Australian Government
Department of Foreign Affairs and Trade

ENVIRONMENTAL AND
SOCIAL SAFEGUARD POLICY

ENVIRONMENTAL AND
SOCIAL SAFEGUARD

GUIDELINE TO MANAGING ASBESTOS RISK

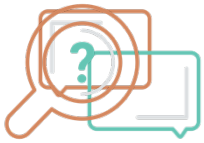
Australian Aid

CONTENTS

1. INTRODUCTION

This guideline is for DFAT staff, delivery partners and specialists involved in implementing DFAT program investments and informs how DFAT'S *Policy on managing asbestos risk* (asbestos policy) should be implemented.

Key messages



The use of asbestos and Asbestos-Containing Materials (ACM) is not permitted in any new Australian funded aid investment or activity, regardless of value, partner arrangement or funding mechanism. This restriction applies even if ACM can be legally obtained and used in the partner country.

New aid investments and activities must be screened for asbestos risks. Identified risks must be assessed and managed in the design and implementation phases of investments in a way that is consistent with this guideline.

If investments involve working with infrastructure or buildings that may contain ACM, or if ACM is encountered when implementing existing investments, it must be managed in a way that is consistent with this guideline and, if relevant, the Workplace Health and Safety Management System guidance on asbestos management (WHSMS Procedure 7: Asbestos Management).

It is important to identify asbestos risks early in the planning and design of investments. The management of asbestos risks can be complex and costly, resulting in time and resource implications.

2. DFAT'S POLICY APPROACH

Australian legislation, partner country laws and multilateral agreements may apply to program investments involving ACM. The following section outlines practices to help eliminate or manage asbestos risks.

DFAT has an obligation under the Commonwealth *Work Health and Safety Act 2011* (WHS Act) and the *Work Health and Safety Regulations 2011* (WHS Regulations) to ensure, so far as is reasonably practicable, the health and safety of DFAT workers and others. DFAT's duty may be shared with others depending on the nature of the aid investment.

Under the WHS Regulations, DFAT must ensure, so far as is reasonably practicable, exposure at the workplace to airborne asbestos is eliminated, and potential exposure minimised. If you think an investment workplace could be exposed to ACM, you should contact whs@dfat.gov.au for guidance. DFAT's Work Health and Safety Management System (WHSMS) Procedure 7: Asbestos Management provides guidance on the application of the WHS Regulations overseas.

The WHS Regulations provide for measures including the identification (by a competent person) of asbestos that is found and its location, and registration, as well as the development and maintenance of an Asbestos Management Plan.

Key resources

Work Health and Safety Act 2011

Work Health and Safety Regulations 2011 and Codes of Practice

Workplace Health and Safety Management System Guidance on Asbestos Management (WHSMS Procedure 7: Asbestos Management)

Safe Work Australia Codes of Practice – *How to Manage and Control Asbestos in the Workplace* and *How to Safely Remove Asbestos*.

Hazardous Waste (Regulation of Exports and Imports) Act 1989.

DFAT's Environmental and Social Safeguard Policy for the Aid Program and Operational Procedures

DFAT's Safeguard Guidance: Managing Health and Safety Risks in the Aid Program (forthcoming)

In practice: What is reasonably practicable?

Reasonably practicable means that which is, or was at a particular time, reasonably able to be done to ensure health and safety, taking into account and weighing up all relevant matters including:

- ☑ The likelihood of hazard occurring
- ☑ The degree or harm that might result from exposure to ACM
- ☑ What the person concerned knows, or ought to reasonably know, about the hazard or risk, and the ways of eliminating or minimising the risk
- ☑ The availability and suitability of ways to eliminate the risk
- ☑ After assessing the extent of the risk, the available ways and cost of eliminating or minimising the risk, including whether the cost is disproportionate to the risk.

For further guidance, consult Safe Work Australia guidance - *How to determine what is reasonably practicable to meet a health and safety duty*

Safe Work Australia Codes of Practice – *How to Manage and Control Asbestos in the Workplace* and *How to Safely Remove Asbestos* provide detailed guidance on how to identify the presence of asbestos and how to implement measures to eliminate or reduce the risk of exposure to airborne asbestos fibres in Australia.

The WHS Regulations and Safe Work Australia Codes of Practice are a best practice model for asbestos management and were written for application in Australia. Identifying asbestos management measures that are reasonably practicable will depend on the context and location of the aid activity. Not all options will be feasible in some partner countries due to limited capacity, available technological resources and suitable infrastructure. Appropriately qualified technical expertise may be required to identify reasonably practicable measures that can be taken.

The *Hazardous Waste (Regulation of Exports and Imports) Act 1989* requires a permit to be obtained before hazardous waste (including asbestos) is imported or exported to and from Australia. *The Customs (Prohibited Imports) Regulations 1956* prohibits the importation of asbestos and products containing asbestos into Australia unless permission is obtained under that Act.

Under the *Environment Protection and Biodiversity Conservation Act 1999*, DFAT also has obligations to ensure environmental impacts of its investments, including work involving asbestos and its disposal, are assessed and managed. This guideline complements DFAT's *Environmental and Social Safeguard Policy for the Aid Program*.

Partner countries may have their own legislation and policies for managing asbestos, worker health and safety, and environmental impacts with which DFAT must comply. However, even where counterpart legislation applies and is implemented, DFAT must also comply with any relevant Australian laws and policies.

3. WORKING WITH PARTNERS

DFAT must comply with partner country laws on the management of asbestos. DFAT must also ensure that asbestos is managed in a way that is consistent with the asbestos policy even if a partner organisation has its own systems for asbestos management.

DFAT's commitment to managing risks associated with asbestos extends beyond the DFAT workplace. Irrespective of who DFAT works with, it remains DFAT's policy to ensure partners have policies and procedures in place to:

- ☑ Prevent the use of ACM
- ☑ Manage existing asbestos risk (such as the presence of asbestos in existing infrastructure) in a way that is consistent with the Asbestos Policy.

Some of DFAT's developing partner countries have legislation to regulate and control ACM use and disposal. Where partner country laws and regulations pertaining to asbestos exist, requirements under these instruments should be assessed against applicable Australian laws and regulations to determine their compatibility with DFAT's requirements.

DFAT does not permit the use of asbestos in new Australian aid investments, even in circumstances where the department is not in control of a workplace. This applies to investments that are co-financed and implemented through development partners, such as multilateral development banks. DFAT should ensure there are measures in place to prevent the use of asbestos. Measures can include prescribing no asbestos use and ensuring there are compliance mechanisms in investment designs and agreements with delivery partners.

DFAT's approach to managing asbestos risks will be influenced by factors including: the nature of the aid investment; partner country laws and regulatory enforcement capacity; the type of aid program delivery arrangement; and local resources and capacity.

In practice — when working with partners, consider

- ☑ Does the partner donor or government permit the use of ACM in building materials?
- ☑ Does the delivery partner have effective measures in place to identify and prevent the use of ACM?
- ☑ Are there systems in place to identify and manage asbestos risk in existing construction?
- ☑ Do partner governments have appropriate waste disposal facilities available?
- ☑ Are they aware of Australia's policy banning ACM use in new official development assistance activities?

Where investments support work where asbestos may be encountered, such as demolishing or refurbishing buildings, DFAT should ensure an appropriately qualified expert is engaged to manage the risk of asbestos exposure to the extent that it is reasonably practicable and in a way that complies with partner country laws and policies.

DIFFERENT STANDARDS

Partner country laws and donor standards and practices for asbestos management or disposal may not be of a standard acceptable to DFAT. They may lead, for example, to inadequate identification, management and disposal of asbestos, such as poor encapsulation and personal protection, dumping, or placement at an unsecured landfill.

While many partners in Australia's aid program have policies to limit the use of ACM, they still permit its use in some circumstances. For example, the World Bank Group and the Asian Development Bank allow the use of bonded asbestos cement sheeting where the asbestos content is less than 20 per cent.

A summary of some key partners' asbestos policies is at Appendix A.

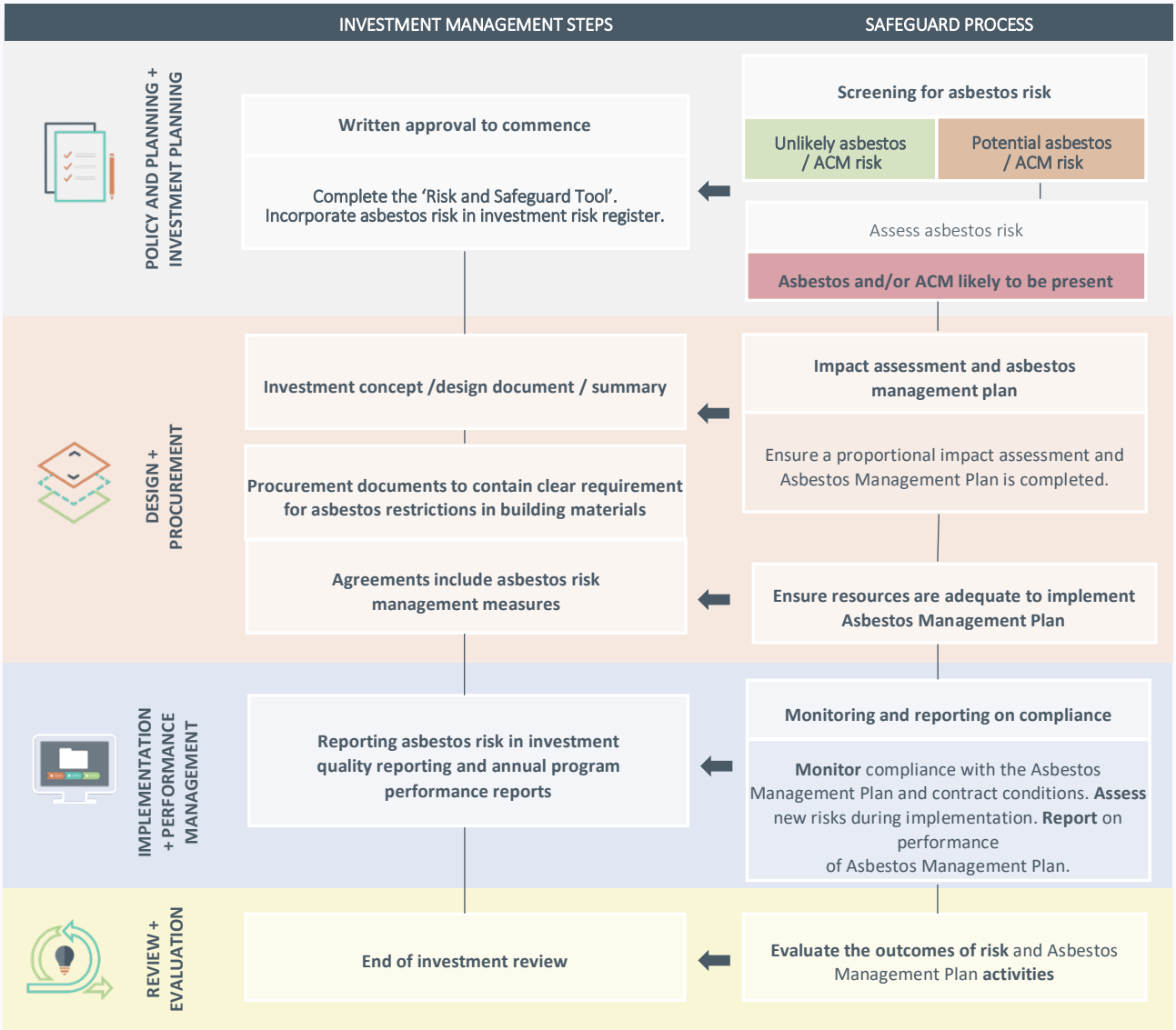
Supplies and materials used in aid must not contain any asbestos. Local standards in some supplier countries may classify goods 'asbestos free' where they meet a certain low level of asbestos content. This would not comply with DFAT's policy and suitable non-asbestos alternatives should be used.

4. MANAGING ASBESTOS RISK IN THE AID MANAGEMENT CYCLE

This section outlines how to identify and manage asbestos risks through assessment and management plans.

Figure 1 provides an overview of the steps taken at each phase of the Aid Management Cycle to manage asbestos risk in the aid program.

FIGURE 1: APPLYING ASBESTOS RISK MANAGEMENT IN THE AID MANAGEMENT CYCLE



Asbestos screening

All new aid investments must be assessed to identify potential asbestos risks as early as possible. Complete the Safeguard Screening Checklist at the Risk and Safeguard Tool.

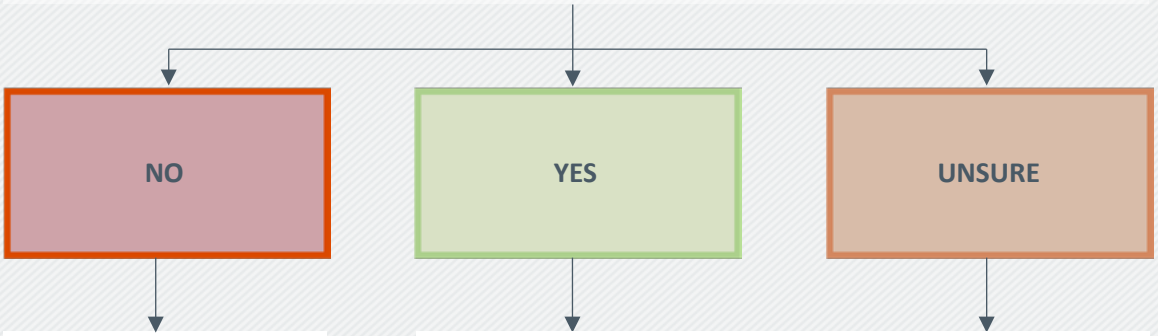
FIGURE 2: SAFEGUARD SCREENING — RISK AND SAFEGUARD TOOL

HEALTH AND SAFETY

Could the investment involve risk of exposing workers and/or communities to asbestos?

When answering the asbestos question at the Safeguard Screening Checklist, consider if the investment involves any of the following activities where asbestos or ACM is commonly involved:

- ☑ Construction of new buildings and the reconstruction and renovation of existing buildings, such as, schools in education programs and hospitals in health programs
- ☑ Humanitarian post-disaster response and reconstruction work especially where buildings have been damaged
- ☑ Water sanitation and hygiene investments
- ☑ Water, wastewater and power infrastructure
- ☑ Maintenance, demolition, removal/renovation, transportation and disposal of wastes associated with any of the above activities.



If you answer **NO**, your concept is unlikely to involve asbestos risks:

i. Remain alert to the potential for asbestos risks — if there is any doubt assume asbestos is present.

ii. Continue your concept / design as per the Aid Programming Guide.

If you answer **YES** or **UNSURE** your investment has the potential or is likely to involve asbestos and/or ACM. You should:

i. Proceed with the assumption that ACM may be present, until further investigation confirms otherwise. Incorporate potential asbestos risk in the investment risk register.

ii. At the investment concept/design phase, identify risks related to asbestos and how they will be assessed and managed (such as, development and implementation of an Asbestos Management Plan). Remember, managing asbestos risks can be complex and significantly affect investment design and cost.

Design and implementation

If DFAT is responsible for the design and implementation:

i. Ensure an asbestos risk screening is undertaken before or during design.
ii. If assessment indicates potential presence or use of ACM, determine whether DFAT has control over a workplace and ensure that the design provides for any existing asbestos to be identified, managed and disposed in a way that is consistent with the WHS Regulations and Codes of Practice; WHSMS Procedure 7: Asbestos Management, including an Asbestos Management Plan. This is likely to require engaging external technical expertise.
iii. Ensure asbestos risks and provisions for its management are identified in the delegate approval to commit funding to an aid activity or investment.
iv. Ensure the design provides that asbestos will not be used in construction or other activities, and tender and agreement documents contain clear proscriptions on ACM use.
v. Detail responsibilities for ongoing asbestos risk identification management and monitoring in aid activity and investment agreements.
vi. Ensure adequate resources are allocated to manage asbestos risks throughout investment implementation.

If a partner is designing or implementing the investment you should:

i. Ensure the partner is aware of DFAT's policy banning the use of asbestos and ACM in new activities.
ii. Review the partner's asbestos policy, if they have one.
iii. Ensure an asbestos risk assessment and management approach is included in the delegate approval to commit funding to an aid activity or investment.
iv. Ensure an asbestos risk assessment is undertaken before or during design and that design includes or provides for an Asbestos Management Plan (including its disposal) guided by appropriately qualified technical experts.
v. Ensure partner systems will ensure any Asbestos Management Plan is effectively implemented, including if possible, for tender and agreement documents to include requirements for ACM management.
vi. Ensure adequate resources are allocated to implementing the Asbestos Management Plan.
vii. Detail responsibilities for asbestos risk management, monitoring and evaluation.

The Complex Administered Aid Contract Template (for aid investments valued over $500,000), stipulates the contractor must ensure and provide certification in reports that building materials used in any way for the project **are not made of** and **do not contain** any asbestos. The Complex Request for Tender (RFT) Administered Aid Contract Template indicates tenderers must provide Information regarding their WHS Scheme.

Investment and performance management

If asbestos risks are identified in existing investments, a risk assessment and management plan should be developed and implemented without delay.

Where the management of asbestos risks is a key objective or represents an operational risk to the success of an aid activity, consideration should be given to undertaking a review of the effectiveness of any ACM risks management or control measures.

Delegates and aid activity managers should ensure any requirements to identify and manage asbestos are included in delivery arrangements. Activity managers should ensure that:

Contract documents and agreements include relevant asbestos management measures as identified in the design phase.

There is adequate monitoring and reporting of contracted Asbestos Management Plan measures.

Any new or emerging risks are assessed and included in the Asbestos Management Plan as appropriate.

Development assistance for asbestos management

DFAT has supported a number of initiatives to help identify and manage asbestos risks in the region including those summarised below:

Australian asbestos management support to partner countries

- In the Pacific region, Australia is supporting the Secretariat of the Pacific Environment Programme to pursue its PacWaste program which includes a focus on surveying asbestos in the region. Developing Asbestos Management Plans were developed for partner countries and undertaking clean-up and disposal works at the highest priority locations in the region, including at some locations on Nauru.
- In Papua New Guinea, DFAT established a specialised team to centralise the handling of ACM in Australia's development program. The initiative provides training in the safe handling and disposal of ACM and allows local contractors engaged on Australian aid funded projects to obtain a Class B licence where there is a requirement to remove ACM. This will build a cohort of local contractors qualified in best practice approaches to handling ACM and build awareness in PNG of the dangers of this commonly used building material.
- Through the Australia's Education Partnership with Indonesia program, DFAT has worked with the Indonesian Ministry of Education and Culture's (MOEC) to ban the use of asbestos in schools funded by Australia and the ministry. As part of this program, Australia's assistance has supported the development and implementation of technical guidelines for MOEC and delivery of training to school construction committees and construction management consultants.
- Through the Direct Aid Program, the Australian Embassy in Phnom Penh is supporting the Australian People for Health Education & Development Abroad Inc. (Union Aid Abroad APHEDA) to raise awareness of the health risks associated with asbestos use amongst relevant ministries, employer groups, trade unions and workers - through training of peer educators, workshops and development of training materials. This project has been successful in raising knowledge of the dangers of asbestos with the Government of Cambodia.

Scenario: Managing Asbestos in an Education Development Investment

Policy and planning — An investment seeks to improve educational infrastructure in rural areas in a least developed country, which may include demolishing, replacing or retrofitting existing school buildings.

The Safeguard Screening Checklist in the Risk and Safeguard Tool was completed. Reviewing the asbestos screening question at **Figure 2** (page 10) indicated a potential asbestos risk.

The investment concept note outlined an asbestos risk, the need for resources to manage the risk, and the time implications of managing potential risks.

Design and procurement — As part of the investment design process, advice was sought from DFAT's employee health and safety team as to whether the worksites were DFAT workplaces under the WHS Act.

Even though it was determined there were no DFAT workers or workplaces involved, the design provided for reasonably practicable measures to be developed to manage risks to workers and communities.

To inform design, an in-country consultant was engaged through an international consulting firm to report on ACM presence, extent and condition at schools proposed for activity works.

An international asbestos management consultant was engaged to help manage and mitigate the identified asbestos risks.

Following, as far as reasonably practicable the Safe Work Australia Codes of Practice - *How to Manage and Control Asbestos in the Workplace and How to Safely Remove Asbestos,* the consultants:

- ☑ Identified ACM at the work site and developed an asbestos risk register
- ☑ Assessed the risk of exposure to airborne asbestos
- ☑ Developed an Asbestos Management Plan outlining an asbestos removal and disposal measures
- ☑ Designed training and safe work practices for workers at site to reduce risk of asbestos exposure.

The consultants also ensured the Asbestos Management Plan complied with the relevant partner country laws.

Control and management measures identified in the Asbestos Management Plan where included in the tender and contract agreement.

Contract agreements stipulated that ACM must not be used in any construction or fittings.

Implementation and performance management — An asbestos consultant was engaged to supervise the implementation of the Asbestos Management Plan and to provide regular reporting on progress to DFAT under the contract agreement.

A safety action plan was prepared by the managing contractor to implement the training on safe work practices for all workers at the worksite.

APPENDIX A: PARTNER POLICIES AND STRATEGIES ON ASBESTOS MANAGEMENT

PARTNER	POLICY	LINK
World Bank	The WBG's EHS Guidelines[1] specify that the use of ACM should be avoided in new buildings and construction or as a new material in remodelling or renovation activities. Disposal of ACM shall be carried out by specially trained individuals only following host country requirements.	https://siteresources.worldbank.org/EXTPOPS/Resources/AsbestosGuidanceNoteFinal.pdf
International Finance Corporation (IFC)	World Bank/IFC exclusion list prohibits investment in Production or trade in unbonded asbestos fibres. This does not apply to purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20%.	www.ifc.org/wps/wcm/connect/corp_ext_content/ifc_external_corporate_site/ifc+projects+database/projects/aips+added+value/ifc_project_exclusion_list
Asian Development Bank (ADB)	ADB prohibits investment in production of trade in or use of unbonded asbestos fibres. This does not apply to the purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20%.	www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf
USAID	According to its Global Environmental Management Support: Sector Environmental Guidelines Small scale construction, asbestos-containing products should never be used in new construction.	www.usaidgems.org/Documents/SectorGuidelines/SectorEnvironmentalGuidelines_Construction_2014.pdf

[1] World Bank General Environment Health and Safety Guidelines April 2007, p 34 and 71.

Secretariat of the Pacific Regional Environment Programme (SPREP)	As part of SPREP and the European Union's PacWaste Program, information on asbestos in 13 Pacific Island countries is being collected to identify how asbestos waste is managed in the region, and to enable prioritisation for improving asbestos waste management to better protect communities. SPREP and the World Health Organisation have developed an Asbestos-Free Pacific: A Regional Strategy and Action Plan 2011. This is an overarching framework for asbestos management in the Pacific. The strategy's vision is "An asbestos-free Pacific that reduces negative environmental and public health impacts in Pacific island countries".	www.sprep.org/publications/an-asbestos-free-pacific-a-regional-strategy-and-action-plan-2011 www.sprep.org/attachments/Publications/WMPC/Asbestos_Disposal_Options_2014.pdf www.sprep.org/pacwaste/resources/country-profiles