



Controlled waste fact sheet

Asbestos

Is asbestos a controlled waste?

It is listed in Schedule 1 of the Environmental Protection (Controlled Waste) Regulations 2004 (the Regulations) as a controlled waste. However, only a subset of specific provisions from the Regulations applies to asbestos.

Is a controlled waste carrier licence or a controlled waste tracking form required to transport asbestos on a road?

No, asbestos is specifically excluded under the Regulations from the requirements relating to transportation by a licensed controlled waste carrier or tracking via a controlled waste tracking form.

Regulation 3(5) of the Regulations provides:

3.(5) This subregulation, the provisions contained in Part 3 Division 6 and regulation 53 are the only provisions of these regulations that apply to the transportation of asbestos.

Where can asbestos be disposed?

Asbestos should be disposed of at a waste facility that is legally able to accept it. Not all landfills are licensed to accept asbestos.

Contact your local waste facility to determine if the waste facility can lawfully accept asbestos.

It is an offence under the Regulations to dispose of asbestos other than at a licensed waste facility.

Regulation 43 of the Regulations provides:

43. A person who disposes of material containing asbestos otherwise than at a waste facility commits an offence unless –
- (a) the material is disposed of at a place approved by the CEO under regulation 46(a); and
 - (b) the material is disposed of in accordance with any directions given by the CEO under regulation 46(b).

What are the requirements under the Regulations?

A person who takes material containing asbestos to a waste facility must:

1. separate the asbestos from other materials for disposal (where that is reasonably practicable)
2. wrap or contain the material containing asbestos in a manner that prevents asbestos fibres entering the atmosphere during transport
3. label the material containing asbestos with the words 'CAUTION ASBESTOS' in letters not less than 50 millimetres (mm) high
4. inform the person who operates or controls the waste facility that the material is, or contains asbestos.



What happens if these requirements are not fulfilled?

Breaches of these Regulations can result in on-the-spot-fines of \$250 or \$500 or a fine of up to \$5,000 as determined by a court. Pursuant to s.40(5) of the *Sentencing Act 1995*, offences committed by corporations may attract a fine of up to \$25,000 as determined by a court.

Significantly larger penalties may result if an offence takes place under the *Environmental Protection Act 1986* – such as pollution – caused from the illegal disposal of asbestos.

Failure to comply with *the Litter Act 1979* may result in a fine of up to \$1,000.

Other agencies who have requirements relating to asbestos

The requirements and information presented in this fact sheet relate to the Regulations. The management of asbestos is both a health and environmental issue, therefore other legislation also applies to asbestos.

For information on safe handling of asbestos products and asbestos in the home contact:

- the relevant [local government](#) environmental health officer; or
- the [Department of Health, Environmental Health Directorate](#) on 08 9222 4222.

For information about asbestos in the workplace, approved asbestos removalists or demolition of structures containing asbestos:

- [Department of Mines, Industry Regulation and Safety — WorkSafe Division](#) on 1300 307 877.

For information about asbestos related diseases:

- [Asbestos Diseases Society of Australia](#) on 1800 646 690.



More information

For advice on compliance with the Regulations or any other controlled waste matter, please contact the department on 08 6364 7000, or email controlled.waste@dwer.wa.gov.au.

This document is available in alternative formats and other languages on request.

Related documents

Additional [publications about controlled waste](#) and related [controlled waste fact sheets](#) are available on the department website, or by contacting the department on 08 6364 7000.

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation.

Please refer to the Regulations and the *Environmental Protection Act 1986* available from the Parliamentary Counsel's Office. Free electronic copies are available from the [Parliamentary Counsel's Office website](#).

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Legal advice

The information provided to you by the department in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, the department recommends that you obtain independent legal advice.