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Sent: 11 November 2021 11:02

To: [REDACTED] <[REDACTED]@wcc.govt.nz>; [REDACTED]

Cc: [REDACTED] >

Subject: RE: Shelly Bay Isolation of at Risk Structures - Analysis Results

Hi Phil,

The obligations of a PCBU with regards management of asbestos and ACMs are provided in the Health & Safety at Work (Asbestos) Regulations. With regards to buildings, when damaged ACMs are present, the normal approach is to restrict access until either repair, or removal and replacement with non-asbestos alternatives can be undertaken. This would be a 'reasonably practicable' approach, as required by the legislation. When demolition of a buildings is the intention, it makes more sense to simply restrict all access until this is carried out, as the ACMs will be removed anyway as part of the demolition work, in accordance with the Asbestos Regs.

As for the soil contamination, there is overlap between the Asbestos Regs and the contaminated land framework, but ultimately the responsibility of the PCBU to protect human health is still of primary concern. The guideline *soil* values are set at a level such that asbestos contamination below this level is unlikely to lead, in turn, to *airborne* asbestos fibre exceeding the limit of detection using the standard methods of measurement. When the guideline soil value is exceeded, this means that under certain conditions (eg dry weather combined with soil disturbance) there is an increased risk of airborne fibre being released that may impact human health. If it helps, you can think of asbestos contaminated soil as just another ACM when we are talking in the context of site management.

There is not much in the way of guidance as to what 'access restriction' looks like, but this is for good reason. Every situation is different and a holistic approach is needed. If guidance was issued that put an arbitrary distance of separation between a damaged asbestos product, then the danger would be that this would be insufficient in some scenarios, and too conservative in others. It is therefore important to take into account current site activity when determining what 'access restriction' looks like. I am not sure what sort of relationship and control WCC has with the current site occupants, and their activities. The reception that I have had when attending the site has frankly been pretty hostile from a few individuals in particular, and even starting a conversation about risk management at the site is not possible. However WCC may have a more positive relationship.

Based purely on the results of the recent soil testing, and the previously conducted Asbestos Management Survey, and purely from a H&S perspective, I would say that people should not be living within or adjacent to any of those buildings in their current state. There is evidence that run-off from the H block building roof has migrated away from the drip lines, and it therefore makes sense to extend access restriction away from the building perimeter by several meters. If people are going to continue to live at the site, and given that the pattern of surface run-off at the site is not clear, then extending this perimeter as far as you are able to, is a good idea. I have marked up a diagram – attached – with a potential plan of where you may wish to install controls to prevent access.

For the laundry building, although the soil testing results were below the soil guideline values, we do also know that there are highly damaged, high risk asbestos insulation materials in the roof space of that building. David and I noticed damage to the external gable of the building when we were there, and though I believe this damage has been repaired now, this is just indicative of the state of repair

of the buildings. As a minimum, a 2m zone of access restriction around this building is appropriate. However, if people are camping around the vicinity of this building, consideration needs to be given to how this access restriction is enforced.

WCC needs to consider the level of control they have over the site and site buildings. For example, I have observed that the current site occupants appear to have broken into, and are living in, the guard hut at the southern boundary of the site. I wonder whether they are aware of the presence of ACMs in that building, or the Asbestos Management Plan that has been implemented at the site to manage those materials, or the controls and handling principles required when present in areas that contain ACMs. On a related note, as you know I helped oversee repair of a broken window to Shed 8 while on site the other day. It appeared as though someone had broken into and accessed the building. And if this is the case, the person or persons, whoever they were, would have been in close proximity to both damaged and degraded asbestos fibre cement present externally, and to damaged asbestos insulation (pipe lagging) materials on an internal ledge just inside of the access point. This person or persons have now been exposed to the risk of airborne asbestos fibre without knowing it.

I recognise the sensitivity of issues at the site, and while I sympathise with what the group currently occupying the site is trying to achieve, putting aside politics, the whole site is an accident waiting to happen. A conservative approach would be to recognise there is insufficient control over the activity of site occupants, and that this presents an unacceptable risk. A PCBU needs to take all reasonably practicable action to prevent the exposure of individuals to airborne asbestos fibre, not to mention other site hazards, and at a site with widespread damaged ACMs, dilapidated and unstable buildings, and site occupants over which the PCBU has only limited control at best, allowing them to remain anywhere near those buildings in their current state will continue to present an ongoing risk.

I hope this helps clarify,

Kind regards,

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