

Additional Comments from the Australian Greens

Background

1.1 Following a request from Williamstown residents, the Australian Greens initiated the inquiry into contamination at and around RAAF Base Williamstown. This inquiry was expanded into an examination of contamination of sites where firefighting foams have been used across the country, including at Australian Defence Force facilities. These Additional Comments complement the Additional Comments on the inquiry's Part (a) report into the Williamstown contamination.

1.2 Throughout the inquiry the Australian Greens have urged the Department of Defence and other government authorities to be thorough, transparent and proactive about their plans for remediation of the affected areas, health support for local residents and workers and financial support for local residents and businesses. As was the case in Williamstown, residents at Oakey in Queensland, around the Gold Coast Airport, at Darwin and at other sites have relied on self-organised community action groups to gather information about how the contamination may affect them.

1.3 The Australian Greens believe that the Liberal-National Government could have done much more to coordinate a national response to the crisis with a focus on community support and care. A theme of much of the evidence from members of the community has been a lack of leadership from the Commonwealth Government. The Department of Defence, while accepting responsibility for the contamination, has taken little responsibility for managing and responding to the crisis that many local residents and workers near contaminated sites are now living with on a daily basis.

1.4 The pressure and anguish many locals are feeling is compounded by the refusal of the Commonwealth Government to provide health tests, compensate for lost income and arrange property buy ups where necessary. The Department of Defence's response to the recommendations from the inquiry's Part (a) report into the Williamstown contamination has been disappointing.

Perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) contamination

1.5 The Australian Greens agree with the committee, the National Toxics Network, the Fire Protection Association Australia and other expert witnesses that the Commonwealth government should ratify PFOS as a persistent organic pollutant under the Stockholm Convention.

1.6 The Australian Greens are very concerned about public statements regarding the health effects of PFOS and PFOA. The New South Wales Department of Health has advised the local community that 'Whether PFOS or PFOA causes adverse health effects in humans is currently unknown.'¹ Similar statements have been made in the

1 "PFOS and PFOA – Williamstown RAAF Site Contamination", Department of Health, October 2015, accessed: <http://www.health.nsw.gov.au/factsheets/Pages/RAAF-site-contamination.aspx>

in-house Department of Defence magazine.² These statements are misleading and represent either a misunderstanding or ignorance of the international literature and expert advice provided on these chemicals.

1.7 The industry has already moved to stop using these chemicals. PFOS has not been sold in Australia for over a decade, but there is no legislation to prevent continued use of old stock. The European Union (EU) has banned the marketing and use of PFOS since 2008 and its use in 28 countries in 2011 due to its persistent, toxic properties.

1.8 The University of Queensland was commissioned by Airservices Australia to examine PFC levels. They found that the US population has around 15 parts per million PFCs in their bloodstream and Australians have around 30 parts per million on average. Firefighters have roughly 60 parts per million and some factory workers have around 800 parts per million. National Toxics Network senior advisor, Dr Mariann Lloyd-Smith, gave evidence that the dangers of perfluorinated compounds (PFCs), including PFOS and PFOA have been established since the 1970s. The Australian Greens are particularly concerned that the Department of Defence is not providing their own workers with adequate, accurate information and support, and is not consulting current and former Defence personnel and other affected workers as key stakeholders in this issue.

Contamination recommendations

1.9 The committee recommends that the 'Government explicitly legislate for the immediate removal and safe disposal of PFOS and PFOA firefighting foams from circulation and storage at all Commonwealth, state and territory facilities in Australia' (Recommendation 4). The Australian Greens agree with the committee and make the following recommendations.

Recommendation 1

1.10 The Australian Greens recommend that the Department of the Environment undertake an immediate recall of existing stocks of PFOS and PFOA based firefighting foams.

Recommendation 2

1.11 The Australian Greens recommend that the Department of the Environment conduct an urgent review of the chemical foams that have replaced PFOS and PFOA and establish an inventory of all PFC based foams.

Recommendation 3

1.12 The Australian Greens recommend that residents and workers who have been exposed to PFOS be provided with adequate information and regular blood tests.

2 "Blood testing, a waste of money?" RAAF Advocate, November 2015.

Recommendation 4

1.13 The Australian Greens recommend that urgent regulatory action be taken to ensure people are protected from ongoing exposures to perfluorinated compounds in consumer products, in food and in drinking water.

Recommendation 5

1.14 The Australian Greens recommend that the Commonwealth Government engage with key stakeholders to develop a holistic policy regarding the use and implementation of replacement foams. Replacement foams should be assessed based on their performance and reliability, their potential impacts upon workers and other users, and their potential environmental and toxicological impacts.

Stockholm Convention

1.15 Australia ratified the Stockholm Convention on Persistent Organic Pollutants in 2004 but refrained from ratifying additions to appendices of 2009, which includes matters relating to PFOS, until a further assessment was made. This process has been very slow and it was only this year that public consultation commenced.

1.16 The United Nation's Persistent Organic Pollutants Review Committee's (UN POPs Review Committee) Risk Profile of PFOS, published in 2006, emphasised the inherent properties of PFOS as a highly persistent chemical with reproductive, transgenerational toxicity. The UN POPs Review Committee described the immunotoxicity of PFOS in humans as serious and warranting international action.

1.17 At the October 2015 meeting of the UN POPs Review Committee, committee members concluded that PFOA met all criteria for further evaluation as a POP. The UN POPs Review Committee concluded that the probable adverse effects in humans include increased risk of testicular and kidney cancer, thyroid dysfunction, and many others. Children are especially likely to be affected. It is not known exactly what concentration of these chemicals will produce specific effects, but direct causation is not a responsible benchmark for government action.

Recommendation 6

1.18 The Australian Greens recommend that the Commonwealth Government fast-track the inclusion of PFOS and PFOA in the list of pollutants that Australia is committed under international law to prohibit, and for which it is required to have a strategy for remediation for past use.

Time for remediation

1.19 Thorough investigation and remediation of environmental contamination is long overdue. There has been some work in this area. Airservices Australia has been doing research and developing remediation projects. Research has shown that the use of RemBind to bind chemicals in the soil can work. It locks the chemicals into an inert state so they do not readily move into water or other through soil.

1.20 PFOS may be present in sewage, which means that after treatment the effluent could still be contaminated. How to manage this issue has yet to be determined and more funding is needed to expand remediation research.

1.21 Airservices Australia is negotiating with the New South Wales Environment Protection Authority to allow remediated soil to go to landfill.

Recommendation 7

1.22 The Australian Greens recommend that regulatory agencies ensure that contamination sites are cleaned up.

Recommendation 8

1.23 The Australian Greens recommend that the Commonwealth Government fund research and development to test different remediation systems.

Recommendation 9

1.24 The Australian Greens recommend that, in the absence of national Australian standards, the United States Environmental Protection Agency levels be adopted for drinking water and soil contamination.

Impacted sites

1.25 While the Department of the Environment can investigate impacted sites, the grandfathering clause of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) would probably apply. This means any practice that was occurring at the time the EPBC Act came into force in 2000 could be deemed to be exempt from further approval. As the majority of the impacted airports and defence bases were established before the EPBC Act came into force, the EPBC Act would be used by the authorities to justify nil or minimal action in response to contamination linked to firefighting foams.

Gold Coast Airport

1.26 There have been reports of PFOS and PFOA contamination in Gold Coast Airport runoff and groundwater that enters Cobaki Broadwater, an environmental heritage area. With reference to the Major Development Plan of Gold Coast Airport, the Department of Infrastructure and Regional Development has acknowledged local PFOS and PFOA contamination. Despite the fact that the Department of the Environment also acknowledges the contamination the next step is still unclear.

1.27 Interim guidelines were developed with Airservices. However, Airservices commented on 'the absence of nationally agreed trigger standards and remediation process. We will need to consider these when they will be available – as to what actions will be required'. With regard to Gold Coast Airport, the advice concerning contamination was conveyed to the Minister for the Environment. It was then up to them to consider 'if they had identified specific conditions that they felt should be applied'.

Great Barrier Reef

1.28 In response to a question about PFOS and PFOA contamination, the Department of the Environment stated: 'any potential contamination of the reef in relation to PFOS has not been brought to our attention as a matter for investigation'. This is despite previous evidence that toxic firefighting foam from Townsville is likely to have run off into the Reef.

Darwin

1.29 A Sydney Morning Herald report, published in 2008, suggested that contamination was initially detected at Darwin Airport in 2003. After a community group in Darwin agitated for action, it was reported that the Department of Defence would investigate the contamination at RAAF Base Tindal and RAAF Base Darwin. Journalists have noted that there is no publically available evidence of any Department of Defence investigations at these sites and the Northern Territory Environment Protection Authority has refused to provide the results of tests conducted at Rapid Creek and Ludmilla Creek in February 2016.

1.30 Speaking to Darwin reporters, the Assistant Defence Minister, the Hon Michael McCormack MP, told reporters in April 2016 that there was 'no link whatsoever' between PFOS and PFOA and adverse human health effects. This is in direct contradiction to the evidence provided to this committee by scientific and toxicology experts and to advice from the International Agency for Research on Cancer.

Oakey

1.31 Many of the issues associated with a lack of government leadership and support appear to be reflected for residents living near the base at Oakey. Advice has been provided to the community about drinking bore water but there has not been adequate advice or support beyond that about safe use of water for other purposes. Many members of the community have expressed similar concerns and anxieties to those who have been affected by the contamination in Williamtown.

1.32 The Australian Greens note that the draft policy for the provision of firefighting foams developed by the Queensland Government has been criticised by stakeholders as being inadequate and not 'holistic' enough.

Recommendation 10

1.33 The Australian Greens recommend that fair and equitable compensation processes for affected communities be initiated.

Recommendation 11

1.34 The Australian Greens recommend that the Department of Defence or Airservices Australia, depending on who has jurisdiction, complete a risk assessment of each of the impacted airports (including the provision of information regarding testing, containment and forward action plans) as a matter of priority.

Recommendation 12

1.35 The Australian Greens recommend that the risk assessment of each impacted airport be made available publicly to each of the airport owners/managers as soon as possible so that airport workers, the local community and other stakeholders are fully aware of the health and environmental issues.

Recommendation 13

1.36 The Australian Greens recommend that the Department of Defence and Airservices comply with their environmental obligations and ensure that they take primary responsibility and leadership in managing and remediating any contamination that has occurred as a result of operations on their sites (past and present) throughout Australia.

Recommendation 14

1.37 The Australian Greens recommend that the Commonwealth Government finalise and release its policy framework and interim standards on PFOS and PFOA management as soon as possible in order to end the regulatory uncertainty and allow for environmental and health concerns to be resolved.

Extent of contamination

1.38 Considering the same chemicals may have been used by professional and volunteer fire authorities throughout Australia, contamination problems may not be restricted to airports or Defence bases but could extend at least to fire stations or other sites where the chemicals were used repeatedly for training. This means that fire fighters repeatedly involved in operations or training where the chemicals were used could suffer high levels of contamination.

Recommendation 15

1.39 The Australian Greens recommend that this inquiry undertake further work to obtain as accurate a picture as possible of the potential scale and extent of the contamination and any problems the contamination may have caused, across all sectors and activities where the chemicals were (or still are) in use, in Australia.

Senator Lee Rhiannon