

Submission to Senate Standing Committees on Community Affairs regarding

The impacts on health of air quality in Australia

I live in close proximity to the New Acland Coal Mine on the Darling Downs in Queensland. The health of family and other community members has suffered during the time the mine has been operating. I have grave concerns about the impacts of the mine and have observed a number of serious inadequacies in the regulation of such activities and the air pollution. I am also concerned about other air pollution impacts such as from chemicals.

1. Complaints based conditions are unfair and inadequate

The Environmental Authorities (licences) in Queensland for such mines are “complaints based”. In effect this means that no amount of pollution is considered excessive and no action is taken against the emitter to reduce pollution unless a neighbour actually takes the significant steps of making a formal complaint. Making a formal complaint is not easy. It takes courage. It requires significant efforts to find out exactly who to contact and how. It also requires gaining access to the specific required format and ensuring that ones complaint is in accordance with all the government paperwork. Then a complainant is often required to take further significant steps as required by the government officers before the government will investigate the matter. The investigation may simply be contacting the alleged polluter. If, at their discretion, that government takes the rare step of doing any monitoring themselves this is likely to be very limited eg a 24 hour sample. Even if this does find a breach, there seems to be considerable discretion as to whether action is taken against the polluter. It is very stressful for individuals to have to go through this process and many doubt that it has any value as nothing seems to change anyway even if a breach is found. Also many are not aware that they are not protected unless they do so and some are simply unable to go through the process required for their complaints to be recognised.

Even if the government has been aware of levels of impacts exceeding the levels set in the Environmental Authority they have recently specifically advised that unless this coincides with a formal complaint they do not consider it to be a non-compliance and take no actions. A DERM email to me explained “...they are complaint driven conditions. As a complaint was not received near the location that these particular results pertain to there is no applicable non-compliance with these conditions.” Hence, the government is aware of locations where impacts exceed the Environmental Authority levels near people’s homes but has the policy of not taking any action.

It must also be noted that complaints direct to the mine do not count. No action is required to be taken and no record is even required to be kept and the regulatory authority is not required to be notified. Hence people may end up tied up in ‘negotiations’ for months with their mining neighbour during which time they feel it is not the right thing to do to ‘dob them in’ to the regulatory authority. This allows the mining company a long period of time to continue to cause the emissions without fear of a formal complaint being made to the regulatory agency and hence no ‘breach of conditions’ occurring.

2. Environmental Authorities should not allow more pollution than state or national standards

Environmental Authorities seem to have legalised harm to people. In addition to the limitations of the 'complaints based' approach outlined above, they also set trigger levels significantly higher than the government's own levels as per the Environmental Protection Policies as triggered under the Environmental Protection Act and also specifically allow an 'out' if such limits are not exceeded, even without considering all the pollutants.

For example, the current EA for the New Acland Coal Mine (Permit Number: MIN 100550507) says that "(B1) Subject to Conditions (B2) and (B3) the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance, at any sensitive place." However B3 says that "If the Environmental Authority holder can provide evidence through monitoring that the following limits are not being exceeded then the holder is not in breach of (B1)" It then only lists a maximum total dust deposition averaged over a month and a PM10 sampled over 24 hours at a time and location at the mine's discretion. This is heavily weighted in the mine's favour and also ensures that they cannot be found in breach of any other standards eg PM2.5 or PM1 as it will still have this 'out' no matter how high these levels are. This is a terrible concern as these smaller particles are now known to cause serious adverse health impacts. Also the emissions from the frequent blasting activities (such as nitrous oxides) are known to be very dangerous.

3. Inadequate monitoring

The EA does not require any monitoring of air pollution. This is clearly inappropriate. It means that if people have concerns then they are likely to have to engage a qualified consultant and get them to conduct monitoring at the victim's own cost before any action can be taken.

4. Inadequate identification of 'sensitive receptors'

Many receptors close to the mine seem to not be recognised. For example, the small village of Muldu, just several hundred metres from the main coal handling plant and main mining operations does not seem to have been considered on some occasions and there doesn't seem to have been any monitoring of dust, noise or rainwater or any other impacts at this site.

5. Inadequate consideration of people of different ages and levels of health

I can see cause for real concern about systemic failure of planning (including environmental standards and planning law) to protect the more vulnerable members of our society (such as children and asthmatics) from adverse health effects due to insufficient separation distances being required for polluting activities from people's homes and properties.

The more I learn about it the more apparent it becomes that the legislation regarding environmental health impacts lags substantially behind the science and the adverse outcomes that people experience. For example, standards set for separation distances rely on modelling conducted by a development proponent which indicates compliance with standards such as EPP Air. It is becoming increasingly concerning that such standards seem

to be set based on limited data, usually only considering healthy adults and what levels they can withstand. Some of this data may be based on workers in the field, and thereby biased by the 'healthy worker' effect and the limited exposure period (unlike residents who may be exposed 24x7).

It is grossly unjust if a person is forced out of their home due to another party achieving a development approval which could make their home unsafe for them. I understand that there are standards set for childcare centres and hospitals for example in some instances and suggest that as a minimum consideration should be given to the fact that not only do children reside (24x7 in their younger years) in many houses but that some children may also not enjoy perfect health. These people still should have a right to be protected from adverse impacts in their own homes.

Although various pieces of medical knowledge, research and advice indicate that people with various conditions are more susceptible to various conditions, to the best of my knowledge there is no evidence that standards for various air pollutants are set sufficiently conservatively to protect this health. This is of grave concern, and causes much anxiety for effected people, who find themselves having to defend their rights to live in their homes and in conflict situations against neighbours, often for very little gain when the law doesn't protect their rights adequately.

6. Pollution should not exceed mine's boundary

Further, miners should not be allowed to use other people's properties as 'buffer zones' and potentially make other people's properties uninhabitable. This is unjust, and yet occurs by virtue that many regulations only set standards at 'sensitive receptors' and do not limit pollution beyond the development proponent's property boundary.

7. Regulations should facilitate current research

Mining EAs tend to last several decades which can mean that during the operation of the mine, people are knowingly subjected to levels of various pollutants which are found to be causing adverse health. The current system means that the government would in effect be endorsing such occurrences.

Further, there seems to be no limits set at 'sensitive receptors' for many of the components increasingly known to cause adverse health outcomes, even though there are occupational limits for some components. Whilst it is acknowledged that often neighbours may be further from the source than workers, they are often not in protected cabs and they are nearby 24x7, not just for a working shift and they are often not healthy adults.

In addition to concerns about the absence of consideration in planning law of some factors which can cause health problems, there seems to be even less requirements to monitor a range of airborne pollutants. Even for common, well known pollutants such as fine dust particles (eg PM10, PM 2.5 and PM1) monitoring from polluters has been quite limited. For the other factors such as components of diesel combustion fumes, blasting fumes NOx, noise etc, the actual monitoring, in our experience of the coal mine next door, has been very limited and no limits are set even though such things are known to cause adverse health effects.

8. Inadequate access to information

Currently people don't seem to have any right to access to information about the impacts at their own homes. This is something I have been battling with and it is outrageous that people should be forced to go cap in hand to a mining neighbour who they perceive to be having a terrible impact on their lives to beg for information that the neighbour has collected about impacts such as dust levels at their home, when the provision of such information is at the sole discretion of the mine.

9. Health Impact Assessments should be required.

Health Impact Assessments should be a mandatory part of assessments for mines and environmentally relevant activities and developments which are reasonably likely to risk adverse health impacts on others. Currently these often don't seem to be required even when Environmental Impact Assessments are required.

10. Other chemicals

Chemicals such as spray drift from agricultural chemicals and some 'household' chemicals are also a significant concern. Extreme care should also be taken to ensure that unsafe chemicals are not licensed or used and that use does not adversely affect others and that the law protects people, livestock, crops and the environment from such impacts and provides remedy if there are breaches.

Summary of Recommendations:

- **Amend legislation and EAs to ensure that all people are protected against levels of pollution above standards or which might cause adverse health impacts or nuisance.**
- **Ensure that the responsibility does not fall to individuals to have to continually fight to be protected from adverse or health limiting impacts. Reliance solely on the 'complaints-based' approach is inappropriate.**
- **Ensure health impacts are considered as well as environmental impact assessments.**
- **Ensure that adequate monitoring is done for all pollutions which might cause problems.**
- **Ensure all sensitive receptors are identified.**
- **Ensure limits protect the health of all individuals including young, old and people with existing health conditions. Adopt a precautionary approach if safe limits are not certain.**
- **Health impact assessments should be required.**
- **Ensure all pollutants are considered.**
- **Facilitate recognition of further pollutants and lower standards as more information becomes available through review of regulations and Environmental Authorities.**
- **Do not allow polluters to use other people's land as buffer zones.**
- **Ensure people have access to information about impacts at their place.**
- **Exercise caution in the licensing of chemicals and ensure that people are protected from adverse impacts and have ready remedy under law if they or their environment is adversely affected.**

I am sorry that, by necessity, this submission has had to be prepared in haste. However I hope that the committee will seriously consider the issues raised and contact me if further information is required.

Yours Sincerely

Dr Tanya Plant