

# NSW Asbestos Waste Strategy

2019-21



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# Executive summary

## Setting our goals

The *NSW Asbestos Waste Strategy* focuses on improving asbestos waste management including asbestos in soil.

The NSW Environment Protection Authority (EPA) is responsible for regulating asbestos waste.

Managing asbestos waste safely is an important priority for NSW.

The NSW Government is committed to protecting people from poor asbestos waste management practices. This includes illegal dumping and improper disposal.

We have been working hard to achieve this by:

- releasing the *NSW Illegal Dumping Strategy 2017-2021*
- creating the NSW Asbestos Coordination Committee (NACC)
- taking strategic regulatory action
- raising community awareness about proper asbestos management
- funding councils, public land managers, community groups, Aboriginal groups and charities to clean up and prevent illegal dumping
- updating legislation and guidance to improve resource recovery systems and processes.

### Why do we need to manage asbestos waste?

Managing asbestos waste is an important issue because of the threat to public health and the environment. We want to reduce the risk of harm by reducing exposure to asbestos.

This *NSW Asbestos Waste Strategy 2019-21* aims to find ways to:

- make it easier and cheaper to dispose of asbestos waste legally
- educate people on the risks of poor asbestos waste management and the benefits of doing it well
- create better systems for tracking asbestos waste from generation through disposal
- strengthen the regulatory framework
- continue to build ongoing collaborative relationships with our partners and work together
- monitor and evaluate our progress on a regular basis.

The asbestos waste action table (pages 15) shows the key actions and programs the EPA will pursue. The EPA will continue to collaborate with stakeholders to ensure we get the details right.

There is no one-size-fits-all approach to managing asbestos waste. The six approaches in this strategy are interrelated and should operate together.

The EPA is the lead agency for the Asbestos Waste Strategy. The *Waste Less, Recycle More* initiative funds programs which:

- clean up and prevent illegal dumping
- trialled waiving the waste levy on separated asbestos waste.

## Understanding asbestos waste management

Asbestos is common in the NSW built environment. The Australian Asbestos Safety and Eradication Agency (ASEA) estimates that one third of Australian houses contain asbestos. Removing asbestos generates asbestos waste.

Asbestos waste is any waste that contains asbestos, which includes:

- building and demolition waste
- soil.

Asbestos waste disposal presents complex and unique problems. Most asbestos waste comes from renovation and development, and also includes legacy asbestos such as pieces found in backyards and under houses.

The human health risk of asbestos can be managed with correct handling, storage, transport and disposal. However, environment protection agencies and local authorities across Australia still struggle with illegal dumping and improper disposal. Recent reports from the NSW Ombudsman and the Independent Commission Against Corruption highlight this as an ongoing issue.

Unlawful asbestos waste disposal is a crime. It can:

- harm the environment
- damage human health
- cost the community, councils and private landowners a lot to clean up.

We have identified the three key drivers for poor asbestos waste management as cost, convenience and awareness.

## Our approach

Our six approaches will help to address these drivers and improve asbestos waste management.

**The EPA has undertaken research into what works. The EPA will build upon this as part of the six approaches in the strategy.**

1	<b>Making lawful asbestos waste disposal easier</b>	The EPA will help create more practical options for safe and lawful asbestos waste disposal, such as collection by private operators and more places for homeowners and contractors to lawfully dispose of asbestos waste.
2	<b>Making lawful asbestos waste disposal cheaper</b>	The EPA will work with local government and industry to seek to provide cheaper ways for householders and licensed contractors to lawfully dispose of asbestos waste under specific circumstances.
3	<b>Increasing awareness and changing behaviour</b>	The EPA will work with local and state government to raise awareness, increase education and change the behaviour of householders, licensed asbestos removalists and other demolition, excavation and waste management contractors.
4	<b>Closing loopholes and increasing transparency</b>	The EPA will work with local government and SafeWork NSW to close loopholes on operators who do the wrong thing, make it easier to understand where asbestos is being moved to, and who is not disposing of it properly.
5	<b>Disrupting unlawful business models</b>	The EPA will target unlawful business models, making it harder for operators to do the wrong thing, removing the financial gains from their unlawful activities and increasing their risk of getting caught.
6	<b>Monitoring and evaluating</b>	The EPA will monitor and evaluate our progress. The EPA will report and update regularly on our completed work, committed funding and progress under this strategy against project milestones.

## Setting our goals

### What are our objectives?

The NSW Government wants to maintain a safe and healthy community and environment by ensuring asbestos waste is properly managed.

The EPA will promote good waste management behaviours from everyone responsible for identifying, transporting or disposing of asbestos waste.

The EPA will use **six key approaches** and work with our partners to increase lawful disposal of asbestos including:

- making it easier
- making it cheaper
- increasing awareness and changing behaviour
- closing loopholes and increasing transparency
- disrupting unlawful business models
- monitoring and evaluating our progress.

### Why do we need an Asbestos Waste Strategy?

Asbestos poses a threat to public health and the environment. We want to reduce the risk of harm through exposure to asbestos waste. There are a number of ways we propose to do that through short, medium and long-term initiatives.

The EPA will measure reduced risk through a reduction in complaints, increased awareness, and more lawful disposal. We recognise as we raise awareness we may see an increase in lawful disposal because no baseline of lawful disposal was previously established. The EPA will determine a baseline for lawful disposal in the first year of the *NSW Asbestos Waste Strategy 2019-21*.

### How will we meet our goals?

We are taking a whole-of-system approach by thinking about where asbestos waste exists or is generated, how it's handled and transported and where it may end up, to promote good behaviours and discourage poor behaviours.

Through the *NSW Illegal Dumping Strategy 2017-21*, funding is already committed under *Waste Less, Recycle More* over the next four years to tackle illegal dumping, assist with clean-up and to fund the Regional Illegal Dumping (RID) squads and programs. The *Waste Less, Recycle More* initiative is transforming waste and recycling in NSW through new infrastructure and systems.

The *Waste Less, Recycle More* extension provides an extra:

- \$4 million to fund illegal dumping clean-up, prevention and engagement programs
- \$9 million to support RID squads and programs
- \$52 million to support strategic compliance programs.

Each of these programs will improve asbestos waste management.

*The NSW Asbestos Waste Strategy 2019-21* sets out the actions we must take to meet our goals. It:

- gives us our framework to prioritise our actions and allocate funding and resources
- complements and builds on the work of the Illegal Dumping Strategy by developing actions to target asbestos waste specifically
- aligns with updates to legislation and guidance targeting the construction and demolition waste recycling sector to drive improved resource recovery systems and process.

## What does this strategy cover?

The Asbestos Waste Strategy covers all types of asbestos waste. It addresses:

- the key decision points in asbestos waste management
- the key people who make asbestos waste decisions.

It outlines six key approaches to meet our goals, based on our research and experience and that of our partners. We aim to:

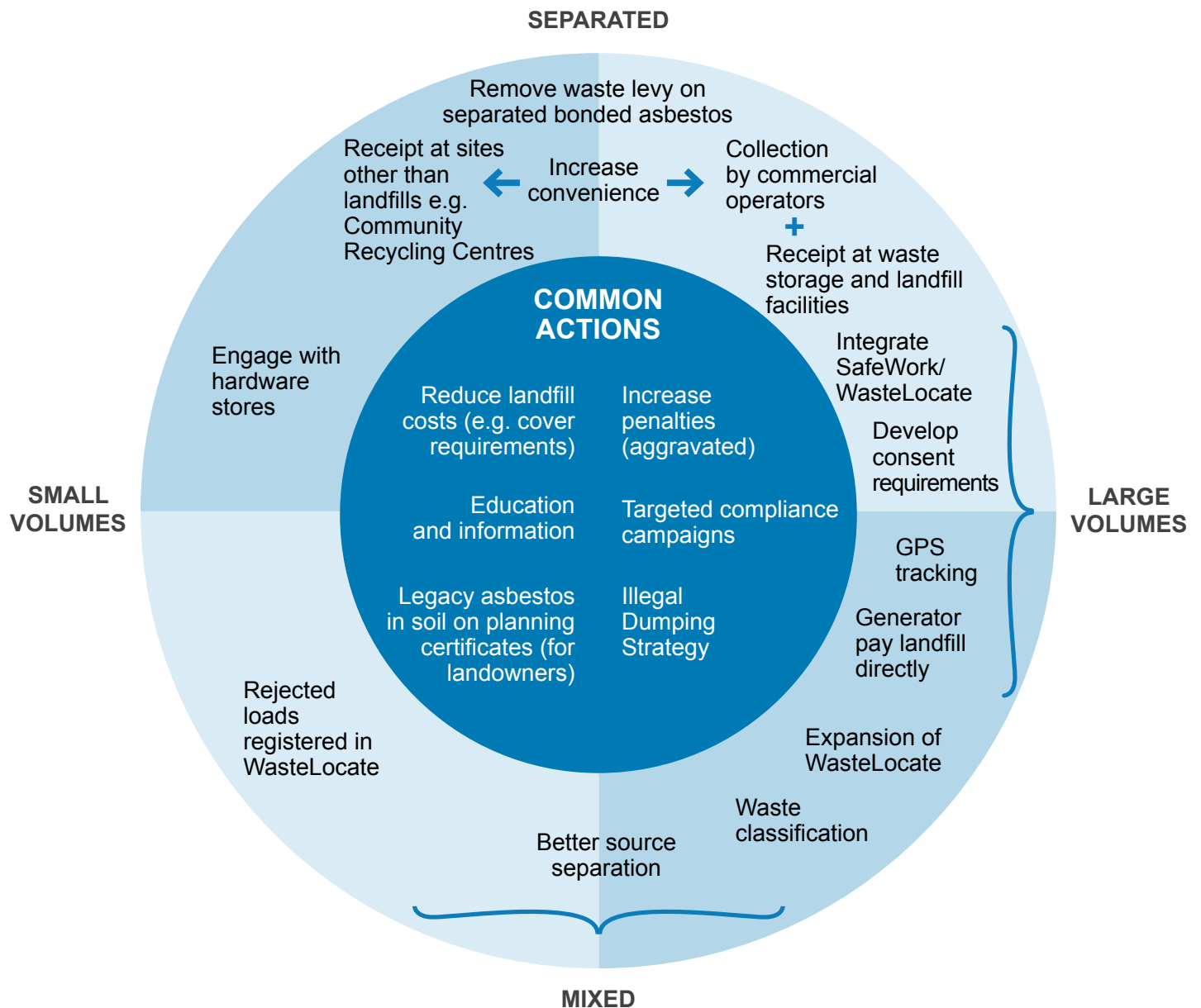
- make it easier and cheaper to dispose of asbestos waste legally
- educate people on the risks of poor asbestos waste management and the benefits of doing it well

- create better systems for tracking asbestos waste from generation through disposal
- toughen regulations and make it easier to disrupt unlawful behaviours
- build ongoing collaborative relationships with our partners
- monitor and evaluate our progress on a regular basis.

**Figure 1** shows these approaches, and the range of actions the EPA is exploring to achieve our goals.

The Asbestos Waste Action Table (page 15) summarises the key actions and programs we share with our stakeholders.

**Figure 1: Asbestos Waste Strategy approaches and actions**



## Who are we working with?

The EPA will continue to work with its partners and stakeholders to implement the strategy. We strongly value the input of our partners and stakeholders to ensure the success of the strategy.

Our partners and stakeholders include:

<b>Local government</b>	<p>Councils are the main authorities for managing waste within their local government area.</p> <p>Councils often provide services and infrastructure for managing household waste and recycling as well as cleaning up and regulating small illegal dumping sites.</p> <p>Councils can help prevent illegal dumping and improper disposal by educating their communities. They have strategies that tackle local issues and play an important role in helping tackle illegal dumping.</p> <p>Councils are also often the planning authority for renovation and building approval.</p>
<b>Other government agencies</b>	<p>This strategy is a whole-of-government approach to deal with asbestos and asbestos waste.</p>
<b>NSW Asbestos Coordination Committee (NACC)</b>	<p>NACC helps to coordinate action across NSW government agencies. NACC's charter sets out the arrangements for coordinating the activities of public bodies in relation to all aspects of asbestos information, including raising public awareness and managing asbestos issues. This ensures we identify asbestos problems and develop comprehensive solutions.</p>
<b>Industry and businesses</b>	<p>We engage with the waste and construction industries and other businesses to ensure they are:</p> <ul style="list-style-type: none"><li>• conducting lawful waste management practices</li><li>• providing safe and cost-effective ways for the community to dispose of asbestos waste</li><li>• knowledgeable about safe asbestos waste disposal.</li></ul>
<b>Planning authorities</b>	<p>Planning authorities set development consent conditions that include waste management-related requirements at construction and demolition sites.</p>
<b>SafeWork NSW</b>	<p>SafeWork NSW regulates licensed asbestos removal.</p> <p>It ensures legitimate operators handle and dispose of asbestos properly to prevent illegal dumping and health risks.</p>
<b>Community, including residents</b>	<p>We help residents do the right thing with asbestos waste and avoid receiving asbestos contaminated soil.</p>

## Bonded and friable asbestos

**Bonded asbestos material** is any material that contains asbestos, other than friable asbestos material.

**Friable asbestos material** is any material that contains asbestos and is in powder form, or can be reduced to powder by hand pressure when dry.

Friable asbestos can only be removed by a **licenced asbestos removalist** with a friable asbestos licence.

## Understanding asbestos waste management

### What is asbestos waste?

Asbestos is a naturally occurring mineral found underground, or close to the surface, in many areas of NSW and Western Australia.

Asbestos was heavily used in Australian buildings between the 1930s and 1980s. A lot of asbestos is found in insulation, roofing, asbestos cement sheeting, fire blankets and water pipes.

In the late 1980s, most Australian states and territories had already banned the use of asbestos in building products. This did not include banning chrysotile asbestos (white asbestos), which remained in use until 2003.

ASEA's estimates suggest that around one third of Australian houses contain asbestos. Removing it creates asbestos waste.

*The Protection of the Environment Operations (Waste) Regulation 2014* defines two types of asbestos waste:

- **Bonded asbestos material** is any material that contains asbestos, other than friable asbestos material.
- **Friable asbestos material** is any material that contains asbestos and is in powder form or can be crumbled, pulverised or reduced to powder by hand pressure when dry.

Friable asbestos can only be removed by a **licenced asbestos removalist** with a friable asbestos licence.

### Why is asbestos management important?

Asbestos can cause a range of problems.

<b>Environment</b>	Illegally dumped asbestos waste can contaminate and degrade land.
<b>Community</b>	When asbestos fibres are released into the air, they can cause a health risk.
<b>Economy</b>	Illegally dumped asbestos waste can lower land values and undermine legitimate recycling facilities. Clean-up is expensive.
<b>Resources</b>	Easily recycled resources, like concrete, bricks, timber and green waste are lost when contaminated with asbestos as they can no longer be recycled.

Asbestos fibres can cause a range of diseases such as:

- lung cancer
- mesothelioma
- asbestosis
- asbestos-related cancers of the larynx and ovaries.

The World Health Organisation confirms that all forms of asbestos, including chrysotile, are carcinogenic to humans.

The bonded asbestos found in many homes is usually referred to as 'asbestos fibro'. As long as it is undisturbed and sealed, fibro can remain safely in place.

However, if any material containing asbestos is damaged, disturbed or mishandled, it can release fibres and cause a health risk.



## How do we regulate asbestos waste?

Proper asbestos disposal means depositing asbestos waste at a landfill that can lawfully receive it – generally a NSW EPA-licensed facility.

There are specific load preparation requirements and acceptance procedures to protect workers, neighbours and users of the landfill.

Together with local government, the EPA regulate the secure storage, transport and disposal of asbestos waste under:

- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (Waste) Regulation 2014*.

The Waste Regulation sets out special reporting and disposal requirements for asbestos waste. The *Protection of the Environment Operations Act 1997* prohibits the re-use and recycling of asbestos waste.

The EPA's online tool, WasteLocate, helps transporters and facilities meet their obligations for transporting and disposing of asbestos waste.

Transporters and facilities that handle asbestos waste in NSW must report to WasteLocate if they move:

- 100kg or more of asbestos waste
- 10m<sup>2</sup> or more of asbestos sheeting.

### WasteLocate

Asbestos waste must be tracked when it is transported from its place of generation to its final destination. WasteLocate is the EPA's online system for tracking asbestos waste within NSW.

SafeWork NSW regulates the safe management of asbestos and asbestos waste in workplaces, including licensing for asbestos removalist contractors under:

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*.
- SafeWork NSW has also developed the *How to Manage and Control Asbestos in the Workplace* code of practice. The code is a practical guide to achieving the required standards of health, safety and welfare.

## Why is poor asbestos waste management a problem?

Poor asbestos waste management includes illegal dumping and improper disposal.

**Illegal dumping** is depositing any waste larger than litter onto land or into water. Litter is anything

unwanted that has been thrown, blown or left in the wrong place and is a supermarket size bag or smaller. It includes leaving waste on public or private land without the property owner's permission, or with their permission but without the required legal approvals.

**Improper disposal** is disposing of waste through otherwise correct processes, but at a facility that cannot lawfully receive or process it.

For example, material that contains asbestos should not be put in kerbside bins or skip bins. Even small fragments of asbestos material that enter recycling streams can contaminate large volumes of otherwise valuable recovered products like bricks and compost. This can cause:

- community concern
- environmental and health risks
- lack of confidence in recovered products
- major clean-up expenses for public or private land managers
- problems of contamination for future generations to deal with.

## Why do people do the wrong thing?

Our research tells us:

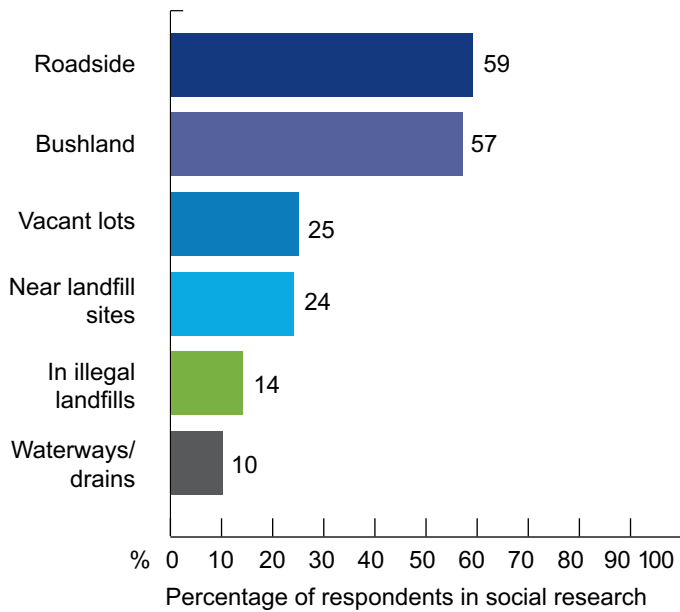
- asbestos waste accounts for up to 8% of illegally dumped waste, representing a significant clean-up cost
- cost is a key reason people illegally dump asbestos waste, along with convenience
- most illegal dumping happens in bushland, vacant lots and roadsides, where people feel they are less likely to get caught.

Our social research into illegal dumping found that industry respondents believe:

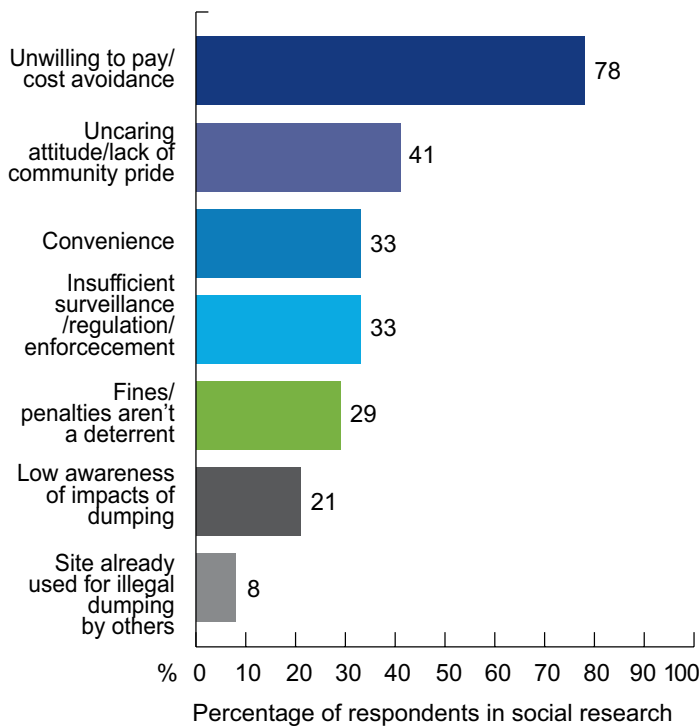
- asbestos is the most common illegally dumped waste material
- some contractors use illegal dumping as a business model to increase profits
- dumping asbestos waste is the most unacceptable illegal dumping behaviour (98% of respondents judge it very unacceptable)
- householders in regional local government areas are most likely to dump asbestos (48% of respondents).

You can download a pdf to read the full research on our research webpage: [www.epa.nsw.gov.au/your-environment/litter-and-illegal-dumping/illegal-dumping-dumpers](http://www.epa.nsw.gov.au/your-environment/litter-and-illegal-dumping/illegal-dumping-dumpers).

**Figure 2: Location of illegally dumped asbestos**



**Figure 3: Reasons for dumping asbestos**



## How is NSW doing?

The NSW Ombudsman released a report in 2017 that acknowledged NSW was widely recognised around Australia for having a best-practice approach to managing asbestos.

NSW has already:

- Provided funding to clean up asbestos waste and prevent illegal dumping.
- Increased penalties and introduced new asbestos waste offences to deter illegal dumping. We can install GPS trackers and impound vehicles used in repeat waste offences.
- Strengthened relationships with local government and other enforcement partners such as the NSW Police. This helps us target large-scale illegal dumping by repeat offenders and organised networks.
- Conducted social research into why people illegally dump, and how we can encourage them to choose lawful disposal.
- Purpose-built two complementary online systems to collect data on asbestos management. RIDonline records dumping incidents, and WasteLocate tracks asbestos waste.
- Conducted an expert review of the cost of lawful disposal and of cleaning up dumped asbestos. These results help us better understand the size of the problem and the barriers to proper disposal.
- Recorded the amounts, types and locations of illegal dumping. We use this data to develop a baseline that can help us evaluate our strategy and improve it over time.

The EPA also carries out routine inspections and targeted campaigns to check that waste facilities are properly managing asbestos. The EPA licences disposal facilities and works with SafeWork NSW to ensure facilities use appropriate disposal practices. We are working with industry to ensure asbestos does not contaminate recoverable material at recycling centres or any end products.

The EPA has trialled different programs to reduce illegal dumping of household asbestos. The results of this work, along with the EPA's statewide intelligence and data sources, is being used to create successful strategies to tackle the issue.

We have updated legislation and guidance to improve resource recovery systems and processes.

To achieve the highest standards possible in asbestos management, the following six approaches will underpin our efforts.

# 1

## Making lawful asbestos waste disposal easier

### Why do we need to do this?

Convenience is one of the key drivers of unlawful asbestos waste disposal. This is especially true for small amounts of separated asbestos that householders, handypersons and builders handle. It is also an issue for unscrupulous licensed contractors.

If disposal facilities are too far away, it can encourage illegal dumping and improper disposal. People sometimes inappropriately use kerbside bins to dispose of small amounts of asbestos waste.

More convenient disposal options will remove this barrier and promote lawful disposal.

### How do we achieve this?

We will pilot several ways to make disposal more convenient, including more collection methods and more disposal locations. We will investigate possible funding options.

### How will we continue this work?

To continue making asbestos waste disposal easier, the EPA will:

- Explore options with councils and private providers such as providing asbestos disposal bags with skip bins and offering door-to-door pick-up services.
- Work with Community Recycling Centre operators (CRC) to provide a service that can receive small quantities (up to 10m<sup>2</sup> or 100kgs) of householder wrapped bonded asbestos at CRCs. This will be an opt-in model for CRC operators. We will also work with sites other than landfills, such as permanent drop-off sites, campaign drop-off days and booked collections.
- Expand the number of facilities that can receive asbestos waste ensuring appropriate safeguards for both human health and the environment.
- Work with developers and infrastructure providers to achieve more efficient and appropriate asbestos waste management solutions.
- Work with emergency services to ensure mechanisms are in place to swiftly handle asbestos waste after disasters.
- Work with regional waste facilities to build capacity, as well as expand capability of landfill staff to safely and lawfully manage large-scale asbestos waste disasters.

# 2

## Making lawful asbestos waste disposal cheaper

### Why do we need to do this?

Our social research found that decreased costs are important for encouraging lawful disposal of asbestos waste. Reduced costs will help people do the right thing with their asbestos waste.

### How do we achieve this?

Currently, the waste levy applies to any asbestos waste generated or disposed of within the regulated area. We are considering removing the waste levy from separated, bonded and wrapped asbestos materials delivered to a lawful landfill. This will also encourage proper separation of asbestos from other wastes at the point they are generated. The EPA has commissioned a Cost Benefit Analysis (CBA) to inform the decision to remove the waste levy from separated bonded asbestos.

It is not proposed that the levy be removed from wastes that have asbestos mixed with other materials such as soils or other construction and demolition waste, as this would provide a perverse incentive for the generation of more asbestos waste in order to avoid payment of the levy.

The EPA will also explore how to ensure this potential saving contributes to making lawful asbestos disposal cheaper, if the levy is removed.

Any option targeting cheaper, lawful asbestos disposal must balance landfill obligations to ensure there is no increased risk to the environment or the work, health and safety (WHS) of facility staff. We need to ensure both environmental and WHS requirements at landfills are performance-based and cost-effective. This will include a review of the *Protection of the Environment Operations (Waste) Regulation 2014*.

### The Waste Levy

The POEO Act requires certain licensed waste facilities in NSW to pay a contribution for each tonne of waste received at the facility.

## How will we continue this work?

To continue making lawful asbestos waste disposal cheaper the EPA will:

- Cost the removal of the waste levy on separated bonded asbestos materials to determine the impact of this action and to ensure no perverse outcomes occur and a positive outcome is achieved.
- Continue to support industry by trialling alternative asbestos cover options at landfills in consultation with SafeWork NSW to ensure that environmental and WHS requirements at landfills are performance-based, risk-based and cost-effective.

3

## Increasing awareness and changing behaviour

### Why do we need to do this?

The ongoing problem of improper asbestos waste management shows there is a knowledge gap around the dangers of asbestos waste. To change people's behaviour, we need to raise awareness of why proper disposal is important, and how improper disposal harms the environment and the community.

### How do we achieve this?

The EPA will work with local and state government to educate people about proper asbestos waste management.

The NSW Government has introduced reforms to the construction and demolition waste recycling sector. The new *Standards for Managing Construction Waste in NSW* set benchmark requirements for inspecting, sorting and storage of construction waste.

The Standards aim to:

- Increase the quality of recycled construction waste.
- Minimise the risk that asbestos could enter facilities and contaminate recovered resources.

We run asbestos campaigns that target specific groups, such as those in semi-rural areas. We educate people on:

- Why it is dangerous to accept free fill onto your property.
- What can happen if you receive asbestos-contaminated fill.

## How will we continue this work?

The EPA will prioritise education on asbestos waste. The EPA will continue working with local and state government to deliver education strategies that:

- Raise awareness of how illegal dumping affects the economy, environment and community.
- Educate the public that illegal dumping is socially unacceptable.
- Promote proper asbestos waste disposal methods and advertise cost reductions.
- Highlight the council services available for waste disposal.
- Commence reforms for trucks carrying asbestos, in line with WasteLocate requirements, to be placarded in case of an accident to inform emergency service personnel of the dangers of the load.

4

## Closing loopholes and increasing transparency

### Why do we need to do this?

Illegal dumping is a covert activity. By increasing transparency in the removal, transport and disposal of asbestos waste, we are closing loopholes on unlawful behaviour.

Accurate, comprehensive data will:

- Help us direct and prioritise our actions, including regulation and enforcement.
- Tell us the size and location of issues.
- Deter people from unlawful activities.

### How do we achieve this?

RIDonline is our illegal dumping database and reporting tool for NSW. Over 40,000 illegal dumping incidents have been reported through RIDonline since its release in 2015.

Most of the reported dumping has occurred between Kiama and Newcastle, both close to landfills and far from them. This correlates with our social research, and supports our finding that both cost and convenience are barriers to proper disposal.

The EPA has developed an online tool called WasteLocate to monitor asbestos transport and disposal. Waste transporters in NSW must use this tool to report if they are moving:

- 100kg or more of asbestos waste
- 10m<sup>2</sup> or more of asbestos sheeting.

No licence is required to remove:

- less than 10m<sup>2</sup> of non-friable asbestos
- asbestos-contaminated dust or debris that is associated with the removal of less than 10m<sup>2</sup> of non-friable asbestos
- a minor asbestos contamination not associated with the removal of friable or non-friable asbestos (SafeWork NSW).

Asbestos amounts over 10m<sup>2</sup> can only be removed by a licenced asbestos contractor.

We will review the feasibility of developing a single system to streamline our data capture, and help to track asbestos demolition, transport and disposal. This will make it easier for us to identify illegal disposal.

We also propose to support local government to strengthen development consent requirements. Developments should not proceed without confirming how they will identify, remove, manage and dispose of asbestos.

### **RIDonline**

RIDonline is a database used by councils and government agencies across NSW to record and manage illegal dumping incidents.

When you report via RIDonline, the relevant local council is sent an email alert about the incident so they can respond. To follow up on a report, call the council. If it's an emergency, you need to call Triple Zero (000) and report it immediately.

### **How will we continue this work?**

The EPA will continue gathering information with monitoring and reporting tools. The more data we capture, the better we can understand illegal activity.

To build the evidence base the EPA will:

- Consider expanding WasteLocate further 'upstream' to capture when asbestos is identified in a building prior to removal as part of streamlining monitoring and evaluation.

- Determine if current databases can be practically updated to allow better integration and therefore outcomes.
- Continue researching waste management attitudes in the construction and demolition industry, in line with the Illegal Dumping Strategy, and use the findings to target our enforcement effort on illegally dumped asbestos waste from construction sites.
- Continue researching the behavioural drivers of householders who do renovations involving asbestos or receive fill, and use the findings to create a more effective education program.

By combining our research on behavioural drivers with comprehensive data from our systems, we can develop targeted and powerful initiatives to improve asbestos waste management.

5

## **Disrupting unlawful business models**

### **Why do we need to do this?**

Some operators use illegal dumping as part of their business model to increase market share and/or profit margins. We need to remove the benefits these offenders gain through unlawful practices.

The Asbestos Waste Strategy complements the Illegal Dumping Strategy, making it harder for operators to do the wrong thing and increasing their risk of getting caught. This might mean introducing a system where households that generate waste must pay the waste disposal facility directly.

### **How do we achieve this?**

The NSW Government has tough penalties for illegal dumping. The *Protection of the Environment Operations Act 1997* provides a tiered range of illegal dumping offence provisions/fines, ranging from spot fines to maximum penalties for individuals of fines up to \$1 million and/or seven years in jail and a maximum of \$5 million fines for offences committed by corporations in cases where there is harm, including likely to harm, the environment from waste that is willfully disposed of.

Through *Waste Less, Recycle More* we have funded RID Squads and programs that use specialised council officers who investigate illegal dumping for council. We also run targeted campaigns to crack down on unlawful operators.

We have amended the *Protection of the Environment Operations Act 1997* to:

- create new standalone offences for illegally disposing, recycling or re-using asbestos waste, with a maximum fine of \$2 million for corporations and \$500,000 for individuals
- double the maximum fines for existing land pollution and waste offences involving asbestos waste
- require the courts to consider the presence of asbestos when sentencing offenders under the Act.

We have strengthened sentencing provisions by prescribing in Regulation the method for the courts to determine the amount representing the monetary benefit an offender gained by committing an environmental offence. This can be included in a court's sentencing decision and the EPA will seek monetary benefit orders in appropriate cases.

More information about monetary benefit orders and the prescribed Protocol for calculating monetary benefits is available on the EPA's website: <https://www.epa.nsw.gov.au/licensing-and-regulation/legislation-and-compliance/policies-and-guidelines/monetary-benefit-orders>.

## How will we continue this work?

The EPA will:

- Investigate amending environmental legislation to make it a requirement for waste generators to pay the landfill or resource recovery facility directly. In the first instance, this change could be brought in for developments generating large quantities of waste.
- Consider what changes can be made to environmental legislation to reduce evidentiary burdens associated with proving asbestos dumping crimes. For example, regarding material to be waste and amending the transporting waste offence under the *Protection of the Environment Operations Act 1997* to provide when a vehicle is involved in the transportation of waste, the owner of that vehicle is taken to have committed the offence with appropriate exceptions.
- Identify ways to enable offenders to be caught through technological solutions like GPS tracking devices on waste vehicles that transport asbestos waste (over a certain tonnage).

- Continue to investigate legislative reforms to deter unlawful behaviour, such as introducing jail terms for waste offenders, suspension of driver licences or the vehicle registration involved in illegal dumping, increasing penalty amounts for non-compliance with statutory notices.

## 6

## Monitoring and evaluating

### Why do we need to do this?

By monitoring and evaluating our work, we can track our progress and make improvements where needed. For instance, we might implement a strategic campaign based on RIDonline data.

### How do we achieve this?

We are gathering data through RIDonline to track our progress and success. Our social research helps build this picture. We can use this information as a baseline for increasing awareness and changing behaviour.

### How will we continue this work?

The EPA will conduct social research to continue to track trends in attitudes, knowledge and behaviour.

The EPA will report and update regularly on our completed work, committed funding and progress under this strategy.

# NSW Asbestos Waste Strategy 2019-21 Action Table

Proposed timeline dates from finalisation of strategy

Aims →	Making lawful asbestos waste disposal easier	Making lawful asbestos waste disposal cheaper	Increasing awareness and driving behaviour change	Closing loopholes and increasing transparency	Disrupting unlawful business models	Monitoring and evaluating
Overview →	Work to increase the number of facilities that can lawfully receive asbestos waste to make lawful asbestos waste disposal easier.	Explore options to make it cheaper to dispose of asbestos waste. For example, removing the levy on separated asbestos waste and reviewing regulatory requirements at landfills. Reduced costs should encourage positive behaviour and remove the excuse for poor behaviour.	Work with local and state government to provide the community with education and information so that they know how to safely manage asbestos waste and understand the consequences of illegal dumping and improper disposal.	Work with consent authorities to explore options to better manage unlawful disposal of asbestos by strengthening consent conditions at source sites and closing loopholes for transporters and improving transparency for waste generators	Increase the risk and consequence of being caught illegally disposing of asbestos waste to deter people from doing the wrong thing with asbestos waste.	Monitor and evaluate our progress, including reporting on completed work, committed funding and progress under the strategy. <b>Proposed timeline</b> – Report and update regularly
Actions →	<p>Work with CRC operators to assess the feasibility of receiving small quantities of householder wrapped bonded asbestos free of charge at CRC. <b>Proposed timeline</b> – Six months. Commencing July 2019</p> <p>Encourage and support the private sector to explore innovative and cost-effective options for collecting asbestos (e.g. provide asbestos disposal bags with skip bins and offer asbestos pick-up service). <b>Proposed timeline</b> – Immediate and ongoing</p> <p>Work with emergency services to ensure mechanisms are in place to swiftly handle asbestos waste after disasters. <b>Proposed timeline</b> – Immediate and ongoing</p> <p>Work with regional waste facilities to build capacity, as well as expand capability, with landfill staff to safely and lawfully manage large-scale asbestos waste disasters. <b>Proposed timeline</b> – Immediate and ongoing</p> <p>Work with local government, Department of Planning, Industry and Environment and the waste industry to support the receipt and management of asbestos waste at waste storage and landfill facilities. <b>Proposed timeline</b> – Immediate and ongoing</p>	<p>Investigate amendments to the POEO Waste Regulation to make separated, bonded asbestos waste exempt from the requirement to pay s88 levy contributions. <b>Proposed timeline</b> – 12 months. Commencing July 2019</p> <p>Continue to support industry by trialling alternative asbestos cover options at landfills in consultation with SafeWork NSW to ensure that environmental and WHS requirements at landfills are performance risk-based and cost-effective. <b>Proposed timeline</b> – Six months. Commencing July 2019</p>	<p>Work with local and state government to develop a waste communication and education strategy based on the outcomes of customer experience behavioral research. <b>Proposed timeline</b> – Immediate and ongoing</p> <p>Support local government and hardware stores to provide up-to-date, best practice information to the community. <b>Proposed timeline</b> – Immediate and ongoing</p>	<p>Expand the use of WasteLocate to all asbestos waste and engage with SafeWork NSW to determine if current databases can be practically updated to allow better integration and therefore outcomes. <b>Proposed timeline</b> – 12 months.</p> <p>Consult with local government and the Department of Planning, Industry and Environment to strengthen the drafting and enforcement of consent conditions (e.g. introducing hold points until clearance is provided and minimum requirements for Waste Classification). <b>Proposed timeline</b> – Immediate and ongoing</p>	<p>Investigate amending environmental legislation to make it a requirement for waste generators to pay the landfill or resource recovery facility directly. In the first instance, this change could be brought in for developments generating large quantities of waste. <b>Proposed timeline</b> – 12 months. Commencing July 2019</p> <p>Consider what changes can be made to environmental legislation to reduce evidentiary burdens associated with proving asbestos dumping crimes. For example, regarding material to be waste and amending the transporting waste offence under the <i>Protection of the Environment Operations Act 1997</i> to provide when a vehicle is involved in the transportation of waste, the owner of that vehicle is taken to have committed the offence with appropriate exceptions <b>Proposed timeline</b> – 12 months</p> <p>Identify ways to enable offenders to be caught through technological solutions like GPS tracking devices on waste vehicles that transport asbestos waste (over a certain tonnage). <b>Proposed timeline</b> – Six months. Commencing July 2019</p> <p>Continue to investigate legislative reforms to deter unlawful behaviour, such as introducing jail terms for waste offenders, suspension of driver licences or the vehicle registration involved in illegal dumping, increasing penalty amounts for non-compliance with statutory notices. <b>Proposed timeline</b> – 12 months</p> <p>Introduce legislative provisions to improve the management of asbestos during resource recovery of construction and demolition waste. <b>Proposed timeline</b> – complete. Provisions to commence in May 2019.</p>	<p>Conduct social research to continue to track trends in attitudes, knowledge and behaviour. <b>Proposed timeline</b> – Six months. Commencing July 2019</p> <p>Gather data through RIDonline to track our progress and enable proactive regulation. <b>Proposed timeline</b> – Immediate and ongoing</p>
	<p><b>Benefits to householders &amp; industry</b></p> <ul style="list-style-type: none"> <li>Greater choice for where to take asbestos waste for lawful disposal</li> <li>Reduced travel times for disposal</li> <li>Increased support to councils and industry to facilitate more options for asbestos disposal</li> </ul>	<p><b>Benefits to householders &amp; industry</b></p> <ul style="list-style-type: none"> <li>Reduced cost of lawful disposal for separated asbestos waste for waste generators</li> <li>Options to ensure environmental and WHS requirements at landfills are performance and risk-based, and cost effective for landfill operators</li> </ul>	<p><b>Benefits to householders &amp; industry</b></p> <ul style="list-style-type: none"> <li>Simple and practical information on asbestos waste removal and disposal</li> <li>Reduced contamination and maintained value of recovered resources</li> <li>Increased support for councils on education materials</li> </ul>	<p><b>Benefits to householders &amp; industry</b></p> <ul style="list-style-type: none"> <li>Reduced risk of dealing with waste contractors who do the wrong thing</li> <li>Make it easier to manage asbestos waste in an appropriate way</li> <li>Level the playing field to assist waste contractors who are doing the right thing by removing opportunity for unlawful waste operators</li> <li>Reduced opportunity for illegal dumping and associated clean-up costs</li> </ul>	<p><b>Benefits to householders &amp; industry</b></p> <ul style="list-style-type: none"> <li>Level the playing field for waste contractors</li> <li>Ensure illegal operators do not receive financial gain from their illegal activity</li> <li>Reduced risk of dealing with unlawful operators</li> <li>Reduced opportunity for illegal dumping and associated clean-up costs</li> </ul>	<p><b>Benefits to householders &amp; industry</b></p> <ul style="list-style-type: none"> <li>Report on progress and actions</li> <li>Ensure effectiveness of strategy actions</li> <li>Opportunity to improve effectiveness of actions</li> <li>Opportunity for industry, local government and householders to provide feedback that can be used to improve the strategy over time</li> </ul>

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