

**NOW FOR THE SERIOUS IMPORTANT STUFF.****Australian Border Force and Old Car Imports – Doug Young****Introduction**

Australia banned the importation of asbestos and ACMs (Asbestos Containing Materials) at the end of 2003. After 13 years of looking the other way, for the last 18 months, Australian Border Force has been actively targeting second hand car imports looking for asbestos – and as you can only legally import a car made before 1989, it means predominantly cars over 30 years old. Others caught up in this are newer cars brought in temporarily for rallies and other events.



They are not only looking in the obvious places, like brakes, clutches and gaskets, but also in wiring loom insulation, headlining, under body sound deadener (sealer), door frame padding, windscreen caulking, windscreen washer bags, and body items like air scoops and ducts. The technique used is called, for good reason, "destructive testing", and entails removal of material for testing, thereby irretrievably destroying the originality of the vehicle. It has also been reported that sealed compartments eg double firewalls, have been drilled to see if any asbestos is contained in the sealed cavity. ABF don't actually get their hands dirty, but direct it be done by external "hygienists" etc.

This has stopped many old vehicles coming to Australia, both temporarily and permanently. The debacle over the 6 asbestos-free Maseratis being turned around at the wharf made news around the world. Two of these were Australian-based cars which had been sent overseas to be restored with asbestos-free components. People wanting to take their pre-2004 cars overseas for rallies now cannot do so because they may not be able to bring them back. It also prevents people repatriating some of the great Australian cars we have lost, and has resulted in the cancellation of a number of international events which would have seen enthusiasts bring their old cars here for the event. The injection of funds to the communities through which these events travel is substantial – but now lost.

The ABF professes to be doing so out of concern for "public safety" and "protecting the community". They make statements about "deadly" or "lethal" asbestos being found in classic cars.

This article examines the validity of these propositions.

According to the ABS, 9 million pre-2004 cars (which could legally contain asbestos) are still registered and on the road. It is estimated that at least 6 million vehicles still retain asbestos-containing (AC) components. These cars present no risk to anyone, including mechanics, provided long established simple, cheap practices are followed. Last financial year, the ABF detected 60 second hand vehicles being imported which contained some asbestos. Unless there is a concerted campaign to remove asbestos from the 6 million AC cars still safely using our roads, what is the point in stopping 60 equally safe vehicles a year? And would the community be "protected" and the public be any "safer" if they did? The answer is no.

**Background**

In the 1970s Australia had the highest usage of asbestos of any country in the world. This was because we had abundant naturally occurring supplies which were mined, and it was processed in most capital cities. It was used primarily in building materials and even

today, 1 in 3 Australian homes contain asbestos in their building and insulation materials. This has been identified, time and again, as where the real risk of asbestos-related disease comes from, not old cars. Those now at greatest risk are the DIY home renovators and their families.

Asbestos is only harmful if breathed in, and so while it remains bonded into products, such as fibro, it does not present a risk. It is only when disturbed, by fracturing, cutting, drilling, sanding, demolishing, and building fires etc that respirable fibres are released. Asbestos has also been the subject of extraordinary publicity in Australia, and properly so, with the various scandals like James Hardie Industries (and the antics it engaged in to avoid asbestos liability), the CSR blue asbestos mine at Wittenoom, Mr Fluffy insulation in the ACT, and the innumerable inquiries, reviews, and national assessments of asbestos related issues. There are a number of State and Federal bodies whose sole reason for existence is asbestos and the threat it represents.

From 1 January 2004, Australia banned the importation and new use of asbestos and ACMs – asbestos containing materials.

Until then, it was legal for manufacturers of motor vehicles to use asbestos in new cars. The Australian Bureau of Statistics conducts censuses and surveys on motor vehicle numbers and use. In 2017, there were 18.8 million vehicles registered for use in Australia, with an average age of 10.1 years. Based on similar number from 2015, the Asbestos Safety and Eradication Agency (ASEA) estimated in November 2017 that half these vehicles were made before 2004. This means over 9 million pre-2004 vehicles are still on the road.

AHVIG estimates that of these, around 900,000 are pre-1989 vehicles (ie over 30 years old).

While some pre-2004 vehicles may have had every AC component replaced, probably 2/3, or 6 million still contain some original asbestos-containing components. Obviously, the higher mileage vehicles will have had brake pads and linings replaced with non-AC components, and perhaps clutches, but the other AC components will probably still be in place. For the cars over 30 years old, unless a car has had a complete restoration with every component replaced, almost all will still contain asbestos.

The question therefore is: what risk do these components represent for owners, passengers, mechanics and the general public?

There are 3 categories of people to consider: those who travel in these vehicles, those who work on them, and the general public. And 2 categories of asbestos-containing material, that which is bound into, and remains in a matrix, such as gaskets, insulation in various forms, and those where release of asbestos fibres can occur, such as brakes and clutches in normal use.

### **Gaskets and other items where asbestos is bound into a matrix**

Numerous scientific publications all reach the same conclusion: unless fibres in gaskets and other items are abraded, there is negligible risk to anyone from what is termed non-friable asbestos.

In 2012, the ACCC looked at the illegal importation from China of almost 25,000 Great Wall and Chery cars which had asbestos in their engine gaskets. It could have ordered a recall of all 25,000 vehicles, but did not. Instead, it looked at whether these gaskets presented a hazard to anyone – owner, driver, passenger, or people working on such vehicles.

Based on expert opinions from Occupational Health and Safety Consultants (Hibbs and Assoc.) and its own knowledge that automotive workshops were well used to safely managing asbestos in pre-2004 cars, it concluded:

1. There is no asbestos-related health risk to the driver or any passengers who use the vehicle. The gaskets are tightly embedded in the vehicle and present no hazard during normal operation of the vehicle.
2. Caution must be taken if carrying out maintenance. Procedures have been prepared and implemented to ensure that the gaskets are handled correctly by mechanics during maintenance of the vehicles. Any work involving these gaskets should be carried out by an authorised Chery dealer or a licensed motor mechanic who has been made aware of these procedures.
3. Many vehicles built before the asbestos ban contain the substance in similar gaskets, and it was commonplace in friction components such as brakes and clutches, meaning the vehicle service industry is well versed in managing the risks. However, consumers and automotive repairers must be made aware that the risk may be present in these much newer vehicles.
4. Consumers with other older vehicles are therefore also advised to take precautions when performing do-it-yourself maintenance that might disturb gaskets. A work safety guidance note is available from [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)(link is external).

The ACCC therefore saw no need to recall and replace all gaskets – a warning sticker that the vehicle contained asbestos was sufficient.

The above conclusions were the same as those reached earlier regarding the importation of another Chinese brand – Geely, where a different expert provided the same opinion. In short, these items represent no risk to anyone, provided those working on such components follow simple, well known procedures.

All States have similar published procedures for safely working on vehicles which contain asbestos – in particular, the “Wet Method” can be utilised by home DIY mechanics simply and cheaply. See eg

[https://www.worksafe.qld.gov.au/\\_data/assets/pdf\\_file/0011/58169/how-to-manage-control-asbestos-in-workplace-cop-2011.pdf](https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0011/58169/how-to-manage-control-asbestos-in-workplace-cop-2011.pdf) .

The essence of the Wet Method is to wear gloves and disposable coveralls and a disposable P1 or P2 respirator mask (from eg Bunnings), cover the ground under eg the brake components with plastic sheet, don't blow out brake components with compressed air or high pressure water (eg from a garden hose) but use a low pressure spray bottle (like you get for \$2 from Coles) to wet everything, wipe everything down with wet rags, dispose of them, the plastic and the gloves and coveralls carefully in sealed bags marked asbestos, and take them to the tip where dedicated facilities exist for receiving asbestos waste.

As gaskets do not pose any risk, the same must apply to all other components where the asbestos is bound within a matrix, basically, everything apart from friction components such as brake and clutch parts, which create dust in use.

### **Brake and Clutch Components**

What risk do brake and clutch components represent? None of the Australian institutions devoted to asbestos safety, such as ASEA, suggest they represent a risk to anyone other than those who work on such vehicles. There is no suggestion of risk to owners, drivers, passengers or the general public. Their focus, appropriately, is on exposure to asbestos from building materials. Around 1/3 of all dwellings contain asbestos, which becomes dangerous when disturbed.

The science also supports the view that the general public is not at any risk from asbestos dust caused by using brake and clutch components containing asbestos. The World Health Organisation report in 2014 referred to an Australian survey conducted in

1976 (when every brake lining and pad would have contained asbestos) which found airborne asbestos levels to be very low (0.5 particles/mL) in the immediate vicinity of the intersection braking area of the Tullamarine (SE exit) freeway. At a different location (30 metres from the nearest traffic), levels were below the limits of detection.

The same "wet method" is recommended not only for gasket removal but also – and more specifically - for brake and clutch work.

As asbestos in pre-2004 cars presents no risk to owners, passengers, the general public, and is only a risk to mechanics who do not use simple proven methods to eliminate risk, what is the point in stopping the import of pre-2004 cars? Especially when there are at least 6m such cars being used here already, with all risks properly managed?

The answer may be because the ABF has been frequently criticised for failing to detect asbestos in a range of imported products – not only the 25,000 Great Wall and Chery cars - but multiple building products such as those used in Qld's new Executive Building in George St (the Tower of Power) and the Perth Children's Hospital. When in 2016, an external review of the ABF's handling of asbestos found some was still getting in, the unions and the Qld Labor Government wasted no time in using the ABF as a blunt instrument with which to attack the Commonwealth.

Pre-2004 cars are an easy target - with the ABF reporting on 18 June 2018: "This financial year, imported secondhand vehicles continue to dominate asbestos detections, with more than 60 cars and motorbikes found to have asbestos-containing parts. There have also been four detections of asbestos in building materials to date."

So while the ABF is entitled to look for asbestos in old cars, it is misleading to paint the asbestos they contain as dangerous, or suggest they are doing so out of concern for public safety and community protection. Unfairly demonising old cars also needlessly harms the old car movement, and those who depend on it for their livelihood, across Australia.

### **The Historic Car Movement**

There are around 900,000 cars over 30 years old in Australia. All were obviously made well before the asbestos ban came into effect. Unless the car has had a complete nut-and-bolt restoration since 2004, with every brake lining, brake pad, clutch plate, and every gasket replaced, it will contain asbestos. This presents no risk whatsoever, provided those working on them follow the long-established simple procedures.

I believe that the movement should:

1. Seek to educate its DIY members in safe asbestos-handling techniques, and
2. Oppose the Government position on asbestos in pre-2004 car imports, and seek a legal exemption for them.

### **What needs to be changed?**

There is no point in trying to get the ABF to change its stance. While everyone has known that all pre-2004 cars could contain asbestos, the ABF chose not to target them for 13 years (2004 – 2016 inclusive).

There is also no point in trying to get Ministerial exemptions, as the asbestos used in car components is exclusively white asbestos, or chrysotile. The Minister can only exempt the import of white asbestos if the purpose of importation is for "research, analysis or display". Cars which will be used on the road are unlikely to qualify.

The prohibition on the importation of asbestos is in Regulations made under the Customs Act 1901. The only way therefore to achieve change is to persuade both houses of Federal Parliament to change the law.

Closing comments

1. Unless and until the Commonwealth funds the removal of asbestos from all pre-2004 cars it allowed to be sold here – cleans up its own backyard, as it were – than it can hardly take the high moral ground on imports of identical cars. Only the ABF is taking the extreme position of ignoring the 6m elephants already in the room.
2. There is no coherent policy across all Federal agencies and Departments. The ACCC has the most realistic and practical approach, focussing as it does on avoiding “consumer detriment” and this should inform the policy to be adopted by all agencies and Departments.
3. There is no demonstrated risk associated with asbestos in pre-2004 cars and there is no detriment is allowing such cars to cross our borders freely.
4. Given there are at least 6 million cars containing asbestos on the road, which present no risk whatsoever, stopping a handful at the border is an extraordinary waste of tax payer funds which could be better spent looking for drugs and other substances which are truly hazardous.

**Doug Young, Chairman, AHVIG (Australian Historic Vehicle Interest Group)**

*Editor: Our peak motoring bodies have totally failed all their clubs in countering the paid government departments relating to the asbestos issue in cars. Many thanks to Doug for all his work in presenting the real facts of the issue. Let's hope common sense prevails.*

## **RETURN TO BROMELTON HOUSE 100 YEARS ON**

