



Asbestos

Is asbestos a controlled waste?

Asbestos is listed in Schedule 1 of the *Environmental Protection (Controlled Waste) Regulations 2004* 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 *Environmental Protection (Controlled Waste) Regulations 2004* states:

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

A local waste facility should be contacted 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 *Environmental Protection (Controlled Waste) Regulations 2004* states:

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:

- separate the asbestos from other materials for disposal (where that is reasonably practicable);
- wrap or contain the material containing asbestos in a manner that prevents asbestos fibres entering the atmosphere during transport;
- label the material containing asbestos with the words CAUTION ASBESTOS in letters not less than 50 millimetres high; and
- 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 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](#); and
- Department of Health, [Environmental Health Directorate](#) (phone: +61 8 9388 4999).

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

- [Worksafe](#) (phone: +61 1300 307 877)

For information about asbestos related diseases contact:

- [Asbestos Diseases Society of Australia](#) (phone: +61 8 9344 4077).

More information

For advice on compliance with the Regulations or any other controlled waste matter, please contact the Department on

+61 8 6467 5000, or
email cwts@der.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 online on DER's website, or by contacting the Department on +61 8 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 Regulations and the *Environmental Protection Act 1986* available from the State Law Publisher (SLP). Free electronic copies are available from the [SLP website](#).

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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.