

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Supplementary Budget Estimates

2016 - 2017

**Division/Agency:** Australian Competition and Consumer Commission

**Question No:** 84

**Topic:** Crayons

**Reference:** Written

**Senator:** Ketter, Chris

**Question:**

Asbestos Crayons were found in use in Australia last year. They belonged to popular brands like Disney. The ACCC advised retailers to cease the sale of the products.

(<http://www.productsafety.gov.au/news/accc-statement-on-asbestos-in-crayons#toc10>)

- 1) Is the ACCC aware of this batch of 307,000 asbestos contaminated products? And if so have the ACCC been provided with the details of the manufacturer and type of product by Border Force?
- 2) Given this is the 2nd detection of Asbestos crayons entering the country in the past two years, what is the ACCC doing to test existing Crayons being sold in the Australian retail market?
- 3) Has the ACCC tested crayons currently sold in Australia that belong to the negligent manufacturer?

**Answer:**

- 1) In December 2015 the Department of Immigration and Border Protection (DIBP) informed the ACCC about a border detection of two consignments (totalling over 2 tonnes) of crayons containing traces of asbestos. These products did not progress to the domestic market. The DIBP's 2015-16 Annual Report describes the detection of more than 307 000 crayons containing traces of asbestos during Operation Feronia.

The ACCC was not aware of the identity of the manufacturer of these crayons at the time of the notification. The ACCC has since become aware of details of the manufacturer of these imported crayons.

- 2) The *Customs (Prohibited Imports) Regulations 1956* impose a zero tolerance for asbestos in consumer goods received at the Australian border. In contrast, the Australian Consumer Law (ACL) requires a safety trigger for recall action on asbestos in consumer goods, including a plausible pathway to exposure. Research by the US Consumer Product Safety Commission indicates that even extremely vigorous use of crayons would not result in release of inhalable asbestos fibres from crayons. Therefore, the crayons tested by the ACCC in July-September 2015 did not present a danger to the community. However, in line with the broader approach of Government to asbestos management, the ACCC arranged for the suppliers to stop supplying the products and to offer any concerned consumers a refund.

The ACCC has not tested crayons for asbestos since its initial testing in July-September 2015.

- 3) According to product labelling, all of the crayons the ACCC had tested in July-September 2015 were made in China. The ACCC did not identify the manufacturers of these products, but dealt with the retailers and distributors who had sourced and supplied these products in Australia. The ACCC informed the Heads of Workplace Safety Authorities (HWSA) Imported Materials with Asbestos Working Group of the results of our testing.