

AUSTRALIAN CUSTOMS NOTICE NO. 2004/03

New Import Control on Asbestos

An amendment to the *Customs (Prohibited Imports) Regulations 1956* (the PI Regulations) commenced on 31 December 2003. Regulation 4C of the PI Regulations restricts the importation of asbestos and goods containing asbestos.

Asbestos can be divided into two categories: **amphibole asbestos** and **chrysotile**.

Under the provisions of this control, amphibole asbestos and goods containing amphibole asbestos can only be imported under the following conditions:

1. The amphibole asbestos occurs as a naturally occurring trace in a raw material;
2. The Minister for Employment and Workplace Relations (the Minister) or a person authorised by that Minister has confirmed that he or she has granted a permission to import the amphibole asbestos or goods; or
3. It is a hazardous waste as defined in section 4 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (the HW Act). All hazardous waste must be imported in accordance with the requirements of the HW Act.

The amendments to the PI Regulations also prohibit the importation into Australia of chrysotile or goods listed in part 1 of Schedule 3B to the PI Regulations (see Attachment A) that contain chrysotile unless:

1. The chrysotile is, or goods are, hazardous waste under section 4 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*;
2. The chrysotile is, or goods are, to be used for a purpose listed in Part 2 of Schedule 3B of the PI Regulations (see Attachment B) or for research, analysis or display, the importation is on or before the expiry date listed in the Schedule and a confirmation has been granted in respect of the chrysotile or goods by:

The Seafarers Safety, Rehabilitation and Compensation Authority (SSRCA); The Safety, Rehabilitation and Compensation Commission (SRCC); or

A relevant State/Territory occupational health and safety (OH&S) authority.

1. The Minister for Employment and Workplace Relations (the Minister) or an authorised person confirms that he/she has granted a permission to import for the purposes of research, analysis or display;
2. The goods are being imported from the Australian Antarctic Territory; or
3. The chrysotile exists as a naturally occurring trace element in a raw material.

In addition to the exclusions above, the import control does not apply to goods containing chrysotile when the good is “in-situ”. This exemption only covers instances where the good containing chrysotile has been incorporated into a separate, larger item being imported (such as a machine or vehicle) in such a way that it does not constitute a risk to users unless the chrysotile in the good is disturbed.

Further information on the controls on asbestos and asbestos goods can be found at the National Occupational Health and Safety Commission website at

[www.nohsc.gov.au/OHSLegalObligations/HazSubstancesAndDngGoods/Chrysotile.htm](http://www.nohsc.gov.au/OHSLegalObligations/HazSubstancesAndDngGoods/Chrysotile.htm). All enquiries concerning the import of asbestos should be directed to the relevant OH&S authority in each state or territory in the first instance:

# NSW – WORKCOVER

Locked Bag 2906

LISAROW NSW 2608

Phone: (02) 4321 5280

# VIC – WORKCOVER AUTHORITY

Level 24

222 Exhibition Street

MELBOURNE VIC 3000

Phone: (03) 9641 1373

# WA – WORKSAFE

Locked Bag 14 Cloisters Square PERTH WA 6850

Phone: (08) 9327 8600

Phone: (08) 9327 8631

# QLD – DEPARTMENT OF INDUSTRIAL RELATIONS

PO Box 820

LUTWYCHE QLD 4030

Phone: (07) 3247 4498

# ACT – WORKCOVER

PO Box 224

CIVIC SQUARE ACT 2608

Phone: (02) 6207 8774

# SA – WORKPLACE SERVICES

GPO Box 465

ADELAIDE SA 5001

Phone: (08) 8303 0207

# TAS – WORKPLACE STANDARDS

PO Box 56

ROSNY PARK TAS 7018

Free call 1300 366 322

# NT – WORK HEALTH AUTHORITY

GPO Box 4821

DARWIN NT 0801

Free Call 1800 019 115

The granting of exemptions for asbestos goods for use by the Department of Defence or the Australian Defence Force is the responsibility of the SRCC. As such, all queries relating to Item 4 of Part 2 of Schedule 3B (see Attachment B) should be referred to ComCare:

# COMCARE

Ph: 02 6275 0031

Ph: 02 6275 0054

GPO Box 9905

CANBERRA ACT 2601

The Minister or an authorised person may grant a permission to import for:

1. amphibole asbestos or goods containing amphibole asbestos; or
2. chrysotile or goods containing chrysotile intended for research, analysis and display.

All relevant queries should be referred to:

**Department of Employment and Workplace Relations** Safety, Compensation and International Branch Garema Court 3

GPO Box 9879

CANBERRA ACT 2601

Philomena Carnell National Manager Cargo Branch CANBERRA ACT

14 January 2004

# Attachment A

**Goods Containing Chrysotile**

A list of the goods containing chrysotile that are covered under this control are detailed in Part 1 of Schedule 3B to the PI Regulations. The following Australian Harmonised Tariff Codes may relate to asbestos goods:

|  |  |
| --- | --- |
| **COMMODITY DESCRIPTION** | **TARIFF CODE** |
| 1. Cement corrugated sheets | 6811.10 |
| 2. Cement flat sheet or panels | 6811.20 |
| 3. Cement shingles or tiles | 6811.20 |
| 4. Cement pipes, tubes or fittings | 6811.30 |
| 5. Brake linings or blocks | 6813.10 |
| 6. Clutch linings or blocks | 6813.10 |
| 7. Gaskets or seals | 6812.90 |
| 8. Sheeting | 6812.70 |
| 9. Electrical panel partitioning | 6811.20 |
| 10. Fire blankets | 6812.90 |
| 11. Fire curtains | 6812.90 |
| 12. Gloves | 6812.50 |
| 13. Asbestos tape | 6812 |
| 14. Asbestos rope | 6812.90 |
| 15. Electrical cloth and tapes | 6812 |
| 16. Yarn and thread, cords and string | 6812.90 |
| 17. Lagging and jointed materials | 6812.70 |
| 18. Tiles | 6811.20 |
| 19. Sheet vinyl backing | 6812 |
| 20. Textured paints and coatings | Chapter 32 |
| 21. Asbestos bitumen products used to damp-proof | Chapter 27 |
| 22. Heat resistant sealing or caulking compounds | 2715 |
| 23. Mastics, sealants, putties or adhesives | 3214.10 |
| 24. Mixtures containing phenol formaldehyde resin or |  |
| cresylic formaldehyde resin | Chapter 39 |
| 25. Diaphragms | 6812.90 |
| 26. Raw materials from mining activities | 2524.00 |

In some instances, it is possible that the goods listed above could be classified to other headings of the Customs Tariff. If in doubt about where your goods should be classified as the basis for whether they are subject to import controls on asbestos, please complete “B102 - Application for Tariff Advice” form available on the Customs website at [www.customs.gov.au](http://www.customs.gov.au/). This form should be forwarded to the Customs Manager of Tariff and Evaluation in the port of importation.

# Attachment B

Part 2 of Schedule 3B to the PI Regulations lists the specific purposes for which goods containing chrysotile may be used. The SSRCA, the SRCC or the relevant State/Territory OH&S authority must confirm that goods are going to be for one of these purposes:

# Permitted importation of asbestos

1. Use of chrysotile in compressed asbestos fibre gaskets that is:
   1. for use with:
      1. saturated steam; or
      2. superheated steam; or
      3. substances that are classified as dangerous goods; or
   2. for use with chlorine in a plant used in liquid chlorine service with design process conditions of –45ºC and 1500 kPa.

# Exemption 1(a) expires on 31 December 2004 Exemption 1(b) expires on 31 December 2006

1. Use of chrysotile in a product that consists of a mixture of asbestos with a phenol formaldehyde resin or with a cresylic formaldehyde resin used in:
   1. a vane for rotary vacuum pumps; or
   2. a vane for rotary compressors; or
   3. a split face seal of at least 150mm in diameter used to prevent leakage of water from cooling water pumps in fossil fuel electricity generating stations.

# Exemption expires on 31 December 2007

1. Use of chrysotile in a diaphragm for use in electrolytic cell in an existing electrolysis plant for chlor-alkali manufacture.

# Exemption expires on 31 December 2006

1. Use by the Department of Defence or the Australian Defence Force of chrysotile in a part or component of a plant, if:
   1. the unavailability of the part or component prevents the plant from being available for use; and
   2. the unavailability of the plant prevents a mission from being undertaken; and
   3. there is no reasonable alternative to the use of chrysotile.

# Exemption expires on 31 December 2007