



MANAGING ASBESTOS WHEN BUILDINGS ARE DAMAGED BY SMALL SCALE FIRES GUIDANCE FOR NSW COUNCILS

ABBREVIATIONS

ACM

Asbestos Containing Material

EP&A Act

Environmental Planning and Assessment Act 1979 (NSW)

EPA

NSW Environment Protection Authority

FRNSW

Fire and Rescue NSW

LG Act

Local Government Act 1993 (NSW)

OEM

Office of Emergency Management

PCBU

Person conducting a business or undertaking

POEO Act

Protection of the Environment Operations Act 1997 (NSW)

PPE

Personal Protective Equipment

PVA

Polyvinyl Acetate

This document provides an overview of the roles of various agencies in responding to small scale emergencies and incidents where asbestos risks must be managed following a fire. It applies to situations where asbestos has been identified or is assumed to be present.

It is intended as a brief and general guide only. Each situation should be assessed and treated for its particular circumstances in accordance with current legislation and more detailed guidance may be needed.

BACKGROUND

- Asbestos fibres can present a health risk when they are airborne and inhaled.
- Although asbestos does not burn, it may be damaged during a fire and can disperse into nearby areas. This may be by asbestos cement sheets shattering, asbestos fibres dispersing in the air and sometimes, fire fighting water runoff can carry fine asbestos material.
- Asbestos can also be disturbed when a building collapses, is vandalised or inappropriately accessed after a fire.
- Building materials are commonly 10-15 per cent asbestos and rarely more than 50 per cent asbestos.
- The risk of exposure to asbestos may be very low if precautions are taken.

Scenario/ steps (may be concurrent)	Lead agency	Actions in managing asbestos may include
Extinguish fire	FRNSW is responsible for extinguishing the fire / responding at the sites impacted and taking precautions to minimise exposure to and the spread of any asbestos. Asbestos may have been spread to other locations and clean up may require assistance from different agencies as set out in this document.	<ul style="list-style-type: none"> • Use appropriate PPE. • Minimise spread of asbestos. • Decontaminate equipment or dispose of as asbestos waste. • FRNSW may liaise with the council for example to request earth moving equipment or to locate an owner.
Treat asbestos risks	FRNSW	<ul style="list-style-type: none"> • Ensure the site is kept damp, especially while debris is being moved. • Encapsulate the asbestos: Spray with blue coloured PVA glue as a temporary measure (not a long term solution). • Warn the public of the asbestos risks at the site: e.g. barricade with barrier tape, warning signs.



Scenario/ steps (may be concurrent)	Lead agency	Actions in managing asbestos may include
Handover the site	<p>Handover of the site will depend on the nature of the site:</p> <ul style="list-style-type: none"> • FRNSW handover to owner, occupier or person indicating they have control of the site. • Handover may be to the council. • For a crime scene, handover will be to the NSW Police. • For a notifiable dangerous incident at a workplace, SafeWork NSW is the lead agency but would not receive handover of the site, this would be to either the NSW Police or the PCBU. • Aboriginal housing, community housing and public housing are managed by NSW Family and Community Services (FACS) while other properties may be managed by local Aboriginal organisations. • For an emergency or significant incident, handover will be from the State Emergency Operations Controller (SEOCN) to the State Emergency Recovery Controller (SERCON) and Recovery Committee (formed by the SERCON). Council, EPA and SafeWork NSW will likely have a role. 	<ul style="list-style-type: none"> • Give a completed <i>Handover of Site FRNSW Response</i> form. • Advise of the asbestos risk.
Secure the site / affected areas	Individual, agency or authority that accepts the handover of the site	<ul style="list-style-type: none"> • Warn the public of the asbestos risks at the site: Barricade with barrier tape, fencing, warning signs. (If signage is not sufficient to keep people out of the debris zone, consideration should be given to erecting a fence). • The temporary closure of roads and public land may be necessary where ACM has been spread or has not yet been encapsulated or removed. Priority traffic areas may need to be cleaned. Evacuation of adjacent buildings due to asbestos contamination is rarely required.
Minimise risk from remaining structures	Council	<ul style="list-style-type: none"> • Council can issue an order to demolish or remove a building as outlined in section 6.4 of the <i>Model Asbestos Policy</i>. ACM must be removed prior to demolition. • Councils can also issue orders under s121B of the EP&A Act (e.g. to demolish or repair a building or to install a structure around a building). Councils should bear in mind that the order can be appealed which may add time to the process.



Scenario/ steps (may be concurrent)	Lead agency	Actions in managing asbestos may include
Ensure person or company responsible for the site arranges clean up and manages any off-site public health risks	<p>The consent authority or agency responsible for managing the site depends on the owner and occupiers of the land. The following agencies will have a regulatory role:</p> <ul style="list-style-type: none"> • Residential or non-worksite – Council. • Fire or notifiable dangerous incident at a workplace – SafeWork NSW. • Site licensed by the EPA or occupied by a public authority – EPA. • Site owned by public authority and not occupied – EPA and council. • Site owned by public authority and occupied by private residents – EPA and council. • A derelict property – a multi-agency response may be required. 	<ul style="list-style-type: none"> • Council can issue a clean up, prevention, cost compliance or penalty infringement notice or an order to demolish or remove a building as outlined in sections 3.3, 6.1 and 6.4 of the <i>Model Asbestos Policy</i>. ACM must be removed prior to demolition. • A clean-up notice can be issued by council or the EPA to the owner or occupier of a premises where the authority reasonably suspects that a pollution incident has occurred or is occurring (Note – <i>only the EPA can issue a clean-up notice to a public authority e.g. NSW FACS</i>). • The EPA can bring proceedings for any environmental offence against the POEO Act, whether or not the EPA is the appropriate regulatory authority in relation to the offence (section 217(1) of the POEO Act). • Councils can issue orders under s124 of the LG Act to protect public health and safety and the environment on both private and public land (e.g. fence land or cease conducting an activity). • Councils can also issue orders under s121B of the EP&A Act (e.g. to demolish or repair a building or to install a structure around a building). Councils should bear in mind that the order can be appealed – this may add time to the process. • If the services of an occupational hygienist are to be engaged, check their competence. • Assess the potential for off-site release of asbestos materials into the neighbourhood.
Ensure the licensed asbestos removalists are appropriately licensed and operating in accordance with the WHS legislation	<p>SafeWork NSW For Federal land - Comcare is the regulator</p>	<ul style="list-style-type: none"> • Special arrangements for large scale emergencies. • Require a clearance certificate following asbestos removal.
Address public health risks from asbestos removal not requiring a license	<p>Council – for non-workers SafeWork NSW – for workers</p>	
Regulate the transport and disposal of ACM	<p>EPA or council – for transport from residential settings EPA and SafeWork NSW – for work sites</p>	<ul style="list-style-type: none"> • Special arrangements for large scale emergencies • Illegally dumped materials will be investigated



Scenario/ steps (may be concurrent)	Lead agency	Actions in managing asbestos may include
Manage other possible hazards	All	Manage any hazards such as: <ul style="list-style-type: none"> • Damaged structures, sharp edges or protruding nails. • Electrical wiring - If electrical lines are down, do not enter the area, ensure electricity supply has been turned off by a licensed electrical contractor or energy supplier. • Illicit drugs and residue from such activity. Substances may have been absorbed into walls, floors, ceilings or fittings of a property or disposed of into yards or drains. • Residues of copper-chrome-arsenate (CCA) treated timber.
Provide information to the community	Multi-agency EPA – may provide advice in relation to transport and disposal. NSW Health – may provide advice on health issues when there is the potential for public exposure to asbestos. OEM – may provide information on recovery arrangements. NSW FACS – provides information to tenants. For damage to suspected asbestos, report it to the Housing Contact Centre on 1300 468 746 (24 hours a day, 7 days a week).	<ul style="list-style-type: none"> • Community meetings • Face-to-face • Letters • Media releases • Newspapers • Noticeboards • Signage • Social media • Website • Talks to groups (e.g. school community) Information may include: <ul style="list-style-type: none"> • Details of the emergency or incident • An overview of the recovery • How to avoid exposure to asbestos (for precautions for neighbours refer to section 7.2 of the <i>Model Asbestos Policy</i>) • How to remove and dispose of asbestos containing materials • Any special arrangements • Contact details for further information Some members of the community may perceive a greater risk from asbestos incidents than the actual risk and this needs to be considered in preparing communication.

References

NSW Environment Protection Authority (2015) *Guidance Material: Asbestos and Fire-damaged Buildings* (<http://www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf>)

NSW Family and Community Services website: <http://www.facs.nsw.gov.au>

NSW Government (2013) *Fact Sheet Property Hazards Following a Bushfire*, Catalogue No. WC01232 (http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0007/19573/property-hazards-following-a-bushfire.pdf)

NSW Heads of Asbestos Coordination Authorities (HACA) webpage: <http://www.workcover.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos/heads-of-asbestos-coordination-authorities-haca>

NSW Office of Local Government (2015) *Model Asbestos Policy for NSW Councils* (<http://www.lgnsw.org.au/policy/asbestos-model-policy>)

Smith K. R. and Saunders P.J. (2007) *The Public Health Significance of Asbestos Exposures from Large Scale Fires*. Health Protection Agency.