



# **NSW ASBESTOS EMERGENCY PLAN**

**A Sub Plan of the NSW Emergency Management Plan**

**September 2014**

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# 1 INTRODUCTION

## 1.1 Aim

This plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety

This plan is designed to augment and be complementary to the current arrangements for the management of hazardous materials as detailed in the Hazmat/CBRN Emergency Plan.

## 1.2 Background

As a result of some larger scale events, such as natural disasters, asbestos debris may be present in the community for a prolonged period of time beyond that normally required to resolve a hazardous materials incident i.e. days or weeks. This extended period required to render the hazard safe can increase the potential for the community to be exposed to airborne asbestos and will delay recovery, increase costs and cause undue community distress. This plan has been prepared to clarify the arrangements for a more timely resolution of such cases in order to protect public health and safety.

## 1.3 Context

An event involving the release or disturbance of significant amounts of asbestos containing materials will generally require a multi-agency coordinated response utilising specialised resources such as occupational hygienists, and licensed asbestos assessors and/or appropriately licensed asbestos removalists.

The [NSW State-wide Asbestos Plan](#) (2013) and the [Asbestos Blueprint](#) (2011) were developed by the 'Heads of Asbestos Coordination Authorities' (HACA) as authoritative conceptual guidelines for the management of asbestos. The *State-wide Asbestos Plan* describes the principles for the safe management of asbestos in NSW, while the *Asbestos Blueprint* outlines the role and responsibilities of State and Local Government agencies. HACA comprises the following agencies:

- [WorkCover Authority NSW \(Chair\)](#)
- [Ministry of Health](#)
- [Environment Protection Authority](#)
- [Department of Trade and Investment Regional Infrastructure and Services \(Mines\)](#)
- [Department of Planning and Environment](#)
- [Division of Local Government](#)
- [Ministry for Police and Emergency Services](#)
- [Workers Compensation Dust Diseases Board](#)

- [Local Government NSW](#)
- [NSW Public Works](#)
- [NSW Ombudsman](#)

This plan expands on the Asbestos Blueprint principles describing how they apply to the management of asbestos encountered during the response and recovery phases of an incident or emergency. It is directed towards the management of asbestos contamination that may be associated with contemporary events such as fire, flood, storm or explosion.

This plan operates within the context of and does not override the following NSW legislation, emergency management plans and arrangements:

- Relevant legislation regarding emergency management, land use planning, work health and safety (WH&S), public health and environmental protection.
- NSW State Emergency Management Plan (EMPLAN)
- NSW Hazardous Materials / Chemical, Biological, Radiological, Nuclear Management Plan (Hazmat Plan)
- NSW Recovery Plan
- Regional Emergency Management Plans
- Local Emergency Management Plans
- State Bush Fire Plan
- State Flood Sub Plan
- State Storm Sub Plan.

## **1.4 Limitations**

This plan does not cover the management of asbestos from illegal dumping or landfilling, or where the asbestos contaminated material is the legacy of historical on-site poor waste management practices. Nor does it cover the non-emergency management of asbestos in communities where individual events over a period of time have led to a concentration of derelict properties constructed from asbestos containing materials.

## 2 ASBESTOS RISKS

### 2.1 General

An overview of asbestos and general asbestos risks can be found in the [NSW State-wide Asbestos Plan](#).

### 2.2 Asbestos in an Emergency

If not properly managed, asbestos debris generated by an incident or emergency has the potential to present a risk to public health and risks can increase when the material is disturbed. If precautions are taken to minimise the release and inhalation of asbestos fibres, the risk of exposure may be low. A number of simple methods may be used to help prevent fibres from becoming airborne. These methods include:

- Preventing human access to areas of asbestos debris;
- Wetting the surfaces of the debris before working in the area;
- Covering the debris with plastic sheeting; and
- Spraying the debris with a temporary dust suppressant solution such as PVA glue.

The resulting debris from a fire or storm damaged building that contains asbestos containing materials does not generate significant levels of asbestos fibres in the air unless it is disturbed.

A review by the UK Health Protection Agency on the public health significance of asbestos exposures from large scale fires found that, if appropriate clean-up procedures are followed, there is no significant public health risk resulting from asbestos exposures from large scale fires.

### 2.3 Risk Management Model

Asbestos only represents a risk to people if elevated quantities of airborne fibres are generated and such elevated levels of these fibres are inhaled. If dust is not generated or personal protective equipment is worn, potential risk from asbestos is avoided.

The objective measure of risk from asbestos is the determination of the asbestos fibre concentration in air and comparison with contemporary health standards. This determination requires specialist resources and may take some time to obtain results. It might not always be practicable or warranted to undertake such sampling if the potential risk and consequential response actions can be readily determined by an experienced person.

## 3 ARRANGEMENTS

### 3.1 Render safe

When asbestos is identified during an incident or emergency, the combat agency will carry out the following initial actions to render the hazard safe:

- **prevent access** to the immediate area which may contain damaged asbestos material. This can be achieved by limiting public use of road(s) to the area, signage and/or fencing.
- **control dust** by either damping down with water (but not flooded) or spray with PVA glue or cover with tarps or plastic sheeting.

These actions may need to continue until the asbestos containing materials is removed and the site is cleaned up or expert advice is obtained that an asbestos risk is not present.

### 3.2 Responsibility for clean-up

Responsibility for clean-up and removal of asbestos resulting from an emergency rests with the person or company responsible for the asbestos material or the owner of the site from which the asbestos originated. Where necessary, the appropriate regulatory authority (usually the local council or the EPA) can direct clean-up operations using powers under Part 4.2 of the *Protection of the Environment Operations Act 1997*.

If the circumstances of the event mean that the responsible person is not able to carry out clean-up in a timely manner and there is an elevated risk to public health and safety, then consideration should be given to activating the funding arrangements outlined below to facilitate clean-up by a public authority.

### 3.3 Funding for the management of asbestos

The responsible person (or their insurer where covered) is liable for the cost of clean-up. If a public authority or an authority approved by the Government undertakes clean-up action, then the public authority or delegated authority may recover costs from the responsible person under Part 4.5 of the *Protection of the Environment Operations Act 1997*.

Clean-up action must be taken without delay in some situations in order to protect public health and safety and it may not be practicable to require the responsible person to pay in the first instance. This may be the case where:

- Action needs to be taken to protect the community;
- The responsible person cannot be identified or is unable or unwilling to fund the clean-up at the time;

- The clean-up response is on a scale that is beyond the resources of the responsible person to manage; or
- The scale of the event means that there are many responsible persons and it would be inefficient to require clean-up by all of them individually.

To speed up the safe resolution of uncontained asbestos in the public environment there are two sources of potential funding available to aid in its management provided that the funding criteria are met. The objective of this funding is to minimise delays that may increase the risk to public health and safety or result in greater environmental harm. Faster clean-up following an asbestos emergency will reduce recovery times and total clean-up costs.

### **3.4 Emergency Funding under the Environmental Trust Act**

The Environmental Trust's Emergency Pollution Clean-Up Program (EPCUP) is funded under section 16 of the *Environmental Trust Act 1998*. It may be spent on measures for the removal, dispersal or mitigation of serious pollution, when those measures need to be taken immediately; and measures for the analysis, removal, storage, treatment or disposal of waste material that has been placed or disposed of on premises unlawfully, when no other person accepts responsibility for taking those measures.

EPCUP funds may be used to reimburse emergency clean-up costs incurred by local councils following approval by the EPA. Due to the nature and amount of the funding program it is only suitable for smaller-scale events, such as clean-up from a single property, and only then if the annual allocation has not been expended.

Further information on EPCUP can be provided by the EPA officer advising on the incident or at <http://www.environment.nsw.gov.au/grants/EPCUP.htm>

### **3.5 Disaster Assistance Guidelines**

The Ministry for Police and Emergency Services has published the NSW Disaster Assistance Guidelines (DAG) under the Natural Disaster Relief and Recovery Arrangements. The DAG provides for immediate financial assistance of up to \$200,000 in extraordinary circumstances where asbestos containing material from multiple damaged residential properties presents an unacceptable risk to the health and safety of the public. Funding will be made available to NSW Public Works to clean up and/or remove the asbestos containing materials in a timely manner in order to protect public health and safety and streamline recovery efforts.

Further information on the DAG is available at <http://www.emergency.nsw.gov.au/content.php/881.html>. Activation of this funding arrangement is outlined in Section 3.6.

### 3.6 Activation of Disaster Assistance Guideline Funding

The provision of funding under the DAG requires certain criteria to be met. Section 4 provides an outline of the roles of each agency mentioned below.

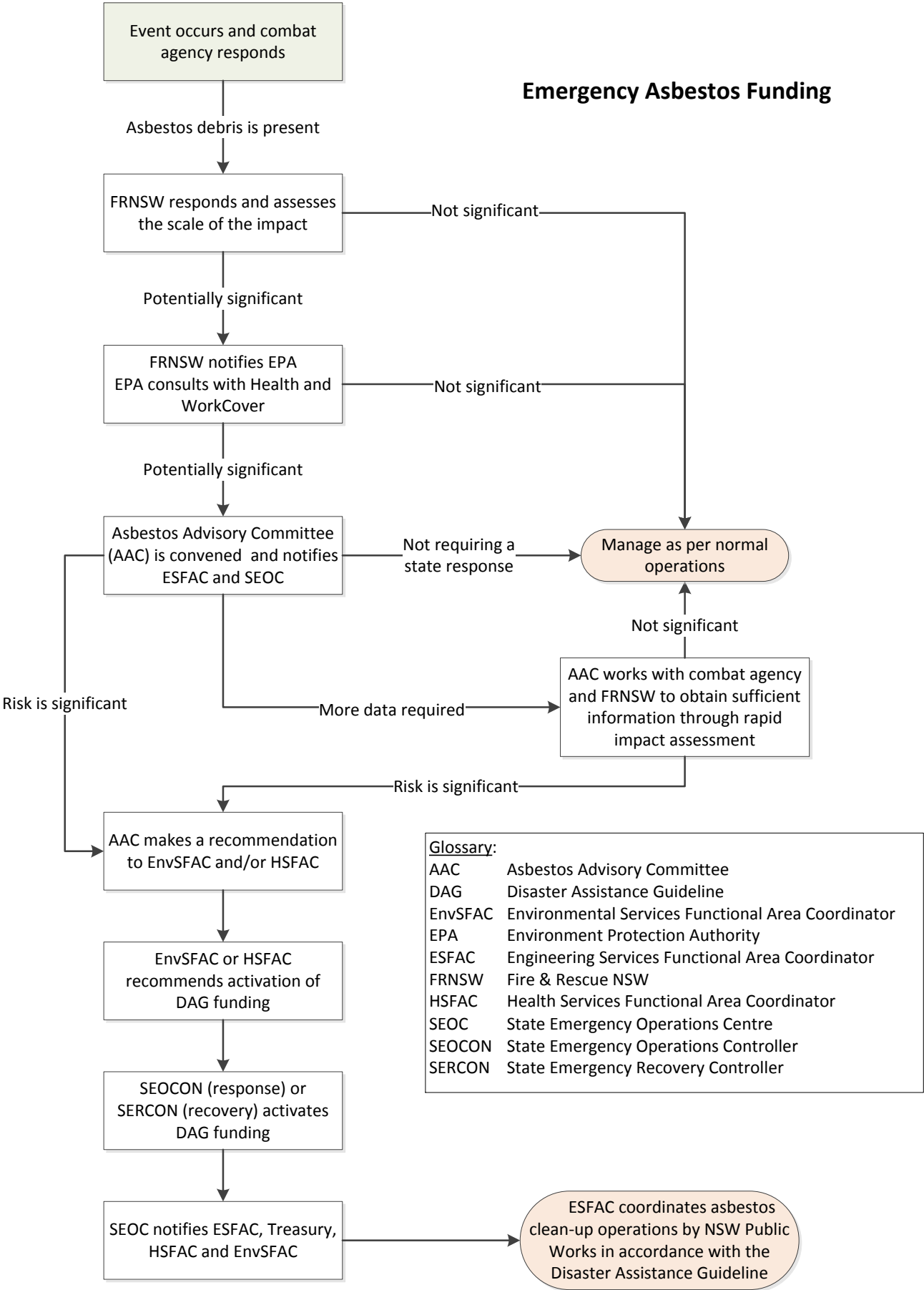
The process to authorisation is as follows:

- 1 Fire and Rescue NSW (FRNSW) is notified of a potential asbestos emergency and provides an operational response as the combat agency for hazardous materials incidents.
- 2 FRNSW will notify the EPA in accordance with the memorandum of understanding for hazmat incidents.
- 3 If warranted, EPA will convene the Asbestos Advisory Committee (AAC) with NSW Health and the WorkCover Authority. NSW Health and/or the WorkCover Authority may also convene the AAC. SEOC and the Engineering Services Functional Area Coordinator (ESFAC) will be notified that the AAC is convened.
- 4 The AAC will assess the available evidence and may request assistance from FRNSW or other agencies or emergency service organisations to gather more evidence.
- 5 The AAC will make a recommendation on the activation of the Disaster Assistance Guideline (DAG) to the Environmental Services Functional Area Coordinator (EnvSFAC), or the Health Services Functional Area Coordinator (HSFAC).
- 6 EnvSFAC or HSFAC will make a recommendation to the SEOCON during the response phase of an asbestos emergency, or the SERCON during the recovery phase of an asbestos emergency.
- 7 SEOCON or SERCON will make a decision on the activation of the DAG and advise SEOC.
- 8 SEOC will notify ESFAC, NSW Treasury, EnvSFAC/HSFAC and the AAC. .
- 9 ESFAC will arrange for Public Works to oversees the works in accordance with the Disaster Assistance Guideline and in consultation with the AAC, the local council, NSW Treasury and the SEOCON/SERCON.

The activation of this funding is outlined in the flow chart on the following page.



# Emergency Asbestos Funding



**Glossary:**

AAC	Asbestos Advisory Committee
DAG	Disaster Assistance Guideline
EnvSFAC	Environmental Services Functional Area Coordinator
EPA	Environment Protection Authority
ESFAC	Engineering Services Functional Area Coordinator
FRNSW	Fire & Rescue NSW
HSFAC	Health Services Functional Area Coordinator
SEOC	State Emergency Operations Centre
SEOCN	State Emergency Operations Controller
SERCON	State Emergency Recovery Controller

**Notes:**  
 The Hazmat/CBRN Sub Plan may also be activated but is not necessary for the DAG funding.  
 Each decision maker may disagree with any recommendation and take an alternate course of action.

### **3.7 Participation of the Insurance Industry**

Beyond the immediate assistance provided through the DAG to address the risk to public health and safety from asbestos in the community, there may be events where a more holistic and coordinated government response is warranted. In such cases the Government will consider a multi-faceted response to assist residential homeowners that takes into account social and economic factors including the degree of insurance cover. Commercial premises will be excluded from the Government's financial support.

Further to the Government's commitment in November 2013 to work in partnership with insurers, made in the context of approving an assistance package for homes destroyed in the October Blue Mountains bushfires, a memorandum of understanding will be developed with the insurance industry, adopting a shared operational and funding responsibility approach for future natural disaster events that involve asbestos contaminated debris.

## 4 ASBESTOS EMERGENCY MANAGEMENT ROLES

The [Asbestos Blueprint](#) Scenario Map 6 – Emergency Management, details government agency responsibilities, and which agency has the lead role for eight different scenarios involving the management of asbestos. The [Hazmat/CBRN Sub Plan](#) specifies agency roles and responsibilities with respect to managing hazardous materials incidents. The [NSW State Emergency Management Plan](#) (EMPLAN) describes agency roles and responsibilities with respect to emergency management. This section expands and clarifies the roles and responsibilities for each agency in responding to and recovering from an emergency asbestos situation.

### 4.1 State Emergency Operations Controller (SEOCN)

The **SEOCN** is responsible for:

- Authorisation of emergency asbestos funding under the Disaster Assistance Guideline during the response phase and notification of relevant agencies.
- Handover of all relevant information on the management of asbestos to the SERCON when the response phase is complete.

### 4.2 State Emergency Recovery Controller (SERCON)

The **SERCON** is responsible for:

- Authorisation of emergency asbestos funding under the Disaster Assistance Guideline during the recovery phase and notification of relevant agencies.
- Handover of all relevant information on the management of asbestos to the local council when the asbestos management component of the recovery phase is complete.

### 4.3 Local Recovery Committee

The **Local Recovery Committee**, where one is formed, will:

- Coordinate development of the recovery action plan.
- Make strategic decisions on recovery objectives.

### 4.4 Ministry for Police and Emergency Services (MPES)

**MPES** is responsible for the coordination of recovery functions and financial assistance provided by government. They provide the framework to prepare for and recover from natural disasters. MPES will:

- Support the establishment of the local recovery committee.

- Establish and lead the recovery coordination team to implement the recovery action plan.
- Work with NSW Public Works in monitoring any approved financial assistance package related to asbestos management and clean-up.

#### 4.5 NSW Police Force

**NSW Police Force** (NSWPF) will provide support as requested in accordance with the emergency management arrangements in an asbestos emergency.

#### 4.6 Fire and Rescue NSW

**Fire and Rescue NSW** (FRNSW) is the combat agency for hazmat incidents on land and inland waters. In an asbestos emergency, FRNSW will:

- Consider recommending the activation of Hazmat/CBRN Plan and/or the emergency asbestos funding arrangements.
- Complete initial on scene assessments of asbestos contaminated material following an emergency event.
- Render safe, as is reasonably practicable, the asbestos containing materials pending final clean up and removal.
- Provide assistance as appropriate and where resources are available during the recovery phase.

#### 4.7 Rural Fire Service

The **Rural Fire Service** (RFS) is the combat agency for bushfire emergencies and a participatory agency for a hazardous materials emergency within an RFS response area. In an asbestos emergency due to a bushfire the RFS will:

- On suspecting the presence of asbestos, immediately notify FRNSW.
- Use specialist personnel to undertake rapid building impact assessments and provide reports and data to relevant agencies.
- Provide support by maintaining scene safety pending the arrival of FRNSW Hazmat resources, initiating fire-fighting operations and providing bulk water supplies for decontamination purposes.

## 4.8 State Emergency Service

The **State Emergency Service (SES)** is the combat agency for flood and storm emergencies and maintains a disaster assistance capability. In an asbestos emergency due to a flood or storm the SES will:

- On suspecting the presence of asbestos, immediately notify FRNSW.
- Provide support to emergency services by maintaining scene safety and isolating the scene pending the arrival of FRNSW.

## 4.9 Environment Protection Authority

The **Environment Protection Authority (EPA)** is the lead agency for the Environmental Services Functional Area. During an asbestos emergency the EPA will:

- Consider recommending the activation of Hazmat/CBRN Plan and/or the emergency asbestos funding arrangements.
- Provide advice regarding the classification, transport and disposal of waste containing asbestos;
- Liaise with other agencies on the protection of the environment;
- Take regulatory action as appropriate;
- Participate in the Asbestos Advisory Committee.

## 4.10 WorkCover NSW

**WorkCover NSW** has responsibility for investigations and enforcement of Work Health and Safety (WHS) legislation. They may also provide resources to monitor and manage WHS risks, provide advice on legislative compliance, and support FRNSW, NSW Police Force, other emergency services and regulators following emergencies. During an asbestos emergency Workcover NSW will:

- Provide specialist technical advice on asbestos and other WHS issues;
- Provide clear public messages about risks to workers from asbestos and other WHS risks via the Public Information Functional Area Coordinator (PIFAC);
- Participate in relevant committees such as the Asbestos Advisory Committee and the Local Recovery Committee.

## 4.11 NSW Health

**NSW Health** is a supporting agency and provides health services in accordance with the Health Services Supporting Plan (HEALTHPLAN). During an asbestos emergency NSW Health will

- Consider recommending the activation of Hazmat/CBRN Plan and/or the emergency asbestos funding arrangements.
- Provide clear public messages about risks to public health from asbestos via the Public Information Functional Area Coordinator (PIFAC);.
- Participate in the Asbestos Advisory Committee.

## 4.12 NSW Public Works

**NSW Public Works** is the coordinating agency for the Engineering Services Functional Area and is responsible for the provision and coordination of engineering support and resources. During an asbestos emergency, subject to authorisation and funding, NSW Public Works will:

- Estimate costs for initial clean-up of asbestos contaminated material;
- Oversee on-site recovery operations regarding asbestos contaminated materials;
- Engage an occupational hygienist to advise on asbestos management risks;
- Engage asbestos removalists/contractors;
- Ensure that each site has reached clean up certification;
- Consult with the Asbestos Advisory Committee when carrying out the above.

## 4.13 Land and Property Information

The **Land and Property Information** (LPI) division of the Office of Finance and Services is the key provider of land administration services in NSW. During an asbestos emergency LPI will:

- Coordinate the collection, storage and use of spatial information in a multi-agency event when requested.
- Provide relevant geospatial information and perform mapping and spatial analysis to support the agencies involved with the response and recovery effort.
- Undertake approved capture of aerial imagery over a declared emergency event at the request of an emergency service organisation and subject to technical and resource considerations. LPI will offer other options if it is unable to satisfy the request. Unless specified, there will be no embargo on the supply of the imagery to other parties and the imagery will also be loaded onto LPI's externally facing SIX Channels.

## 4.14 Local councils

**Local councils** are a participating agency for hazmat incidents and emergencies, being responsible for:

- Providing assistance with information related to the site and/or facility;
- Providing engineering resources and equipment for response and recovery operations;
- Providing property information including past land use and known contamination;
- Recording information about any on-site waste disposal on relevant planning certificates;
- Issuing clean up or prevention notices under the POEO Act as required. Alternatively councils may act under the *Environmental Planning and Assessment Act 1979* section 121b.

## 4.15 NSW Treasury

**NSW Treasury** manages the State's financial assets, including funding provided under the Asbestos Disaster Assistance Guideline.

During an asbestos emergency NSW Treasury will:

- Release funds to NSW Public Works when appropriate authorisation has been made in accordance with the Disaster Assistance Guideline.
- Consult with NSW Public Works, the relevant combat agency and the AAC in cases when funding is required beyond the first \$200,000 and rapidly release those funds subject to receipt of risk-based justification and costings.
- Coordinate approval of any financial assistance package through Cabinet.

## 4.16 Asbestos Advisory Committee

The **Asbestos Advisory Committee** (AAC) is a concept that was created specifically for the emergency asbestos funding arrangements. It is similar to the remediation working group described in section 75 of the Hazmat/CBRN Plan, although its authority is from the Heads of Asbestos Coordination Authorities (HACA). The AAC is convened when the emergency asbestos funding arrangements are being considered.

The AAC comprises senior staff of the WorkCover Authority, EPA, and NSW Health who have expertise in assessing potential human health risks to the community from asbestos. When activated the AAC will:

- Consult closely with the combat agency, the LEOCON, the PIFAC, Public Works, the local council, the SERCON and the Local Recovery Committee as appropriate.
- Use a risk-based approach to assess available information and determine whether there is a significant risk to public health and safety from asbestos containing material in the community.
- Make a recommendation on whether emergency asbestos funding may be authorised in accordance with the Disaster Assistance Guideline. In the recommendation the AAC will provide its reasoning and justification. This recommendation may change as further information becomes available, acknowledging that in the early stages of an event there may be incomplete or incorrect information.
- If requested, provide personnel who may speak authoritatively on risks to public health and safety from asbestos debris in the community.