



Asbestos Management Legislative Reform Pathway

This initiative is supported by PacWastePlus—a 64-month project funded by the European Union (EU) and implemented by the Secretariat of the Pacific Regional Environment Programme (SPREP) to sustainably and cost effectively improve regional management of waste and pollution.



1. Identify the need for the legislation

Confirm there is an asbestos import / management problem.



2. Pre-feasibility

Identify what overarching purpose/outcome is sought from introduction of asbestos management legislation. Identify issues to be addressed (importation, storage, use, transportation, disposal, etc.) and the specific legislative environment that may be used or modified to manage the changes, and who will be responsible for system administration.



3. Political Support

Undertake internal processes to ensure there is political support to investigate the introduction of sustainable financing legislation further.



4. Establish a Taskforce

Form a multi-agency task force to work on legislative reform process. It's recommended that task force include representatives from the health, environment, Health & Safety (if separate to public health), and waste management agencies, along with Non-Government Organisation representatives where appropriate.



5. Analysis of Legislative Environment

Analysis of legislative environment, considering which laws and regulations need to be amended or developed from scratch. The focus must be on the most effective instruments to achieve the policy objectives (within the existing legislative framework for the country). For the process of developing and implementing the laws/regulations, it is recommended a lead agency be selected, along with a mechanism for ongoing inter-agency collaboration.



6. Asbestos and ACM National Action Plan

Develop Asbestos and Asbestos Containing Materials National Action Plan to provide a foundation for policy goals, roles, responsibilities, challenges, and proposed solutions. An effective plan should have clear steps, measurable actions, resource requirements, and clear timeframes.



The Plan should include National priorities, associated actions to achieve these goals, along with roles, responsibilities and monitoring actions. The type of issues that may be considered include banning the importation of asbestos/ACM, improving asbestos awareness, identifying and managing asbestos, safe asbestos removal, disposal, and regional collaboration to reduce asbestos related disease.



7. Development of an Asbestos Code of Practice

A code of practice is to advise regulatory bodies, practitioners, trades people and the public on how to undertake safe work requirements when working or encountering asbestos. It is a practical document that clearly provides information on aspects of working with asbestos, the risk associated and how to manage them.



8. Consultation

Community and business consultation be commenced early in process so that concerns can be addressed, and there is clear understanding of the underlying motivation to prevent asbestos-related disease.



9. Adopt Asbestos and Asbestos Containing Materials National Action Plan and Legislative Reform requirements

Utilising consultation feedback, complete and adopt Asbestos and Asbestos Containing Materials National Action Plan.



10. Legal Drafting

The legal drafting process to be informed by officers on the ground, i.e., customs officers, health inspectors, occupational health and safety officials, or environment ministry/department officials etc. This will ensure that any foreseeable problems are addressed at the outset.



11. Regulatory Impact Assessment

There may be a requirement for a Regulatory Impact Assessment. A regulatory impact statement provides a high-level summary of the problem being addressed, the options considered and their associated costs and benefits, the consultation undertaken, and the proposed arrangements for implementation and review. If a government determines that this step is necessary, examples from elsewhere in the region can be drawn upon to take advantage of relevant analysis



12. Consultation

Develop and implement consultation activities to test the policy and draft legislative instruments.



13. Political Support

Following the outcomes of the consultation on the Legislative Impact Analysis, confirm continued political support to introduce the system.



Confirm System Needs and Expenses

Utilising the design of the system, and the outcomes of the Asbestos and Asbestos Containing Materials National Action Plan, confirm any infrastructure, equipment, and training needed to implement the reforms.



15. Legislative Adoption Process

Once the reforms are confirmed through stakeholder consultation, and legislation drafted, and a clear understanding of the various infrastructure and contracts needed, seek the formal government adoption of the legislative instruments and the approval to implement the system. Approval is needed at this point, as past here, funding is required to engage contracts, build infrastructure, purchase equipment, implement training, and commence widespread community and industry engagement and awareness of the soon to be implemented system.



16. Customs and Finance System Creation

Develop and implement all system design needs to enable customs officials to impose the system on imports; and environmental compliance staff to undertake necessary industry compliance inspections.



17. Government Staff Training

Training of enforcement officers is likely to include customs and border control staff, and the lead agency for enforcing the ban of asbestos and ACM use (e.g. public health officers, environment officers, or Worker Health and Safety officers). The capacity building will be assisted by developing clear procedural documents, such as the Asbestos Code of Practice, which can include inventories and visual charts to identify asbestos and suspected asbestos containing materials. An important implementation measure is to review border control and customs systems to ensure appropriate measures are in place for identification and response.



18. Community & Industry Awareness

Provide an understanding of which products can no longer be imported or used, which products are at risk of containing asbestos and any source countries where asbestos and asbestos containing materials have a higher risk of occurrence. Information and communication materials are integral to informing importers and potential users of asbestos and asbestos containing materials. This information can also be distributed at community level given the amount of goods provided from family members living abroad who assist relatives through supply of building materials. Emphasizing the goal of eliminating asbestos related disease needs to be front and centre of all communications.



19. System Implementation

Implement the system as designed. Ensure open and transparent processes and continue to actively engage with the public, and waste industry on the operation and use of the system.



20. Monitoring, Evaluation & Auditing

Implement monitoring, evaluation, and auditing system – a critical component of the Asbestos and Asbestos Containing Materials National Action Plan to ensure asbestos management system is operating as expected, and that required funding is available to ensure the waste products are managed appropriately and as designed.



21. System Expansion & Improvement

Once the system has been operating successfully, review the system to see if improvements can be made, and determine if the system can be extended to outer island communities, or if additional problematic waste items should be added to the system.

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