

Managing the risk of asbestos at the border - Exports

The health risks posed by exposure to asbestos are well known. An Australia-wide ban on the manufacture and use of all types of asbestos and asbestos containing material (ACM)¹ took effect on 31 December 2003. Work Health and Safety (WHS) laws in all states and territories prohibit the supply, transport, use, or handling of asbestos unless an exception or exemption applies.

- Exportation of asbestos or ACM from Australia is prohibited pursuant to Regulation 4 of the Customs (Prohibited Exports) Regulations 1958, unless permission or exemption has been granted or a lawful exception applies.

Australia is one of the few countries with an absolute ban on asbestos. Most countries allow low amounts or particular types of asbestos (for example, chrysotile can be used in certain countries). Goods manufactured outside Australia can be labelled “asbestos free” and still contain a low amount or type of asbestos. Such goods will not be permitted for import into Australia, except in very limited circumstances where permission has been granted, or an exemption applies.

What type of asbestos is prohibited?

The import and export of fibrous (asbestiform) forms of asbestos is prohibited. These are mineral silicates from the:

- Serpentine group - chrysotile asbestos (white asbestos)
- Amphibole group - actinolite asbestos, amosite asbestos (brown and grey asbestos), anthophyllite asbestos, crocidolite (blue asbestos) and tremolite asbestos.

All forms of fibrous asbestos are highly toxic and carcinogenic to humans. Exposure to asbestos can cause cancer of the lung, larynx and ovary mesothelioma (a cancer of the pleural and peritoneal linings) and asbestosis (fibrosis of the lungs).

Penalties

Border offences relating to asbestos attract fines of up to \$180,000 or three times the value of the goods, whichever is the greater, in accordance with the Act. For a body corporate, the same border offence attracts a higher penalty of up to \$900,000 or five times the amount applied to an individual, whichever is greater, in accordance with the *Crimes Act 1914 (Cth)*.

Exporting asbestos or ACM from Australia without permission is prohibited, unless a permission or exemption has been granted or a lawful exception applies, pursuant to [Regulation 4 of the Customs \(Prohibited Exports\) Regulations 1958](#).

Ensuring the goods do not contain asbestos

It is the responsibility of importers and exporters to ensure they do not import or export prohibited goods such as asbestos. We must be assured that no asbestos is present at the time of import or export.

Goods that might contain asbestos

Asbestos has been used in a wide number of products due to its flexibility, tensile strength, insulation, chemical inertness and affordability and is still used outside Australia in many applications.

The following goods are considered a risk for containing asbestos and ACM:

- Asbestos bitumen products used to damp proof
- Asbestos rope
- Asbestos tape
- Brake linings or blocks
- Cement flat sheeting or panels
- Cement pipes, tubes or fittings
- Cement shingles or tiles (external or ceiling)
- Clutch linings or brake disc pads
- Crayons
- Diaphragms
- Ducts
- Electrical cloth and tapes
- Electrical panel partitioning
- Fire blankets
- Fire curtains
- Fire resistant building materials
- Furnaces
- Gas masks
- Gaskets or seals
- Gloves
- Heat resistant sealing or caulking compounds
- Heating equipment
- Products containing certain types of talc
- Lagging and jointing materials
- Mastics, sealants, putties or adhesives
- Mineral samples for display or therapeutic purposes
- Mixtures containing phenol formaldehyde resin or cresylic formaldehyde resin
- Friction materials for, or within, internal combustion and electric motor vehicles (for example, clutch linings, brake pads and shoes and gaskets)
- Pipe spools
- Raw materials from mining activities
- Sheet vinyl backing
- Sheeting
- Textured paints or coatings
- Tiles
- Yarn and thread, cords and string, whether or not plaited

This list is non-exhaustive and subject to change. It should be used as a guide only.

The Australian Border Force (ABF) targets goods considered to have a risk of containing asbestos. Any unauthorised goods found to contain asbestos will be seized and the importer may face penalties and/or prosecution.

Exporting prohibited and restricted goods

The Australian Government controls the export of certain goods from Australia. The controls include:

- an absolute prohibition, where you are not allowed to export the goods in any circumstances, or
- a restriction, where you need to have written permission in order to export the goods.

This website provides general guidance only on export control. It describes:

- goods that are prohibited or restricted
- where to send a request to export your goods
- where to obtain more information.

For detailed information about the regulatory requirements for exporting your product, you should contact the appropriate authority before you start the export process. *As an exporter, you are responsible for ensuring your goods meet the relevant requirements.*

Description:	<p>Asbestos refers to any of the following fibrous forms of mineral silicates from the serpentine group - chrysotile (white asbestos) and amphibole group - actinolite asbestos; amosite (brown and grey asbestos), anthophyllite asbestos, crocidolite (blue asbestos), tremolite asbestos.</p> <p>The exportation of asbestos and goods containing asbestos is prohibited unless:</p> <p>an exception applies:</p> <ul style="list-style-type: none"> • the goods are considered to be hazardous waste as defined in section 4 of the <i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i> (HW Act). Goods of this type must be exported in accordance with the Act; or • the goods are raw materials containing naturally occurring traces of asbestos. <p>an exemption has been granted:</p> <ul style="list-style-type: none"> • a state or territory authorises the export in accordance with subregulation (3); or • an exemption has been granted by the Safety, Rehabilitation and Compensation Commission. <p>a permission to export has been granted:</p> <ul style="list-style-type: none"> • export permission has been granted by the Minister for Employment. <p>Certain goods that contain asbestos and that are incorporated into other goods in a way that does not constitute a risk to users until the asbestos in the goods is disturbed, can be exported. Assurance must be provided at the border.</p>
Permits/ exemptions issued by:	<p>The following authorities can issue an exemption or permit in certain circumstances:</p> <ul style="list-style-type: none"> • The Safety, Rehabilitation and Compensation Commission • A state/territory WorkCover or SafeWork authority • The Minister for Employment through the Asbestos Safety and Eradication Agency by email at enquiries@asbestossafety.gov.au. <p>Detailed information regarding the border controls for asbestos and asbestos-risk goods is available on the Asbestos information page.</p>
More information:	<p>For information regarding export permits or Australia's domestic control of asbestos, contact the Asbestos Safety and Eradication Agency Telephone: 1300 326 148 Email: enquiries@asbestossafety.gov.au Website: www.asbestossafety.gov.au</p> <p>For more information about the domestic controls underpinning this regulation visit the SafeWork Australia website.</p>

