



Response to the draft Asbestos Waste Policy *survey monkey submission on 20/11/2018

Based on a supporting the LGNSW recommendations

Comments on Approach 1 – Making asbestos waste disposal easier

We support the proposal to provide more drop off locations for asbestos to make it easier to dispose of. However, Community Recycling Centre's (CRC's) as transfer stations for asbestos is not supported for several reasons; CRCs are intended to be set up for recycling purposes only, adding the drop off asbestos which is not recyclable would seem contradictory and may send the wrong message to the community. Additionally, there are complications with environmental licensing of CRC facilities as an issue. CRC's are designed for a specific purpose and most do not have space or capacity to safely add an asbestos drop off point at their location. Councils also would like to bring to the attention of the EPA that this may create more situations where asbestos could be double handled, as well as the heightened risks for staff at the CRC's. Councils foresee that this will significantly increase the cost of operating a CRC, which would need to be funded by the government. We support service proposals to make disposal of asbestos easier for residents. However, this needs to be balanced with an assessment of safety implications for those using the services. Research shows that many residents are unaware of the dangers of asbestos handling and disposal and do not have the skills or training to do so legally and safely. The provision of asbestos bags is not seen as sufficient to ensure asbestos is identified and disposed of correctly. Further should there be issues that arise from this who will be responsible for regulating the consequences? Councils recommend that these considerations form part of solutions to improve asbestos disposal outcomes. Additionally, we see there is potential additional costs associated with the treatment of mixed waste containing asbestos. Councils play a key role in cleaning up after disasters and are eager to be involved in developing any guidelines that they would be required to adopt and implement. Councils support the proposal to provide more drop off locations for asbestos to make it easier to legally and safely to dispose of. However, councils would like to reserve the right to opt in or out of any proposals to expand the type of waste facilities they operate that can be used as drop off locations for asbestos. Councils would also like to draw attention to the impacts this may have on the landfill lifetime, fill capacity and fill rate, and seek further explanation of how that will be managed. Further councils also foresee that this will have impacts on resourcing that will need to be met by government. Licensing issues are also stated as a barrier to this working effectively.

Comments on Approach 2 – Making asbestos waste disposal cheaper

Removal of the s.88 levy contributions on separated bonded asbestos waste materials, is welcomed by councils and has been a long-standing policy position of LGNSW. However, the impact of this is limited as the levy only applies in the regulated area, and not all asbestos can be safely separated from the other building materials it is attached to. We emphasise that we support the levy being removed only from separated asbestos. We support fair pricing for all asbestos related services and would like to see any consideration of this extended to the cost of licensed asbestos removal. However, Councils reserve the right to set their own fees & charges for the services they supply to their community and would strongly oppose any unilateral approach to have this removed or over ruled. We support trials to use alternative asbestos cover options at landfills in consultation with SafeWork NSW so that environmental and WHS requirements at landfills are performance based, risk-based and cost-effective. We support trials of alternative cover material and request that the EPA find ways of applying a caveat to regulatory requirements restricting innovative trials.

Comments on approach 3 – Increasing awareness and changing behaviour

Councils support proposals to work with the HACA to develop an EPA asbestos waste communication and education strategy based on the outcomes of customer experience behavioural research. Councils would also like the strategy to include lessons learnt by Councils in raising asbestos awareness in their communities. Councils consider that improving asbestos awareness, education and resources will need the full support and resourcing of government. Councils would also be able to promote and advertise on their media platforms any campaign material that is developed. However, most councils do not have customer service staff with the necessary skills and training to provide advice on asbestos related matters, and it is advised that any campaign consider establishing a state-wide contact centre to ensure consistent messaging. Councils welcome support for them to provide best practice advice to the community. Many councils already do this. LGNSW suggests looking at existing or past campaigns to build a knowledge base on what does and doesn't work. The building industry is also a stakeholder and could also be included in raising awareness. Government support for MoU with major retailers and for Govt to supply retailers with communication materials. Education needs to have an additional focus on removing the scare mongering that has long been attached the asbestos to raise awareness of proper handling and disposal so people are encouraged to easily do the right thing.

Comments on approach 4 – Closing loopholes and increasing transparency

Expansion of the use and effectiveness of WasteLocate is supported by councils. Councils also support better and more efficient information sharing to improve the ability of regulators to collaborate and improve compliance actions. Councils would also like to have access to information sharing. We support the enforcement of the use of Waste locate by the State regulator and we support Councils being authorised as regulators. Councils support the strengthening of development and consent controls where asbestos may be involved. Suggest that there are other stakeholders that should be included such as the Building Professionals Board, Industry Associations, and Private Certifiers. Consultation is also required to ensure the development process is not adversely impacted, and where required additional resourcing be provided by government to assist councils in implementing better asbestos controls in the development process.

Comments on Approach 5 – Disrupting unlawful business models

Councils support changes to legislation that strengthen the regulatory framework for asbestos. Councils would like to see consideration and review of a risk-based approach to asbestos regulation by the EPA, rather than the current presence-based approach. There also needs to be consideration and differentiation between new illegal dumps and legacy waste issues. We welcome improvements to the identification and tracking of asbestos waste and encourage a linkage to waste locate. With regards to options requiring waste generators to pay waste disposal facilities directly, we support Councils and other waste facilities invoicing as business transaction after disposal supporting legal disposal of asbestos waste. We also support Government contracts incorporating the lawful and tracked disposal of asbestos waste through Federal, State and Local Govt i.e. West Connex. Councils welcome the introduction of legislative provisions to improve the management of asbestos during resource recovery of construction and demolition waste in consultation with SafeWork NSW. Councils foresee that these changes will have significant impacts on the operation of waste facilities. Councils therefore advise that a gap analysis between current and required future operational requirements must be undertaken. Where councils resources are identified to be adversely impacted through the gap analysis, councils request full funding support from government to ensure compliance is met. Further this should be done at a reasonable and agreed timetable taking into consideration councils financial planning and management requirements under the Local Government Act. Firstly, consultation and education of C&D contractors to separate during demolition, then impose regulation. There seems to be limited scope for smaller operations i.e owner builders, DIYers etc. Training could be built into the Owner Builders course.

Comments on Approach 6 – monitoring and evaluation

The RID Online database does not represent most Councils, and Councils have other data sources that should be included. A more robust baseline of data is needed to accurately measure progress.

Additional actions that should be included

That the EPA clarify whether there is new funding committed for the strategy whether this funding is already committed under WLRM.

That the government commit to investing all of the s.88 waste levy that is collected on asbestos waste to improving asbestos waste management and regulation. That the government provides a more detailed plan and timeline that commits to specific actions across the duration of the strategy.

That the government provides as a matter of urgency a more detailed explanation of how and when councils are to be consulted in developing and implementing the strategy.

That the government review and propose solutions to affordable and convenient access to licensed asbestos contractors in rural and regional areas.

That legacy and orphaned asbestos be also included in the strategy with dedicated actions and funding to combat this burden on local communities.

Are there any areas listed in the action table that you are concerned about?

Many of the actions identified within the strategy require local government participation in their development and implementation. Councils are concerned that:

- they will be required to commit to work without additional funding assistance from the government.
- they may be forced to accept asbestos waste at facilities that are not presently licensed to do so.

past projects that they see as successful in their local areas, for example the Household Asbestos Disposal Scheme, have been overlooked as solutions to this very important issue.