



Mairin OHS&E Consulting Pty Ltd

ACN 120 955 142 • ABN 31 120 955 142

• Occupational Hygiene • Noise • Asbestos Audits & Air Monitoring • Ergonomics • Project Management • Training
• Plant • Safety Officer • Cooling Towers • Manual Handling • Dangerous Goods • Hazardous Substances
• Confined Spaces • WorkCover & Injury Management • Return To Work •

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

4th January 2017

Email: economics.sen@aph.gov.au

To Whom It May Concern,

Re: Importation of Asbestos products into Australia

We wish to thank the Senate Standing Committee for extending the terms of reference of the enquiry on the impact of non-conforming building products in the building and construction industry to specifically include the issue of illegal importation of asbestos into Australia and the opportunity to express our company's direct knowledge and views on the matter.

Mairin OHS&E Consulting is a small, privately owned, Australian company based in the Latrobe Valley, Victoria which provides health and safety consultancy services to a diverse cross section of clients ranging from small business to multi-national companies. A significant proportion of our consultancy work is related to asbestos supported by our laboratory which is accredited by NATA (Accreditation No. 15727).

It is well documented that a national prohibition on the use and importation of asbestos was imposed on 31st December, 2003, albeit with a few specialist applications. At the time this was welcomed and applauded by those that had been afflicted by asbestos-related diseases from exposure to the deadly substance and the families and organisations that represent them. However asbestos is a global commodity and many countries overseas continue to mine, manufacture, use and export asbestos. This we believe is further confounded by:

- a) the varying criteria different countries use to define asbestos containing products including the United States of America which accepts products containing <1% asbestos as being 'asbestos free' for regulatory purposes;
- b) the diverse range and applications of products historically (and currently available overseas) that contain asbestos; and
- c) offshore manufacture of products in countries that still permit the use of asbestos by companies that otherwise have their corporate base in countries that prohibit asbestos use. This may provide domestic importers with a misleading sense of security during requisitions.

It is our experience and view that in the sixteen (16) years since the ban came into effect there has been an overall growing complacency amongst importers and end-users on the risks associated with imported asbestos products entering Australian workplaces and homes. Policing and education on the extent of the asbestos importation problem by government departments (at both state and federal levels) during the same period appears outwardly haphazard and under resourced with only a limited number of high profile cases being reported through popular media.

As a company our professional conduct is bound by a code of ethics and contractual agreements that protects the confidentiality of our clients' business operations. For this reason our experiences on the issues relating to asbestos importation necessarily retain the anonymity of the relevant stakeholders unless it has become previously known or reported elsewhere in the public domain.

Case Study 1 – Industrial Gaskets and Friction Pads – Anon. (2006/2007 & 2014)

In 2007 our company undertook a compliance audit of inventory retained in stores for a large client in the industrial sector. Amongst the suite of legacy items that were identified as containing asbestos, several instances were uncovered where asbestos gaskets and friction pads were identified by purchase order numbers as being received by the client's logistics team from domestic and overseas suppliers within the prior twelve months. The client undertook a program to remove the offending materials and an internal review of their purchasing procedures. This case was not reported externally.

More recently in 2014 we completed a compliance review for another client (within the same industry sector) on their asbestos management policies and procedures. This review found the client did not have robust procedures for validating requisitioned stock was 'asbestos free' although issued purchase orders included a statement requiring the supplied stock to be so. Later in the same year we were identified asbestos friction pads being retained in the client's stores misrepresented with 'asbestos free' labels. Again this case was not reported externally and/or investigated further up the supply chain.

We do not believe the circumstances that contributed to these two situations would be unique to these two clients. The detection of the supplied asbestos materials was a result of the ability of the clients to have the resources to investigate and validate their procurement processes. It can be speculated that there would be considerably more companies and organisations who have received supplied parts with asbestos from the same importers that has continued undetected and unreported.

Case Study 2 - Heat Beads Barbeque Starter – Australian Char Pty Ltd (2010)

Another early example of illegal importation of asbestos we reported for a client was associated with a consumer product imported by Australian Char in 2010. The product consisted of a hand-held jug that could be loaded with 'Heat Beads'. The asbestos material was identified as compressed asbestos fibre (CAF) gaskets between the plastic handle and the metal jug for heat insulating purposes. In this situation the former administration of Australian Char commendably undertook full disclosure of the situation including issuing a product safety recall for the product (refer: Attachment 1: <http://heatbeads.com.au/wp-content/uploads/2011/09/Company-Statement.pdf>).

Case Study 3 – Electrical Switchgear Apparatus – Anon. (2014)

In 2014 we provided consultancy services to a client that had purchased high voltage electrical switchgear cabinets from a Victorian supplier. At the time of our engagement several of the switchgear cubicles had already been installed and commissioned with many more still awaiting delivery. The request for our services was initiated by workers commissioning the equipment who had concerns about suspect washers under the lifting lugs they were removing from the cabinets. These were subsequently tested and proven to contain asbestos.

The domestic supplier had imported the switchgear from Malaysia. The terms of the procurement stipulated for the switchgear to be asbestos free however it is understood that the lifting lugs on the cabinets were installed by an intermediary overseas company for transport into Australia.

Again this has not been reported externally for preparation of an industry-wide safety alert by the regulatory authorities. If it were not for the diligence of the affected workers the situation would have proceeded without discovery by the client. It is believed legal advice was obtained by the client for cost recovery from the supplier associated with the identification and removal of the asbestos components which is estimated to be in the tens of thousands of dollars.

Case Study 4 – Industrial Friction Pads – Anon. (2014)

In 2014 we were again involved with a significant project for a client to address issues associated with asbestos friction pads with plant and equipment on their site. In the course of the project it was suspected that some asbestos friction pads had been procured from domestic suppliers containing asbestos. This was proven by the client undertaking an unannounced visit to one of their Victorian suppliers and collecting samples of different brake linings with one testing positive for asbestos (at an estimated concentration of <1% asbestos). The overall financial impact to the client inclusive of lost production, sampling and removal of asbestos brakes at their site is estimated to be several hundred thousand dollars and has taken over a year to complete.

As a consequence of the discovery the client adopted a system for all brake shoes being supplied to first be tested for asbestos prior to site delivery. This is arranged between an intermediary logistics company and our own NATA accredited laboratory. In the two years that this system had been in place we have discovered numerous brake shoes containing asbestos that would have been supplied to the client as 'asbestos free' by companies in Victoria and New South Wales. In some cases the asbestos content in the brake shoes were estimated at 30-40% asbestos. It is reasonably assumed as no domestic production of asbestos friction pad linings occurs in Australia that the friction pad linings have been imported from overseas and bonded to the brake shoe in Australia. The would-be suppliers to the client are significant companies within their field and would supply stock to other companies Australia wide. When advised by the client that their supplied stock contained asbestos the suppliers reportedly reacted with shock and denial.

Again this has not been reported externally for preparation of an industry-wide safety alert by the regulatory authorities.

Case Study 5 – Robin Johnson Engineering Relocatable Switch Rooms – Anon. (2015)

In November 2015 we were approached by a client to undertake testing of a relocatable switch room procured from Robin Johnson Engineering which was in the process of being commissioned. The commissioning process involved installation of electrical and communication equipment necessitating the drilling of the compressed cement sheet floor of the switch room which contained asbestos. The client had recently become aware that a similar building received from Robin Johnson Engineering being commissioned by them in Canberra contained asbestos.

Although it was reported to and known by the client that this was a significant finding and had potential ramifications to other procurers from Robin Johnson Engineering in other states the issue was not reported externally.

It was almost two months later in January 2016 that the asbestos within the switch rooms became public knowledge through unrelated investigations done in South Australia (refer Attachment 2: <http://www.abc.net.au/news/2016-01-25/adelaide-seaford-railway-line-asbestos-controversy/7113464>). This led to investigations in Victoria which identified more sites with asbestos in the switch rooms (refer Attachment 3: <http://www.theage.com.au/victoria/asbestos-found-in-four-new-tram-substations-built-in-melbourne-last-year-20160215-gmuf69.html>). In total it has been reported that sixty-four (64) buildings had been imported into Australia (refer Attachment 4: http://www.etunational.asn.au/asbestos_present_in_robin_johnson_switch_rooms).

This case study demonstrates the misrepresentation to the importer on the asbestos status of procured items and the ineffectiveness of the relevant regulatory authorities to police the importation through detection and quarantine protocols. As there were no compulsory mechanisms requiring our client to self-report the findings to the regulatory authorities there appears to have been a significant delay until the issue became public knowledge, during which time more workers could have been exposed to asbestos at other Australian work sites.

Case 6 – Imported Asbestos Crayons – Various (2015)

The last case study included for the committee's consideration with our submission relates to the importation of crayons which contain talc contaminated with Tremolite and Chrysotile asbestos. In 2015 we worked with Mrs Vicki Hamilton from the Asbestos Council of Victoria (ACV) to analyse a number of crayons available for purchase locally for asbestos. The testing was undertaken based on readily available information on the internet which had identified asbestos in crayons overseas.

Our testing identified asbestiform fibres within the crayons which were then sent to a second laboratory, Microanalysis Australia based in Western Australia, for further confirmation using Scanning Electron Microscopy with Energy Dispersive Spectroscopy (SEM/EDS). This was largely due to the terms of our laboratory's NATA accreditation for asbestos identification through Polarised Light Microscopy (PLM) which does not cover Tremolite asbestos. There is currently no NATA accreditation for identification of asbestos by SEM/EDS despite it having a much lower detection limit than traditional PLM and effectiveness in dealing with complicating product matrices (e.g. wax) which can affect dispersion staining results necessary to provide definitive asbestos identification by PLM.

After the Asbestos Council of Victoria had approached the regulatory authorities on the matter with little to no response for some time, we joined Mrs. Vicki Hamilton with a media release through the local newspaper (Latrobe Valley Express) and the television broadcaster (WIN news). The WIN news story can still be seen online here: <https://www.facebook.com/WINNewsGippsland/videos/vb.157108927693208/941337299270363/?type=2&theater>).

I reached out to a contact within the Victorian WorkCover Authority (VWA) to notify of the media release before its broadcast. When informed on the details of the media release, the VWA contact informed that they were aware of asbestos in crayons from unrelated testing they had previously done in Melbourne but this information had not been made publicly available. Within a matter of days of the media release the responsible authorities issued a joint safety alert on the asbestos crayons 'adopting' the information provided by the ACV and our company in their media release (refer: Attachment 5:

https://www.asbestossafety.gov.au/sites/asbestos/files/2016/12/HWSA_Consumer_and_Retailer_Alert-Asbestos_in_Crayons-Sept2015.pdf).

As far as I have been able to determine these six (6) crayon brands in the initial media release are the only ones which have been publicly notified as containing asbestos and may mislead the general public's understanding of the extent of the problem. Although our laboratory has not been requested to undertake any additional crayon testing we were informed by Ms. Nimue Pendragon from Microanalysis Australia that as at 1st December 2015 they had analysed "164 crayons from 30 discrete sets with 85% of the crayons contained some asbestos fibre. Of that 85%, 71% (absolute) contained significant quantities of fibres (more than 3 fibres in the 100 fields analysed). Of the 30 batches, 4 contained no asbestos at all, 3 contained negligible asbestos (trace fibres in some crayons), 5 contained asbestos in some colours but not others and the remaining 18 batches contained asbestos in every crayon. The vast majority (>95%) of the asbestos observed was tremolite".

The joint media release described the presence of asbestos in crayons as a 'very low risk to humans' based primarily on the asbestos being 'fixed' within wax. Nevertheless, based on figures provided by Crayola on the use of crayons by children, Microanalysis Australia suggest that a child could be exposed to up to 10g of asbestos from affected crayons by their tenth birthday (refer Attachment 6: <http://www.microanalysis.com.au/news/asbestos-found-childrens-crayons/>).

Continued policing of the asbestos crayon ban by the Australian Competition and Consumer Commission (ACCC) has been reported as being discontinued due to "no credible intelligence" about consumer products containing asbestos (refer Attachment 7: <http://www.latrobevalleyexpress.com.au/story/4050461/accc-hasnt-tested-for-asbestos-in-crayons-since-traces-found-last-year/>).

Concluding Remarks

The aforementioned case studies indicate only a selection of our personal experiences relating to the continued illegal importation and use of asbestos in Australia. For each case which is reported by the responsible agencies through public safety alerts and recalls it is reasonably expected there are a magnitude more that have, and continue to be, undetected and unreported.

Recommendation 1:

It is a significant problem that falls across the jurisdiction of a number of government regulators and organisations requiring communication and coordination at all levels. It is acknowledged that the Heads of Workplace Safety Authorities (HWSA) convenes a working group for Imported Materials with Asbestos however their achievements in policing asbestos imports has not been communicated publicly. Full and transparent public disclosure of the operations undertaken by the relevant agencies in the policing of the ban on asbestos importation is needed to inform and instruct public awareness and workplace diligence on the issue.

Recommendation 2:

Awareness programs on the problem of asbestos imports, with support materials for workplaces provided by the relevant state WHS departments, would help to raise the level of general awareness on the issue and assist identification of 'at risk' products before they enter Australia (thereby assist Border Force with their workload). There is some information publicly available online but it can be difficult to locate. Also it would help to dispel the notion that asbestos is simply a problem of the past.

Recommendation 3:

There is an apparent disconnect between workplaces and the relevant regulators with no requirements for self-reporting fugitive asbestos imports that could have broader implications outside individual worksites. Increases in penalties (including fines) based on the current policing could be counter-productive resulting in less asbestos imports being reported.

Self-reporting of fugitive asbestos in newly acquired materials in a workplace setting should be mandatory. Workplaces should be required to self-report asbestos in newly acquired materials within 14 days of becoming aware of the presence of asbestos. This should include the type of material and the name of their supplier. The relevant workplace safety authority can then fully investigate the supply chain to determine not just the origin of the material but also what other workplaces have been supplied with the asbestos containing materials. Using the friction pads issue mentioned previously (case studies 1 & 4 above) you have one end user in Victoria who is making sure they are not getting asbestos product but the wholesaler/importer may still be sending the asbestos product to other clients throughout Australia. Mandatory self-reporting would help prevent this situation from continuing.

Recommendation 4:

Border Force is on the frontline for interception of imported asbestos goods but on balance appears to be under resourced to do so. Given the extent of biological and chemical contraband that they are responsible for preventing entering Australia this is understandable. A specialist unit within Border Force may prove to be useful to identify at risk imports.

We would be happy to elaborate and assist if you have any further enquiries with this submission.

Regards

Darren Carman
Principal Consultant and Director
Mairin OHS&E Consulting

Mairin OHS&E Consulting Pty Ltd

Submission to Senate Standing Committees on Economics

Attachment 1:

Australian Char Pty Ltd - Heat Beads® Barbecue Starter Product Safety Recall

COMPANY STATEMENT

PRODUCT SAFETY RECALL HEAT BEADS® BARBECUE STARTER

Australian Char Pty Ltd ("Auschar") has commenced a voluntary recall of its Heat Beads® Barbecue Starter product (Product No. HB 152ST). This product was available for purchase between 1 December 2008 and 25 March 2010, from BBQs Galore stores nation-wide, or on-line at www.heatbeads.com.au.



For customer safety

Auschar recently received a report that in some products, the handle may become very hot and melt causing potential handling issues. This could result in the risk of burn injuries.

Through the investigation of the melting handles, a further product safety issue was also identified in a limited quantity of the product. Continuing research and quality reviews have revealed that in some products the heat resistant strip located between the handle and the canister chimney contains Chrysotile Asbestos (White Asbestos). Auschar has been advised that this Asbestos is non-friable (that is, when dry, it cannot be crumbled, pulverised or reduced to powder by hand pressure), is contained in its application, and the potential for airborne fibres during normal usage is therefore minimal. Auschar believes that there is little risk posed to consumers. Again, Auschar is not aware of any asbestos-related accidents or injuries occurring to consumers to date.

However, Auschar takes its responsibility to consumers very seriously. Therefore, as a precaution, Auschar has commenced voluntary product safety recall action.

What Auschar is doing

Auschar has advised consumers to immediately cease using the product. Auschar has also advised consumers to return their affected product to Auschar or to their nearest BBQs Galore Store. Auschar will then arrange for the disposal of the products. Consumer contact details will be recorded, and consumers will be provided with a replacement product once stocks become available after 27 April, 2010. There will be no cost to consumers for the return and replacement of their product.

Despite low distribution of the affected product, Auschar has acted quickly and with the input of industry and government groups. Upon becoming aware of the potential product safety issues, Auschar immediately committed to taking recall action. Auschar also continues to work with relevant industry and government groups to ensure that its legal and ethical obligations are fulfilled, and to ensure that the product safety recall action is conducted as efficiently and with as little inconvenience to consumers as possible.

Thank you from Auschar

Auschar greatly appreciates consumer understanding and cooperation in assisting with this potential safety issue. Auschar apologises for any inconvenience, but assures customers of its best efforts to maintain customer satisfaction with its Heat Beads® products.

For further information, please contact Auschar's Safety Recall Co-ordinator on Consumer Hotline 1800 333 283.

Further information is also available at www.recalls.gov.au.

Australian Char Pty Ltd
3 Cojo Place
Dandenong South
VIC 3175
Consumer Hotline: 1800 333 283
Email: info@auschar.com.au

Mairin OHS&E Consulting Pty Ltd

Submission to Senate Standing Committees on Economics

Attachment 2:

ABC News – Report on Seaford Rail Line (South Australia) new substations containing asbestos



Seaford railway line embroiled in asbestos controversy

Updated Mon 25 Jan 2016, 7:35pm

Adelaide's maligned Seaford railway line is under renewed scrutiny after workers were advised of the possible presence of asbestos in flooring at two sites.

The passenger railway between Adelaide and the southern suburbs has faced ongoing disruptions since its extension and electrification in 2013.

This includes two wiring repairs since June 2015, which most recently resulted in closures over the Christmas holiday period.

The Government has advised workers that concrete fibre cement floor sheeting at the Ascot Park Feeder Station and Lonsdale Substation could possibly contain traces of chrysotile asbestos.

It said the floor sheets were sealed and covered with linoleum that created a barrier that, if left undisturbed, would "minimise the potential exposure of chrysotile asbestos".

Workers were told not to access any underfloor areas without first contacting management and safety advisors.

The subcontractor decided to test the product following media reports about poor quality imported sheeting.

Traces of white asbestos were found in one batch imported from China.

The subcontractor said the fibre cement was clearly labelled not to contain asbestos when it was purchased.

Opposition Transport's spokesperson David Pisoni said a complete safety check of the Seaford line extension was required.

"Brown and blue asbestos was banned in the 1980s, and all other products were banned in September 2003," he said.

"That's from import into Australia, from manufacturing in Australia, and for use in Australia.

"If there was asbestos used in this building, it was used illegally."

Transport Minister Stephen Mullighan said an investigation was underway.

"We're taking this incredibly seriously. We're having the facilities independently assessed and inspected.

"It's been determined so far, these facilities are safe for workers to access, so long as there's no disturbance to the materials in question."

Communications, Electrical and Plumbing Union SA assistant branch secretary Simon Pisoni said he was concerned about the quality of products being used in construction.

"How asbestos could get into the country in this day and age is just beyond us," he said.

"As a union naturally our concern is always the safety of our members and the problems that seem to have been happening all come down to costs."

The subcontractor said cost was not a factor.

Topics: government-and-politics, states-and-territories, ascot-park-5043, lonsdale-5160

First posted Mon 25 Jan 2016, 5:52pm

Mairin OHS&E Consulting Pty Ltd

Submission to Senate Standing Committees on Economics

Attachment 3:

The Age – Report on asbestos found in new tram substations built in Melbourne

Asbestos found in four new tram substations built in Melbourne last year



Adam Carey [Email](#) [G+](#) [Twitter](#)



Four new electrical tram substations have been built in Melbourne with asbestos flooring imported from China. Testing found a very small risk of exposure to the deadly substance, prompting Yarra Trams to rush to secure the four sites.

Three modular electrical substations were built last year in East Brighton, the CBD, Thornbury and one is under construction in West Brunswick. All have flooring that contains white asbestos, which was banned in Australia in 2003.



Workers prepare to remove asbestos from the substation in Thornbury. Photo: Simon Schluter

Yarra Trams was alerted to the illegal presence of asbestos in mid-December and has issued a legal notice to show cause to Siemens, which was contracted to build them. Siemens subcontracted the work to Adelaide-based Robin Johnson Engineering.

The South Australian company claims it was deceived by its Chinese supplier, which provided documentation stating the flooring material was asbestos-free.

Testing by Yarra Trams inside the substations at Brighton East, Elizabeth Street in the city and Thornbury found asbestos was present in seven of 24 dust swab samples, but returned a negative air sample.

A Yarra Trams brief, from December 21, states: "EnviroProtect [an independent testing organisation] has advised us that the asbestos containing cement sheeting is of low risk and the likelihood of exposure is possible, but unlikely."

Residents in Thornbury complained when the substation was built last year that it had taken up a large chunk of a small local park and children's playground. Staff in full protective equipment worked to remove the asbestos on Monday.

1/4/2017



The Thornbury substation, with the childrens' playground in the background. Photo: Simon Schluter

Robin Johnson Engineering was found last month to have also used asbestos in two new electrical substations on Adelaide's rail network, in an emerging trend that Australia's Asbestos Safety and Eradication Agency said was "the tip of the iceberg".

Robin Johnson, the company's managing director, said Yarra Trams and Siemens were notified as soon as asbestos was found.

Mr Johnson said his company had been misled by the Chinese supplier. He declined to name the supplier.

"We had confirmation and data sheets and technical information on the material to say that it was 100 per cent asbestos-free, but it's turned out it wasn't," he said.

The four substations are among 14 being built around Melbourne to add extra power to the network for 50 large E-Class trams.

Phil Altieri, tram division secretary of the Rail, Tram and Bus Union, said it was "extremely disappointing" to learn asbestos has been installed, given there was a major program to eradicate it from the tram network in the 1990s.

"To now find a brand new, supposed state-of-the-art substation actually contains asbestos is absolutely disgusting," Mr Altieri said.

"There are workers who have to maintain those substations on a regular basis and they will be at risk."

Yarra Trams spokesman Simon Murphy said the company had had each site tested by independent experts, who advised that the risk of exposure to people who have entered the site, as well as the public, is negligible.

"Yarra Trams is working with WorkSafe to implement all the necessary steps to responsibly manage these sites to ensure the safety of the local communities and our employees," Mr Murphy said.

"We are keeping the local communities informed about this remediation work as it takes place and reassuring them of the negligible exposure risk."

Mairin OHS&E Consulting Pty Ltd

Submission to Senate Standing Committees on Economics

Attachment 4:

ETU – Safety Alert issued in relation to asbestos in Robin Johnson built switchrooms

Home (/) > Resources (/resources) > Safety Alerts (/safety_alerts)
> ASBESTOS PRESENT IN ROBIN JOHNSON SWITCH ROOMS

ASBESTOS PRESENT IN ROBIN JOHNSON SWITCH ROOMS

Posted on February 22, 2016

This alert has been generated to ensure that all sites in Australia are aware of the risks associated with switch rooms supplied by a South Australian manufacturer, Robin Johnson Engineering Pty Ltd, which contain imported cement floor sheeting that contains asbestos. The Electrical Trades Union has been informed that there are 64 of these buildings across Australia.

This alert has been generated to ensure that all sites in Australia are aware of the risks associated with switch rooms supplied by a South Australian manufacturer, Robin Johnson Engineering Pty Ltd, which contain imported cement floor sheeting that contains asbestos. The Electrical Trades Union has been informed that there are 64 of these buildings across Australia.

BACKGROUND

Regulation 4.3.16 of Part 4.3-Asbestos of the Occupational Health and Safety Regulations 2007 prohibits the use of asbestos containing material. In this instance the prohibition applies to both:

1. The handling of building materials for the manufacture of an item (in this case the handling of the asbestos containing flooring material in the manufacture of the transportable switch room); AND
2. The actual use of the transportable switch rooms that contain asbestos (where the asbestos containing item has been installed after December 31, 2003)

Hence the use of the transportable switch rooms (as per b) above) is a breach of the above-mentioned prohibition regulation.

ISSUES

The ETU

1. Calls upon all employers and safety regulators to conduct immediate safety audits in all workplaces where these switch rooms have been installed; AND
2. Calls upon each branch of the ETU to advise members to cease work on Robin Johnson Engineering Pty Ltd switch rooms and conduct rigorous & thorough risk assessments and ensure appropriate control measures are implemented to eliminate risks to themselves or others AND
3. Calls upon all other State/Territory safety regulators to implement immediate resources to help identify locations and make these switch rooms safe.

Mairin OHS&E Consulting Pty Ltd

Submission to Senate Standing Committees on Economics

Attachment 5:

Australian Government - Consumer / Retailer Alert – Asbestos identified in crayons sold within Australia

CONSUMER / RETAILER ALERT – ASBESTOS IDENTIFIED IN CRAYONS SOLD WITHIN AUSTRALIA

Trace amounts of asbestos have been detected in some brands of children's crayons that have been imported into Australia. The crayon products in which asbestos has been identified are as follows:

- Dora the Explorer Personalized 32 pack crayons (Figure 1)
- Dora the Explorer Jumbo crayons (Figure 2)
- Arti Crafti 16 piece crayons (Figure 3)
- Peppa Pig 8 wax crayons (Figure 4)
- Disney 'Frozen' Jumbo Crayons (Figure 5)
- Disney 'Mickey Mouse and Friends' Crayons (Figure 6).

RISK OF EXPOSURE TO ASBESTOS FIBRES

The traces of asbestos that have been detected in the crayons are fully bound in the crayon wax. Studies have shown that as a result, asbestos fibres would not be released during normal use or as a result of ingestion. This is because the melting point of crayon wax is well above body temperature. Accordingly, these goods are considered to pose a **very low risk** to humans.

Despite the low risk, the Australian Government as well as State and Territory Governments are taking a precautionary and coordinated approach to this incident, through the HWSA Imported Materials with Asbestos Working Group.

CONSUMERS (INCLUDING SCHOOLS AND CHILD CARE CENTRES) - WHAT SHOULD I DO IF I HAVE PURCHASED THE CONTAMINATED CRAYONS?

If you are concerned you have purchased the affected crayons, you can return them to the place of purchase for a refund or replacement. **In line with good practice procedures in handling asbestos containing materials, it is recommended that the crayons be placed in a plastic bag, such as a zip lock bag or in the original packaging if possible, for return. Personal Protective Equipment is not required to be worn.**

If not returned to your supplier, affected products should be taken to an asbestos disposal facility. Your nearest asbestos disposal facility can be located using the online tool on the Asbestos Safety and Eradication Agency (ASEA) website: <http://asbestossafety.gov.au/search-disposal-facilities>

RETAILERS AND SUPPLIERS

Where the presence of asbestos has been confirmed, suppliers have been notified of test results. These suppliers must cease supply. Suppliers should offer a refund or replace the product with another free of asbestos contamination.

RETAILERS AND SUPPLIERS – TRANSPORTATION, DISPOSAL AND PERSONAL PROTECTIVE EQUIPMENT

In anticipation of products being returned, retailers should prepare a bin or similar container for disposal of returned products. A normal bin, fitted with a garbage bag 200 micrometres thick will be sufficient. Once the receptacle is three quarters full the garbage bag should be sealed, inserted into another garbage bag, and then firmly tied. The goose tied garbage bag should be labelled as asbestos waste. **Personal protective equipment is not required to be worn during this process.**

The asbestos waste should then be transported to an asbestos disposal facility. Your nearest asbestos disposal facility can be located using the online tool on the Asbestos Safety and Eradication Agency (ASEA) website: <http://asbestossafety.gov.au/search-disposal-facilities>

Environmental protection laws in all states and territories prohibit the disposal of asbestos via standard garbage. If you are unsure of the legislative requirements relating to the transport or disposal of asbestos in your state or territory you should contact the relevant Environmental Protection Agency (EPA) in your jurisdiction for further information. Contact details for the EPA in your state or territory can be found on ASEA's website: <http://asbestossafety.gov.au/organisation-links#regulators>

ASBESTOS PROHIBITION

All forms of asbestos were prohibited in Australian workplaces from 31 December 2003. This ban is reflected in work health and safety (WHS) laws in all jurisdictions. The prohibition on the use of asbestos in Australia is supplemented by the *Customs (Prohibited Imports) Regulations 1956* (the Regulations), which bans the importation of all types of asbestos and products containing asbestos, except under limited circumstances.

Consumer goods that contain asbestos, even in trace amounts that do not present any health risk, would fail the Australian Consumer Law test of acceptable quality.

STOPPING GOODS WITH ASBESTOS FROM ENTERING AUSTRALIA

The Department of Immigration and Border Protection and the Australian Border Force (ABF) continue to target children's toys that may be at risk of containing asbestos. Importantly, the ABF has made a recent decision to detain imports of crayons from China that may contain asbestos fibres, until adequate assurance is provided that the products are free from asbestos. The ABF will also continue to target high risk entities, including particular manufacturers and certain import and distribution companies, both overseas and in Australia.

Any information about imported products of concern can be reported to the Department of Immigration and Border Protection on 1800 009 623. Concerns about products available in retail shops or questions about the handling of products that have been found to contain asbestos should be addressed to the relevant State/Territory workplace health and safety authority.

Consumers who experience any difficulties in obtaining a refund or replacement of goods that contain asbestos can make an online complaint to the Australian Competition and Consumer Commission via: <http://www.productsafety.gov.au/content/index.phtml/tag/ReportAnUnsafeProduct>

Further information about what the Australian Government is doing to stop asbestos entering Australia is available on the ASEA website: <http://asbestossafety.gov.au/managing-importation-asbestos-australia>

Figure 1:



Figure 2:



Figure 3:



Figure 4:



Figure 5:

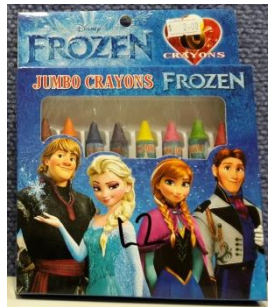


Figure 6:



This Consumer / Retailer Alert has been developed by the Heads of Workplace Safety Authorities (HWSA) Imported Materials with Asbestos Working Group, whose membership comprises representatives from: Asbestos Safety and Eradication Agency, Workplace Health and Safety Queensland, Australian Competition & Consumer Commission, WorkSafe Australian Capital Territory, Department of Immigration and Border Protection, WorkSafe Northern Territory, SafeWork SA, WorkSafe Tasmania, Safe Work Australia, WorkSafe Victoria, Safe Work NSW, WorkSafe Western Australia.

Mairin OHS&E Consulting Pty Ltd

Submission to Senate Standing Committees on Economics

Attachment 6:

Microanalysis Australian – Report on asbestos in crayons

[News](#) → Asbestos Found In Children's Crayons

ASBESTOS FOUND IN CHILDREN'S CRAYONS

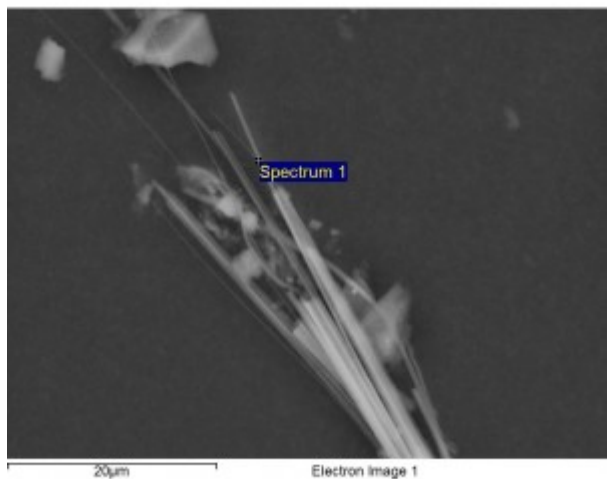


News coverage¹ of asbestos fibres detected in children's crayons come as a surprise to some in Australia but the contamination has been around much longer. Back in August 2000, the Consumer Product Safety Commission (CPSC) USA² released a report detailing that asbestos fibres had been found in children's crayons, manufactured locally and imported. The Australian Consumer Commission (ACCC) released a statement this week which was analysed in Australia.

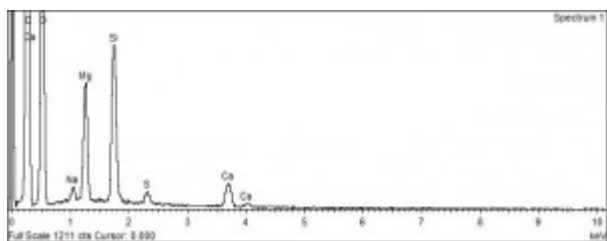
Although both the CPSC and the ACCC reports asserted that typical use involves minimal monitoring during typical use and that "asbestos in fixed with wax" should not be released. The ACCC stated that "...as a precaution, crayons should not contain th

Typical use, as stated in the CPSC report, only amounted to '30 minutes continued drawing' and did not look at an accelerated use scenario involving breaking down and potentially releasing fibres with time. Paraffin wax, commonly used in crayons, degrades and releases more fibre than this original testing was able to quantify.

Asbestos fibre concentration within the various crayons that have been tested to date have been stated as either (necessarily a useful figure if it is not stated as a weight percent of the original crayon or of the filler/inorganic material) % of the entire crayon may represent 5 % of the filler material, which may be all that's left should a crayon break and be thrown in a fire/incinerated or used on a surface which is prone to abrasion eg concrete floor. As stated by Crayola, they have worn down 730 crayons by their 10th birthday. These figures indicate young children may potentially be exposed to



The issue has arisen from contaminated filler material within the crayon (talcum powder) which is a magnesium silicate mineral historically mined in areas that have various variations/impurities present, such as asbestos. Careful selection of commercial products such as personal hygiene cosmetics/talc has been associated with various cases of lung cancer and mesothelioma, which is associated with contaminated talc⁴ found to contain chrysotile and tremolite.



Crayons analysed using a full dissolution, scanning electron microscope Microanalysis Australia's laboratory recently found significant⁵ concentrations of tremolite and chrysotile. The image above is of a highly asbestiform fibre with aspect ratios of > 100:1 and diameters < 0.3 µm. Many of the finer fibres are not detectable via optical techniques.

Testing continues at Microanalysis to reveal the extent of contamination in crayons sold throughout Australia.

¹<http://www.latrobevalleyexpress.com.au/story/3338868/colour-me-sick/?cs=1210>

²<http://www.cpsc.gov//PageFiles/97593/crayons.pdf>

³<https://www.accc.gov.au/update/accc-statement-on-asbestos-in-crayons>

⁴<http://monographs.iarc.fr/ENG/Monographs/vol93/mono93-8E.pdf>

⁵Greater than 0.03 wt % of crayon

⁶http://www2.crayola.com/mediacenter/download/news/press_release_130.pdf

Rick Hughes

Mairin OHS&E Consulting Pty Ltd

Submission to Senate Standing Committees on Economics

Attachment 7:

Latrobe Valley Express – Article – ACCC hasn't tested for asbestos in crayons since traces found last year

ACCC hasn't tested for asbestos in crayons since traces found last year

Stephanie Charalambous
25 Jul 2016, midnight



Asbestos Council of Victoria chief executive Vicki Hamilton and Moe-based Mairin OHS&E operations manager Damian Murphy, who conducted initial tests on crayons purchased in the Latrobe Valley. file photograph

The consumer watchdog has not conducted any further testing for asbestos in crayons since revealing traces had been found in some products more than 10 months ago.

In an 11 September alert on its website, which listed six different packets of crayons found to contain traces of asbestos, the Australian Competition and Consumer Commission said it would continue to test products that could contain asbestos. Responding to recent questions from The Express, an ACCC spokesperson said the regulator had not received any reports or identified any particular at-risk consumer products to warrant further testing.

"It will conduct testing if there is credible intelligence about particular consumer products," the spokesperson said.

Asbestos Council of Victoria chief executive Vicki Hamilton said the ACCC was not doing enough.

"They shouldn't be relying on people like me or the unions to identify products that have asbestos in them," Ms Hamilton said.

"They are government agencies. They should be able to do their own investigation."

The Gippsland-based Asbestos Council of Victoria raised concerns in September following independent testing of two packets of crayons made in China and bought off the shelf in the Latrobe Valley, which found an elemental composition indicative of types of asbestos.

Shortly after, the ACCC issued the alert, listing these crayons alongside four other packets in which its own tests found traces of asbestos.

All had been marketed towards children.

Authorities requested suppliers of those goods to stop providing them and offer consumers a refund or exchange.

The ACCC spokesperson said four suppliers were asked to remove crayons from their shelves based on the results of testing and other suppliers voluntarily removed crayons.

The consumer alert said the crayons posed a low risk to humans and the asbestos fibres would not be released during normal use or as a result of ingestion because the melting point of crayon wax was well above body temperature.

At the time of the alert, Australian Border Force moved to detain imports of crayons from China that may contain asbestos fibres.

A spokesperson from the Department of Immigration and Border Protection last week said the department and its operational arm, the Australian Border Force, were committed to stopping asbestos-contaminated products before they entered Australia.

"We target products from high risk countries and high risk suppliers," the spokesperson said.

"The ABF conducts risk assessments on all cargo imported to Australia, with all cargo identified as high-risk then being physically examined.

"ABF officers target high risk cargo using profiles and alerts that have been developed from historical detection data, as well as referrals from industry, other agencies and statutory authorities involved in asbestos management."

The spokesperson said importers needed to be diligent in understanding the supply chain and production processes leading to the manufacture of the goods that they intended to import.

"Where goods are identified that may potentially be contaminated with asbestos, these are held until importers can provide evidence the goods are tested and no asbestos contamination is present.

"If importers seek to import a product containing asbestos, they risk losing their goods, losing money, and possibly gaining a criminal conviction."

Ms Hamilton said authorities needed to treat the threat of asbestos imports as they would illicit drugs.

"Most of the Australian people think this is all done and dusted, but it's not," Ms Hamilton said.

"It's a clear and present threat and if the Australian government doesn't get fair dinkum and start treating it like drugs coming into this country it will be a problem for decades."