

## **DETECTION OF ASBESTOS AND RELATED ISSUES** **WESTMEAD CORONER'S COURT**

### **Introduction:**

Mr. Laurie Glanfield, Director-General Attorney General's Department asked for an independent review regarding concerns about the detection of asbestos within the Westmead Coroner's Court premises. Consequently, I met with Ms Maureen Tangney, Acting Director-General on 3 March 2009 in the offices of the Attorney General's Department on Level 9 of the Justice Precinct in George Street Parramatta.

At that meeting I was asked to report on:

- The circumstances leading to the presence of asbestos on the site of the Westmead Coroner's Court.
- The extent to which people who worked at, or attended the Westmead Coroners Court may have been exposed to asbestos at that site.
- The adequacy of the Attorney General's Department response to the discovery of asbestos at that site including measures to ameliorate the risk of asbestos exposure; arrangements to notify and support potentially exposed people and future monitoring arrangements.
- Opportunities to improve procedures for identifying and responding to asbestos risks at other Attorney General's Department sites.

I held discussions with senior management staff at Sydney West Area Health Service who were familiar with the development of the Westmead Complex and the construction of the Westmead Coroner's Court. They provided helpful information about the contamination of the site and ongoing efforts to deal with asbestos issues.

I visited the Westmead Coroner's Court and associated buildings with Mr. Graham Gunner, A/Assistant Director, Facilities Management/Asset Management Branch on 5 March 2009. We paid particular attention to the lower ground floor and an access door that were the primary points of concern. We discussed the removal of files that had taken place following the closure of the WCC in December 2008. Mr. Gunner briefed me about the air conditioning system that was also of concern. He showed me through the buildings including the court room. It is worth noting that the entire premises had been properly closed off and secured with warnings to not enter and obviously the Department had done everything possible to prevent unauthorized entry. We discussed a number of general issues and Mr. Gunner undertook to provide me with relevant reports and documents.

### **Background:**

The Westmead Coroner's Court was officially opened in 1982 and was the last building to be constructed as part of the major Westmead Hospital Complex. The site was well known to have been extensively used as a dumping ground for asbestos. This required particular strategies in the overall site management during the construction of the Westmead Hospital complex. An asbestos management plan

has existed for the site for a number of years and from time to time remediation of parts of the site has been undertaken as necessary.

In 1997 the Attorney General's Department (AGD) undertook extensions and alterations to the Westmead Coroner's Court (WCC). When those alterations were being planned, the Department acted appropriately and arranged to have an asbestos study undertaken. The 1997 works involved extensions for new offices and included an excavated lower ground floor file storage area. Reports available at the time indicated that the WCC site did not reside in a known asbestos contamination area. However, pre-works testing revealed the presence of asbestos and appropriate controls were applied in the management of contaminated soils and the surrounding areas during construction.

A door leading from the lower ground floor file storage area was provided to allow access to an earthen area under the body of the building. This access was needed in the event of a problem with sewerage lines or subsoil drainage.

In August 2005 collapsed sewer lines were tested and confirmed the presence of asbestos. Appropriate remediation was undertaken and contractors were engaged to properly remove and process the waste. Relevant clearances were then provided after that work was completed. Again, in December 2005 during the construction of a disabled toilet, friable asbestos was detected and work methods consistent with safe work practices were put in place. Testing was undertaken and clearances were provided on the completion of that work

**Circumstances leading to the presence of asbestos on the site of the Westmead Coroner's Court:**

No further problems had been experienced with asbestos contamination until February 2008. At that time, investigations concerning the placement of an additional outside air intake in the lower ground floor to improve the performance of air conditioning on the site were being considered. As a result, a Project Manager employed by the Attorney General's Department sensibly decided to have a comprehensive survey of the site to test for hazardous materials generally. That testing was undertaken by Healthy Buildings International Pty Ltd (HBI) - a reputable company. HBI subsequently submitted a report in February 2009 indicating that asbestos was found on the filter side of the fan coil unit of the air conditioning system and at the base of the door leading from the lower ground floor to the under floor area.

It appears that nothing further eventuated until a reminder was received from Healthy Buildings International Pty Ltd in February 2009 by the Asset Management Branch indicating that twelve monthly re-inspection of identified hazardous materials at the WCC was due. The Branch immediately sought a copy of the 2008 report and this was when alarm was aroused.

It is incomprehensible that the person who received the original report (who retired about the same time) appears to have done nothing. His Manager at that time has since died and there is no way of knowing whether he had been aware of the report. There is apparently no trace of the report in the Department.

It is quite disconcerting that staff and site files stored in the basement or the lower ground floor area were transferred to Glebe and to the State Archives at Kingswood (before the presence of asbestos in the WCC lower ground floor was detected) following the closure of the WCC in December 2008 as a result of a management decision to rationalise court staff and recourses.

Fortuitously, recent testing for traces of asbestos in files at Glebe and Kingswood has returned negative results. Similarly, testing throughout the WCC complex except for the lower ground floor trouble spots has revealed no indication of asbestos. Even more fortuitously the extent of the presence of asbestos is no greater now than it was in early 2008. These issues are dealt with in more detail later and far from adopting a laissez faire approach the AGD has been leaving nothing to chance in the thoroughness of testing for traces of asbestos throughout the entire WCC complex and is engaging an accredited asbestos removal contractor to thoroughly clean the premises.

The main spots showing the presence of asbestos are in the lower ground floor area in two locations. The first section of high risk was a combination of the particle collection surface of the disposable filter media located on the air intake side of the air conditioning plant, the air space between the filter bank and the evaporator coil inside the air conditioning plant, the space between the air discharge side of the evaporator coil and the supply ductwork and finally the supply ductwork to the air conditioned spaces. Current testing has confirmed that no asbestos particles were found on the surface of the filter media, but did confirm their presence between the filter media and the evaporator coil. No asbestos particles were detected between the evaporator coil and the start of the air distribution ducting and none were found in the air distribution ducting. Testing confirms that no particles of asbestos have found there way past the evaporator in the air conditioning unit, and as such the distribution ductwork has not been contaminated. Workcover authorities agree that the results of this testing indicate that whilst the air conditioning unit will need to be cleaned, the air conditioning ducting does not need to be cleaned.

The second risk area is under and adjacent to the infamous door that allows entry into the under floor area in the event of a maintenance problem. The presence of asbestos dust near that door has been confirmed. It appears that air drawn from the other end of the file storage area to the air conditioning unit creates a vacuum that appears to have induced small particles to be drawn under the offending door. It is hard to understand why the door in question was not thoroughly sealed all around at the time of construction.

**The extent to which people who worked at, or attended the Westmead Coroners Court may have been exposed to asbestos at that site.**

On receiving a copy of the February 2009 the report that indicated that friable asbestos had been detected in two discrete locations in the lower basement area of the WCC complex the following action was taken by Mr G Gunner A/Assistant Director Facility Management/Asset Management Branch and others:

- Briefed the Director of the Asset Management Branch.
- Attended site to review locations mentioned in the report.

- Taped shut the access to the underfloor area of the building and fixed appropriate warning signage internally and externally.
- Removed all access codes to the site except two.
- Advised the Sydney West Area Health Service to ensure that they did not allow security, cleaning or maintenance staff to enter the site.
- Discussed the impact of our findings and actions with a small group of key stakeholders including Human Resource staff, Occupational Health and Safety staff and registrars.
- Arranged confirmation testing of the site to see if test results were still valid.
- Notified Workcover.
- Met with service staff to the site and ceased all servicing of the site and isolated the power to the air handling equipment. Undertook file searches for all relevant data concerning asbestos on site
- The Incident Management Committee (IMC) arranged for staff communications to be released to the press. A press release on 27 February 2009 detailed the detection of asbestos fibres in the lower ground floor area. That press release encouraged any person who has worked at the WCC between 1997 and 2009 to contact the Department and indicated that the AGD will arrange free medical health examinations for people potentially exposed.
- IMC sought to identify any and all staff, contractors and others who may have been exposed to the asbestos to invite them to a briefing session.
- The briefing session was held and an explanation given regarding what was found and where and what forward action would take place. With hindsight it may have been better if staff had been informed of that the asbestos issue had arisen earlier. However, I have no reason to suspect any sinister motive in this information not being passed on and it is more likely that the AGD genuinely wished to not alarm staff until the true position was known.
- Those present at the briefing included: Asset Management staff, Human Resource staff, Occupational Health and Safety Staff, police, judiciary, Union, Workcover, staff and relocation contractors.
- All those present and all staff able to be contacted that have worked on site at Westmead were offered access to health checks paid for by the Attorney General's Department. This includes access to review by the Dust Diseases Board who will assist in triaging the staff based on the outcomes of their questionnaires and interviews and will recommend those who would benefit from further ongoing testing and those who would not.
- All results of initial follow-up asbestos testing arranged by Attorney General's Department were found to be negative for asbestos except for the two locations mentioned in the original report.
- Further tests of the files sent to Glebe and the State Archives at Kingswood (both loose and in archive boxes) returned negative results for asbestos.
- Workcover requested some additional testing of flat surfaces, carpet, ledges, and the compactus -all these also returned negative results for asbestos

The Attorney General's Department has worked swiftly and professionally to deal with the potential threat to staff resulting from the detection of asbestos in the lower ground floor area of the Westmead Coroners Court. The latest test results have not revealed any progression of asbestos fibres through the building beyond the two discrete areas revealed in the 2008 report. Nevertheless, the Department has taken all possible action to assist staff. Mr Mario Citroni, Injury Prevention Coordinator told me on 19 March 2009 that all AGD staff (including 28 former staff) have been contacted. So far 65 police and police prosecutors have been contacted and Mr Citroni is liaising with the Police Department to identify and contact any others. He is next to contact five known contractors. To date a total of 47 people have indicated that they wish to take up the offer of free medical examinations.

The Westmead Coroner's Court itself is separate from the administrative area; has its own air conditioning system and has not been at risk of asbestos contamination. Testing this month has confirmed that there is no evidence of asbestos in that area. Nevertheless, the courtroom will be subjected to the same specialized cleaning by an accredited company as is the case with the rest of the complex.

**The adequacy of the Attorney General's Department response to the discovery of asbestos at that site including measures to ameliorate the risk of asbestos exposure; arrangements to notify and support potentially exposed people and future monitoring arrangements**

The AGD deserves to be commended for the diligent and thorough way in which it has dealt with the discovery of asbestos at the WCC. By way of corrective action the Asset Management Branch has sought quotes for the following:

- Rubber door seal around the perimeter of the lower ground floor under floor access doorframe; Attachment of a "Raven" door seal to the base of the door above so that it is sealed off from the lower ground floor at the slab. Permanent warning signage has been fixed to the door. NB- an order was placed with ATS Tech on 20 March 2009 for this work to be done at a cost of \$4,400.
- Complete High Efficiency Particle Arrestance media 'HEPA' filtered vacuum of all interior surfaces on site using a class AS1 licensed contractor.
- Vacuum clean the inside of the lower ground floor fan coil unit. No asbestos dust has been found anywhere in the client side of the cooling coil in the fan coil unit so we do not propose to clean the air conditioning ductwork – (Workcover have expressed no issue with this approach based on the test results to date).
- To have clearance testing done during and after the clean up.
- Continue with annual testing.
- Maintain a copy of the asbestos register on site.

As indicated earlier in this report I am satisfied with the efforts being made to contact anybody who may have been exposed to the risk of asbestos and I am aware of the energy and goodwill within the AGD to support those people.

## **Opportunities to improve procedures for identifying and responding to asbestos risks at other Attorney General's Department sites.**

A number of initiatives have been taken to guard against the loss, misplacement of or lack of action with HAZMAT files. Arrangements have been made for all future tests results to be sent to the Assistant Director Facility Management and to the Contracts Manager, Brookfield Multiplex Facilities Management – the contracted facility management company. The Assistant Director Facility Management and the Contracts Manager will jointly monitor and/or action all required remedial action flowing from the reports to the extent recommended therein.

The Asset Management Branch has called tenders for an audit of all at risk pre 1984 sites occupied by the AGD. The tender is for a review of sites for asbestos and for synthetic mineral fibres and lead paint. The AGD already has HAZMAT audits for 32 of its portfolio sites and will be undertaking a follow-up review of those sites as part of the recent tender proposals.

The Asset Management Branch intends to contact the owners of all AGD leased premises to obtain details of any asbestos registers or HAZMAT audits.

On completion of this work which is expected to take up to six months, the Asset Management Branch will have

- A Hazardous Material (HAZMAT) audit for asbestos, synthetic mineral fibres and lead paint for each ADG site constructed before 1984
- An asbestos Register for each AGD site where buildings were constructed before 1984.
- A portfolio management plan for asbestos and hazardous materials
- That portfolio plan will provide for an Asbestos Management Register; a risk rating and action plan for the specific hazardous materials audited for each site and detail the frequency of follow up inspections.

## **Summary**

In my view the AGD's response to the discovery of asbestos at the WCC site could not have been better or more proactively managed. Providing that the momentum is maintained, all remedial action outlined in this report should be completed within a month except for the review of all premises with buildings of pre 1984 construction.

I have spoken with Ms Rosalie Mayo-Ramsay, State Coordinator Asbestos and Demolition Plant (Policy and Programs) Team – OH&S Division who confirmed that she is generally satisfied with the testing and work being carried out at the Westmead Coroner's Court. She expressed some reservations about HBI an accredited operator, expressing a view that she had concerns regarding a lack of information about the methodology used. When pressed whether fresh further sampling should be carried out by Pickford & Rhyder she did not regard that as necessary.

It is worth noting that Pickford & Ryder were the NATA approved analytical laboratory employed by HBI to assess and identify the type and quantum of asbestos from samples harvested from site.

Ms Mayo-Ramsay did agree with me that the area under the main body of the building beyond the infamous door in the lower ground floor building should be spray concreted to adequately stabilise it and to guard against future problems. I am aware that the costs of carrying out this work, but if this concreting is undertaken the end result would restore the confidence of users of the building even if the premises are to be only used occasionally. It would provide a longer term solution to enhance the safety of the building whatever its future use and would complement the corrective action already initiated by the Attorney General's Department. Why this action was not taken during the 1997 work is hard to understand.

I should mention that I have appreciated the openness of Mr G. Gunner and the assistance and information he has provided with the help of Mr Neil Murphy in this review. Similarly other officers such as Mr Kerry Marshall and Mr Citroni have responded quickly to requests for information. I should also record that most of the initiatives detailed in this report were well underway when I commenced the review.

### **Recommendations**

1. Provide monthly reports to the Director General concerning progress with contacting all persons who have been worked at Westmead Coroner's Court. Advise the Director-General of the number of medical examinations arranged and any outcomes if known.
2. Shotcrete the area under the main building to prevent any future problems
3. Report to the Director-General when the door in the lower ground floor is properly sealed.
4. The Asset Management Branch to report outcome of vacuuming, cleaning, decontamination and retesting within three weeks.
5. Maintain annual testing for asbestos.
6. Advise the Director-General when all work is finished, Workcover authorities have signed off and the building is safe for reoccupation.
7. Provide monthly progress reports to the Director-General regarding the HAZMAT audit of ADG premises.

Vernon Dalton  
23 March 2009