

Management of asbestos incidents

Guide to agency response and management of events involving asbestos containing material (asbestos incident).

The following scenarios can be used by regulatory agencies responding to different types of asbestos incidents as a guide to the appropriate responses. This guide is to be used in addition to the information contained in the Multiagency Asbestos Incident Response Protocol.

DEHP – Department of Environment and Heritage Protection

DoH – Health Protection Branch, Department of Health

DHPW – Department of Housing and Public Works

DNRM - Department of Natural Resources and Mines

PHU – Public Health Unit, Queensland Health

QFES – Queensland Fire and Emergency Services

WHSQ – Workplace Health and Safety Queensland

Ref no	Scenario context	Lead response agency ¹	Supporting agency	Further information
Homeowner activity				
1	Activity by an occupant, a homeowner, or owner builder at a domestic premises results in an asbestos incident where asbestos containing material (ACM) waste remains uncontained within the property boundary .	Local government authorised person to respond under the <i>Public Health Act 2005</i> .	Local government may request assistance from PHUs for specialist health risk advice and support for response. If further assistance is required, the Public Health Unit may request assistance from DoH. DoH may request assistance from the WHSQ Asbestos Unit for any necessary technical advice.	Activities may include: <ul style="list-style-type: none"> • asbestos removal (non-friable or friable) • maintaining, cutting or drilling ACM • use of high pressure water, power tools or compressed air on ACM. Common example is the use of high pressure water spray on asbestos cement roof sheeting.

¹ If another agency initially responded, that agency should continue to assist to manage community concerns until the lead response agency takes control to manage the response.

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2	<p>Activity by an occupant, a homeowner, or owner builder at domestic premises results in an asbestos incident where ACM waste remains uncontained extending beyond the property boundary.</p> <p>For example:</p> <ul style="list-style-type: none"> • onto neighbouring properties • onto public land (i.e. footpaths) and waterways (i.e. drains). 	<p>Local government authorised person to respond under the <i>Public Health Act 2005</i>.</p>	<p>Local government may request, assistance from PHUs for specialist health risk advice and support for response.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from the WHSQ Asbestos Unit for any necessary technical advice.</p> <p>If requested, DEHP for advice on likely effects on environmental values.</p>	<p>Activities may include:</p> <ul style="list-style-type: none"> • asbestos removal (non-friable or friable) • maintaining, cutting or drilling ACM • use of high pressure water, power tools or compressed air on ACM. <p>Common example is the use of high pressure water spray on asbestos cement roof sheeting.</p>
3	<p>Activity by a tenant or an occupant of social housing domestic premises results in an asbestos incident where ACM waste remains uncontained.</p>	<p>DHPW Housing Service Provider (Housing Service Centre or non-government organisation) will organise necessary work (e.g. clean up, repair, action against tenant).</p> <p>Regulators to notify DHPW Housing Service Centre of incident.</p>		<p>Contact details for DHPW Housing Service Centres are available at hpw.qld.gov.au.</p> <p>For social housing managed by a non-government organisation (NGO), the Housing Service Centre will forward any notification to the responsible officer within that NGO for action.</p>
<p>Person in control of a business or undertaking (PCBU) activity at domestic premises <i>A place where a PCBU is doing an activity is considered a workplace. A domestic premises will be considered a workplace to the extent of the area in which the PCBU is carrying out the work activity.</i></p>				
4	<p>A work activity of PCBU, or worker of a PCBU (identity known) at a domestic premises results in an asbestos incident where ACM waste remains uncontained within the property boundary.</p> <p>PCBU is on site, or if not onsite, is known and contactable.</p>	<p>WHSQ under the <i>Work Health and Safety Act 2011</i>.</p>		

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5	Asbestos incident caused by the work activity of a suspected PCBU, or suspected worker of a PCBU (identity unknown) at a domestic premises, where information is unclear as to who performed the activity i.e. PCBU cannot be identified or contacted, or is not named by homeowner.	WHSQ under the <i>Work Health and Safety Act 2011</i> .	If no regulatory action is possible by WHSQ, local government to respond under the <i>Public Health Act 2005</i> .	
6	A work activity of a PCBU, or worker of a PCBU at domestic premises results in an asbestos incident where asbestos contaminated debris remains uncontained: <ul style="list-style-type: none"> • extending beyond the property boundary • onto neighbouring properties • onto public land (i.e. footpaths) and waterways (i.e. drains). 	WHSQ under the <i>Work Health and Safety Act 2011</i> .	If requested, other agencies to provide collaborative assistance in managing community concern. If requested, DEHP for advice on likely effects on environmental values.	Common example is the use of high pressure water spray on asbestos cement roof sheeting (prohibited activity).
7	A PCBU provides soil or mulch to a domestic premises which contains asbestos or ACM. (i.e. the PCBU is a 'manufacturer' or 'supplier' of soil or mulch)	WHSQ under the <i>Work Health and Safety Act 2011</i> .		Compliance action may need to extend to the supplier as well as managing the risk on site. It may be necessary to provide advice to homeowner regarding minimising disturbance to soil/mulch.
PCBU activity as part of business or undertaking				
8	Asbestos related work or asbestos removal work by a PCBU, or workers of PCBU, results in an asbestos incident at the premises - work practices are considered unsafe or asbestos contaminated debris remains uncontained.	WHSQ under the <i>Work Health and Safety Act 2011</i> .		

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9	<p>A PCBU provides a mining or quarrying product which contains naturally occurring asbestos, to a second party (i.e. workplace premises or domestic premises).</p> <p><i>That is, the PCBU is a supplier of the product containing naturally occurring asbestos.</i></p>	<p>WHSQ under the <i>Work Health and Safety Act 2011</i>.</p> <p>DNRM under the mining and quarrying legislation.</p>		
10	<p>Incident at a workplace causing significant chemical release to the environment and incidental disturbance of asbestos or ACM.</p>	<p>DEHP under <i>Environmental Protection Act 1994</i>.</p> <p>Workplace Health and Safety Queensland under the <i>Work Health and Safety Act 2011</i>.</p>	<p>If requested, DoH for specialist health risk advice to primary agency.</p>	<p>If matter is a disaster or emergency, QFES lead and coordinate the emergency response activities before, during and after.</p>
Fire damaged buildings				
11	<p>Derelict or fire damaged house at domestic premises, known or suspected of containing asbestos or ACM.</p>	<p>On completion of relevant activities by QFES to contain the fire and make safe the premises, control of site resorts to owner.</p> <p>Local government for assessment under the <i>Building Act 1975</i>, the <i>Public Health Act 2005</i> and any relevant local laws.</p>	<p>Local government may request, assistance from PHU for specialist health risk advice and support for response.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from the WHSQ Asbestos Unit for any necessary technical advice.</p> <p>If requested, DEHP for advice on likely effects on environmental values if contamination spreads beyond the property boundary.</p>	<p>The homeowner has a responsibility to make the fire damaged building safe.</p> <p>Local government will work collaboratively with the homeowners to assist and oversee make-safe activities.</p>

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12	Derelict or fire damaged structure at business premises known or suspected of containing asbestos or ACM.	<p>On completion of relevant activities by QFES to contain the fire and make safe the premises, control of site resorts to the person with management or control (PWMC) of the workplace.</p> <p>WHSQ under the <i>Work Health and Safety Act 2011</i>.</p>	If requested, DEHP for advice on likely effects on environmental values if contamination spreads beyond the property boundary.	The PWMC of the workplace has a responsibility to make the fire damaged building safe. WHSQ will work collaboratively with the PWMC to assist and oversee make-safe activities
Asbestos events on land				
13	Asbestos waste that has been illegally left on private land	<p>Local government authorised person to respond under the <i>Public Health Act 2005</i></p> <p>Asbestos as 'waste' Asbestos waste that has been illegally left on private land may be captured under s.11 (1)(b)(v) of the <i>Public Health Act 2005</i> as 'waste' if:</p> <ul style="list-style-type: none"> • the material has visibly been disturbed • has the potential for being hazardous to health • is not able to be captured under the <i>Environmental Protection Act 1994</i>. <p>Under s.11 (1)(b)(v) of the <i>Public Health Act</i> a Public Health Order may be issued to the landholder to require them to take action to remove, reduce, or prevent a public health risk from the asbestos material from recurring.</p>		

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14	<p>Illegal dumping of asbestos, asbestos waste or ACM on public land (under the control of local government).</p> <p>For example public right of way areas such as footpaths, public parks and beaches.</p>	<p>Local government for managing the appropriate removal and disposal of dumped asbestos.</p>	<p>If requested, PHUs for specialist health risk advice to primary agency.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from the WHSQ Asbestos Unit for any necessary technical advice.</p>	
15	<p>Illegal dumping of asbestos, asbestos waste or ACM on state land.</p> <p>For example schools, railway corridors, public highways, national parks and waterways.</p>	<p>DEHP or local government (where delegated) to investigate contraventions of <i>Waste Reduction and Recycling Act 2011</i>.</p> <p>DEHP has responsibility to contact and advise the state government agency in control of the land of the illegal dumping.</p> <p>State government agency in control of land is responsible for removing (containing and disposing of) illegally dumped asbestos, asbestos waste and ACM.</p>	<p>If requested, DHPW for advice and support to the relevant state government agency.</p>	<p>DEHP to direct the state government agency in control of the land to take action, in accordance with the letter written by DHPW to all Directors-General (dated 30 September 2014) that the state government agency in control of the land is to manage the asbestos issues.</p>
16	<p>Buried ACM emerging from the soil, near or on the surface of public land and asbestos is likely to be disturbed.</p>	<p>Land owned by a PCBU, including state government agency or local government - WHSQ under the <i>Work Health and Safety Act 2011</i>.</p> <p>Land owned by homeowner - local government authorised person may need to assess whether there is a public health risk under <i>Public Health Act 2005</i></p>	<p>Local government to provide notification to DEHP if quantity of ACM is suspected to be greater than five tonnes.</p> <p>DEHP to assess the land and identify appropriate response i.e. record details of site on environmental management register (EMR).</p>	<p>State government agency (in control of land) is responsible for managing the buried ACM in accordance with the letter written by DHPW to all Directors-General (dated 30 September 2014) that the state government agency in control of the land is to manage the asbestos issues.</p>

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		Land owner to contain and dispose of ACM or to sufficiently contain ACM or asbestos contaminated debris (i.e. by encapsulating).		
17	Buried asbestos material or naturally occurring asbestos is uncovered by a PCBU, for example, during road and building construction work (including domestic premises).	WHSQ under the <i>Work Health and Safety Act 2011</i> .	DEHP to assess the 'land' and identify appropriate response i.e. record details of site on EMR.	Any ACM that remains buried below the ground surface at a workplace must be recorded by the PWMC in the workplace's: <ul style="list-style-type: none"> • asbestos register • asbestos management plan (AMP).
18	Naturally occurring asbestos is identified or disturbed at domestic premises.	Local government authorised person to respond under the <i>Public Health Act 2005</i> .		
19	Asbestos waste is unexpectedly released from a vehicle onto a public road.	<p><i>Note: QPS/QFES are responsible for initial response to the incident, as it will involve disruption to the use of the public road, and a potential traffic incident.</i></p> <p>DEHP to assess contravention of <i>Environmental Protection Act 1994</i>.</p> <p>Relevant owner of road to manage the released asbestos.</p> <p>The owner of the road is to refer the matter as follows:</p> <ul style="list-style-type: none"> • In the case of a homeowner transporting asbestos waste refer to local government to assess under the <i>Public Health Act 2005</i>. • In the case of a PCBU transporting asbestos waste refer to Workplace Health and Safety Queensland to assess under <i>Work Health and Safety Act 2011</i>. 		<p>QPS may maintain an interest if the person was in control of an unsafe vehicle (i.e. load) or other traffic offences.</p> <p>Polluter, if known, is to clean up the released asbestos.</p> <p>Otherwise relevant owner of the road is responsible for the clean-up.</p>

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		<ul style="list-style-type: none"> In the case of regulated waste transport (commercial or 250 kg or more) refer to DEHP to assess under Regulated Waste Transport Laws. 		
20	Regulated waste being transported without a licence.	Department of Environment and Heritage Protection to assess contravention of <i>Environmental Protection Act 1994</i> .		
Waterways				
21	Derelict or fire damaged houseboat or boat used as domestic premises, known or suspected of containing asbestos or ACM	<p>On completion of relevant activities by QFES to contain the fire and make safe the premises, control of the property resorts to owner.</p> <p>Local Government for assessment under the <i>Public Health Act 2005</i>, any relevant local laws and (where delegated) the <i>Environmental Protection Act 1994</i>.</p>	<p>Local government may request assistance from PHUs for specialist health risk advice and support for response.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from the WHSQ Asbestos Unit for any necessary technical advice.</p> <p>If requested, DEHP for advice on likely effects on environmental values if the contamination spreads beyond the property boundary.</p>	The houseboat owner has a responsibility to make the fire damaged houseboat safe. Local Government will work collaboratively with houseboat owners to assist and oversee make-safe activities.
22	Asbestos or ACM is illegally dumped into a waterway that is tidal, or the ACM is below the low water mark.	<p>DEHP or local government (where delegated) to investigate contraventions of <i>Waste Reduction and Recycling Act 2011</i>.</p> <p>Local government authorised person may need to assess under public health legislation.</p>	<p>If requested, PHU for specialist health risk advice to primary agency.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from the WHSQ Asbestos Unit for any necessary technical advice.</p>	DEHP to direct a State Government agency if it is in control of the land, that under the <i>Queensland Government Asbestos Management Policy for its Assets</i> , departments are responsible for managing asbestos containing materials in their assets.

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		<p>DEHP has responsibility to contact and advise the state or local government agency 'in control of the waterway' of the illegal dumping.</p> <p>The state or local government agency in control of land or waterway is responsible for managing the appropriate removal and disposal of illegally dumped asbestos.</p> <p>Local governments are responsible for watercourses within the boundary of their local government area, including the land below the high water mark.</p>		
Mine sites				
23	Incident at a mine that results in damage to ACM or occurrence of naturally occurring asbestos at a mine.	DNRM for enforcement action for any contravention of mining legislation.	Where ACM debris extends beyond the boundary of the mine, DEHP to be notified so that it can consider whether a breach of an <i>environmental authority</i> condition may have occurred.	
24	Abandoned mine with ACM (in situ) or ACM debris or disturbed naturally occurring asbestos.	DNRM under the mining and quarrying legislation. Assessment for enforcement action against the Operator or Holder and direct any action to make the abandoned mine safe and secure.		

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Declared disasters				
25	Declared disaster relevant to events, resulting in damage to houses and workplaces that will require removal and disposal of building materials likely to include ACM.	<p>Lead response agency for asbestos management is to be determined by the Office of Industrial Relations in consultation with the Interagency Asbestos Group as a matter of urgency</p> <p>Note: The primary emergency response group or agency retains responsibility to lead and coordinate emergency response activities, before, during and after a disaster or emergency, for example the agencies assigned roles under the Queensland Disaster Management Arrangements.</p>	<p>Supporting roles:</p> <ul style="list-style-type: none"> • PHUs and DoH for: <ul style="list-style-type: none"> - specialist health risk advice - advice about application of the <i>Public Health Act 2005</i> • WHSQ for: <ul style="list-style-type: none"> - advice regarding workplace health and safety duties by PBCU and their workers during recovery phase - advice regarding safe work practices to be adopted by all persons during recovery phase - advice regarding appropriate ACM removal practices to be adopted by all persons - advice regarding ACM removal practices by PCBUs and their workers during rebuilding phase • DHPW for: <ul style="list-style-type: none"> - advice and support to State agencies that own (and manage) affected premises. 	<p>The lead agency (Office of Industrial Relations) and the Interagency Asbestos Group will coordinate timely and appropriate Queensland government response programs.</p> <p>DEHP for advice on use of statutory tools under the <i>Environmental Protection Act 1994</i> to assist with recovery phase (i.e. disposal of large volumes of waste, use of temporary emissions licences to authorise landfills to stay open for extended hours to receive ACM).</p>