



**Australian Government**

**AUSTRALIAN GOVERNMENT RESPONSE TO THE  
SENATE COMMUNITY AFFAIRS REFERENCES COMMITTEE  
INQUIRY REPORT INTO  
THE IMPACTS ON HEALTH OF AIR QUALITY IN AUSTRALIA**

May 2015

## CONTEXT

On 28 November 2012 the Senate referred an inquiry on the impacts on health of air quality in Australia to the Standing Committee on Community Affairs (the committee) for inquiry and report. The Terms of Reference for the committee were:

The impacts on health of air quality in Australia, including:

- (a) particulate matter, its sources and effects
- (b) those populations most at risk and the causes that put those populations at risk
- (c) the standards, monitoring and regulation of air quality at all levels of government
- (d) any other related matters.

The Senate Community Affairs References Committee tabled its report *Impacts on health of air quality in Australia* on 16 August 2013. The report outlines 13 recommendations with a focus on air quality standards, health impacts, monitoring, and reducing population exposure to pollution including emissions from sources such as coal dust, wood heaters and diesel engines.

## INTRODUCTION

The Australian Government (Commonwealth) welcomes the opportunity to respond to the report by the Senate Community Affairs References Committee on the *Impacts on health of air quality in Australia* (the report), tabled on 16 August 2013.

In relation to air quality, the Commonwealth sets national ambient (outdoor) air quality standards in partnership with the states and territories through the National Environment Protection Council (NEPC) under the *National Environment Protection Council Act 1994* (the Act). Responsibility for implementing the air quality standards lies with the states and territories through their laws and other arrangements. Other national legislation including the *Motor Vehicle Standards Act 1989* and the *Fuel Quality Standards Act 2000* targets air quality issues by setting emission standards and, where required, providing for fuel quality to support these standards, respectively.

In 1998, the National Environment Protection (Ambient Air Quality) Measure (AAQ NEPM) was made under the Act and set national ambient air quality standards, monitoring protocols and reporting requirements for six priority pollutants - carbon monoxide, nitrogen dioxide, sulfur dioxide, ozone, lead and coarse particulate matter with an aerodynamic diameter of less than 10 micrometres (PM<sub>10</sub>). In 2003, the AAQ NEPM was varied to set monitoring protocols and advisory reporting standards for fine particulate matter (PM<sub>2.5</sub>), reflecting growing concern over links between increases in PM<sub>2.5</sub> levels and mortality and morbidity associated with respiratory and cardiovascular disease. On 29 April 2014, Environment Ministers announced a proposed variation to the AAQ NEPM to further strengthen the particle standards in line with the latest scientific health evidence.

The *State of the Air in Australia 1999-2008* report, published in 2010, found that urban air levels of carbon monoxide, nitrogen dioxide, sulfur dioxide and lead had all declined to levels significantly below the national air quality standards. These improvements are largely due to better standards introduced for fuel quality and motor vehicle emissions. However, ozone and particulate matter levels did not decrease during the assessment period, with ozone levels approaching or exceeding the national standards in some cities, and peak particulate matter levels frequently exceeding the national standards in nearly all metropolitan areas.

There are challenges to Australia's future air quality, mainly driven by population growth, urbanisation and industrial growth, and the associated increases in transport demand and energy consumption. New health outcomes for air pollutants are also being recognised - outdoor air pollution, diesel exhaust emissions (which includes particulate matter) and particulate matter itself have recently been classified as carcinogenic by the International Agency for Research on Cancer.

Additionally, recent evidence has indicated that there are no thresholds below which adverse health effects are not observed for some pollutants, including particulate matter. Thus, individuals, particularly sensitive individuals (children, the elderly and those with cardio and respiratory disease), may be affected even when the current standards are being met. Actions that afford any reductions in air pollution may therefore have a population health benefit where there are no thresholds for adverse health effects (and associated economic benefits).

On 29 April 2014, Commonwealth and state and territory government Environment Ministers met in Canberra to progress key environment issues of national significance. Ministers recognised that while, by world standards, Australia has very clean air, there are ongoing challenges and that governments, business and the community will need to be active to ensure a clean air future.

Ministers therefore agreed to consider working towards a National Clean Air Agreement (Agreement) and initiated work to identify strategic priorities and approaches as a basis for an Agreement. The Commonwealth's deregulation agenda, which aims to reduce the regulatory burden for individuals, businesses and community organisations, will ensure that the appropriate policy settings to address air quality are considered, with regulation only adopted as a last resort. This may require rigorous assessment through a cost-benefit analysis to ascertain whether any anticipated economic benefits outweigh the additional regulatory costs.

The Commonwealth is working with state and territory jurisdictions towards developing a National Clean Air Agreement.

## RESPONSE TO RECOMMENDATIONS

### Recommendation 1

**3.21 The committee recommends that the Australian Government's representative to the Standing Council on Environment and Water support the adoption of the 23 recommendations of the *Ambient Air Quality NEPM Review*.**

**Commonwealth Position:** Noted

Variation to a NEPM requires a decision to be made by the National Environment Protection Council (NEPC) and statutory requirements under the *National Environment Protection Council Act 1994* (the Act) must be followed. These requirements include taking into account general considerations such as the environmental, economic and social impact of any variation. Public consultation on any proposed variation is also required under the Act, and the NEPC must have regard to submissions received in making its decision to vary the NEPM. The Commonwealth cannot vary a NEPM unilaterally.

The Minister for the Environment will consider the evidence in conjunction with the NEPC ministers in making a decision to support the recommendations of the review of the National Environment Protection (Ambient Air Quality) Measure. On 29 April 2014, Environment Ministers signalled their intention to vary the National Environment Protection (Ambient Air Quality) Measure standards for particles, reflecting the latest scientific understanding on health risks arising from particle pollution. The proposed variation will seek to establish more stringent reporting standards for particle pollution (PM<sub>2.5</sub> and PM<sub>10</sub>). An Impact Statement on the proposed variation was released for public consultation in July 2014 and submissions are now being considered.

### Recommendation 2

**3.34 The committee recommends that the Australian Government advocate, through the appropriate Council of Australian Governments process, the inclusion of mechanisms to collect additional data on ultrafine particles.**

**Commonwealth Position:** Noted

The Commonwealth notes the recommendation by the committee which relates to issues currently under consideration in developing a National Clean Air Agreement.

### Recommendation 3

**3.42 The committee recommends that buffer zones be used to protect populated areas from large point-source emitters.**

**Commonwealth Position:** Noted

This is a land-use planning matter for state and territory jurisdictions.

#### Recommendation 4

**3.67 The committee recommends that pollution monitoring should accurately capture population exposure for communities and homes proximate to pollution point sources.**

**Commonwealth Position:** Noted

The Commonwealth notes the recommendation by the committee which relates to issues currently under consideration by jurisdictions in addressing the recommendations of the review of the National Environment Protection (Ambient Air Quality) Measure.

#### Recommendation 5

**3.68 The committee recommends that providing monitoring and real-time data of air quality be a condition of environmental approvals issued by the Australian Government unless an operator can demonstrate that air pollution created by the development will not impact upon human health.**

**Commonwealth Position:** Noted

The protection of the air quality of populated areas is generally the responsibility of state and territory jurisdictions.

Under national environmental law, the *Environment Protection and Biodiversity Conservation Act 1999*, the Australian Government is responsible for protection of matters of national environmental significance. Where air quality is likely to significantly impact upon a matter of national environmental significance as a result of a proposed action, the Minister may impose conditions of approval that require monitoring of air quality if it is necessary and convenient for the protection of the relevant matter. The Minister for the Environment cannot place conditions relating to air pollution on an environmental approval where the pollution does not have an impact on a matter of national environmental significance.

#### Recommendation 6

**4.50 The committee recommends that states and territories require industry to implement covers on all coal wagon fleets.**

**Commonwealth Position:** Noted

Regulation relating to rolling stock, including the possible covering of coal wagons, is a decision for state and territory governments and their environmental authorities.

#### **Recommendation 7**

**4.51 The committee recommends that the Commonwealth develop and implement a process for assessing cumulative impacts of coal mine developments that take into account other mines in the region and their impact on resident health.**

#### **Commonwealth Position: Noted**

Considerations of impacts on human health that may arise from coal mine developments are the responsibility of the state and territory jurisdictions.

Under the *Environment Protection and Biodiversity Conservation Act 1999*, the Australian Government is responsible for protection of matters of national environmental significance. Actions, including coal mine developments, which have a significant impact on a matter of national environmental significance, require the approval of the Minister for the Environment. In order to assess the significance of particular impacts, the Minister may need to consider the cumulative impacts of a proposed action. Where air quality is likely to significantly impact upon a matter of national environmental significance as a result of a proposed action, the Minister may impose conditions of approval that require monitoring of air quality if it is necessary and convenient for the protection of the relevant matter.

#### **Recommendation 8**

**4.52 The committee recommends that health impact assessments be required as part of the assessment process for all new developments.**

#### **Commonwealth Position: Noted**

Assessing the impacts of new developments on human health is the responsibility of state and territory jurisdictions.

The Australian Government is responsible for protection of matters of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act). Where a new development application is referred to the Australian Government for assessment under the Act, the Minister for the Environment only considers matters of national environmental significance as specified under the Act.

#### **Recommendation 9**

**5.6 The committee recommends that Safe Work Australia undertake research regarding the exposure of workers in the hospitality, transport and mining industry to diesel emissions.**

#### **Commonwealth Position: Noted**

Safe Work Australia advises that the need for research on occupational exposure to diesel exhausts emissions is supported, although work is required to verify which occupational groups should be studied. Safe Work Australia will consider the views of its Members and if agreed will undertake research in this area. Any new research in this area would complement and build on work currently being undertaken by Safe Work Australia including the development of a diesel exhaust emissions fact sheet and consideration of the inclusion of

exposure to carcinogenic combustion products, including diesel exhaust emissions, as a case study in a future Guide for Managing the Risk of Carcinogens at Work.

#### **Recommendation 10**

**5.31 The committee recommends that the Commonwealth develop a national emissions standard for diesel engines.**

#### **Commonwealth Position: Noted**

In Australia, on-road vehicle emissions are regulated through the Australian Design Rules (ADRs) established under the *Motor Vehicle Standards Act 1989*. The current ADRs reflect Australia's commitment to harmonise with the vehicle emissions standards developed by the United Nations Economic Commission for Europe wherever possible, taking into account local conditions.

In November 2013, ADR 79/03, which implements the first stage of the Euro 5 emission standards for on-road light vehicles including diesel vehicles, commenced in Australia for new model vehicles. ADR 79/04, which will implement the full Euro 5 emission standards for on-road light vehicles, will apply to all new vehicles manufactured from 1 November 2016.

The current emission standard for on-road heavy vehicles is ADR 80/03, which applies to all new heavy vehicles manufactured from 1 January 2011. The Australian Government is currently undertaking a review to consider whether Australia should adopt a new ADR 80/04 based on the Euro 6 emission standards for heavy vehicles which commenced in the European Union from the end of 2012.

The effective operation of vehicle emission standards depends upon the availability of fuel that meets particular quality requirements. The *Fuel Quality Standards Act 2000* provides the legislative basis for national fuel quality and fuel quality information standards in Australia. Fuel quality standards are periodically reviewed to support the introduction of new vehicle emission standards. Under this legislation, the Fuel Standard (Automotive Diesel) Determination 2001 provides for diesel fuel quality that supports the ADRs for diesel vehicle emissions.

National decisions on managing emissions from non-road diesel engines would follow Australian Government processes, including a regulation impact analysis and public consultation.

#### **Recommendation 11**

**5.32 The committee recommends that the Commonwealth implement a national emissions standard for small non-road engines equivalent to the US EPA standards.**

#### **Commonwealth Position: Noted**

The Commonwealth notes the recommendation by the committee which relates to issues currently under consideration in developing a National Clean Air Agreement.

A Decision Regulation Impact Statement to consider options to manage emissions from non-road spark ignition engines and equipment (such as powered garden equipment and marine engines) is under development and is expected to be finalised later this year.



### **Recommendation 12**

**6.43 The committee recommends that Australian Governments immediately adopt minimum efficiency and maximum emission standards for all newly installed wood heaters in Australia.**

#### **Commonwealth Position: Noted**

The Commonwealth notes the recommendation by the committee which relates to issues currently under consideration by jurisdictions in developing a National Clean Air Agreement.

On 11 April 2013 the former COAG Standing Council on Environment and Water released a Consultation Regulation Impact Statement exploring nine options to reduce emissions from wood heaters. These nine options related to consideration of both design or performance standards for new wood heaters and measures influencing the in-service operational performance of wood heaters.

The public consultation period closed on 15 July 2013. A Decision Regulation Impact Statement to consider options to manage emissions from wood heaters is now under development and is expected to be finalised later this year.

In parallel to the regulatory impact analysis process, Standards Australia initiated a process to strengthen emissions and efficiency standards for new wood heaters. This process has now concluded with new emissions and energy efficiency standards published on 8 August 2014. The new standards will come into effect from August 2015.

### **Recommendation 13**

**6.44 The committee recommends that local councils continue to manage the use of wood heaters in their own jurisdictions through the use of bans, buy-backs, minimum efficiency standards, and other mechanisms as appropriate to protect the health of their local communities.**

#### **Commonwealth Position: Noted**

This is a matter for local councils.

