



Managing the risk of asbestos when importing a motor vehicle

The border control

The health risks posed by exposure to asbestos are well known. An Australia-wide ban on the manufacture and use of all forms of asbestos took effect on 31 December 2003 to protect the Australian community. A border control for asbestos was enacted at the same time to prevent the unlawful importation of asbestos, and goods containing asbestos.

The importer of a vehicle (the 'owner' for the purposes of importation) must know the history of that vehicle to ensure it does not contain any asbestos before it is shipped. This applies whether the importation is for commercial or private purposes, or of a temporary or permanent nature.

Owners should be aware that many countries have tolerances in vehicle parts and components if the asbestos content is:

- below a certain level, or
- present as trace amounts in raw materials used for producing those parts or components.

Tolerance levels for asbestos set by other countries will not be accepted at the Australian border.

All imported vehicles must comply

The import prohibition applies to all vehicles of any type, age or value. This includes, but is not limited to:

- used road vehicles that require a Vehicle Import Approval (VIA), granted by the Department of Infrastructure, Regional Development and Cities, before shipment
- vehicles provided with written exception from the requirement for a VIA (for example, manufactured before 1 January 1989 and registered within the Specialist and Enthusiast Vehicle Scheme) and
- vehicles temporarily imported under a Carnet de Passages en Douane (CPD carnet).

Assurance from the owner

When the Australian Border Force (ABF) identifies an imported vehicle as at-risk of containing asbestos, the owner will be required to provide sufficient assurance that the vehicle, including all parts and components, does not contain asbestos.

Owners declaring "no" to asbestos content in their vehicle, and all parts/components, must only do so if they are certain that it does not contain asbestos. This includes the presence of asbestos by design, or by the use of naturally contaminated ingredients during manufacture, whether original equipment manufacturer (OEM) or aftermarket in type.

Owners must obtain sufficient information and take necessary action to ensure asbestos is not present in the goods before shipment. Claims of OEM parts containing no level of asbestos content should be supported by technical evidence sourced from the relevant manufacturer. A 'face value' letter from the supplier, or the supplier's mechanic, merely stating there is no asbestos content is unlikely to provide sufficient assurance.

When at-risk parts and components containing asbestos are identified and removed before shipping, the owner should retain all work records. When replacement parts and components are installed, evidence of the

make, model and structural content of those new parts and components, which proves no asbestos content, should also be retained. These records should be available to provide to the ABF as required.

If sampling and testing is undertaken overseas, the owner should ensure that the process is carried out to meet Australian requirements for laboratory reporting. Refer to the ABF website (www.abf.gov.au/asbestos) for more information, including Notice 2017/21.

The owner is advised to carry out due diligence, including knowing the materials used in the manufacture and maintenance of the vehicle they are importing. If this matter is not taken seriously by the owner, and sufficient assurance is not provided, the owner will face delays and be responsible for costs incurred if the vehicle is held at the border for sampling and testing. If this occurs, the owner will be required to engage a qualified, independent competent person¹ to undertake identification of suspect parts and the removal of samples for testing. The ABF are not qualified asbestos professionals and may only supervise the collection of samples while the goods are under customs control. The ABF cannot undertake or assist in this work.

Sampling and testing at the border can be avoided if owners provide sufficient assurance that their vehicle does not contain any asbestos. Unlawfully imported asbestos may result in prosecution action and/or fines.

Vehicle parts that might contain asbestos

The most common vehicle parts and components found to contain asbestos at the border are in brakes and gaskets in locations designed to resist heat. Other parts and components of risk can include:

- Insulation
- Brake pads and shoes
- Seals:
 - mastic sealants/coatings
 - body seams
 - asphalt undercoating
- Gaskets:
 - cylinder head
 - extractors
 - exhaust system
- Bonnet liners
- Valve rings
- Heater/air conditioner housings
- Fibrous washers
- Sound deadening material
- Clutch linings
- Firewalls
- Heat shields
- Wiring wrap

Despite the parts and components of risk identified above, each vehicle is different. The ABF cannot provide technical advice as to where asbestos will be present. Factors such as the make, model, country of origin and any other relevant circumstances must be taken into account, and therefore the ABF must risk assess all vehicle shipments and related assurance documents for asbestos.

Owners might need to consult OEM part suppliers, maintenance providers or records of the particular vehicle where available, to identify if the vehicle's components are likely to contain any amount of asbestos (including trace amounts). Owners should then take action to test or remove such components before importation. This highlights the necessity for the owner to know the vehicle they are importing, to understand where asbestos is likely to be present, and to be able to provide evidence of having addressed that risk.

Re-importing Australian-based vehicles

Owners intending to temporarily export a vehicle from Australia, with the intention of re-importation, such as for the purposes of participation in an overseas rally, must be aware that:

- The importation of that vehicle back into Australia **is prohibited** if it contains any level of asbestos.
- To facilitate the return to Australia, the owner should identify any parts or components with asbestos and replace them before export.

¹ *Competent person* – as defined within section 5 of the *Work Health and Safety Regulations 2011* (Cth). Further information can be located within the Safe Work Australia Model Code of Practice: [*How to manage and control asbestos in the workplace*](#).

- On that vehicle's return, the owner must be prepared to provide assurance that the vehicle does not contain any asbestos.

The myths dispelled

- **Chrysotile (white) asbestos is safer than other forms of asbestos.**

Fact: All six asbestos mineral silicates, including chrysotile, pose a direct threat to human health when in a friable form. All six are subject to the import prohibition and the national ban.

- **Asbestos is only a problem if disturbed, therefore it's safe in a vehicle.**

Fact: Friction materials by their nature are subject to constant wear and tear. Physical wearing of materials that contain asbestos expose fibres and make them friable. Friable fibres can be shifted during movement onto other areas of the vehicle, or into the area where the vehicle is garaged. Maintenance may also cause disturbance. If the person carrying out that maintenance is not trained to recognise and safely handle asbestos, or is unaware that asbestos exists in the parts they are handling, a direct risk to their health and the health of others nearby may result.

- **The border control for asbestos in vehicles is a recent change in policy.**

Fact: The asbestos border control for **all goods** is not new and has been in place since 31 December 2003. As threats to the border are identified, they will be addressed. An increase in detections of asbestos in older vehicles at the border illustrates one such threat.

- **Sampling and testing is the only way to ensure no asbestos content.**

Fact: While testing before shipment is the preferred option, the assurance process can include evidence of manufacturing specifications to show no asbestos was used in parts and components, whether OEM or after-market. Refer to the section: **Assurance from the owner**. An ABF direction to sample and test a vehicle at the border will occur when it is judged that inadequate assurance is provided.

- **When an owner is directed to have a vehicle sampled and tested at the border, the ABF choose who can sample and test for asbestos.**

Fact: The **owner is responsible** for engaging the competent person and laboratory. The ABF requires that the competent person drawing the samples is appropriately qualified because sampling must be carried out in a manner that will not lead to exposure to asbestos, and which ensures the samples are suitable for analysis. Testing in Australia is required to be carried out at a laboratory accredited by the National Association of Testing Authorities (NATA), for asbestos analysis.

Permission to import goods containing asbestos

Who grants it

The Minister responsible for administering the *Work, Health and Safety Act 2011* (Cth), currently the Minister for Small and Family Business, the Workplace and Deregulation (the WHS Minister), may grant permission to import asbestos, or goods containing asbestos, in limited circumstances. While the *Customs (Prohibited Import) Regulations 1956* are administered by the Department of Home Affairs, the WHS Minister's portfolio is responsible for developing Australian Government policy that provides the basis of the national ban for asbestos. This informs the border control, which the ABF enforces.

Purposes for importation must be considered

Applications for import permission will be considered on a case by case basis against the criteria set out in the *Customs (Prohibited Imports) Regulations 1956*. The WHS Minister has discretion to grant permission to import goods that contain asbestos. Importers are required to satisfy the WHS Minister's discretion, which could include consideration of health and safety risks and safeguards that could be put in place if permission was granted.

How to apply

The Asbestos Safety and Eradication Agency (ASEA) is responsible for administering the import permission process for the WHS Minister. To apply for import permission, applications should address the criteria located on the ASEA website and be made in writing to the WHS Minister. More information, including the WHS Minister's contact details for import permission applications, is located at the [ASEA website](#).

The act of applying for import permission is **not a guarantee** that it will be granted. Owners must not ship vehicles until they have received the import permission in writing. A copy of the permission must be produced to the ABF at the point of importation.

In summary

The owner of the vehicle intended for importation into Australia needs to undertake appropriate checks to ensure that the vehicle is not fitted with parts or components which contain asbestos. This will facilitate compliance with border requirements and help prevent delays or costs associated with intervention by the ABF.

More information with respect to the asbestos border control and border processes is located on the [ABF website](#).



Figure 1: Brakes on motor scooter side-car which contained asbestos

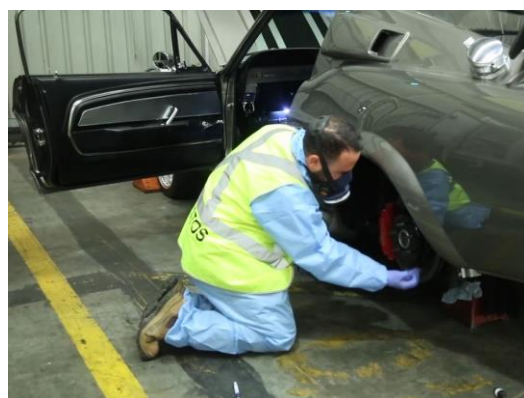


Figure 2: In Australia, the removal of samples for testing is undertaken by a qualified independent competent person

Contacts

Australian Border Force / Department of Home Affairs

Websites: www.abf.gov.au
www.homeaffairs.gov.au
Website asbestos information page: www.abf.gov.au/asbestos
Website contact information: www.abf.gov.au/help-and-support/contact-us
Telephone: 131 881

Asbestos Safety and Eradication Agency

Website: www.asbestossafety.gov.au
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Department of Infrastructure, Regional Development and Cities

Website: www.infrastructure.gov.au
Website importing vehicles information: www.infrastructure.gov.au/vehicles/imports
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