



# Asbestos

## Is Asbestos a Controlled Waste?

Asbestos 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 it 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 states that:

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; and

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 may attract 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 with 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 9388 4999.

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

- [Worksafe](#) on 1300 307 877.

For information about asbestos related diseases:

- [Asbestos Diseases Society of Australia](#) on 9344 4077.

## More Information

For advice on the Regulations, or related matters, please contact DER Controlled Waste on 6467 5000.

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

## Related Documents

Additional publications about controlled waste are available online from [www.der.wa.gov.au/our-work/controlled-waste](http://www.der.wa.gov.au/our-work/controlled-waste), or can be requested by phoning 6467 5000.

## 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 State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the SLP website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

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## Legal Advice

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