



Asbestos Disease  
Support Society

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Senator Chris Ketter  
Chair  
Senate Standing Committee on Economics

E: [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au)

Dear Senator Ketter

Re: Inquiry into non-conforming building products – Asbestos

We believe that it is important to note that at the time asbestos was banned in Australia there were very few asbestos containing products being imported into Australia. As our economy has become more global and free trade agreements put in place Australia has been looking outside our borders for products. This has been facilitated by the internet.

At the Brisbane Hearings of the Senate Economics References Committee – Non-conforming building products, the Asbestos Disease Support Society were given a number of questions on notice to which we supply the following responses:

**1. The health effects of exposure to Chrysotile.**

***Collegium Ramazzini*** – The Collegium Ramazzini is an international scientific society that examines critical issues in occupational and environmental medicine with a view towards action to prevent disease and promote health. The Collegium is comprised of 180 physicians and scientists from 35 countries, each of whom is elected to membership. The Collegium is **independent of commercial interests.**

Sixth statement: 'Call for an international ban on asbestos' (last statement updated in 2015, prior statements also released in 1993, 1999, 2004 and 2010. Available at <http://www.collegiumramazzini.org/publications.asp>)

**Key points:**

- **Asbestos has been responsible for over 200,000 deaths in the United States, and it will cause millions more deaths worldwide. The profound tragedy of the asbestos epidemic is that all illnesses and deaths related to asbestos are entirely preventable.**

- All forms of asbestos cause asbestosis, a progressive fibrotic disease of the lungs. **All forms of asbestos also cause lung, laryngeal and ovarian cancer and malignant mesothelioma. All forms of asbestos may cause gastrointestinal and other cancers.**
- The Collegium Ramazzini reaffirms its position that chrysotile asbestos is a cause of cancer, with well documented data from both animal and human studies demonstrating the development of lung cancer and mesothelioma following exposure. There should be no doubt at this time that chrysotile is carcinogenic.
- The preponderance of scientific evidence to date demonstrates that **chrysotile too causes cancer, including lung cancer and mesothelioma** (Smith and Wright, 1996; Stayner, Dankovic and Lemen, 1996). Canadian chrysotile that is amphibole-free is still associated with mesotheliomas (Frank, Dodson and Williams, 1998).
- The scientific community is in overwhelming agreement that there is no safe level of exposure to asbestos. Moreover, **there is no evidence of a threshold level below which there is no risk of mesothelioma.**
- The Chrysotile Institute, a registered lobby group for the Quebec asbestos mining industry, takes the position that chrysotile can be handled safely. **Numerous epidemiologic studies, case reports, controlled animal experiments, and toxicological studies refute the assertion that chrysotile is safe** (Bang et al, 2006; Landrigan et al, 1999; Lemen, 2004a; Lin et al, 2007 Smith and Wright, 1996; Stayner et al., 1996; Tossavainen, 1997). These studies demonstrate that **the so-called “controlled use” of asbestos is a fallacy** (Lemen, 2004b). **Workers exposed to chrysotile fibres alone have excessive risks of lung cancer and mesothelioma** (Frank et al, 1998; Li et al, 2004, Mirabelli, 2008).
- Age-adjusted mortality rates of mesothelioma are increasing in most industrialized countries but the rate of increase has slowed in only the few industrialized countries, which started to reduce asbestos use decades ago.

Comments on the causation of malignant mesothelioma

#### Key points

- Incidence of malignant mesothelioma, as approximated by death certificate diagnoses of mortality from pleural cancer, **has been increasing constantly in Italy as well we in most industrialized countries in recent decades and is expected to peak around 2020.**
- **The risk of malignant mesothelioma is related to cumulative exposure to asbestos in which all exposures – early as well as late – contribute to the totality of risk.** The Collegium Ramazzini rejects as false, mendacious, and scientifically unfounded the claim put forth by the Italian asbestos industry and its expert witnesses that in cases of prolonged exposures to asbestos only the earliest periods of exposure contribute to mesothelioma induction, while all subsequent exposures have no causal role.

**Rotterdam Convention** - Chemical Review Committee – the scientific arm of the Convention made up of government-designated experts in chemicals management. The members of the Committee are appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

Chemical Review Committee’s ‘Draft Decision Guidance Document – Chrysotile Asbestos (September 2005, available at <http://www.pic.int/TheConvention/ConferenceoftheParties/Meetings/COP8/tabid/5311/language/en-US/Default.aspx> )

#### Key facts:

| 4.1 Hazard Classification |  |
|---------------------------|--|
| IARC                      | Carcinogenic to humans ( <i>Group 1</i> ) IARC (1987)  |
| European Community        | Carc. Cat. 1<br>R45 May cause cancer<br>T:R48/23 Toxic: danger of serious damage to health by prolonged exposure through inhalation (E.C., 2001) |
| NTP                       | Chrysotile is classified as "Known Human Carcinogen" (US, 2001)  |

- **International Agency for Research on Cancer**- chrysotile is carcinogenic to humans
- **European community**- carcinogen, category one
- **US Department of Health and Human Services National Toxicology Program**: Known human carcinogen.
- There is **general consensus amongst the scientific community that all types of asbestos fibres are carcinogenic** (Royal Society of Canada, 1996 cited by E.C., 1997) and can cause asbestosis, lung cancer and mesothelioma when inhaled.
- **Chrysotile can cause asbestosis, lung cancer and mesothelioma** in a dose-dependent manner (IPCS, 1998). In most groups of exposed workers, lung cancer is the predominant cause of death related to chrysotile exposure (NICNAS, 1999). **Chrysotile is unequivocally a human carcinogen**, however the risk to the public associated with its continued use is dependent on the nature of the material to which the public is exposed and the **level, frequency and duration of exposure**.
- **Increasing levels of exposure have produced increases in the incidence and severity of disease**. However, there are difficulties in defining this relationship, due to factors such as uncertainties in diagnosis and **the possibility of disease progression on cessation of exposure** (IPCS, 1998).

**WHO factsheet:** 'Asbestos: elimination of asbestos-related diseases' (updated June 2016, available at <http://www.who.int/mediacentre/factsheets/fs343/en/>)

#### Key facts

- About 125 million people in the world are exposed to asbestos at the workplace.
- All forms of asbestos, including chrysotile, are carcinogenic to humans.
- **Exposure to asbestos, including chrysotile, causes cancer of the lung, larynx, and ovaries, and also mesothelioma** (a cancer of the pleural and peritoneal linings). Asbestos exposure is also responsible for other diseases such as asbestosis (fibrosis of the lungs), and plaques, thickening and effusion in the pleura.
- Currently, about 125 million people in the world are exposed to asbestos at the workplace. **Approximately half of the deaths from occupational cancer are estimated to be caused by asbestos**. In addition, it is estimated that **several thousand deaths annually can be attributed to exposure to asbestos in the home**.

- It has also been shown that co-exposure to tobacco smoke and asbestos fibres substantially increases the risk for lung cancer – and the heavier the smoking, the greater the risk.

**WHO publication:** 'Elimination of asbestos-related diseases' (updated March 2014, available at [http://www.who.int/ipcs/assessment/public\\_health/Elimination\\_asbestos-related\\_diseases\\_EN.pdf?ua=1](http://www.who.int/ipcs/assessment/public_health/Elimination_asbestos-related_diseases_EN.pdf?ua=1))

### **Key Facts**

- Both the ILO (International Labour Organisation) and the World Health Organisation, have been calling for special attention to be paid to the elimination of asbestos-related diseases since 2003.
- Currently, about 125 million people in the world are exposed to asbestos at the workplace. According to global estimates, at least 107,000 people die each year from asbestos-related lung cancer, mesothelioma and asbestosis resulting from occupational exposures. In addition, nearly 400 deaths have been attributed to non-occupational exposure to asbestos.
- **there is no evidence for a threshold for the carcinogenic effect of asbestos, including chrysotile, and increased cancer risks have been observed in populations exposed to very low levels.**

### **2. Recommendation 5: Failure of Work Health and Safety Act on issues associated with Asbestos Importation.**

The primary area of enforcement responsibility for the importation of asbestos lies with the Australian Border Protection. They have the power and primary responsibility to prosecute in this area.

Once the substance is in Australia and found on site (that is in a building constructed after December 2003) then the Work Health and Safety Laws need to be amended to ensure that any asbestos containing material is removed. Currently only buildings built prior to that are required to have an asbestos register and workers will only look for registers if the building is an earlier building.

Workers and community people should not continuously be put at risk because a company has not done their due diligence prior to importing material that contains asbestos.

Should the materials containing asbestos be inadvertently brought in to the country, then like what happened at 1 William St in Brisbane, the PCBU made the importer clean up the site.

### **3. Recommendation 2: Trade Delegations**

A number of people from Australia participate in trade delegations to countries or vice versa, quite often these are government sponsored. Australia could utilise those delegations

associated with construction materials to either reinforce the fact that asbestos is banned or to promote non asbestos containing products made in Australia.

#### 4. **Recommendation 3: Customs Resources**

ADSS believes that a training course on Asbestos issues should be developed for Border Force Officers. It could include such things as:

- Asbestos awareness
- Collecting of Intelligence
- Use of the HD code eg Construction material
  - ↳ Flagging cement based products
  - ↳ Flagging a particular chinees province where asbestos containing products are manufactured
  - ↳ Flagging particular manufacturing plants that are known to produce asbestos containing products

It is my understanding that Border Protection has the ability to go to areas; for example, a Province of China and create a dossier on each company known to use asbestos. This could then be used as intelligence by Border protection to stop imports suspected of having asbestos containing materials.

Furthermore, as there is a requirement on Customs Brokers to now do due diligence in the area of asbestos containing material, contacting them if not already done so to see if they are happy with the product, and that they have done their due diligence will assist matters along. But once again this requires people resources.

Once a substance is identified as possibly containing asbestos it is being reported back to us by laboratories that there are substantial delays in an officer being available so that products can be tested. The testing only takes a half hour. Therefore, more people resources are required.

#### 5. **Should there be a jail term?**

Our assessment is that the importation of Asbestos into Australia and utilisation on a construction site should be a Category Two offence under the Work Health and Safety Act which can lead to a 5-year jail term.

Our understanding is that the maximum an individual can be fined is \$70 000. We are unaware of the penalties for a company or the Directors of a company.

Penalties associated with the importation of asbestos into Australia, in our understanding do not lead to a custodial sentence and given that there is a significant health risk to people exposed to asbestos, the fact that asbestos has been banned since 2004, this is not good enough.

We heard at the Brisbane hearing that there is a very high threshold to take a prosecution. The breach must be a "mistake of fact". We also heard that this does not apply to the importation of firearms, so why aren't the same laws applied to asbestos?



## 6. Training

Please find below a copy of the outline of the VET Accredited Asbestos Awareness Training being delivered in Queensland which we believe is an ideal course to be run out in the construction industry.

### **Asbestos Awareness And Identification Course Outline**

The course is designed for construction workers and other people whom through the course of their employment, may come into contact, or potentially be exposed to airborne asbestos fibres through the asbestos containing materials, location, condition or disturbance.

The Course is delivered face to face in a classroom environment with direct interaction between the trainer and the students themselves in small working groups.

The duration of the course is four hours which includes one break and three written assessments to appropriately evaluate the learning outcomes.

#### **At the completion of the course participants will be able to:**

- Understand and describe the history of Asbestos usage
- Identify and describe different types of asbestos
- Identify likely asbestos containing materials and products
- Identify asbestos related hazards and understand control measures
- Describe health risks and diseases caused by asbestos exposure
- Relate safe work methods and other preventative measures to exposure
- Understand and apply relevant Queensland WHS asbestos legislation
- Understand their own and others duty of care requirements
- Appropriately report the presence of ACM to Authorities and stakeholders
- Locate, access and interpret Asbestos registers, management plans, emergency procedures and identify options for workers to have meaningful input into their ongoing development
- Understand the documentation necessary for all imported products used in Australian construction and how to validate through independent testing
- Apply a sensible approach to their own and others safety when dealing with asbestos

## 7. Level of responsibility in supply chains

ADSS has limited knowledge in this area however:

The Design of a building is the starting point, and consideration must be given to what products need to be used to build the design.

The builder/contractor then needs to source the products.

It is our belief that the Importer has the ultimate responsibility to ensure that the products that they are seeking to source overseas do not contain asbestos of any kind.

The Customs Agent has a responsibility to do proper due diligence with the company exporting the product that they are organising to have imported into Australia.

Once again we would like to thank the Committee for inviting us to appear.

Kind Regards

Amanda Richards

CEO