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PACIFIC WASTE MANAGEMENT

This initiative is supported by **PacWastePlus**-a 72 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.**

Asbestos Management Brief:

NAURU

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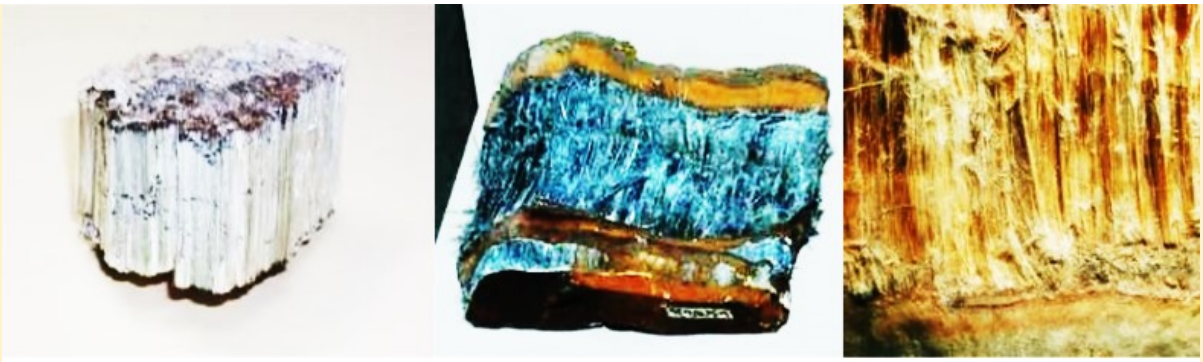
The PacWastePlus Regional Asbestos Project will support countries in executing solutions, both legislative and policy driven, to preventing exposure to asbestos fibre, and thereby reduce asbestos-related diseases.

Introduction to Asbestos and ACM

There are various forms of asbestos and asbestos containing material.

Asbestos is a group of naturally occurring minerals that occur as fibrous silicates. The most common types of asbestos fibres are Chrysotile (white), Crocidolite (blue) and Amosite (brown). The colour differences are very slight and laboratory analysis is needed to confirm the identity of different types of asbestos fibre. **Asbestos Containing Material (ACM)** means any material or thing that, as part of its design, contains asbestos.



Chrysotile (white) Crocidolite (blue) Amosite (brown)

No amount of asbestos exposure is considered safe.

All forms of asbestos are proven causes of cancer in humans. Potential health problems occur if/when asbestos fibres become airborne. People can be exposed to asbestos by breathing in air that contains / is contaminated with asbestos fibres.

Asbestos exposure does not necessarily lead to the development of an asbestos-related disease.

Diseases that may arise from inhaling airborne asbestos include:

- asbestosis (scarring of lung tissue)
- pleural plaques (thickening of membranes around the lungs)
- cancer of the lung, larynx and ovary
- mesothelioma (malignant tumours, cancers that form in the lining of the lungs, stomach, heart, or other organs)

Asbestos-related diseases take time to develop, with asbestosis reportedly presenting 20 to 30 years from the time someone is initially exposed to asbestos.

A survey conducted across 13 PICs estimated that there was **187,891 m2 of non-residential asbestos in-situ**

An estimated **78% was confirmed as a high or moderate risk** to human health.

The predominant form of asbestos present in the region is chrysotile (white) asbestos, with amosite (brown) and crocidolite (blue) asbestos found to occur occasionally.

The survey concluded:

- that more than USD $150 million would be the estimated cost to remove and replace all the asbestos identified in the surveyed locations.
- There was ongoing import of new asbestos materials into the Pacific region, primarily from Asia.

Global and Regional Management of Asbestos and ACM

Nauru is a Party to two of the five MEAs applicable to hazardous chemicals and wastes.

R = Ratification. A = Accession							
Nauru Participation in relevant MEAs							
BASEL 1992 (Year convention took effect)	**Basel Ban amendment**	**STOCKHOLM 2004 (Year convention took effect)**	**Year Initial/updated National Implementation Plan (NIP)**	**ROTTERDAM 2004**	**MINAMATA 2017 (Year convention took effect)**	**Initial assessment**	**WAIGANI 2001**
2002 A	Not Party	2004 R	2018	Not Party	Not Party	N/A	Not Party

As a Party, Nauru is obliged to enact national regulations to bring the conventions into the national regulatory framework. It is these national laws and regulations that then provide the implementing mechanisms to manage asbestos and ensure compliance with the conventions.

Regional Decisions on Asbestos and ACM Management.

The issue of asbestos management has been a consistently raised at international forums since 2011.

SPREP Meeting of Officials	Year	Outcome
30th SPREP Meeting	2021	The meeting endorsed the "Asbestos Management Legislative Reform Pathway" and supported progress towards the adoption of national bans of asbestos and ACMs.
22nd SPREP Meeting	2011	The meeting adopted the Regional Asbestos Strategy and Action Plan 'An Asbestos Free Pacific – A Regional Strategy and Action Plan'. (PacWastePlus, 2021)

Currently, asbestos materials can be lawfully imported and used in Pacific Island countries and territories.

The high-level outcome recommended at the 22nd SPREP Meeting (2011) to drive the reform process is ***"to eliminate asbestos related disease in the Pacific through reducing exposure to asbestos fibres"*.**

Implementing Asbestos Management Policy and Regulation in Nauru

The implementation of Asbestos Management Policy and Regulation, including a ban on the importation of asbestos, will provide significant inroads to the eventual elimination of asbestos related disease.

Relevant National Laws and Regulations able to implement Asbestos and ACM ban.

Laws and regulations able to implement asbestos and ACM ban in Nauru			
Customs law for the importation ban	**Waste management laws**	**Other relevant laws**	**Laws regulating dumping of waste at sea**
Customs Act 2014 Asbestos could potentially be regulated under the Act through a Customs Proclamation (Prohibited Imports) Regulation.	**Environment Management and Climate Change Act 2020** The Act provides specific powers to government staff, and identifies offences related to litter, burning of waste, and discharge of hazardous substances.	**Derelict Sites Management Act 2017** Under the Act, the responsible Minister can declare buildings on property to be a 'derelict site' because they are, for example, dangerous or because of the presence of debris or waste.	**Ports and Navigation Act 2019** The Act regulates the carriage by Nauruan vessels and foreign vessels in Nauru waters of 'dangerous goods' (defined under Section 67 with reference to the International Maritime Dangerous Goods Code (IMDG Code)). This law could impact the carriage of wastes from Nauru for recycling, recovery, or disposal, including, for example, e-waste or asbestos.

People of Nauru living free from asbestos related health issues

Policy Recommendations

Policy Goal – Banning Import of Asbestos and ACM

A ban utilising customs or border controls should provide clarity on how asbestos is identified

Noting the differing country standards in product labelling, customs officials need to be empowered to seize suspected asbestos and ACMs and undertake testing

Consideration of how to fund this compliance and testing action (potentially at the importer's cost) should be considered when drafting these powers

Once imported goods are confirmed to contain asbestos, consideration should be given to the scope of powers necessary for inclusion in the regulatory mechanism.

It is recommended powers include the ability to:

Return goods to point of origin at the expense of the originator/shipper

or

Provide the option for the originator/shipper paying a levy to the government for safe disposal, including:

- temporary storage
- safe handling
- transport
- safe final disposal (if such a management practice is available)

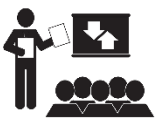
If any product is banned under the laws of any country, consideration should be given to whether that product immediately becomes a waste (of the governing legislation), and if the laws relevant to waste management become applicable

Regulations must then provide guidance on the management responsibilities related to the safe transport and disposal of this material

The application and enforcement of international conventions (MEAs) relating to hazardous substances and wastes under domestic laws may need to be considered in the context of regulating the transboundary movement of asbestos materials and products.

Where countries are applying the conventions under domestic law, the convention requirements apply. However, in attempting to re-ship materials to a country that has banned the importation of asbestos, this may not be allowed. In these instances, applying a levy for in-country disposal may need to be considered.

Note: Even if a receival country is not party to an MEA, they may be constrained in their action if the originating country is party to an MEA, or the material may need to be transported through sovereign waters of a country that is party to an MEA, and therefore need to abide by the MEA requirements.



Customs /quarantine officers will likely require training on:

- any modified regulations,
- how to recognise asbestos, and ACM products
- source countries that have an elevated risk of materials containing asbestos,
- the process steps for intercepting potential asbestos and ACMs.

Community and business awareness of the ban will be important, ensuring there is a clear understanding that asbestos and ACMs are effectively illegal, and should not be imported or used.

Policy Goal - Banning Asbestos Use

There are existing asbestos materials in the economy, particularly in the reuse economy.

Policy considerations will likely include:

granting the authority to seize, store, and appropriately dispose of substances and products that have arrived in breach of any importation ban is an integral requirement of the legislative framework.

Selecting the most effective agency to manage asbestos and ACM use.

Selection processes will likely consider any existing authority provided to agencies, or development of further reforms necessary to grant the required authority. Consideration of officers already delegated for similar issues (e.g., public health officers, building inspectors, or environmental officers) will likely assist with decision making on this.

If there is an operational regulatory framework for occupational health and safety, banning asbestos use may be appropriate under the mandate of protecting the health and safety of workers such as construction / demolition workers and mechanics.

Noting that in many countries, health and safety laws regulate asbestos use by establishing threshold limits for airborne fibres (monitored through air quality testing), PICs may need to consider their capacity for testing and develop an appropriate measure for when their regulation is triggered

Community and industry awareness of regulatory compliance will assist in achieving the goal of protecting human health.

Ensuring there is a clear understanding that asbestos and ACMs cannot be used through the provision of:

- information of what products have an elevated risk of materials containing asbestos, and
- technical assistance to help identify asbestos and ACMs would be advisable.
- effective communication and awareness campaigns that will assist with informing the regulated community of the risks, and the penalties for non-compliance.

Ongoing training of enforcement officers addressing issues of asbestos risks, identification, and enforcement steps will be required.

Policy Goal – Safe handling, transport, and disposal of asbestos waste products

When asbestos is seized at the border, or at a site of use, the regulatory framework may effectively define this material as a waste product, requiring the material to be safety transported and disposed in line with the regulations.

Issues related to wastes are a common feature of laws which generally apply to environmental management and protection, although in a number of countries, e.g., Tonga and Samoa, there are separate laws dealing with general environment protection, and with waste management.

In several countries, one of the regulatory mechanisms is to certify asbestos disposal companies that have the appropriate training and safety mechanisms in place.

Laws which relate to marine pollution should also be considered, as many of their provisions relate to the way ships must deal with wastes generated on board, the requirements which apply to the carriage and disposal of wastes by ships, and the controls which are applied to the dumping and incineration of all kinds of wastes at sea.

Laws which impose controls over litter and the dumping of wastes are clearly relevant in the context of illegally dumped asbestos or ACMs. These laws set a path forward in the context of prohibiting and regulating asbestos and ACMs.

Disposal of asbestos at sea, whilst not prohibited, is not viewed as a preferred management option. Disposal at sea is not prohibited under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, (the London Convention) or the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region 1986, (the Noumea Convention); however, the overall thrust of these two conventions are to eliminate pollution at sea and protect the marine environment. Given the safety requirements and the necessity for deep water disposal, this option is unlikely to be cost effective (SPREP, 2015).

The safe handling and disposal of asbestos should only occur at appropriately regulated disposal sites with trained operators, appropriate safety equipment, and the infrastructure to bury the material.

Procedures to document its placement, and general operations should be considered as part of any system. Given the active management required for asbestos disposal, setting appropriate disposal fees to cover labour and equipment should be considered as part of the broader asbestos management system.

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