

Submission from WasteMINZ Contaminated Land Management Sector Group on New Zealand Guidelines for Assessing and Managing Asbestos in Soils (NZ GAMAS) – 29 May 2020

1. Who are you?
 - Industry body
2. Are you using the NZ GAMAS published by BRANZ?
 - Yes
3. If you are not using the NZ GAMAS, what guidelines are you using instead and why?
 - N/A
4. How useful is the [flowchart in Figure 1](#)?
 - Very useful
5. In the [flowchart](#), what works and what doesn't work?
 - The flowchart is awkwardly split across two pages with guidance and controls and responsibility not clearly linked. It should all be on the same page. The document refers to a competent person being able to develop a CSM. This is wrong as the NES directs a PSI and DSI (and as such the CSM) to be 'done' by a SQEP. The guideline refers to an asbestos assessor being able to update a CSM under CLMG 1 and 5. This is also incorrect.
 - The flowchart could usefully incorporate soil concentrations as it has air concentrations. Risk based criteria from table 5 could be used. This would be especially useful for confirming work class/asbestos related or unlicensed work. We know anecdotally that the Swartjes and Tromp correlation is conservative and as such we don't need to apply a correction factor to it. We would prefer that a review of the Tier 1 soil guideline values is undertaken to better reflect the risk for NZ soils (which anecdotally seldom trigger trace asbestos in air concentrations). Refer to question 7.
6. Would it be helpful to get more clarity on the roles and responsibilities of various parties (SQEP, Assessor etc.) involved in asbestos in soil work?
 - Yes
- 6A: If yes, which roles would you like to see clarification on?
 - The role of the SQEP vs. the role of the assessor.
 - Whether there is a role for a 'competent person' at all.
 - Alignment between HSWA Regs/ACOP/NZGAMAS required.
7. Would you support amendments to the current Tier 1 guidelines based on sufficient risk-based evidence (e.g. WA guidelines)?
 - Yes
8. On a scale of 1 to 5, (with 5 most useful), how helpful would expanded guidance on the following issues be:
 - Naturally occurring asbestos: 1
 - The overlap between compliance with the Asbestos Regulations and the NESCS: 3
 - Background concentrations of asbestos in urban environments: 4
 - Methods of investigation of asbestos contaminated soil: 2
 - Health and safety during site investigation on asbestos contaminated sites: 2
 - Laboratory soil analysis methods and reporting: 2
 - Derivation of guideline values for asbestos: 4
 - Tier 2 risk assessment: 4

- When air monitoring is required: 4
 - In-situ management of asbestos contaminated soil: 4
 - Management and disposal of low-concentration asbestos contaminated soil: 5
 - Managing asbestos contaminated concrete and crushed concrete: 4
 - Waste disposal of asbestos contaminated soil: 4
 - Site validation methodology and requirements: 4
 - Asbestos Management Plans: 2
 - Health and safety when working with asbestos contaminated soil, including health monitoring: 4
 - Competency, accreditations and training: 4
9. Have you noticed anything that may be missing in the current guidelines?
- Yes
- 9A: If yes, please list:
- A direct link of a soil concentration to work category.
 - Clarity around non-licensed work, around the overlap between HSWA roles and reports with those required under NESCS/CLMG e.g. Asbestos Removal Control Plan and RAP, Clearance and SVR, legal requirements of each (there could be a checklist) and roles, plus clarity around who manages the site, and the controls to match the risk level.
 - A link between housing demolition/removal and soil contamination, including when and who should undertake soil sampling and critical risk assessments, based on results.
 - A process for clearing soils (NB house removal/demolition is not likely to require resource consent to trigger RMA/NESCS).
 - The relationship between asbestos and other soil contaminants, noting the requirements for management (it probably needs the ACOP to acknowledge this but it is likely the ACOP will remain silent and point to the NZ GAMAS requiring all relevant information to be in this document).
10. Have you noticed anything that may be incorrect in the current guidelines?
- Yes
- 10A: If yes, please list:
- The role of the competent person as above.
11. Are there any sections that require revision/rewording in the current guideline to improve clarity?
- Yes
- 11A: If yes, please list:
- See above.
 - 5.2 Sampling Methodology and Table 3: This is unhelpfully vague and often misused to justify minimal sampling. There needs to be more clarification and differentiation between scenarios.
 - Remedial capping: There is some discussion under Table 5 about SGVs but it is not really dealt with comprehensively in Section 6.1.3. It is unclear the basis on which 0.5m of soft cap is derived and little discussion of help around the potential to reduce this with other barrier systems as many sites cannot accommodate levels/contours and cost/time to import and place clay etc. This section needs to discuss various land uses and whether it is appropriate. It should consider that the changes to the waste disposal levy are likely to mean more in-site containment.

- More guidance around hard caps is required.
12. Is the document consistent with other regulations and guidance dealing with asbestos management?
- No
- 12A: If so, please list your areas of concern:
- The definition of SQEP is different to that in the NES Users' Guide. GAMAS should reference the Users' Guide for this terminology.
13. Do you feel the document has sufficient legal standing, i.e. endorsement from government agencies such as WorkSafe, councils and MfE?
- No
- 13A: If no, what do you feel would be needed to address this?
- The document must be directly supported by central government, especially WorkSafe, it must as a minimum carry the same weight as the ACOP.
14. Does the document speak to all audiences that have a role in management of asbestos in soil?
- Demolition contractors: No
 - Contaminated land consultants: Yes
 - Council staff including planners/consent processing staff: Yes
 - Laboratory analysts: Yes
 - Ministry for the Environment: No
 - Ministry of Health: No
 - WorkSafe: No
 - Asbestos Assessors: No
15. Would it be helpful if the document included standard templates/ examples for:
- Would it be helpful if the document included standard templates/ examples for: Yes
 - Field screening record sheets: Yes
- 15A: Any other standard templates/examples? A regulatory checklist between HSWA Regulations/ACOP and NESCS/CLMG1.
16. Would you like us to contact you regarding your response?
- Yes
17. If yes, please provide your contact details
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