouse etc. The strengthener in the crayons was talc laced with asbestos. Our organization notified the Australian Government (Border Force) and were told that we were crazy and that they did not police asbestos products coming into this country. Our org repeatedly tried to get Border Force to take notice and were fobbed off. We had to take the extraordinary steps to go to the media to have the Australian Government do something about this problem. Since this time we believe

that they now police crayons and have detected 305,000 crayons that came to our border and were stopped.

To add insult to injury with the original crayons the ACCC decided that crayons only posed a small risk to children. NO RISK AT ALL – should have been their stance. Our objections to this situation was that children put things in their mouths and chew crayons – with ingestion this would release the fibres into the mouth and down into their trachea and into the organs such as stomach, bowel etc. which could be quite harmful.

We believe that Australian Customs and Border Protection Service along with the Asbestos Safety and Eradication Agency have worked together recently to prevent importation of crayons. Their needs to be a lot more done in this area about known asbestos items by gathering information and liaising with other countries as to what contains asbestos and might be imported into Australia.

ACV/GARDS feels the Asbestos Safety and Eradication Agency is well placed to commence talks with orgs such as Google and eBay around how they could raise awareness around asbestos products being sold on their sites – with some sort of Alert and compile lists of items likely to have asbestos in them.

Recommendation 1

Establish a database of known items that contain asbestos from each country (via their Government alerts – which we could share) and when someone tries to purchase an item a red flag comes up and warns them the item contains asbestos and it is illegal to import this item and that this carries heavy fines for those purchasing the product, which will be confiscated.

Recommendation 2

That the Asbestos Safety and Eradication Agency and Australian Customs and Border Protection Service must have more resources to be able to deal with issues around importation of items purchased on line and awareness campaigns in the appropriate forums.

Recommendation 3

Australia Post needs to be included in these initiatives with funding as they handle the overseas mail.

More info on purchasing on line

Chrysotile bead necklace –2009 purchased on eBay – the beads can be crushed as they are soft and then they become friable. You can, to this day still purchase beads like this. (Photo provided)

All sorts of items containing asbestos can be purchased on eBay and then come through post to purchasers address. Even things like **Fake snow, inflammable wallets (in show bags at Melbourne show) (these were distributed into the Australian community and detected later)**

Brake shoes (from the USA) – imported into Australia, these were tested at less than 1% content from an Australian hygienist but the packaging did not list these brakes as having asbestos content.

Country of origin USA the United States Dept. of Labor OH&S regulations say if the asbestos is less than 1% concentration then the products labelling and material safety data sheets do not have to divulge that there is asbestos present in the product.

China have a policy of less than 5% asbestos so labelling and data sheets do not have to divulge that there is asbestos present in the product or on the box labelling.

Please note: Brake pads are still coming in to this country in 2016. This practice has still not been halted.

Great Wall cars – imported in 2012 from China – 24,000 - Model SA220 had up to 17 asbestos gaskets and other models V200/X200 12 asbestos gaskets

With the closure of all vehicle manufacturing in Australia – it has been said by those in Parliament that this opens the door for cars from all over the world to be imported into Australia.

This now means that the Australian government must put more stringent guidelines and processes around car importation.

Recommendation 4

Any vehicle that enters Australia and is found to contain asbestos should be returned to place of origin at the importers expense.

Where the Australian Government has found it unpalatable to prosecute the company that imported the Great Wall/Chery vehicles the very least this car company should provide and maintain is an easily accessible web site for the Australian community who are likely to carry out repairs on the cars already here

They should be providing information where the asbestos may be found in the car and how you may safely remove it. The training video that was produced for the car dealerships and their employees that sold the cars should be on line for training and information for the community. At this time this video cannot be seen other than for the car dealerships that sold them.

Footnote to this comment: In 2016 the importer of Great Wall Vehicles has changed – so what happens to the responsibility for information to be shared to Australian people who purchase these cars. What happens to the liability that sits around this issue if anyone develops an asbestos disease from these cars?

It is ACV/GARDS opinion that many low cost 4wd tray vehicles will end up on rural properties and we all know that farmers repair things themselves to reduce their costs. Low income families are in this bracket as well as young drivers too - they will buy these cars in the next few years and they will make repairs and service them themselves - oblivious to the dangers of what gaskets are in the cars and the sticker system that was put in place warning of asbestos gaskets may not remain.

PLEASE NOTE:

When car, plant and equipment that is imported with asbestos which has not been entirely removed (such as Great wall cars) reach their use by dates what is going to happen? Any plans for disposal?

Recommendation 5

Alert by Australian Government to be given to Wrecking Yards/Metal Recyclers etc. with models and engine no's of those affected vehicles so that the engines and exhausts can be dismantled and dismembered in the correct place so as not to disturb the asbestos gaskets – they should then be taken safely to approved asbestos waste sites to be disposed of in the correct manner. Will need wrapping and labelling with asbestos noted on wrapping and done by a trained removalist the cost should be paid by the importer of the vehicles (Great Wall/Chery) and hopefully this will be a deterrent for any other company importing any plant of any sort in the future.

Recommendation 6

If any single individual imports a vehicle/s into Australia we must have a process where it can be guaranteed that the vehicles coming in are asbestos free. Some sort of certificate from an approved NATA laboratory and hygienist.

Heat Beads Barbecue Starter – made in China – imported by Australian Char P/L– 800 units were distributed Australia wide, predominately through Barbeques Galore and direct sale by Australian Char, between 1st December 2008 and 30th September 2009. Research revealed that the heat resistant strip located between the product handle and the main unit of the barbecue starter chimney contained Chrysotile Asbestos.

The importer produced its own alert but did not offer a recall or refund and did not offer in the assistance of disposing of the product.

Recommendation 7

Importers need to recall and supervise the disposal of the asbestos waste at their cost – many areas do not have suitable approved domestic asbestos disposal facilities to dispose of such waste.

NOTE: The consumer alert provided by Australian Char suggested the owners of these products seal them in bags and contact their local EPA office for locations of disposal sites.

Their Company statement differed from the consumer alert and in essence said return product to the local BBQs Galore store and Australian Char will arrange for disposal. Confusing to say the least.

We believe very few people would have seen the alert and of those people who did if the way to dispose of the item was all too hard would have just put them in their bins to contaminate landfills and tip workers.

K & H Brush – Underbody Protectant & Sound Deadener approx. 2008 recall by ACCC as the responsible dept.

According to K & H the viscous bitumen base contained asbestos. The company made a statement saying on the basis of information currently available K & H considers that the products pose no measurable risk in respect of airborne asbestos fibres to any person when applying the product.

The hazard of the asbestos is bound in a viscous bitumen base.

Recommendation 8

K & H Brush are experts in the panel repair industry and provide many products to the panel beating industry and as such should be quite aware of the practices and procedures of panel beaters in the repair of vehicles. These include beating, grinding, welding, acetylene cutting and sanding. All of which if

carried out on areas that are treated with the viscous bitumen under body protectant will release asbestos fibres that can be inhaled.

NOTE: This product does pose a high risk however it may not be at the time of application but at the time of later repairs. The ACCC did not conduct a risk assessment of this particular product.

Those in the community who already used this product – do they get a replacement vehicle?

Earth Crystals – Chrysotile Healing Crystals – natural and polished crystals – 2013 – Recall by ACCC as the responsible dept.

This description was taken directly from a Gold Coast company web site on **20.12.2016**

Chrysotile

If angled into the light it is possible to see ancient writing inscribed within that links us to ancient knowledge. It clears away debris from the past. A stone of integrity and self-honesty. It shows where you are trying to control other and helps you attract what it is you desire. Corrects imbalances and blockages when placed over the thymus.

Healing – Chronic fatigue, inflammation, multiple sclerosis, coughs and emphysema. Supports throat, brainstem, veins and arteries

Description of thymus

Jun 10, 2014 - The **thymus** gland, located behind your sternum and between your lungs, is only active until puberty. ... Thymosin is the hormone of the **thymus**, and it stimulates the development of disease-fighting T cells. ... Therefore, the **thymus** plays a vital role in the lymphatic system.

These “Crystals” still available in Australia and promoted for their so-called healing benefits. They are natural stones and the Chrysotile is in its raw state and is fibrous. The fibres may be released simply by handling these items. These should not be still available anywhere in Australia and not be advertised on current web sites proclaiming to heal. At this present time 20/12/2016 these crystals are still available on an active Australian web site. This highlights the inability of the Australian Government enforcement policy around asbestos.

Recommendation 9

The Australian Government must follow up to make sure sites like this are still not selling or advertising asbestos crystals.

Further to this issue with crystals – On Wednesday 21 2016 a NSW web site that sells crystals was contacted via their web site – someone we know has purchased two items on line from that web site [Banded Chrysotile Donut necklace](#) and [Chrysotile Tumbled gem](#). The only warning given when purchasing these items was as follows

Chrysotile Tumble

I am a lover of this stone - it is soooo pretty and yes it's sibling of Tiger's Eye. But note the white is asbestos that has not been transformed with quartz like tiger's eye is so it needs to be handled should be with care. you are buying a stock item (photo shows how similar they all are and i will intuit the best for you).

Healing Properties of Chrysotile (asbestos/chloride, Chrysotile)

"Banded Chrysotile may be used as a divination tool; the visual patterns may provide a link to ancient knowledge and access to ones power animal. This mineral has been used in telepathic endeavours both sending and receiving messages, and can be used to bring a bonding action between one and the object of ones desires. When the need is fulfilled, one can easily release the object of desire. It instills honesty and sincerity and the energy of Chrysotile assist one in finding the "true self" by clearing away blockages. It may assist one to release control over others while creating a sense of your own self worth...Chrysotile may be placed in an area of disturbed Earth energy. It is a useful stone for gridding, as Chrysotile facilitates the knowledge and acceptance that each event that occurs is Divine timing and always for the highest good." Raven Crystals website

Banded Chrysotile Donut

I was so excited to finally get this gorgeous crystal - Banded Chrysotile. And then I found out the white is asbestos and the green is a chlorite. It is classified as a serpentine. So buy this to enjoy but take care - don't use for direct making of elixirs. Do not buy for children. Someone said that homeopathically having a small amount of asbestos against the body can be beneficial - it is up to you. I will enjoy my piece but ensure I take care.

Healing Properties of Chrysotile (asbestos/chloride, Chrysotile)

"Banded Chrysotile may be used as a divination tool; the visual patterns may provide a link to ancient knowledge and access to ones power animal. This mineral has been used in telepathic endeavours both sending and receiving messages, and can be used to bring a bonding action between one and the object of ones desires. When the need is fulfilled, one can easily release the object of desire. It instills honesty and sincerity and the energy of Chrysotile assist one in finding the "true self" by clearing away blockages. It may assist one to release control over others while creating a sense of your own self worth...Chrysotile may be placed in an area of disturbed Earth energy. It is a useful stone for gridding, as Chrysotile facilitates the knowledge and acceptance that each event that occurs is Divine timing and always for the highest good." Raven Crystals website

Today – 23/12/2016

Both of these items above have turned up in the mail and I now have one of the items in my possession and the other is with the person who purchased them. It was all too easy.

Future alerts for the Australian Government

Our overseas connections have alerted us to asbestos in women's make-up. ACV/GARDS have at this present time tested half a dozen brands and have as yet to find any asbestos in them.

Also an insulated Thermos – the insulation is – you guessed it “asbestos”. ACV/GARDS has been keeping a look out for these at our local stores.

Another one that is popping up on our radar is asbestos gaskets for vehicles being sold at swap meets all over Australia and retro antiques markets where you can purchase items such as old electrical boards with the asbestos still packed inside the fuses.

Asbestos Testing and Sampling

Something for you to consider in your inquiry

The accepted method in Australia for testing products for asbestos is set out in Australian Standard AS 4964-2004 *Method for the qualitative identification of asbestos in bulk samples*. This method specifies using polarized light microscopy (PLM) and dispersion staining.

This method is suitable for identification of Amosite, Crocidolite and Chrysotile asbestos. These are the most commonly found varieties of asbestos found in commercial building products. The method is not particularly useful in identifying tremolite, actinolite and anthophyllite due to the wide range of optical properties they display.

The method requires the analyst to firstly detect fibres and remove them from the material matrix and then identify the type of fibre based on set optical criteria. It relies heavily on the skills and diligence of the analyst to correctly interpret the results and to report accordingly. An inexperienced or careless analyst may miss the presence of asbestos in samples, especially where the fibres are of a very small size.

The level of training an analyst receives can vary between states and facilities. The harmonisation of WHS Legislation between states has caused an anomaly to occur between Victoria and other states. In those states that have adopted the harmonised WHS model, the requirement for analysis of asbestos is that:

“... the sample is analysed only by:

(a) a NATA-accredited laboratory accredited for the relevant test method, ...”

NSW Workplace Health & Safety Regulation 2011, Reg 432(2)(a)

QLD Workplace Health & Safety Regulation 2011, Reg 432(2)(a)

SA Workplace Health & Safety Regulation 2012, Reg 432(2)(a)

Tas Work Health & Safety Regulation 2012, Reg 432(2)(a)

ACT Work Health & Safety Regulation 2011, Reg 432(2)(a)

NT Work Health and Safety (National Uniform Legislation) Regulations Reg 432(2)(a)

In Victoria the requirement for asbestos sample analysis is

“4.3.6 Analysis by approved asbestos analyst

- (1) If an analysis of any sample is required under this Part the analysis must be undertaken by an approved asbestos analyst.*
- (2) The analysis results must be reported in accordance with the requirements of NATA or the scheme under which the analyst was approved.”*

Occupational Health and Safety Regulations 2007 Reg 4.3.6(1) and (2)

The effect of this difference is that in Victoria Asbestos Analysts are examined by NATA to ensure their competence and ongoing approval. This is on top of the requirements for the laboratory itself to be accredited. For the other states approval of analysts is done ‘in house’. Non-Victorian laboratories are therefore responsible for setting and assessing their own competencies. By default, this should mean that

NATA is ensuring a minimum competence standard for Victoria which may not be met by interstate laboratories.

The issue of training and competence will mainly become important when it comes to difficult samples or those that contain asbestiform fibres that do not fit the criteria for Amosite, Crocidolite or Chrysotile. Under the terms of accreditation for laboratories qualified for those forms of asbestos, other asbestiform fibres should be reported as 'Unknown Mineral Fibre' which can be interpreted by some as meaning not asbestos. A suitably trained and experienced analyst will recognise that this usually means that the fibres are either one of the other forms of asbestos (tremolite, actinolite and anthophyllite) or asbestos that has had its characteristics changed due to environmental degradation, heat or chemical exposure.

It is possible, even likely, that as the more experienced analysts retire or move out of the industry the level of knowledge and skill of interstate analysts will start to decline due to the lack of experienced people setting the required standards at the different laboratories.

Final summary:

Asbestos Council of Victoria/GARDS believes without harsher penalties including jail the practice of importing asbestos into Australia will continue. We also believe that anyone who imports and distributes asbestos products in our community should remediate the affected area and remove all risk at their cost. Products containing asbestos should immediately be returned to place of origin.

Australians who have purchased plant equipment and vehicles that contain asbestos - is it legal to resell any of the above as currently our law prevents the import, reuse or on selling of products containing asbestos?

Awareness campaigns for Australians – there needs to be a concerted effort to create awareness campaigns on the dangers of asbestos in all its forms – It should be noted that at the moment the Federal Health Dept booklet "Asbestos a guide for householders and the general public" gives a table of exposures "Asbestos related risks of disease" page 19 – showing and giving a mixed message of a home reno "Low risk" probably won't do you any harm. – page 17 states "Although there is no absolutely safe level of exposure to asbestos fibres, occasional exposure to low levels of fibres poses only a low risk to your health" this statement gives the wrong message and also a mixed message to people who know nothing about asbestos. The average person has absolutely no way of estimating their level of exposure during a renovation project. After reading the statement of "low risk" they may quite happily grab a grinder or other power tool and actually expose themselves to a very high level of exposure. The statement should not be in this guide – The guide has already made the statement in the forward that "There is no safe level of exposure to asbestos fibres"

The Health Dept has been challenged about these statements in the guide and those who are in charge stated that they do not want to cause angst but we are confounded about this statement when the Health Dept did awareness ads showing the grim reaper bowling people of all ages over when they were trying to educate the public to the dangers of Aids. Also a more recent campaign on cigarette smoking showing gruesome pics on the packets of cigarettes of rotting teeth and toes with gangrene. I am sure those sorts of campaigns were supposed to cause angst in those they were trying to reach.

We are not advocating for this extreme of advertising but saying that a small exposure poses only minimal risk is very misguided. It should not be stated as the general uneducated community will think it is alright to have a small exposure and they won't have a health problem.

Asbestos products being imported into this country will kill more Australians into the future than the threat of terrorists in Australia.

Asbestos already kills 2000 people a year – which is more than the road toll. Over 700 people die each year of mesothelioma and this is climbing. Remember those who are getting sick now were exposed over 20+ years ago. We are now looking at a tsunami of asbestos disease from unknown products that unsuspecting consumers in this country will use not knowing that it might contain asbestos. Already Australians believe that asbestos has been banned and is no more – how wrong are they!!.

The recalls on all these items we have listed in this submission - can you tell us what fines and penalties were given? Are they enough to deter reoffenders?

Any of the items listed in this submission such as crayons, necklaces, CSI kit etc. we have in our possession and we are happy to show them to you or we could send pictures.

Compiled by:

Vicki Hamilton OAM
CEO/Secretary
Asbestos Council of Victoria/GARDS Inc.
23.12.2016

There is no safe level of exposure to asbestos fibres.

ON CRIME SCENE
CSI:
CRIME SCENE INVESTIGATION™
**FINGERPRINT
EXAMINATION KIT**

AGES 10+

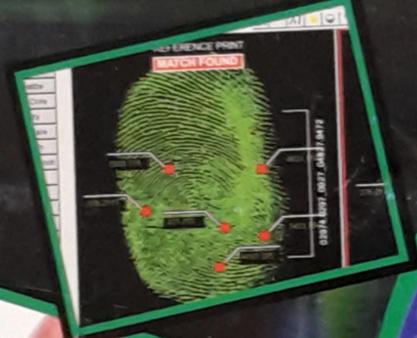
ADULT SUPERVISION RECOMMENDED

WARNING
CHOKING HAZARD: Small Parts
Not for children under 3 years

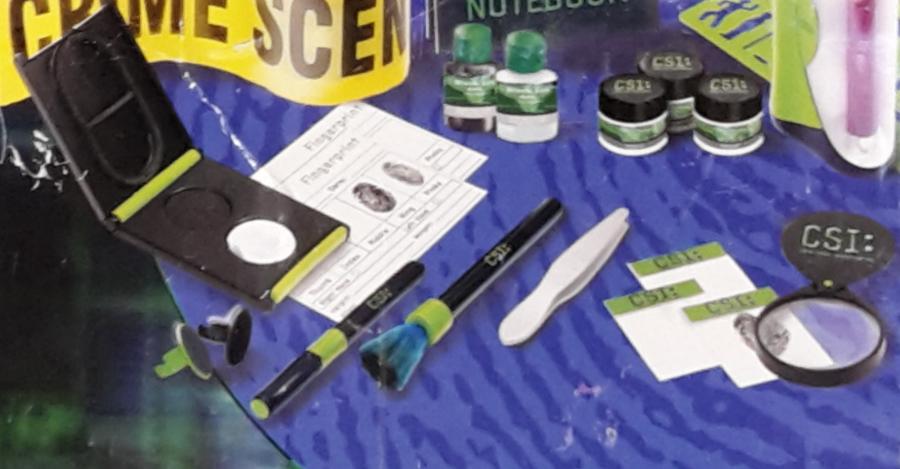
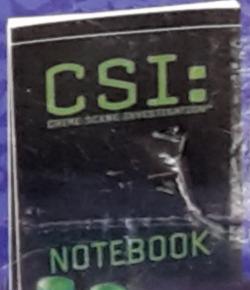
WARNING! This set contains chemicals that may be harmful if misused. Read cautions on individual containers carefully. Not to be used by children except under adult supervision.

REQUIRES 4 "AA" BATTERIES
(NOT INCLUDED IN THIS PACKAGE)

**COLLECT,
EXAMINE,
& RECORD
FINGERPRINTS
WITH GRISSOM'S
CSI TEAM!**



**USE
FINGERPRINT
BRUSH
TO DUST
REAL
PRINTS!**



DO NOT CROSS CRIME SCENE: DO NOT CROSS CRIME SCENE: DO NOT CROSS
MATERIALS INCLUDED FOR EIGHT ACTIVITIES

1 MARKER, 0.09 FL. OZ. US (2.5mL)