

Intelligence report

Unlicensed asbestos waste transporters



Purpose

As part of the Environmental Regulation Division's 2024–25 Compliance Plan¹ commitments, the Division conducted a targeted intelligence campaign into the waste transport sector to identify businesses transporting asbestos waste without an Environment Protection Licence (EPL).

Regulatory context

On behalf of the Northern Territory Environment Protection Authority (NT EPA), the Environmental Regulation Division (the Division) within the Department of Lands, Planning and Environment (DLPE) administers the *Waste Management and Pollution Control Act 1998* (the Act), which regulates waste handling activities including transport and disposal of listed wastes.

Listed wastes are identified under the Act as requiring special oversight and regulation due to the potential for causing harm to the environment and human health, if handled incorrectly. Asbestos is included as a listed waste due to its carcinogenic properties.

It is an offence under the Act to transport listed waste on a commercial or fee for service basis, in the Territory, without an Environment Protection Licence (EPL).

Methodology

The project followed a structured process involving intelligence gathering, data matching and data analysis. Intelligence was gathered from multiple sources to help us understand the asbestos removal, transport and disposal industry. Intelligence obtained through the campaign included:

- The NT asbestos notification register: maintained by NT WorkSafe (NTWS), which provided details of businesses performing asbestos removal work,
- Landfill disposal applications: maintained by local government councils operating licensed landfills, which provided details of businesses applying to dispose of asbestos at a landfill, and
- Weighbridge tickets: maintained by local government councils operating licensed landfills, which provided details of businesses presenting asbestos to a landfill to be disposed.

This intelligence enabled us to develop an industry process map to outline the end-to-end asbestos removal and disposal process (see Figure 1). This process map was useful for identifying points of contact within the industry, valuable datasets, and identifying knowledge gaps.

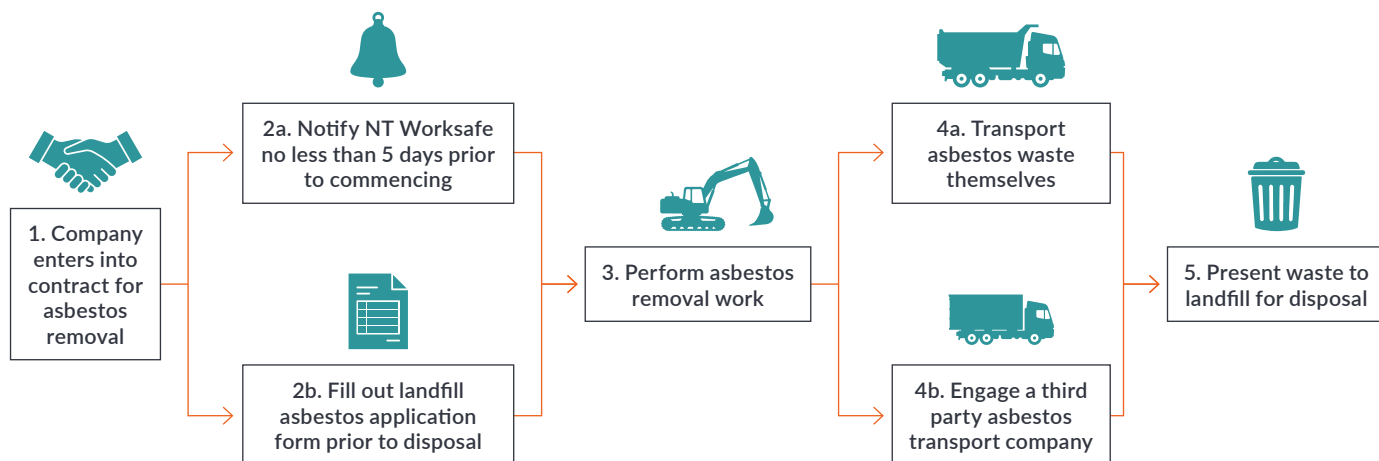


Figure 1: Asbestos transport and disposal process map

Data matching was then undertaken using Australian Business Numbers (ABNs) to link landfill disposal information with our internal EPL management system.

Businesses that appeared in the landfill weighbridge data but did not hold an EPL authorising asbestos transport in ILIS were flagged as potentially unlicensed transporters.

We then tested whether these operators were acting on a commercial or fee-for-service basis. This test counted the number of times a business disposed of a significant amount of asbestos. The number of landfill disposals indicated whether the business activity was commercial or fee-for-service. This was then confirmed using open-source information about the business (i.e. information available to the public, such as social media posts, business websites, and business directories).

13 businesses met these testing criteria; they appeared in the landfill weighbridge data, did not hold an appropriate EPL, and appeared to be operating on a commercial or fee-for-service basis. These businesses became the focus of regulatory action.

Regulatory actions

Our regulatory approach was guided by the PACTT (Proportionate, Accountable, Consistent, Targeted and Transparent) principles and focused on providing education and guidance to non-compliant operators.

This intelligence campaign targeted asbestos transport businesses operating between intentional non-compliance and carelessness.

As a result of the project, we undertook the following regulatory actions:

Transport industry education

- Letters were sent to all licensed transporters (operating under an EPL) to relay the intelligence campaign findings.
- The letter served to remind licensed transporters of their regulatory obligations and the Division's commitment to monitor compliance within the industry.

Landfill industry education

- Letters were issued to all licensed landfill operators to relay the intelligence campaign findings.
- The letters advised landfill operators of the common issues found throughout the project.
- The letters also clarified the landfill operators' regulatory obligations to request a copy of EPLs from commercial operators transporting listed waste to the landfill.

Targeted compliance action

- Individual letters were sent to the 13 unlicensed transporters identified by the intelligence campaign.
- The letters invited the operators to provide details of their activities.
- The letters also provided guidance on how to apply for an EPL to ensure any future transport activities are compliant with the Act.

Outcomes

This intelligence campaign and associated regulatory actions, resulted in the following:

Clarifications

- 4 operators said they carried out asbestos transport as subcontractors under their clients' EPLs. Division staff confirmed this.
- 1 operator explained that they used a licensed third-party transporter, but the weighbridge ticket recorded the operator's details for invoicing. Division staff confirmed this.

Acknowledgements

- 3 operators acknowledged their obligations under the Act and resolved to engage licensed transporters in the future.

Applications

- 3 operators applied for and were granted an EPL for asbestos transport.

Continued focus

- Regulatory focus continues for the final 2 operators.

Next steps

Asbestos transport will continue to be a compliance focus for the Division in the future, with further intelligence campaigns being planned to assess the status of the industry and ensure ongoing compliance with the Act.

¹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/1457086/environment-compliance-plan-2024.pdf