

4 July 2005

Mr I Coles
Chief Executive Officer
EcoRecycle Victoria
Level 2, 478 Albert St
EAST MELBOURNE VIC 3002

RE: DRAFT INDUSTRY STANDARD FOR RECYCLED CONSTRUCTION &
DEMOLITION MATERIALS

Dear Mr Coles

On behalf of the Management Committee, I would like to thank you for the invitation to provide a submission concerning the draft industry standard.

Attached to this letter is the CMPA's submission to the draft industry standard. The CMPA has a number of fundamental concerns with this draft stemming from the fact that these responsibilities should lie with the waste generators and managers rather than the waste stockpilers, processors and vendors and this unreasonably increases the number of persons potentially exposed to asbestos.

EcoRecycle and the Victorian WorkCover Authority have highlighted their inability to manage the Occupational Health and Safety (Asbestos) Regulations 2003 through the development of this draft standard which, in a similar vein to many recent government legislation matters, increases the requirements placed upon businesses further down in the chain of command to ensure the starting businesses are compliant. Such actions highlight serious flaws in the current legislation, the regulatory body in charge with managing the legislation, or the understanding of the legislation by those whom it is relevant to that requires the attention of that body and others within government.

Furthermore, it is unreasonable that the responsibilities of the Waste Generators and Waste Managers be moved down the chain of command to the Stockpilers, Processors and Vendors. This is unnecessarily increases the risk of exposure to asbestos upon the employees of those we represent and in this instance often beyond the control of those businesses.

It is essential that EcoRecycle and the Victorian WorkCover Authority recognise that as a result of this proposal several waste stockpilers, processors and vendors have indicated to the CMPA that they will no longer accept construction and demolition materials. With the present proposal, this is inevitable and will have a negative impact upon the percentage recycling that occurs within the state.

If you would like to discuss any issue raised on the following pages, please do not hesitate in contacting either myself or any of our staff at the details above.

Yours sincerely



pp. Grant Phillips
CMPA Chairperson
cc. Linda Timothy, Victorian WorkCover Authority

**SUBMISSION TO
ECO RECYCLE AND THE VICTORIAN WORKCOVER AUTHORITY**

**CONCERNING THE DRAFT INDUSTRY STANDARD
FOR
RECYCLED CONSTRUCTION AND DEMOLITION MATERIALS**

**BY THE
CONSTRUCTION MATERIAL PROCESSORS ASSOCIATION**

4 JULY 2005

The Quarry Industry in Victoria

1.1 Introduction

This submission is provided to EcoRecycle and the Victorian WorkCover Authority in response to its Draft Industry Standard for Recycled Construction and Demolition Materials and the matters relating to that standard as seen by the Construction Material Processors Association (CMPA) and more particularly its members potentially affected by this standard.

The submission introduces the extractive industry that the CMPA represents and the role and purpose of the CMPA for the information of EcoRecycle and the Victorian WorkCover Authority. Discussions then centre upon matters arising from the draft industry standard. Finally, concluding comments are presented as a summarisation of this paper.

1.2 Brief Outline of the Industry

A key component of the construction, building and in many cases manufacturing industries is the supply of competitively priced rock, stone, sand, clay and gravel products which are essential for the production of concrete, cement, bricks, tiles, asphalt, crushed rock products and a host of other applications. Stone is primarily used for construction of roads and buildings but it also has other uses in engineering and manufacturing.

While Victoria has an abundance of good quality extractive resources, unlike metallic minerals and ores, stone resources are low in value and therefore to be viable extraction needs to occur close to market sources. During the 2003-2004 financial year, the Victorian industry produced around 24 million tonnes of hard rock and stone products, 13.5 million tonnes of sand and gravel product, and 1.5 million tonnes of clay products. It had an annual turnover valued at \$446 million from 848 work authorities or quarry establishments.¹ These figures do not include the annual turnover of many within the industry who also recycle clean concrete, brick or rock supplied to the business, in many cases by their existing customers. The CMPA represents members who process recycled materials as a core business activity, as a mobile operation for councils and other parties through tender, and as a service for its larger clientele.

The industry is characterised by relatively few large operators (3) and many medium and small operations. Adopting the Australian Bureau of Statistics definition of a small business as one that employs fewer than 25 people, it is likely that small businesses in the quarry industry in Victoria represent in excess of 85% of all quarry businesses. Many small-scale quarry operations have developed in rural and regional areas to satisfy local demand.

1.3 Role and Purpose of the CMPA

The CMPA is an industry association, and will:

1. Conduct its affairs with honesty and integrity;
2. Demonstrate its commitment to the:
 - a. Viability of the industry
 - b. Protection of the environment
 - c. Community in which it exists;
3. Vigorously pursue with the government and others issues of widespread concern to members;
4. Demonstrate leadership and a sense of direction for the industry;
5. Act as a resource and provide support to members through the delivery of cost savings and assistance in complying with legal obligations;
6. Foster unity and cooperation between members and others;
7. Promote continuous improvement through education, training, and other activities

The CMPA represents a broad spectrum of those involved in construction material processing businesses engaged in extraction processing or otherwise working in hard rock, gravel, sand, masonry, clay, lime, soil, gypsum or recycling, industry consultants, industry suppliers and any industry worker.

¹ 2004, Department of Primary Industries, Victoria's minerals, petroleum, and extractive industries 2003/04 statistical review

Issues Related to the Terms of Reference

2.1 Industry presently processing recycled construction and demolition materials

The CMPA represents a number of companies who are involved in the stockpiling, processing and selling of recycled construction and demolition materials at varying degrees. For several members it is a core business activity, whilst for others only processing is an issue, whilst for others still, the offer to recycle construction and demolition materials is limited to its existing clientele. In most instances, businesses limit the acceptance of materials only to clean fill consisting of rock, concrete and bricks. A considerable number also accept waste materials from concrete plants, which, although it clear does not fall under these requirements, would need to be treated in the same way if they are to be saleable as a finished product.

2.2 Requirements for the Stockpilers

The CMPA would like to compliment the proposed requirements for the requirement of maintenance of records and advice to customers. Both of these steps should assist many businesses in protecting themselves when accepting inward materials.

Other requirements for the Stockpilers however are clearly highly onerous and will require a high level of skill in the personnel conducting the pre-acceptance inspections. The system in its present format is simply not viable as:

- The new potential for the person conducting inspection, others on the site, and the wider off site community to be exposed to asbestos
- The additional space requirements will in some instances be impossible to establish,
- The personal management costs due to the higher skill requirements,
- The time required to process,
- Additional wages due to the increased skill level required and rostering requirements, and finally
- The costs will be inhibitive,

Another issue which presents serious concerns is the recommendation that any recycled construction and demolition materials that is excessively dusty, muddy or otherwise difficult to identify be cleaned. This proposal will mean that sites accepting such materials will need to have dedicated plant for the purpose of cleaning inward materials because if they use the plant dedicated to processing materials, there will be a potential for cross contamination. In addition, the systems that will be required for the management of these silts will most likely require removal to authorised landfills which is both expensive and time consuming.

It is possible that many of these issues could be simply resolved by the sites only accepting inward materials that are supplied with either the presentation of the issued Clearance Certificate following the removal of asbestos (in the case of recycled concrete or brick) or a MSDS indicating that there is no asbestos present (in the case of waste concrete) or another system of proof if the materials are virgin inward rocks that have been extracted for foundations or other similar works. In these instances and our understanding of the requirements, the system of inspections would no longer be required assuming that appropriate records are maintained.

Another option to manage inward clean rock, concrete and bricks is to ensure all are within a set size range to minimise the opportunity for asbestos containing materials to be present. The fine materials are most likely to contain asbestos as discussed in the draft Industry Standard, whilst over sized products have been known to present a serious risk to cartage contractors when unloading.

2.3 Requirements for the Processors

The most persistent issue is the largely potential exposure for persons responsible which has been ignored by the draft Industry Standard and is linked to the number of times the material is required to be inspected. It is important that the increased risk of exposure is justified as other controls will be an unreasonable burden on both those affected by any control and the business as a whole. At minimum, these people will need additional controls to ensure their continual safety and this should be noted within the draft Industry Standard.

Two issues that are present as a result of this section is the issue of dust management (both occupational and environmental) and, as with the Stockpiles, the issue of who is to pay for the additional costs in processing. The issue of dust management will not simply be a matter of enclosing the area as those who access the area will be exposed at an even higher level. Both of these issues need to be addressed before the standard is released.

Throughout this section, there are several instances where there is definition of the processes that 'must' be used – for instance 'process ... through the primary crusher', 'may involve the use of magnets, air knives, sieves and shakers', 'visual check on a 'wide belt''. Although the purpose of discussing these specific methodologies is to provide information, by doing so the Industry Standard is restricting the opportunity for business to seek new and innovative methods of processing the recycled materials without utilising these processes necessarily. For instance an emerging technology is the development of remotely operated processing plants.

The Industry Standard would be greatly improved if these references were removed to avoid restricting the innovation of Victorian processors.

2.4 Issues concerning Quality Control and Auditing

The Quality Control requirement of annual desk top audits would be far too onerous for businesses who offer recycling only as a service, not as a core activity, and as such it may be appropriate that the time frames for conducting audits be linked to tonnages accepted or processed rather than a set timeframe.

In relation to the auditing requirements, the CMPA is concerned that there is no definition of who is able to conduct such audits and how these will be justified in smaller operations. On the first matter, it is appropriate that the draft Industry Standard clearly document who is to conduct these audits and what skills or experience they should have to assist businesses when selecting an auditor. On the latter, again the issue of linking auditing requirements to tonnages appears to be the most appropriate and manageable method of assuring continual compliance.

2.5 Attachment A: Risk Classification Matrix

The present matrix is not representative of the industry that the CMPA's members deal with, in that the inward clean concrete and brick from civil contractors is often of a better standard than that brought in by demolishers and as such should be classified as a low risk.

If this matrix were not changed it is our understanding that, any materials that were supported by a previously discussed accepted method of proof, would not fall into the matrix. If this is the case, then it would be appropriate to explain this clearly in the draft Industry Standard and ensure it is noted as preliminary note to the Risk Classification Matrix.

2.6 End Users

The End Users of these recycled materials are not addressed in this Industry Standard when they too clearly hold requirements in relation to the transport, placement, and management of the recycled materials. For instance, it may be more appropriate for government bodies to educate End Users in safe use practices, such as only using recycled materials in concrete, asphalt, and under slabs and avoiding use in unsealed applications such as pathways and unsealed roadways. This would only be ensuring that ALL of the parties involved in the recycled construction and demolition materials chain of command have suitable responsibilities.

Concluding Comments

The CMPA is very concerned with this Industry Standard as it promotes those lower in the industry's chain of command with a greater responsibility than appropriate for the management of asbestos. As noted in the covering letter, this action in itself indicates a need for government to investigate why this is necessary and how it can be prevented.

Many of the CMPA's concerns stem from the increased potential for our member's employees to be exposed to asbestos in the many inspections that are recommended by this draft Industry Standard. It would be more appropriate to enforce the existing regulation more thoroughly at a higher level. Many of the association's remaining concerns can easily be resolved as discussed by moving the responsibility back to the waste generators and managers

In summary, the CMPA would like EcoRecycle and the Victorian WorkCover Authority to consider the following in their draft industry standard:

- Establish a 'Chain of Command' system similar to that of the transport industry ensuring that those higher in the chain hold the most responsibilities.
- Indicate that when sites are only accepting inward materials that are supplied with either the Clearance Certificate following the removal of asbestos or a MSDS indicating that there is no asbestos present or another system of proof resulting in the Industry Standard no longer applying to such works
- Remove all references to specific processes to enable businesses to be innovative and continually develop as new technologies become available
- Highlight the issue of exposure to testing personal
- Address the issue of dust management (both occupational and environmental)
- Link all testing and auditing requirements to a tonnage or maximum timeframe (i.e every 100,000 tonnes or 24 months, whichever occurs first)
- Revisit the Risk Classification Matrix
- Include requirements for the End Users of recycled construction and demolition products
- Conduct a Regulatory Impact Statement to ensure that the cost of compliance will not inhibit continued recycling

The CMPA sincerely hopes that these comments are of value to the draft industry standard and would welcome the opportunity to discuss any of these matters further. If there is any further information that the CMPA could provide to assist please do not hesitate to contact the office on 03 9745 2132.