



S. 47E(d)

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4.2. Methods other than laboratory microscopic analysis

Analysis using recognised methods of microscopy by an accredited laboratory is the most effective and accurate way to identify the presence of asbestos. Until a reliable and accurate field technology is identified, trialled and adopted for use at the border, the policy regarding asbestos detection is to sample, and then test by an accredited laboratory. In Australia, this also provides a chain of evidence from independent experts, if required.

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4.5.1. Unidentified Mineral Fibres (UMF) reported

In Australia, when undertaking analysis to AS4964/AS5370, PLM/DS can only be used to achieve **definitive** identification of three of the six controlled asbestos silicates:

- a. chrysotile asbestos
- b. amosite asbestos (or grunerite asbestos), and
- c. crocidolite asbestos.

Other (non-synthetic) mineral fibres must be reported as *unidentified mineral fibres* (UMF) detected, whether or not one of the other three controlled asbestos silicates is believed to be present. Experienced analysts may often be able to visually identify each of the other three asbestos silicates, but are unable to officially report them under the constraints of AS4964. A confirming technique (higher resolution analysis) can be used to identify the other silicates and whether the fibres are asbestiform (controlled) or non-asbestiform (not controlled). If asbestiform, they should be labelled asbestos.

AS5370 specifically provides for the use of confirmation techniques, such as Scanning Electron Microscopy (SEM) or Transmission Electron Microscopy (TEM) with Energy Dispersive X-ray Spectroscopy (EDS). AS4964 does not allow for reporting using these confirming techniques, however suggests the use of another independent analytical technique may be required where a result of UMF is returned.

Australian laboratories with no capacity beyond PLM may have working arrangements with an accredited laboratory with the capacity to undertake a confirming technique. Alternatively, they may report the UMF result and the importer will be required to engage a laboratory with the relevant capacity.

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4.5.2. Limit of detection

The limit of detection is defined as the detection and identification of one fibre or fibre bundle in the amount of sample examined (ISO Standard 22262-1: Sampling and qualitative determination of asbestos in commercial bulk materials).

The limit of detection (or detection limit) is mainly determined by the method of analysis. So, equipment that can achieve a higher resolution microscopic view of the sample is going to have a lower limitation, and therefore, more ability to enable visual identification of asbestos fibres. Although most accepted microscopic

analysis methods are reliable when undertaken in accordance with a recognised Standard by experienced analysts, no method can be considered absolutely reliable. As analysis technology improves, so will the limits of detection.

Each method has its own limit of detection. **This is a range, not a fixed figure**, but will often be referenced as the single figure at the upper end of the range, which may align to local regulatory requirements in the country of origin.

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7. Accreditation

7.1. What it means

Large economies will have one or more accreditation authorities that coordinate and register the accreditation process for scientific analysis. NATA is the only recognised Australian based scientific accreditation authority. NATA is partly funded by the Commonwealth and is a not-for-profit private company with the mission of facilitating a reliable testing and inspection infrastructure in the national interest and for the public good.

NATA is not the laboratory or the organisation that undertakes the testing process.

A laboratory that is undertaking analysis in line with a registered Industry Standard, or in some foreign economies; government Standard, is usually accredited to do so. This is to enable acceptance of the results as having been credibly achieved through the use of a method of analysis recognised by the scientific community worldwide. The individual laboratory has been subjected to a formal peer review and validation process in order to achieve that accreditation. Corporations with multiple laboratories may have some accredited for asbestos testing, while others may not be accredited. It is important to check the scope of accreditation for the individual laboratory and that it lists the method for asbestos testing stated on the report.

Accreditation demonstrates the laboratory has:

- a set of processes to safely handle samples
- procedures to prepare them for analysis
- validated test methods in order to undertake the analysis
- reporting practices that will indicate whether or not asbestos is detected in the sample(s) being analysed⁴
- Laboratories in Australia can be accredited to foreign Standards, for example, ISO. S. 47E(d)

The laboratory must be accredited to ISO IEC 17025 to undertake testing and calibration and if providing sampling services (competent person): ISO IEC 17020 to undertake an inspection. These are accreditations for a range of activities, and not specific to asbestos, which must appear in the laboratory's scope.



Figure 5 – NATA logo

⁴ NATA Industry User Guide 7: [Working with accredited asbestos facilities for import/export](#)



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Border controls for asbestos

Policy Statement

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4.6. Identifying asbestos at the border

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- 4.6.2. Testing using recognised methods of microscopy by an accredited laboratory is the most effective and accurate way to identify the presence of asbestos. Until a reliable and accurate field technology is identified, trialled and adopted for use at the border, the policy regarding asbestos detection is to sample, and then test by an accredited laboratory. In Australia, this also provides a chain of evidence from independent experts, if required.
- 4.6.3. Regulation 423 of the *Work Health and Safety Regulations 2011* (Cth) (the WHS Regulations) specifies that, in Australia, a laboratory that is accredited by the National Association of Testing Authorities (NATA) must undertake the identification of asbestos in samples.
- 4.6.3.1. The ABF, as the Commonwealth, and its officers as 'officers of the Commonwealth' and 'Commonwealth workers', are bound by the WHS Act and the WHS Regulations⁴.
- 4.6.3.2. This provides the basis for the border requirement for importers/exporters that test results for asbestos will only be accepted when:
- in Australia, the testing is undertaken by a NATA-accredited laboratory, or
 - outside Australia, the testing is undertaken by an accredited laboratory recognised by NATA through an international Mutual Recognition Arrangement (MRA), such as the International Laboratory Accreditation Cooperation (ILAC) or the Asia Pacific Accreditation Cooperation (APAC) MRAs.

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- 4.6.4.4. Determining whether a sample contains asbestiform asbestos during testing requires the identification of the morphology (internal structure) of any fibres present in the sample. Dispersion staining is used to determine this during Polarised Light Microscopy (PLM) analyses. Dispersion staining is not the application of a liquid to the sample as the name

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might suggest. It is the application of optical staining (light source) dispersed at particular angles, to enable the visual identification from the refractive indexes (colour appearances) that become apparent, from which the silicate type can be identified.

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Management of Asbestos at the Border

Procedural Instruction

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1.1. Powers and obligations

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1. Purpose

This Procedural Instruction (PI) provides guidance to Australian Border Force (ABF) officers on how to appropriately detect and manage asbestos, and goods containing asbestos, at the border. This includes how to identify goods that pose an asbestos risk and undertake appropriate action when the presence of asbestos is detected. This guidance is designed to ensure a nationally consistent approach to the management of asbestos at the border.

An Australia-wide ban on the manufacture and use of all types of asbestos and Asbestos Containing Material (ACM) took effect on 31 December 2003. Work Health and Safety (WHS) laws in all states and territories prohibit the supply, transport, use, or handling of asbestos unless an exception or exemption applies.

The importation into Australia of asbestos and goods containing asbestos is prohibited under Regulation 4C of the *Customs (Prohibited Imports) Regulations 1956* (the PI Regulations) unless certain conditions are satisfied.

The exportation from Australia of asbestos, and certain goods that contain asbestos, is prohibited under Regulation 4 and Schedule 1 of the *Customs (Prohibited Exports) Regulations 1958* (the PE Regulations) unless certain conditions are satisfied. Schedule 1 of the PE Regulations provides a list of goods that, if they contain asbestos, are subject to the export prohibition.

Only asbestiform asbestos silicates belonging to the serpentine or amphibole groups of rock forming minerals are controlled at the border. Non-asbestiform silicates, or goods containing a silicate identified as non-asbestiform in nature, are not controlled.

The *Border Controls for Asbestos - Policy Statement* (TT-2405) provides explanation of the border control. Published information relating to the asbestos border control is on the [ABF website](#).

2. Scope

2.1. In scope

This PI outlines the end-to-end procedure for the management of asbestos and goods containing asbestos, from detection to disposal and reporting of detections. It outlines the operational policy and procedures to be followed by ABF officers.

2.2. Out of scope

Many of the procedures detailed in this PI have been written to comply with the *Work Health and Safety Act 2011* (the WHS Act), the *Work Health and Safety Regulations 2011* (the WHS Regulations) and approved *Work Health and Safety Codes of Practice 2015* (the WHS Codes of Practice). However, this PI does not provide a full overview of the work, health and safety policies and procedures for dealing with asbestos.

The *Asbestos Management - Procedural Instruction* (HR-2109) contains work health and safety specific policy and procedures for managing asbestos and must be read in consultation with this PI.

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The Asbestos Safety and Eradication Agency (Cth) (ASEA) undertakes the administration of the asbestos import permission process. A number of *National Association of Testing Authorities (NATA)* accredited laboratories currently hold ongoing permissions to import samples into Australia for the purpose of analysis.

3.3. Examination

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Examinations must be undertaken by a Competent Person engaged by the owner who is independent from the importation. The Competent Person should be impartial and not have any bias towards the importation or the owner as this may compromise the examination. For example, the Competent Person must not also be the owner, and should not be an employee of the owner, or be otherwise associated.

In some cases, a Competent Person alone will not possess the skills or tools to deconstruct a vehicle or device to access the parts considered an asbestos risk. In these cases, an appropriately technically qualified person (for the goods) must also be engaged to assist the Competent Person at the time of the examination to enable sampling of the goods, or suspect parts/components. Engaging such a qualified person is the responsibility of the owner (unless the goods are seized), and it is reasonable to expect that assisting person is independent from the importation, meaning they should not be owner or an employee of the owner, or be otherwise associated.

The costs associated with the examination are to be borne by the owner as per section 186 of the Customs Act, including any required testing and any storage charges accrued.

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OFFICIAL: Sensitive**3.3.1 Raising a Query Memorandum (QM)**

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The QM must request that an examination conducted by a Competent Person to:

- conduct a safe examination of suspected or identified asbestos goods;
- draw samples of the items identified by the ABF as a risk, along with any other items that may be a risk based on their knowledge;
- ensure appropriate packaging and handling of any samples drawn, or asbestos goods seized, during the course of the examination;
- transport any required samples to a NATA approved testing facility to confirm if asbestos is present; and
- transport packaged asbestos that has been seized by the ABF for appropriate disposal (destruction).

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3.3.2 Notifying the owner

The IO/ME must contact the owner to:

- provide a copy of the QM form;
- inform them they must engage a Competent Person to collect samples;
- provide contact details for the ABF Programmer in Cargo Operations to book the examination; and
- inform them that the costs associated with the engagement of the Competent Person, and subsequent sampling, testing and any storage costs, will be borne by them.

A template for notifying the owner can be found in TRIM at [ADD2022/6077176](#).

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3.4. Assurances

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Where goods arrive and the owner produces a test report from an overseas testing facility, the IO/ME must undertake a series of checks to ensure the document provides sufficient assurance that asbestos is not present as per section 3.4.2 – *Test reports from outside Australia*.

Where goods are tested in Australia, the IO/ME must also perform similar checks to ensure they are satisfied asbestos is not present as per section 3.4.3 – *Australian test reports*.

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3.4.1 Testing technique information

Australian Standard AS 4964 – 2004 (AS 4964) method for the qualitative identification of asbestos in bulk samples is the general test method used in NATA accredited laboratories in Australia. A very small number of overseas laboratories are accredited for AS 4964.

Polarised light microscopy (PLM) with dispersion staining is required by AS 4964 as the principal method. It involves the identification of asbestos fibres by examining prepared samples using a stereo microscope with a polarised light source. This method is the standardised reference method in most countries.

In line with AS 4964, PLM with dispersion staining can only be used to identify the three common (commercial) asbestos types (Chrysotile asbestos, Crocidolite asbestos and Amosite asbestos (aka

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Grunerite asbestos). The method does have limitations in identifying the other types of asbestos and if suspected of being present, requires them to be reported as "Mineral fibres of unknown type".

What makes AS 4964 different is that as well as conventional PLM examination, it also invokes an additional process entitled "trace analysis" which is conducted by placing a small sub-sample on a slide with a refractive index liquid and observing it under high power to detect any discrete fibres or fibre bundles.

AS 4964 allows for a detection limit in the range 0.01-0.1%, depending on whether the asbestos fibres are uniformly spread through the sample or not.

In instances where the results of an analysis result in the identification of "mineral fibres of unknown type", AS 4964 recommends further investigation using a confirming technique. Scanning electron microscopy with energy dispersive X-ray (SEM-EDX) is typically the technique sought when this occurs as it has the major advantage of being able to detect all six types of asbestos and smaller fibres not able to be identified under PLM.

However, SEM-EDX is costly and slow, and therefore is only required by the ABF when PLM with dispersion staining detects mineral fibres of an unknown type. Other techniques which include Transmission Electron Microscopy (TEM), X-ray diffraction (XRD) and infrared absorption are used in some applications but all have inherent limitations in terms of expense, application and/or limits of detection.

NATA accreditation for laboratories using the confirming techniques, such as SEM-EDX, TEM and XRD, is limited in Australia. Where a NATA accredited laboratory has been used for the initial testing using AS 4964, and another Australian laboratory (whether or not NATA accredited) is used for the confirming technique and no asbestos was detected, this may be accepted as assurance that the goods do not contain asbestos.

Further explanatory information on laboratory analysis for asbestos is available in the *Border Controls for Asbestos - Policy Statement* (TT-2405). s. 47E(d)

3.4.2 Test reports from outside Australia

Owners may produce a test report from a laboratory outside Australia in an attempt to assure the ABF that asbestos is not present.

Certificates produced from outside Australia must be from a laboratory recognised by NATA through the Mutual Recognition Agreement (MRA) scheme, and accredited by the local accreditation authority for the purposes of asbestos identification using an appropriate analysis method.

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- g. If the laboratory is listed in the search results, click on the link for that laboratory to see their accreditation:
 - In most cases, their accreditation will not be listed on the webpage. The accreditation document will need to be downloaded using the *certificate appendices* link;
 - A keyword search may be appropriate to determine if they are accredited for asbestos testing using PLM with dispersion staining. The searches should include keyword searches for 'asbestos' and the testing method listed on the test report such as *Niosh, PLM, 9002, AS4964* or any other criteria that may indicate if the laboratory is accredited for testing for asbestos in bulk samples and the test method used.
- h. If the laboratory is accredited for asbestos testing using PLM with dispersion staining, identify the testing method on the test report and ensure that it is specified in the report that nil asbestos content was detected to the detection limit of 0.1 - 0.01%; PLM with dispersion staining has a detection limit of 0.1 – 0.01%, and AS4694 requires this level of reporting. However, other international standards may only report detections above 1%, such as NIOSH 9002. An adequate analysis method might be undertaken, but officers need to be aware that if the local law allows reporting to tolerance levels, a detection below a tolerance level might be reported as no asbestos detected;
- i. If the testing method is specified, but that method is not required to report on detections of 0.1% to 0.01%, and the test report does not include special notes indicating that any level of asbestos below the reporting limit was reported and that there were no unidentified or unknown fibres detected, additional documents must be sought from the owner to verify that the testing was undertaken to that limit and nil asbestos was detected;
- j. If the statement mineral fibres of unknown type or something similar, is included in the testing results, further testing is required by another technique (see section 3.4.1 – *Testing technique information*) to determine if asbestos fibres are present;
- k. Once it has been established that the laboratory is accredited to undertake asbestos testing and the testing has been undertaken to the relevant detection limit, check that there is evidence to demonstrate the samples tested have been drawn from the actual batch/consignment - specific to the goods being imported to Australia. This will require checking how recent the testing was undertaken:
 - If the test report is more than 12 months old, consideration must be given to seeking further assurance from the owner and supplier that the goods follow the same manufacturing process as the goods that were tested or are from the same batch.

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- Seek further information from the owner to ascertain whether the goods imported are from the same batch.
 - In some cases, written assurance from the owner and supplier may be the only information to enable a level of assurance to be provided.
 - If assurance cannot be provided that the test samples are from the same batch as the goods being imported or followed the same manufacturing process, the certificate may not be acceptable.
- l. Ensure the test report includes a signature and is dated; and
- m. Ensure there are no indicators to suggest fraudulent or false information. For example, an electronic file that is not a scan of an original document, and contains electronic images of accreditation authority logos, stamps and software signatures.

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3.4.3 Australian test reports

If the consignment is being held at the border pending testing results to provide ABF with assurance that asbestos is not present, the laboratory must forward the results directly to the IO/ME. The report should not be provided by the owner.

The following process must be undertaken by the IO/ME when an Australian test report is produced to ensure that it provides adequate assurance:

- a. Identify the testing laboratory and their address detail;
- Go to the NATA website to determine if they are an accredited laboratory for the purposes of asbestos testing;
 - Click on the *facilities and labs* link and choose *advanced search*;
 - Use the *facilities and lab* section of the search page;
 - Search for the laboratory by typing the accreditation number listed on the certificate into the *accred #* field;
 - If this does not result in the laboratory being listed, try a second search using the *keyword* field and type in a word of the laboratory's name; and
 - If multiple labs are listed with the same name, scroll through the list to find the laboratory matching the address on the certificate.
- b. If the laboratory is found, click on the link to the laboratory to see their accreditation;
- If they are accredited, the accreditation will state as follows or similar:
- Asbestos fibre identification**
- Qualitative identification in bulk samples listed as determination(s) by technique(s) using method(s) - Amosite; chrysotile; crocidolite; organic fibres; synthetic mineral fibres by polarised light microscopy (including dispersion staining) using supplementary work instruction in-house AN602 and AS 4964.
- c. Once it has been established that the laboratory is accredited to undertake asbestos testing and the testing has been undertaken to the relevant detection limit, check that there is evidence to demonstrate the samples tested have been drawn from the actual batch/consignment - specific to the goods being imported to Australia;
- This will require checking how recent the testing was undertaken;

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- If the test report is more than 12 months old, consideration must be given to seeking further assurance from the owner and supplier that the goods follow the same manufacturing process as the goods that were tested or are from the same batch;
 - Seeking further information from the owner to ascertain whether the goods imported are from the same batch;
 - In some cases, written assurance from the owner and supplier may be the only information to enable a level of assurance to be provided; and
 - If assurance cannot be provided that the test samples are from the same batch as the goods being imported, or were manufactured using the same manufacturing process, the certificate may not be acceptable.
- d. Ensure the test report includes a signature and is dated; and
- e. Ensure there are no indicators to suggest fraudulent or false information.

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3.5.4 Inconclusive or mixed test results

In some cases, a test report may indicate inconclusive or mixed results.

The report may identify 'unknown fibres' or make a similar statement without showing any evidence of secondary testing to confirm whether or not asbestos is present. If this occurs, a second round of examination and testing will be required using an alternative but more precise testing method, such as Scanning Electron Microscopy (SEM).

If a test result is received stating mineral fibres of unknown type which are not asbestiform in nature and are inconsistent with the definition of asbestos then further testing may not be not required.

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In this circumstance, the IO/ME is required to update the original QM in EXAMS2 with an additional task to advise the EO of the requirement for further examination and testing – if additional samples are required.

If a number of samples of the same item are tested and some, but not all, are positive for asbestos, consideration should be given to testing all of these items. Alternatively, the IO/ME or EO may determine other ways to deal with the goods, such as voluntary disposal or decontamination.

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Term	Acronym (if applicable)	Definition
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Energy dispersive X-ray	SEM-EDX	Energy dispersive X-ray (EDX) analysis is a micro analytical technique for the quantitative analysis of elements that uses a characteristic spectrum of X-rays.

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Term	Acronym (if applicable)	Definition
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National Association of Testing Authorities, Australia	NATA	NATA is the authority that provides independent assurance of technical competence through a proven network of best practice industry experts for customers who require confidence in the delivery of their products and services. NATA provides assessment, accreditation and training services to laboratories and technical facilities.
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Polarised light microscopy	PLM	Microscopic examination of a prepared sample using transmitted light and a polarising filter.
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Term	Acronym (if applicable)	Definition
Scanning electron microscopy	SEM	Microscopic examination of a prepared sample using a focussed beam of high energy electrons.

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Transmission electron microscopy	TEM	Microscopic examination of a prepared sample using a particle beam of electrons.
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Term	Acronym (if applicable)	Definition
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X-ray diffraction	XRD	A non-destructive testing technique that provides detailed information about the crystallographic structure, chemical composition, and physical properties of materials.

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Attachment B – Assurance and control matrix

1.1. Powers and obligations

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Legislative Provision			Is this power delegated?	If delegated list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
<i>Customs Act 1901</i>	50	Prohibition of the importation of goods	s. 47E(d)	
<i>Customs Act 1901</i>	186	General powers of examination of goods loaded onto or unloaded from ships or aircraft		
<i>Customs Act 1901</i>	186A	Power to make copies of, and take extracts from, documents in certain circumstances		
<i>Customs Act 1901</i>	203B	Seizure without warrant of special forfeited goods, or of evidential material relating to special forfeited goods, at a Customs place		
<i>Customs Act 1901</i>	203D	How an authorised person is to exercise certain powers		
<i>Customs Act 1901</i>	204	Seized goods to be secured		
<i>Customs Act 1901</i>	205	Requirement to serve seizure notices		
<i>Customs Act 1901</i>	205A	Matters to be dealt with in seizure notices		
<i>Customs Act 1901</i>	205B	Claim for return of goods seized		

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Legislative Provision			Is this power delegated?	If delegated list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
			s. 47E(d)	
Customs Act 1901	205C	Treatment of goods seized if no claim for return is made		
Customs Act 1901	205D	Treatment of goods seized if a claim for return is made - general		
Customs Act 1901	205E	Magistrate may permit goods seized to be retained		
Customs Act 1901	206	Immediate disposal of certain goods		
Customs Act 1901	208D	Disposal of forfeited goods		
Customs Regulation 2015	124	Disposal of certain abandoned goods – prescribed period		
Customs Regulation 2015	134	Meaning of infringement officer		

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Legislative Provision			Is this power delegated?	If delegated list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
			s. 47E(d)	
<i>Customs (Prohibited Imports) Regulations 1956</i>	4(1AC)	Goods the importation of which is prohibited unless conditions or restrictions are complied with		

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