

Asbestos Update (from VCCQ September 2018 magazine) 27 August 2018

The article in the VCCQ Magazine last month has generated quite a bit of interest in old car circles. Like us, they object to seeing old cars – and, by extension, the whole movement - unfairly demonised.

The fact that is conveniently overlooked by those targeting old cars is that asbestos, in any of its 6 forms, is only harmful if breathed in. To be able to be breathed in, it must first be what is termed “friable” – able to be crumbled into powder form by hand pressure. If it is bound into a matrix – “non-friable” - and “respirable fibres” are not being released, it is safe to be near. All the bodies charged with asbestos safety send the same nationally consistent message about the asbestos in 1 in 3 Australian houses. Provided it is not cut, ground, drilled, sanded etc, “Fibro” – asbestos cement sheeting – presents no danger to the occupants or those near such dwellings.

However, when it comes to old cars, this distinction represents one of those pesky “inconvenient truths” and is glossed over by some to justify demonising and targeting them. Old cars containing asbestos in gaskets, brake pads and linings, clutches, headlining, captive insulation between double firewalls etc present no greater risk than living in a fibro cottage in good condition. Even brake pad dust is harmless to drivers, passengers and the general public, and is only a risk to those working on such vehicles if simple practices followed by workshops for over 50 years are not followed.

While the public is suffering from asbestos-fatigue (with a greater risk of being bored to death by the topic than being killed by asbestos itself) even it cannot have missed the Senate Inquiry, commenced in 2015, into “non-conforming building products” (brought on by the asbestos containing materials [ACMs], fraudulently represented as being “asbestos free”, in Chinese building products which ended up in the Perth Children’s Hospital and other public buildings). In October 2016, the Inquiry was extended to cover “unlawful importation of products containing asbestos and their impact on the health and safety of the Australian community” (the ACM Inquiry), which included asbestos in the gaskets of the 25,000 Chinese cars imported in 2012.

The Senate delivered its interim ACM Inquiry Report in November 2017, making lots of expensive recommendations. The ACCC came in for particular criticism in both submissions to the Inquiry, and in the Report itself, over the way it handled the Chinese vehicles.

Rather than going OTT and demanding a recall of all 25,000 vehicles and removal of the “deadly” gaskets, the ACCC instead took heed of experts who said the asbestos, as it was bound into the gasket material, presented a negligible risk to anyone. It pointed out workshops in Australia are well used to handling ACMs in vehicle components as all cars sold before 2004 potentially contain it – and there are 9 million of them still on the road. It was satisfied by a “voluntary” recall by the importers to have a label attached to warn workshops that while the cars might be 2012 models, they should be treated as pre-2004 vehicles, ie potentially containing asbestos.

To its credit, the Government did not accept a number of the Report recommendations relating to the ACCC, instead approving of its approach thus:

“The ACCC takes a hazard and risk-based approach to intervention in consumer product safety matters. In addition to compulsory recalls, the ACL (Australian Consumer Law) provides for a

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range of graduated regulatory interventions to address consumer product safety-related issues, including voluntary recalls of consumer goods and safety warning notices.”

The legislative threshold for compulsory recalls is that the ACMs (in this case) must “*create an imminent risk of death, serious illness or serious injury*”, which of course, because the asbestos was in bound, or non-friable form, it did not.

In short, the Government found no shortcomings with the ACCC handling of ACMs – which is truly based on risk to the consumer, and not some over-hyped statement of the risks involved.

It would be good if other agencies could adopt the same approach, instead of unfairly labelling imported historic cars as “lethal” and “deadly”, when they are not.

Doug Young
Chair
AHVIG