

## Plant & Food Research – Asbestos Investigation

### Planned Method of Investigation

#### 1. Aim

**Aim:** To understand the facts around the recent asbestos removal operation at 120 Mt Albert Road site and the subsequent rediscovery of further asbestos after clearance and sign-off, resulting in potential exposure of staff, contractors & visitors to harmful dust.

**Objectives:**

To obtain statements from key personnel in respect of Asbestos operations and management including the removal process

To collate all available documentation for review and corroboration with statements

To inform H&S decision making to ensure a safe working environment

To provide confidence that Plant & Food Research (PFR) response was appropriate

To minimise further disruption to construction and daily operations on site

To minimise further cost to all parties

To report back to Plant & Food Research with findings

## 2. Situation

### Background:

The premises at 118-120 Mt Albert Road, Auckland is owned by The New Zealand Institute for Plant and Food Research Limited (PFR).

Plant & Food Research is a New Zealand government-owned Crown Research Institute.

The building was constructed in 1972 at a time when asbestos was commonly used in construction processes. Subsequent legislation has necessitated programmes of remediation, control and removal of Asbestos Containing Materials (ACMs).

As a result of this PFR commissioned an initial Asbestos Assessment which was conducted by [REDACTED] which concluded that the overall risk due to the presence of asbestos was at a medium level. The document also included a low risk rating for the plant room specifically due to 'reasonably effective encapsulation'. This assessment identified the asbestos as Chrysotile (white asbestos) which is the least harmful form of ACM.

Some asbestos removal and encapsulation work was conducted in [REDACTED] which included the Cunningham building and server room. At this time, [REDACTED] were directly contracted to PFR.

A more comprehensive Asbestos refurbishment survey was authorised by PFR, conducted [REDACTED] and published in [REDACTED].

This survey utilised visual identification, physical sampling and swab testing to ascertain the presence of ACM.

It was identified that the majority of the Asbestos was contained on the underside of the roof at level 6 of the Hamilton building and in the spandrels at each floor. Spray coating and associated debris was evident within the building and was assumed to be present beneath floor coverings.

Areas within the building (such as pipework gaskets & ceiling voids) were not accessible during the asbestos survey however it was assumed that ACM was present in these locations.

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This survey confirmed the presence of Chrysotile throughout all levels of the Hamilton building and strongly presumed that Crocidolite (blue asbestos), which is the highest risk ACM, was present in a number of areas.

The main construction contract was commenced [REDACTED]. Aspects of this contract included removal of asbestos from the Hamilton building & the annex plant room. Excluded from this contract were the lift shafts in the Hamilton building and 1st & 2nd floors (including the roof) of the annex building – this was a budgetary decision.

[REDACTED] were engaged [REDACTED] for the removal of ACM from the in-scope areas.

During the demolition phase, air-testing was conducted on a daily basis to identify the presence of asbestos. All air monitoring results of a positive nature (which may include other airborne fibres) are sent away for specialist testing. Any tests that have indicated the presence of asbestos during the construction phase, of which only one has been confirmed, have proven to be Chrysotile.

The order of asbestos removal conducted [REDACTED] commenced with the Annex Plant Room and then worked their way down from the 7<sup>th</sup> floor of the Hamilton building. The process was one of containing the relevant floor of operation, removal of asbestos, followed by clean and clearance. This process was required to satisfy PFR business continuity within daily operations.

[REDACTED], a visual inspection report was completed [REDACTED] in respect of the Annex Plant Room. Swab tests taken on 1st & 2<sup>nd</sup> July in the South end of the Plant Room initially tested positive for Amosite (brown asbestos), as did a fire hose reel on the West side (Chrysotile) and the North East pipes tested negative. On 6<sup>th</sup> July, repeat tests in the same areas detected no asbestos. Reasons for the conflicting test results are not yet clear.

Following this testing process, the Annex Plant Room was cleared [REDACTED] however additional comments were referred to with regard to the porous nature of the concrete and potential for asbestos fibres to remain ingrained and between the cinder concrete blocks. Recommendations were made in respect of a precautionary approach to further work in this area. Based on this clearance, however, [REDACTED] authorised further access to the Plant Room.

Both operational and construction work has recommenced in the Plant Room post 1<sup>st</sup> July 2015. This includes removal and replacement of plant equipment, installation of hanging brackets, piping, new gib walls and, significantly, the installation of two galvanised flues within the riser up to the roof of the annex.

**Incident:**

The construction project then continues to schedule until 17<sup>th</sup> January 2018.

On this date, [REDACTED] staff were directed by PFR to commence a further asbestos management survey for seemingly two purposes: the scoping of new work and reassurance of the newly appointed PFR Site Managers concerns around the amount of asbestos in the Plant Room.

The [REDACTED] representative subsequently conducted a number of swab tests in the Plant Room & tunnel (connecting Plant room to Cunningham building & Ground Floor of the Hamilton building) which proved to be positive for Chrysotile, one confirmed result for Crocidolite, and one presumed positive result for Crocidolite.

On 18<sup>th</sup> January 2018, access to the Plant room was restricted and Worksafe New Zealand notified.

As a result of these positive tests, further monitoring has been conducted in the East & West Risers and Ground Floor Lobby through swab testing. In the Western Riser, asbestos was found on level 4 & 6. No asbestos was found on other floors of this riser.

The lobby has since been cleaned and cleared and reopened to general staff access.

Subsequent testing has also found dormant asbestos fibre in the lift shaft but this is not airborne and therefore presents a low risk.

The Plant room remains under restricted access and subject of a WorkSafe notice.

**Focus:**

As a result of the above background and with the information currently available, it is anticipated that the focus of this investigation will be directed towards the possible sources of contamination in the plant room. These include, but are not limited to:

- the clean & clear process
- the effectiveness of the asbestos encapsulation process
- subsequent construction work within the Plant Room:
  - the installation of hanging rod attachments
  - riser contamination during the flue installation
- possible contamination of the tunnel during the removal of the final spandrel

In order to achieve this, key internal staff have been initially interviewed and some key documents obtained. It is evident that there is large volume of information yet to be obtained and reviewed in order to fully understand the process to date and draw any conclusions around causes or liability.

It is anticipated that a timeline of events leading up to the discovery of further asbestos will assist this understanding along with an association chart of entities involved in asbestos operations. It is understood that this is being prepared in draft form by PFR staff.

**Next Steps:**

The first phase has enabled us to determine the key people pertinent to the investigation and where the necessary documents can be sourced from.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**3. Method**

**3.1 Management Team**

<b>Permanent Members</b>	
<p><b>T+C</b>  ██████████ - ████████████████████ )  ██████████ - ████████████████████  ██████████ - ██████████</p>	<p><b>Plant &amp; Food Research</b>  ██  ██</p>
<b>Co-Opted Members</b>	
<p><b>T+C</b>  ██████████ - ████████████████████ )  ██</p>	<p><b>Plant &amp; Food Research</b>  Nil at this stage</p>

## 3.2 Set up of investigation & Enquiry Management

### 3.2.1 Responsibilities

- Client communication – [REDACTED]
- Document / Exhibit Management – [REDACTED]
- Actions Management – [REDACTED]
- Identify ingredients of offences (if any) – [REDACTED]
- Produce precis of evidence (review of evidence relevant to ingredients) – [REDACTED]
- Consider aspects of enquiry: Criminal, Civil, Employment – [REDACTED]
- Establish modus operandi (MO) and identify any breaches of legislation – [REDACTED]
- Timing of investigation – [REDACTED]
- Budget and Costs – [REDACTED]

### 3.2.2 Communication Strategy

- Single point of contact (SPOC) - [REDACTED]
- Internal Comms
  - regular contact including conference calls between management team to ensure progress is shared and lines of enquiry prioritised
  - Emails and phone calls between specific team members as required
  - Meetings to be scheduled as required
- External Comms – PFR managing (e.g. ESR, SMT, Shareholding Ministers, local businesses if appropriate)

### 3.2.3 Legality Strategy

- Consideration given to ensure that all aspects of the enquiry are within legal guidelines of NZ legislation.
- Chapman Tripp to be kept informed by PFR

[REDACTED]

- [REDACTED]

### 3.2.5 Property Exhibit Strategy

- N/A



### 3.2.6 Analyst Strategy

- [REDACTED]
- To generate a comprehensive timeline of events and decisions in order to identify any gaps or misunderstandings throughout the project.
- An Association chart of entities involved in asbestos operations will be compiled to aid understanding of relevant contractual relationships.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### 3.2.8 Interview Strategy

- Interviews will be conducted at the relevant times subject to the investigation process developing
- Appropriate interview locations and interviewers are to be selected

Witnesses	Status	Comments
██████████ ██████████ ██████████	<ul style="list-style-type: none"> <li>▪ Initial interview conducted</li> <li>▪ Ongoing assistance</li> </ul>	Can provide background and insight re the Asbestos Management Plan and assistance with obtaining documents
██████████ ████████████████████ ██████████	<ul style="list-style-type: none"> <li>▪ Initial interview conducted</li> <li>▪ Ongoing assistance re provision of documents &amp; timeline of events</li> <li>▪ Evidential statement may be required</li> </ul>	████████████████████ ██████████ Can provide overall understanding of key contractors and their roles
██████████ ████████████████████ ) PFR	<ul style="list-style-type: none"> <li>▪ Initial interview conducted</li> <li>▪ Ongoing assistance</li> <li>▪ Evidential statement likely</li> </ul>	Initiated further asbestos survey which triggered the discovery and subsequent response
██████████ ████████████████████ ) ██████████	<ul style="list-style-type: none"> <li>▪ Interview scheduled 23 Feb 2018</li> </ul>	████████████████████ involved directly in the project
██████████ ████████████████████ PFR	<ul style="list-style-type: none"> <li>▪ Initial interview conducted</li> <li>▪ Ongoing assistance re incident management</li> </ul>	Slightly removed from the asbestos management project however ██████████ has been involved in incident coordination

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<p>██████████ Project Manager ██████████</p>	<ul style="list-style-type: none"> <li>Initial interview conducted</li> <li>Ongoing assistance re provision of documents &amp; general clarity re process</li> <li>Evidential statement may be required</li> </ul>	<p>Long term involvement with the project Awaiting scope of work &amp; tender documents as requested</p>
<p>██████████ Independent Asbestos Expert ██████████</p>	<ul style="list-style-type: none"> <li>Interview scheduled for 21 Feb but now postponed to 26 Feb</li> </ul>	<p>Asbestos specialist – expert knowledge</p>
<p>██████████ ██████████ ██████████</p>	<ul style="list-style-type: none"> <li>Relationship established</li> <li>Interview to be scheduled in Phase 2</li> </ul>	
<p>██████████ Project Manager ██████████</p>	<ul style="list-style-type: none"> <li>Relationship established</li> <li>Interview to be scheduled in Phase 2</li> </ul>	
<p>██████████ Maintenance Team PFR</p>	<ul style="list-style-type: none"> <li>Initial interview conducted</li> <li>Ongoing assistance</li> </ul>	<p>Long term staff member assisting with information provision</p>
<p>██████████ Electrician ██████████</p>	<ul style="list-style-type: none"> <li>Not yet interviewed</li> </ul>	
<p>██████████ Group Manager Assets &amp; Services PFR</p>	<ul style="list-style-type: none"> <li>Not yet interviewed</li> </ul>	<p>Overview re operational decisions</p>
<p>██████████ ██████████ ██████████</p>	<ul style="list-style-type: none"> <li>Not yet interviewed</li> </ul>	<p>██████████</p>

### 3.2.9 Sensitive Issues

- PSA may request input and reporting – PFR to handle this
- Parallel enquiries with other ongoing investigations, i.e. [REDACTED] currently conducting their own
- Reluctance of existing staff to commit to written statements for fear of consequences / employment issues (involve HR)
- Lack of willingness of staff to proactively provide information – this has improved with rapport building
- Possible collection of unrelated employment (?) matters during forensic examination of emails

### 3.2.10 Media Strategy

Managed by PFR

- PFR Comms to be updated [REDACTED]
- preparation of a media holding statement advised
- preparation for OIA requests advised

### 3.2.11 Action Points for Future Consideration

Action schedule being maintained

## 4. Conclusion

This above investigation plan has been supplied to Plant & Food Research in order to give an overview of the investigation process in order to appreciate the course that this enquiry is taking. T+C use this format as an investigative tool in order to achieve their aim. Significant emphasis is being placed upon document collation & review and any evidence this may provide to the investigation.