

# Management of asbestos in recovered fines and recovered materials for beneficial reuse in NSW

## Discussion Paper – Submission Form

### Submitter Details

**Name:** Phillip Foxman

I STARTED IN THE Demolition, Excavation, Asbestos and WASTE BUSSINESS IN 1979

I OWENED AND RAN BOTANY BUILDING RECYCLERS 1990 TO 2014 [REDACTED]

I HAD A UNRESTRICTED DEMOLITION LICENSE AS WELL AS A ASBESTOS REMOVAL LICENSE AND ALSO DID EXCAVATIONS AND CIVIL WORKS I WAS A MEMBER OF WMMA AND WACRA I AM ALSO PRESIDENT OF CLEAN UP ISRAEL A MEMBER OF CLEAN UP THE WORLD A UNITED NATIONS ENVIRONMENT PROJECT.

Email/phone: [REDACTED]

If this is a confidential submission, please tick here: ☐

NOT CONFIDENTIAL

### Responses to questions PLEASE SEE CAPITALS BELOW....

You can respond to any questions that are relevant to you. If you only want to submit data or any other relevant information, please email them to [asbestosreview@chiefscientist.nsw.gov.au](mailto:asbestosreview@chiefscientist.nsw.gov.au). OK

### Thresholds and screening levels

**Question 1:** What factors should be considered when deriving a threshold or screening level for asbestos in recovered fines and material for beneficial reuse?

Recovered fines are an EPA invention to minimise asbestos, WITHOUT SAYING IT. screening out all materials above 10mm in size, its good for making clean FILLING sand and makes it very hard to see asbestos pieces that have been removed but not fibres OR 10MM MINUS that you can't see or screen out BUT ITS STILL THERE AND ITS NOT AN HONEST APPROCH TO THE ISSUE AND THE ZERO POLICY SIMPLY DOESN'T WORK, JUST LOOK AT YOUR OWN TEST RESULTS! EPA SPEC'S CAME OUT IN 2007 MIND YOU NO TESTING FOR ASBESTOS REQUIRED FOR ANY RECYCLED AGGREGATES OR FINES.

BUT IF YOU ADOPTED THE WA SPEC OF 0.001

IT ALL WORKS AND ITS EASY TO CHECK AND YOU CAN MAKE A 50MM TO 100MM MATERIAL THAT IF YOU HAD A CLOSE LOOK YOU MIGHT SEE IF IT WOULD HAVE ANY CONTMINANTS IN IT. AND WOULD HAVE A HIGH QUALITY MATERIAL, NOT THE 10MM FINES THAT HAS NO BODY AND WASHES AWAY

I preferred to make a 50mm sub base road base MATERIAL that is buried AND IF IT HAS ASBESTOS / FIBRO IN IT YOU CAN EASILY SEE IT AND REMOVE THAT'S IF YOU LOOK OR CARE OR JUST BURY IT BUT AT LEAST YOU CAN SEE IF IT COMPLIES WITH 0.001

ITS BONDED FIBRO MUCH EASIER TO FIND IN LARGER MATERIAL.

NOTE AVOID PUTTING FIBRO INTO PROCESS AT ALL STAGES

YOU CAN'T DO THAT WITH FINES OR FIBRES BUT IT'S THE BEST PRODUCT TO MAKE FROM SKIP BIN WASTE,

NOT FINES IT'S A POOR MATERIAL THAT DOESN'T WORK WELL. ALTHOUGH IT DOES WORK WELL IF YOU'RE USING DIRTY SAND BUT NOT SKIP BIN AND C&D WASTE THERES A DIFFERENCE,

WHAT YOU PROCESS IS WHAT YOU END UP WITH, JUST A DIFFERENT SIZE PRODUCT.

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## **Asbestos waste management at recycling facilities**

**Question 2:** Can you provide any data on annual volumes of C&D waste being recycled or alternatively sent to landfill? Data on rejected loads due to asbestos presence and any other data related to all TOR items is welcomed.

IT'S BEEN 10YRS SINCE I'VE TRADED 1,000'S OF TONS WEEKLEY AT [REDACTED]

BOTANY BUILDING RECYCLERS [REDACTED]

I STILL OCCUPY [REDACTED] WHERE I HAVE USED ABOUT 16,000 TONS OF MATERIAL AND WANT TO USE MORE TO COMPLETE THE PROJECT...BUT THAT WOULD REQUIRE COURT ORDERS.

Please email data together with this form to [asbestosreview@chiefscientist.nsw.gov.au](mailto:asbestosreview@chiefscientist.nsw.gov.au)

**Question 3:** Can you provide any other information on the potential presence of asbestos in recycled C&D material?

- i. Information on the methods of separating and removing asbestos from waste that can inform alternative approaches?
- ii. AVOID PUTTING IT IN THE PRODUCT MINIMIZE IT FIRST WITH A CONTROLLED WORKING ENVIRONMENT, ON CLOSE INSPECTION YOU CAN SEE IF IT IS PRESENT AND REMOVE IT ! YOU CAN'T DO THAT WITH FINES.
- iii. What reuse scenarios are there for recycled waste, including end-products and their use?

**THE HIGHEST AND BEST PRODUCT I MADE FROM SKIP BIN WASTE WAS A 50MM SUB BASE MATERIAL, I CALLED IT SUPER MIX BUT EPA NEEDS TO ADJUST LEAD LEVELS AND FOREIGN MATERIAL MAINLY GLASS, TILES, PLASTIC, TIMBER AND 0.001 ASBESTOS THERE NEEDS TO BE ANOTHER EXEMPTION FOR WHAT I CALLED A SUPER MIX SUB BASE OR FILLING MATERIAL IS THE HIGHEST AND BEST USE FOR THIS MATERIAL.**



**YOU ARE WELCOME TO HAVE A LOOK AT WHAT I HAVE DONE, TEST IT AND SEE HOW WELL THIS MATERIAL PERFORMS IT'S HAD SINCE 2009.**

**I HAVE 2 AREAS WHERE I WORKED 15 YEARS AGO ON A 190 ACRE PROPERTY THAT I BOUGHT TO DO THIS AND TO LIVE THERE.**

**SEE PHOTOS ATTACHED 1-8 WITH NOTES.**

**Question 4:** While this section focuses on C&D waste, are there other waste types which are suitable for beneficial reuse which have the potential to be contaminated with asbestos?

ALL RECYCLED ROADBASE, FILLING MATERIALS AND MULCH ;) ALTHOUGH SKIP BIN WASTE IS DIFFERENT TO C&D WASTE WHICH IS USALLY CLEAN CONCRETE AND BRICK AND IS A LOT LESS LIKLEY TO HAVE ASBESTOS ALTHOUGH IT STILL HAS SMALL AMOUNTS OF ASBESTOS/ FIBRO TURNING UP AND THAT IS WITH GOOD WORK PRACTISE STOPPING IT FIRST GETTING IN WORKS IN REDUCTION.

Click or tap here to enter text.

## **Management of asbestos in soil**

**Question 5:** Is it appropriate for the health screening levels for asbestos in soils to apply to asbestos in waste? Note that the threshold level in this instance refers to a level where further action is required.

- i. Why or why not?

ITS NOT ONLY ASBESTOS ! WHAT ABOUT LEAD LEVELS, GLASS, CERAMICS AND FOREIGN MATERIALS. THAT COME FROM SKIP BINS, SKIP BIN WASTE SHOULD BE TREATED DIFFERENTLY FROM CLEAN CONCRETE AND BRICK WHICH CAN BE MANAGED A LOT EASIER THAN SKIP BIN WASTE OR C&D WASTE BUT STILL NEEDS CAUTION AND AN ALLOWABLE LEVEL OF ASBESTOS 0.001 IS MORE THAN GENEROUS TO COMPLY WITH.

MY MATERIAL WOULD COMPLY WITH 0.0001 BY WEIGHT OR BETTER.

BUT ONE PIEACE OF VIBRO IN ANY MATERIAL FAILS UNDER ANY CURRENT RULES OR SPEC IN NSW .I ARGUED THIS POINT WITH THE EPA AND WAS PROSECTED, THE LAW SAYS THIS MATERIAL SHOULD ALL GO TO AN ASBESTOS TIP AND SHOULD NOT BE RECYCLED IN NSW BUT IT IS, MOST TIMES, WITHOUT KNOWING IT.

NO TESTING REQUIRED FOR ASBESTOS IN ANY RECYCLED MATERIALS

**Question 6:** Health screening levels are not the only tool used for managing asbestos in soils. If threshold levels in soils were to be applied to asbestos in **waste for beneficial reuse**,

- i. what other tools can support managing asbestos in waste for beneficial reuse?
- ii. A REGULATED WORK PLACE WITH TRAINED PEOPLE WHO CAN IDENTIFY CONTAMINANTS.
- iii. What would be the limitations, costs or feasibility of safely removing asbestos in waste?
- iv. NOT MANY LIMITATIONS, COSTS A LITTLE MORE BUT CAN REDUCE CONTAMINANTS AND ADD VALUE TO THE PRODUCT.
- v. are there certain scenarios where recycled C&D material should not be reused? COMMON SENSE IT HAS TO BE USABLE AGAIN OR TO HARD TO CLEAN
- vi. Are there certain scenarios where reuse of recycled C&D material could result in land legacy issues? DEPENDS HOW YOU USE IT AND HOW MUCH YOU USE ! IT'S ALL CONSIDERED WASTE EVEN THO IT'S BEEN PROCESSED, IT'S STILL CONSIDERD WASTE.

Click or tap here to enter text.

## Standards and guidelines for asbestos in waste

**Question 7:** Are there other standards or guidelines that would be applicable for managing asbestos in waste for beneficial reuse that can be provided?

MY METHOD WORKED WELL, I DON'T KNOW OF ANY ALTERNATIVES.

I'M NOT SURE IF ANYONE ELSE WOULD DO WHAT I DID THAT IS...

I BOUGHT A PROPERTY, GOT A DEVELOPMENT APPROVAL FOR A HOUSE AND FIRE TRAILS AND USED MY OWN MATERIALS ON MY OWN LAND NOT ON SOMEONE ELSE'S PROPERTY.

PLEASE SEE PHOTO'S PAGE 1-8 ATTACHED.

THE SPECIFICATIONS USED TO SAY MINIMISE ASBESTOS THAT WAS IN 2007 WHEN THE EPA SPECIFICATIONS WERE BROUGHT IN BUT DELETED AFTER MY CONVICTION ABOUT 2012.

NOTE I RELIED ON MINIMISING ASBESTOS AS PER THE SPEC BUT STILL GOT FOUND GUILTY.

**Question 8:** Should the approach in the WA guideline (*Managing asbestos at construction and demolition waste recycling facilities*), be implemented in NSW and if so, why or why not?

YES THEY HAVE BEEN DOING IT FOR YEARS NOW WITHOUT PROBLEMS AND THE EPA SHOULD WORK OFF WA AND VICTORIA'S EXPERIENCE THERE SHOULD BE A NATIONAL APPROACH TO THE ISSUE NOT JUST NSW, EPA HAS HAD ITS HEAD IN THE SAND IGNORING THE PROBLEM.

NOT BEING SELECTIVE WHO THE COUNCIL AND EPA PROSECUTES.

- i. Are there other factors that should be considered if the WA Guideline is to be implemented?  
YES EPA SHOULD CONSIDER LIMITING THIS TYPE OF MATERIAL TO BE USED AS A SUB BASE MATERIAL WHERE IT WILL BE BURIED AND NOT DISTURBED OR BULK FILLING WHERE IT WON'T BE DISTURBED ANY WHERE IT WON'T BE DISTURBED, GRASS COVER IS GOOD AND IT GROWS VERY WELL IN THIS MATERIAL.
- ii. UNDERNEITH ROAD CONSTRUCTION WHERE IT IS SAFE TO USE EVEN WITH HIGHER LEVELS OF CHEMICALS IE: - LEAD AND FOREIGNH MATERIAL, IE. GLASS ,CERAMICS ECT...
- iii. Is there an alternative approach that could be considered?

AS ABOVE

## Sampling and analysis

**Question 9:** Apart from AS4964 and ASC NEPM, are there other sampling and analysis methods for detecting and quantifying asbestos in waste materials or recycled products that are being received and processed at recycling facilities?

- i. Are you aware of any other methods/processes for sampling and analysis of asbestos that the Review should consider? If so, please provide details and basis for their relevance to this Review.



- ii. How reliable and accurate are these methods in ensuring that recycled waste is not contaminated?
- iii. YOU CAN ONLY HOPE TO MINIMISE CONTAMINANTS IF YOU HAVE A CONTROLLED WORKING ENVIRONMENT WITH EXPERIENCED TRAINED PEOPLE.
- iv. NOT EVERY ONE CAN DO THIS.

YOU CAN ONLY MINIMIZE ASBESTOS AND OTHER CONTAMINANTS USING EXPERIENCED TRAINED PERSONEL IN A CONTROLLED WORKING ENVIRONMENT , YOU CAN ACHIEVE 0.001 OR LESS, 0.0001= 100 GRAMS PER TON BASED ON A 10 TON LOAD IS PROBABLY WHERE IT SHOULD BE AND ITS ACHIEVABLE . IT'S STILL NOT ZERO THO.

I'D LIKE TO KNOW WHAT OTHER STATES HAVE TO SAY ON THIS ISSUE.

### **Risk-based approaches for managing asbestos in waste**

**Question 10:** Would a through-chain approach to managing asbestos in waste, where each business looks to minimise or eliminate the risk from asbestos in waste for beneficial reuse, work?

YES BUT SO LONG AS THE AUTHORITIES AGREE ON MINIMIZATION AND AGREE THAT

IT'S IMPOSSIBLE TO ELIMINATE ASBESTOS AND IT'S THE SAME WITH LEAD, ZINC, CADMIUM AND ARSONIC THERE ALL PRESENT AND ALLOWED BUT AT VERY LOW LEVELS AND NEED ADJUSTING FOR THIS MATERIAL, YOU CAN ONLY MINIMIZE LIKE WHAT WAS ORIGINALLY WRITTEN AND INTENDED IN THE SPEC'S 2007 BUT DELETED AFTER I WAS FOUND GUILTY AS I RELIED ON MINIMIZING AS MY DEFENCE

- i. What elements would be part of the system/approach? YES TRAINING, EDUCATION AND A PROPER INDUCTION TO A SPECIFIC WORK PLACE OF SEPERATION AND RECOVERY THAT CAN IDENTIFY CONTAMINANTS FROM PRODUCT.
- ii. What would be the advantages/disadvantages of such a system? TO MINIMISE CONTAMINATION TO MAKE A USABLE HIGH QUALITY PRODUCTS.

MINIMIZE ASBESTOS IN A CONTROLLED ENVIRONMENT WITH EXPERIENCED PEOPLE WORKS I DID IT BUT VERY SMALL AMOUNTS STILL GET THROUGH THE BEST SYSTEMS EVEN MINE , THAT'S WHY NSW SHOULD ADOPT THE WA SPEC. INSTEAD OF LYING TO THE PUBLIC SAYING ITS CLEAN AND ITS NOT! FIX THE PROBLEM, YOU KNOW WHAT THE RIGHT THING TO DO IS OTHER STATES CAME CLEAN MANY YEARS AGO BUT NOT NSW!

ALLOWABLE LEVELS OF 0.001 IS A VERY GOOD SOLUTION AND THE ONLY HONEST SOLUTION TO GO WITH, ZERO HAS NEVER WORKED AND THAT'S WHAT I CAN TELL YOU AFTER 44 YEARS OF DOING THIS AND YOUR OWN TEST RESULTS PROVE IT CAN ONLY BE MINIMISED NOT ILLIMINATED, THERE IS STILL ALL THE OTHER CHEMICALS THAT NEED ADJUSTING AS WELL, I BELEAVE I BECAME AN EXPERT IN THIS FIELD EPA HAS ALL THE EXPERTS AND THERE NOT ON THR SAME PAGE AS OTHER STATES! WHY NOT!

IT MIGHT AFFECT STATE GOVERNMENT INCOME WERE TALKING 100'S OF MILLIONS OF DOLLARS \$\$\$

**Question 11:** Are there other risk-based approaches to managing asbestos in waste for beneficial reuse?

YES THE METHOD I USED BUT I STILL HAD ISSUES WITH LEAD, GLASS, CERAMICS AND FOREIGN MATERIAL WHICH NEEDS TO BE ADJUSTED FOR THIS MATERIAL TO BE USED AS A SUBBASE 50MM OR 100MM MINUS AND 0.001 ALLOWABLE LEVEL OF ASBESTOS BY WEIGHT. EPA NEEDS TO MAKE A NEW SPECIFICATION FOR A SUB BASE MATERIAL SPECIFICLY FROM SKIP BIN & C&D WASTE AND FINES OR 50MM MINUS FROM C&D WASTE. WHICH CAN HAVE A SPECIFIC USE AS A SUB BASE MATERIAL OR BULK FILLING MATERIAL THAT WON'T BE DUG UP AGAIN BUT IF IT HAS TO BE MOVED AGAIN SHOULD BE ABLE TO RECYCLE IT.?

I CAN ASSIST THE EPA WITH MY EXPERIENCE AND PRODUCT THAT I MADE WITH THE TEST OF TIME.

I'M WILLING TO HELP SO I CAN CONTINUE WITH MY PROJECT AT [REDACTED] THAT IS MY MOTIVATION.

EPA COULD USE IT AS A TEST SITE.

## General

**Question 12:** Is there any further information you would like to provide the Review to assist us with in responding to the Terms of Reference?

THE NSW EPA'S ZERO POLICY ON ASBESTOS IS A FAILURE IN RECYCLED PRODUCTS; EPA'S OWN TESTING REVEALS THIS AND WHAT HAS THE EPA DONE ABOUT ALL THE NONE COMPLYING MATERIALS BEING USED?

AND CONTINUES TO BE USED!

THE EPA KNOWS EXACTLEY THE SITUATION REGARDING ASBESTOS AND USES IT AS A WEAPON OF CHOICE WHEN IT SUITS THEM! I CAN'T SEE THE EPA AGREEING TO ANY LEVEL OF ASBESTOS AS IT HASN'T SINCE 2007, 17 YEARS AND THEY KNEW WA SPEC EXISTED AND NEVER ACCEPTED IT.

I'M NOT SURE THE EPA WILL GIVE UP THEIR WEAPON OF CHOICE; ASBESTOS WHEN AOTHER STATES HAVE BEEN HONEST ABOUT IT.

IN MY CASE I SAY AND MAINTAIN THAT MY SITE WAS SALTED WITH FIBRO PEICES BEFORE EPA AND COUNCIL CAME ON SITE, HOW DO YOU STOP THAT.

IT DOESN'T SEEM TO BE A PROBLEM IN WA OR VICTORIA THAT HAVE ALLOWABLE LEVELS OF ASBESTOS / FIBRO AND DOESN'T TARGET INDUSTRY PLAYERS FOR VERY SMALL AMOUNTS TURNING UP.

ALTHOUGH THE EPA HAS BEEN SELECTIVE WHO THEY PROSECUTE! THAT'S WITHOUT MENTIONING THE WASTE LEVIES COLLECTED, LOTS OF \$\$\$

I WAS TARGET BY [REDACTED] I'VE SEEN JUST HOW VICIOUS, NASTY AND UNETHICAL [REDACTED]

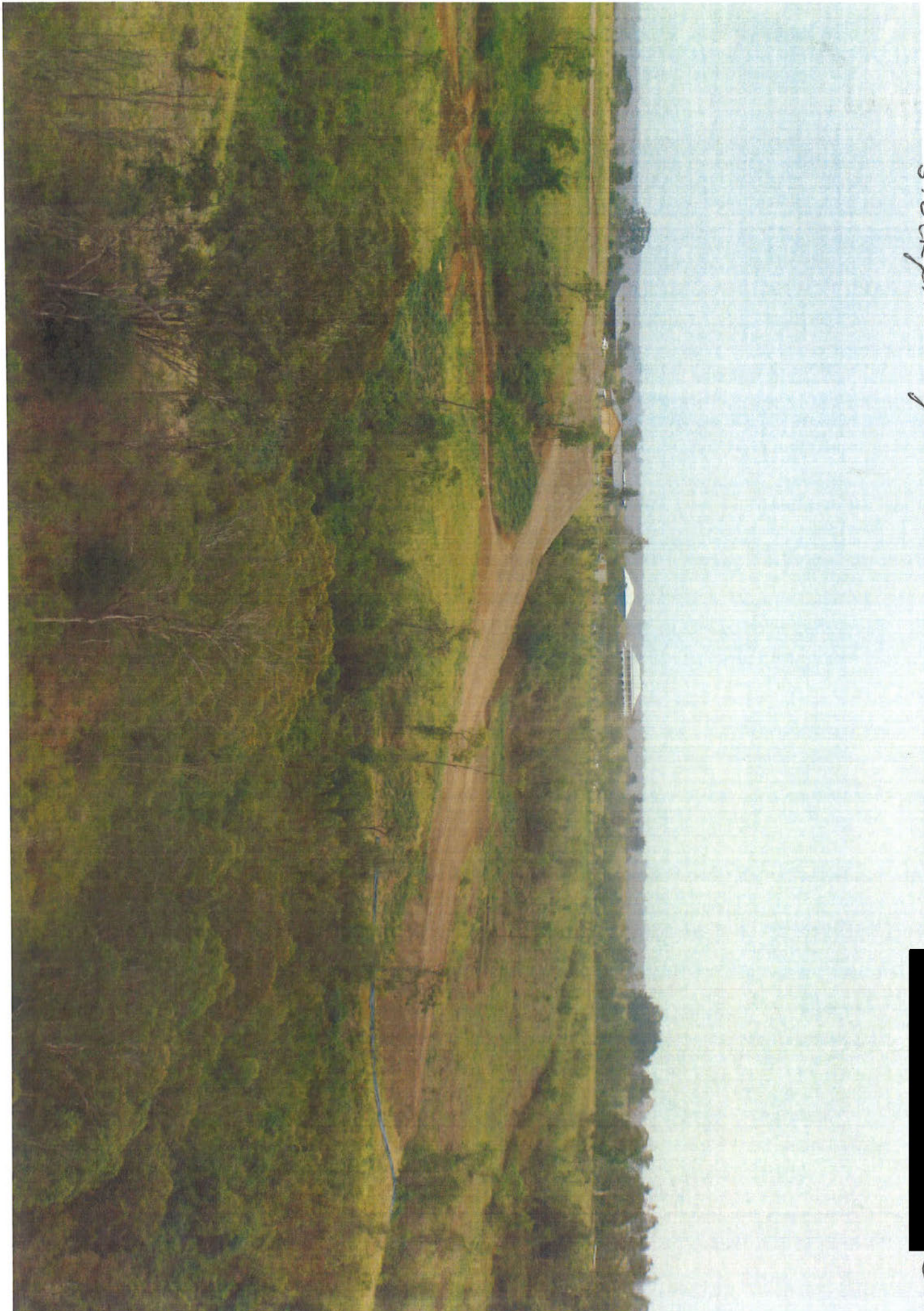
THEN THERE WAS [REDACTED] WHO ASKED ME TO SURRENDER MY DA, I SAID NO!

PLEASE SEE PHOTO'S ATTACHED PAGES 1-8

Email the completed form and attach any relevant data and information to [asbestosreview@chiefscientist.nsw.gov.au](mailto:asbestosreview@chiefscientist.nsw.gov.au) by 31 July 2024.

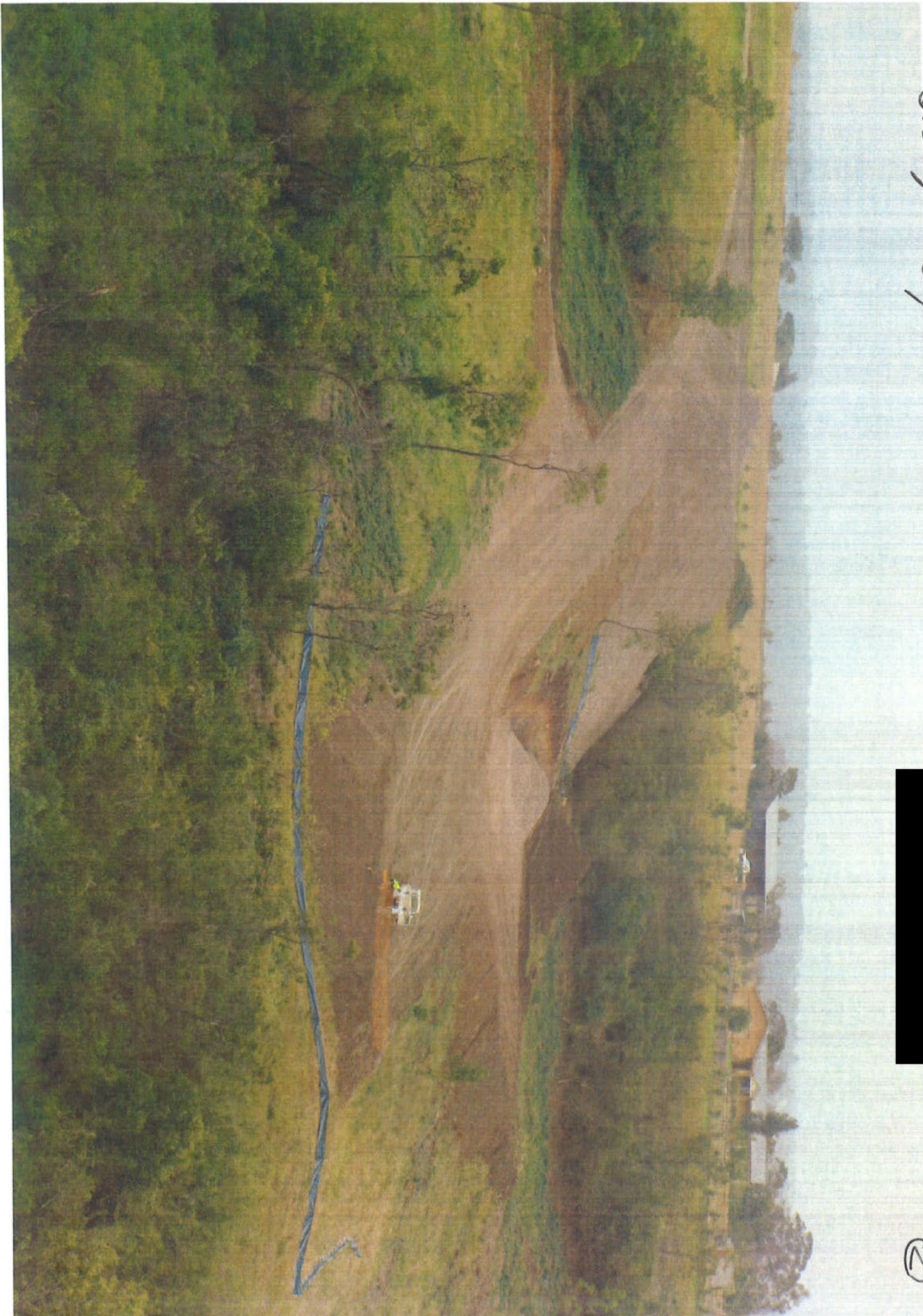


Stockpile Supermix and Road Construction





Stockpile Super mix Road construction





stockpile super mix





ROAD CONSTRUCTION

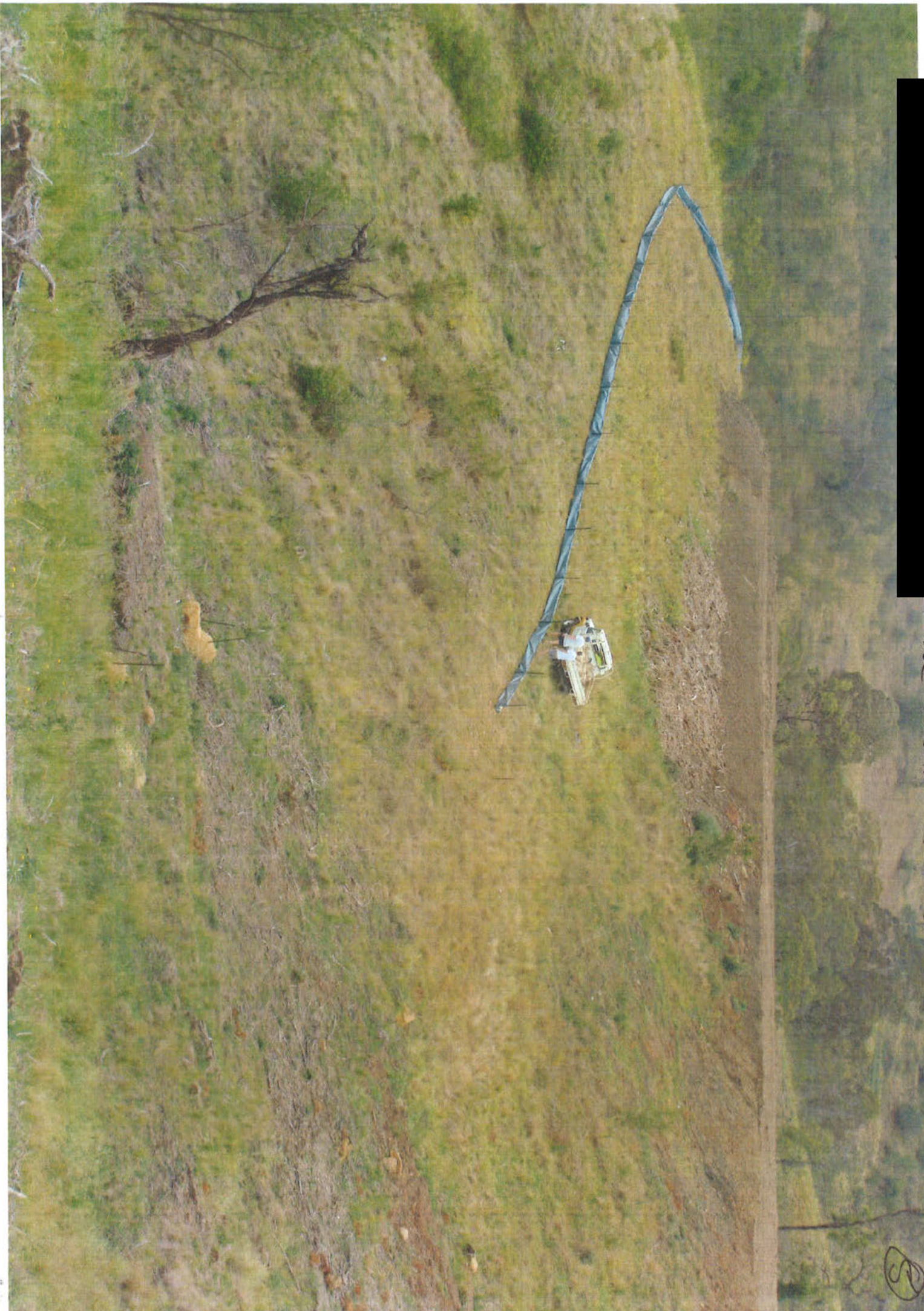
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Fire Trail Consideration

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Processing waste  
making super mix

SAKISMEADEN

6





Making Super mix



(7)



Night time crushing and screening Super mix

