

Mr Mark Gifford  
NSW EPA CEO  
59-61 Goulburn St,  
Sydney NSW 2000.

## **NWRIC SUBMISSION IN RESPONSE TO DRAFT ASBESTOS WASTE STRATEGY**

Dear Mr Gifford,

The National Waste and Recycling Industry Council ([NWRIC](#)) is the representative body for national waste and recycling service providers. Its core activity is to proactively engage our key stakeholders to promote solutions to the challenges facing the sector.

The current members of the Council are Alex Fraser, Cleanaway, J. J. Richards and Sons, Solo Resource Recovery, Sims Metal Management, Suez, Remondis, ResourceCo and Veolia and State and Territory affiliates - WRIQ, WRCA, VWMA, WRISA, WRIWA and WRINT. Together they represent the majority of the private capital invested in waste management and recycling assets Australia wide.

Our members collect and process unwanted materials from nearly every household and business across Australia, enabling councils to provide essential services to their communities and helping businesses manage and reduce their waste costs.

Our vision is for a fair, safe and sustainable waste and recycling industry. We work to achieve this by transforming waste into resources for reuse or energy; ensuring the safe handling and disposal and treatment of non-recyclable and hazardous waste, and by providing a safe and clean environment for the community.

The NWRIC welcomes the opportunity to comment on the new [NSW Draft Asbestos Management Strategy](#) and the related [Protection of the Environment Operations Amendment \(Asbestos Waste\) Bill 2018](#).

Boardly, the NWRIC welcomes new work by the NSW Government and the EPA to develop improved asbestos management for the State. Despite this welcome action, industry would like to raise some important concerns in regard to the new regulations and strategy, which may result in perverse outcomes.

### **1. A risk based approach is necessary to maintain recycling facilities**

Any regulation of asbestos in New South Wales must adopt a risk based approach rather than a presence based approach. It is nearly impossible to reduce asbestos levels down to zero in large waste processing sites. It is necessary to accept trace amounts of toxic contaminants like asbestos in order for commercial recycling systems to function.

The zero presence of asbestos is impossible to achieve and the mere presence of any detectable quantity is not sufficient reason to close down multi-million dollar recycling facilities.

For this reason, industry is asking the EPA to adopt the [Protocol for managing asbestos during resource recovery of construction and demolition waste](#) developed in partnership with industry - which defines minimum thresholds and acceptable risks.

**2. The generator must be liable for asbestos contamination**

In regard to the liability for asbestos waste - ultimately liability must remain with the waste generator. The NWRIC notes that a licensed asbestos removal contractor is required for all premises removing more than 10 square metres of asbestos - and therefore - not knowing about the presence of asbestos is not a defence for any generator above this threshold.

**3. Tracking will help to identify the source of asbestos contamination**

Tracking of asbestos needs to start at the Council DA stage and then draw in any consultants preparing Waste Classification reports, Building Certifiers, generators and transporters before it gets into a recycling facility. This upstream checking and recording is essential to protect the recycling industry. These consultants and certifiers must also be held accountable for their reporting and any misrepresentation must be an offence with penalty. It is imperative that registration of consultants be implemented by the EPA.

**4. Heavy fines not necessary**

The NWRIC notes that as part of the Government's response to deter illegal conduct, the new bill will double the maximum penalties under section 142A, 143 and 144 of the Protection of the Environment Operations Act for existing land pollution and waste offences involving asbestos waste to \$2 million for corporations and \$500,000 for individuals.

No construction and demolition recycler wants the presence of asbestos on their site. These operators work hard to protect their workers and to produce a high quality product free of contamination ready for market. For this reason heavy financial deterrents are simply not necessary to stop the presence of asbestos in recycled materials - construction recyclers are already doing everything they can to avoid this hazard.

Further recycling facilities *must* have a means of removing an 'unexpected find' *without penalty*, providing they have complied with receipt and acceptance procedures. Without this safeguard provision there is too much risk in operating a recycling facility to make them commercially viable.

Should you have any questions regarding the NWRIC's submission please contact, Alex Serpo, Secretary, NWRIC, 0417 932 303, [Secretariat@nwrlic.com.au](mailto:Secretariat@nwrlic.com.au) in the first instance.

Kind regards

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