



Instructions and Guidelines

File No: 2010/023964

*Programmed Cargo Examinations
Drawing samples of goods that may contain Asbestos
June 2010*

THIS INSTRUCTION AND GUIDELINE REFERS TO:

PRACTICE STATEMENT No: Programmed Cargo Examinations (Imports)

PUBLISHED DATE: 28 JANUARY 2009, 9 JUNE 2010

AVAILABILITY: INTERNAL AND EXTERNAL

SUBJECT: Drawing samples of goods that may contain asbestos
PURPOSE: Sets out the procedures for drawing samples of goods that may contain asbestos.
OWNER: *National Manager Cargo Operations South*
CATEGORY: Operational Procedure
CONTACT: DIRECTOR SEA CARGO OPERATIONS (VIC)

The electronic version published on the intranet is the current Instruction & Guideline.

SUMMARY OF MAIN POINTS

- Customs Officers should be aware of OH&S guidelines when dealing with goods that may contain asbestos.
- Any handling and drawing of samples must be drawn by a competent person¹
- The Customs Examining Officer oversees the sampling process, but does not actually conduct the examination
- Samples must be safely stored, tagged and forwarded to a National Association of Testing Authorities (NATA) accredited laboratory for testing
- Goods containing asbestos are Prohibited Imports and must be held at a Customs licensed premise pending seizure and destruction or disposal.

¹ Commonwealth Occupational Health and Safety Regulations define a **competent person**, in relation to a specified task, as a person who:

(a) has, through a combination of training, education and experience, acquired knowledge and skills that enable the person to perform correctly that task; and

(b) meets any specific requirements imposed by a State or Territory law in relation to undertaking that task (including, for example, a State or Territory law that requires a person to be licensed to undertake the task).

INTRODUCTION

Australian Customs Notice (ACN) 2006/36 advised that Regulation 4C of the Customs Prohibited Import Regulations had been amended to prohibit the importation of goods containing asbestos. A national profile against goods suspected of containing asbestos was generated. When a profile match occurs a Query Memorandum (QM) is issued. The QM requires a sample of the goods be drawn and submitted to a NATA accredited laboratory.

These Instructions and Guidelines recognise that:

- Customs Officers should be aware of OH&S guidelines when dealing with goods that may contain asbestos.
- All staff should be appropriately trained and aware of potential hazards and what to do if they encounter goods that may contain asbestos.
- Asbestos should not be handled by Customs Officers. In accordance with Commonwealth Occupational Health and Safety Regulations all handling of goods that may contain asbestos including drawing of samples must be done by a competent person.

INSTRUCTIONS AND GUIDELINES

BEFORE THE EXAMINATION

- All Import declarations that match the national profile will be assessed by Customs to ascertain if samples for testing by an authorised agency are required. If so, a QM will be issued by the initiating section, requesting that a representative sample be drawn.
- The issuing officer will advise the importer or their representative that an examination is required and that they must engage a 'competent person' to draw the sample. The owner must also be advised that the costs associated with the engagement of the competent person are borne by the them.
- The owner will contact the Programmer in Cargo Examinations to book the examination. The examination must be held at a Customs licensed premise. The Programmer will check with the owner that a competent person who has been engaged will be present at the examination.

DURING THE EXAMINATION

- The Examination Officer must remain at a safe distance from the cargo but maintain control over the sample removal process. As the status of the cargo has not been confirmed, it should be treated as if it contains asbestos.
- The 'competent person' will advise Customs about the risks associated with the cargo including the 'safe distance' perimeter'
- The competent person must be present at all times including at the time the container is opened through to the time the sample is drawn.

- The competent person should have direct sight of the inside of the container at all times.
- The competent person will make an initial risk assessment of the condition of the goods in the container and then provide ongoing advice on the way the container should be unpacked (manually or forklift etc) and what, if any additional controls might be required. This includes ongoing assessment on personal protective equipment that may or may not be required.
- If during the course of unpack, the competent person identifies an increased risk because of damage or otherwise, the remaining goods should not be unpacked and the competent person is to provide advice on what additional "controls" might be required.
- The competent person will provide advice on appropriate storage and security of the remaining goods pending the outcome of the testing process.
- The Customs Officer supervising the unpack and sampling process should at all times carry a P1 or P2 mask and wear the mask if instructed to do so by the competent person.
- The competent person will take the sample, place it in a *safe storage container*² and seal it with a Customs seal.
- The Customs Officer will record the details of the bagged samples on a B751 *Sample for Laboratory Examination* form.
- The owner will arrange for the sample to be transferred to a NATA approved testing laboratory.
- If a search for other goods that may contain asbestos is also required, it must be conducted under Customs supervision by the competent person.
- Any incidents involving actual or suspected exposure to asbestos must be immediately reported to the supervisor and the Regional Occ Health & Safety Co-ordinator.

AFTER THE EXAMINATION

- Record the seal numbers of the bagged samples on the QM.
- Enter the job details into Exams2.
- Forward all completed paperwork to the QM issuing officer. The test results will be sent to the issuing officer.
- **If the results are negative** the shipment will be cleared by the initiating officer.

² Safe storage container – In accordance with the Code of Practise for the Safe Removal of Asbestos, asbestos should be collected in heavy-duty 200 micron (minimum thickness) polythene bags.

SAMPLES MUST NOT BE RETAINED BY CUSTOMS OR SENT TO A CUSTOMS STORAGE FACILITY

If the results are positive the owner will book a second attendance with Cargo Examinations to arrange for the asbestos to be removed by a competent person in accordance with the following process:

- Under Customs supervision, the competent person will remove the goods that contain asbestos and deposit them in a *safe storage container*. Seal the container and secure it in the depot's Customs cage until it can be sent to the testing authority.
- The Customs Officer will complete a 'B390 Receipt for Goods' and hand it to the owner. (To ensure the correct identification of the goods, photocopy the B390 and tape it to the outside of the *safe storage container*.)
- Input details into Exams2.
- The 'hold' in ICS for any remaining goods will be lifted by the issuing officer.
- The detained goods remain at the licenced premise until they are picked up and destroyed by a competent person or authority.
- Notify ROHSC of the names of officers who conducted the examination for recording in the Asbestos Register.
- If there has been and OHS incident, submit and OHS Incident Report into HRIS as soon as practicable.

KEY ROLES AND RESPONSIBILITIES

Examination Officer (EO) – Is responsible for the completion of the examination in accordance with the process steps and the reporting back to the issuing officer with his/her findings. The EO is also responsible for the timely entry of the examination into the Exams databases.

Programmer – Is responsible for the booking and scheduling of the jobs.

Issuing Officer – Is the officer who issued the examination 'job' and is responsible for the eventual release of the consignment.

RELATED POLICIES AND REFERENCES

- Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994
- Appendix C of the Compliance Code – Managing Asbestos in Workplaces (Worksafe Victoria)

- National Occupational Health and Safety Commission - Code Of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]

PRACTICE STATEMENTS

- PS2010/01 – OHS Policy – Management of Hazardous Substances
- Intervention of Sea Cargo – Imports
- Inspection and Detection of Air Cargo – Imports
- Intervention of Post
- Detained Goods Management

OTHER INSTRUCTIONS AND GUIDELINES

- Conducting a General Cargo Examination.
- OHS Hazard Guideline – Asbestos

CONSULTATION

INTERNAL

- Detained Goods Management
- Occupational Health and Safety

EXTERNAL

NIL

Approval

Approved on	23 January 2009	(signature)
By	Jaclyne Fisher National Director, Cargo	
Review Period	Annually	