

Appendix 6
Government Response to Part A



Australian Government

Australian Government response to the
Senate Foreign Affairs, Defence and Trade
References Committee report:

Inquiry into firefighting foam contamination
Part A - RAAF Base Williamtown

April 2016

Introduction

On 4 February 2016, the Senate Foreign Affairs, Defence and Trade References Committee tabled its report *"Inquiry into firefighting foam contamination Part A - RAAF Base Williamtown"*. The report lists eight recommendations:

- **Recommendation 1**
The committee recommends that Defence immediately review its provision of water and replacement of water infrastructure to affected residents to ensure it is sufficient to meet their needs.

- **Recommendation 2**
The committee recommends that the Commonwealth Government, with the advice of the NSW Department of Primary Industries, develop an initial compensation package for the commercial fishermen affected by the closures of Fullerton Cove and Tilligerry Creek.

- **Recommendation 3**
The committee recommend that Defence examine providing additional mental health and counselling support services to those affected by contamination at RAAF Base Williamtown.

- **Recommendation 4**
The committee recommends that Defence and the NSW Government examine establishing a joint taskforce to coordinate the response of government agencies to the contamination from RAAF Base Williamtown.

- **Recommendation 5**
The committee recommends the Commonwealth Government commit to voluntarily acquire property and land which is no longer fit for purpose due to PFOS/PFOA contamination from RAAF Base Williamtown.

- **Recommendation 6**
The committee recommends that if PFOS/PFOA contamination from RAAF Base Williamtown causes permanent or long-term fishing closures, the Commonwealth Government should:
 - Commit to compensate and purchase the relevant rights of fisherman affected; and
 - Establish an industry transition program for affected commercial fishermen to assist them to relocate or transfer to other industries.

- **Recommendation 7**
The committee recommends that Defence arrange and fund a program of blood tests for residents in the investigation area on an annual basis.

- **Recommendation 8**

The committee recommends that Defence release a policy statement to clarify its environmental obligations and responsibilities for contamination which spreads to non-Commonwealth land. In particular, it should clarify the capacity of State and Territory environment regulation to apply to its activities.

The Australian Government recognises the uncertainty that has been generated for members of the Williamstown community as a result of perfluorinated compounds (PFCs) being detected in the Williamstown area and the management responses that have been adopted, including precautionary closures of NSW fisheries. The Australian Government is working with the NSW Government to ensure that the uncertainty, and the impacts that this uncertainty is having on individuals and businesses in the area, are addressed at the earliest opportunity.

Correction of Error of Fact

The Australian Government recognises the concerns that some members of the community have regarding the possible association between particular health conditions and prolonged exposure to high levels of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

Paragraph 3.11 within the Senate Foreign Affairs, Defence and Trade References Committee report, *Inquiry into firefighting foam contamination Part A - RAAF Base Williamstown*, states:

“At the October 2015 meeting of the [United Nations Persistent Organic Pollutants Review Committee] UNPOPs Review Committee, committee members concluded that PFOA met all criteria for further evaluation as a [persistent organic pollutant] POP; a decision that starts its journey to global elimination. In a consensus decision, the experts agreed that PFOA causes – “kidney and testicular cancer, disruption of thyroid function and endocrine disruption in women”. In addition, they concluded PFOA was highly persistent, and does not undergo any degradation under environmental conditions.”

The decision of the UN POPs Review Committee was not that PFOA “causes” the quoted medical conditions. Rather, the decision stated that there “is epidemiological evidence for” these conditions. There was a statistical relationship or association in some studies, which is not a finding of causation.

There have been some studies that have found, within the sample of people tested, those with certain medical conditions also had higher levels of PFOA in their bloodstream. The wording of the decision recognises that, rather than necessarily demonstrating that PFOA causes these conditions, other factors may influence an association between levels of PFOA and the likelihood of contracting certain medical conditions. Further, people with certain medical conditions may have an impaired ability to excrete PFOA and reduce levels in their bloodstream. The statistical strength of the association also needs to be further considered.

The Committee determined that PFOA meets relevant criteria to list it for Annex D, the screening stage of the Stockholm Convention. A draft risk profile has yet to be finalised to facilitate further consideration of PFOA at a future meeting of the UNPOPs Review Committee.

Noting this error of fact regarding the possible health effects of PFOA, the Australian Government has given careful consideration to the recommendations of the Senate Committee Inquiry Part A report.

Recommendation 1

The committee recommends that Defence immediately review its provision of water and replacement of water infrastructure to affected residents to ensure it is sufficient to meet their needs.

Government Response

Agreed.

The Australian Government recognises the concerns that some members of the community have regarding the possible association between particular health conditions and prolonged exposure to high levels of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

The Australian Government notes that the Environmental Health Standing Committee (enHealth), a subcommittee reporting to the Australian Health Protection Principal Committee, is developing interim guideline values to provide consistent information in order to assess any public health risks arising from the detection of PFOS and PFOA in groundwater and food intended for human consumption. In the interim, Defence is taking a precautionary approach for the supply of drinking water in its environmental investigation areas.

Defence has reviewed its provision of water to ensure that sufficient volumes of drinking water are being provided to residents who are reliant on sourcing drinking water from bores and affected tanks in the investigation zone around RAAF Base Williamtown. Defence is committed to ensuring that these residents have continual access to an ample supply of drinking water. Defence will continue to determine the most appropriate methods of delivering drinking water.

Recommendation 2

The committee recommends that the Commonwealth Government, with the advice of the NSW Department of Primary Industries, develop an initial compensation package for the commercial fishermen affected by the closures of Fullerton Cove and Tilligerry Creek.

Interim Government Response

The Australian Government has implemented a financial assistance package to address immediate hardship for fishers and businesses affected by the decision by the New South Wales Government to institute fisheries closures. This financial assistance package will continue to be available until 30 June 2016, when the NSW Environment Protection Authority (EPA) is due to consider its position on the fishing closures it has instituted for Fullerton Cove and Tilligerry Creek.

Defence is carrying out a Stage 2B Environmental Investigation at Williamstown, which includes the development of a Human Health Risk Assessment. If this Human Health Risk Assessment determines there is not a significant risk to human health, the Australian Government looks forward to the NSW EPA reversing its decision to close fisheries at the earliest opportunity. In the interim, the Australian Government will continue to assist in addressing the financial hardship experienced by individuals and businesses as a result of the NSW Government's decision. The Australian Government notes that the NSW Government is due to make a decision regarding its fisheries closures by 30 June 2016. On 1 July 2016, the Australian Government will provide the ability for fishing businesses affected by the current closures of Fullerton Cove and Tilligerry Creek fisheries to claim a further Business Hardship Payment of up to \$20,000. In addition, in the event that the NSW Government does not reopen these fisheries by 30 June 2016, the Australian Government will provide the opportunity for affected businesses to claim a Business Transition Payment of up to \$25,000 to assist businesses to pursue alternative sources of income if they wish to do so. This may provide support to commence fishing in another fishery, for example.

The Australian Government will continue to provide an Income Recovery Subsidy to individuals who have experienced a loss of income as a result of the Fullerton Cove and Tilligerry Creek fisheries closures. These payments will continue for a period of eight weeks after 30 June 2016, when the NSW Government is due to make its decision.

Individual claims for compensation received by the Australian Government are handled on a case by case basis.

Recommendation 3

The committee recommends that Defence examine providing additional mental health and counselling support services to those affected by contamination at RAAF Base Williamtown.

Government Response

Agreed.

The Australian Government understands the mental health pressures that some members of the community around Williamtown are experiencing in association with the circumstances of this matter. This concern has arisen from a range of circumstances, including the precautionary bans on fishing.

A range of mental health and counselling support services are already being delivered by the Australian Government and NSW Department of Health for the Williamtown community, and the NSW Department of Primary Industries for fishers. Defence is engaging with the NSW Government to identify areas where the Australian Government may be able to assist in improving community awareness of the full range of available mental health and counselling support services, and how to access them.

Recommendation 4

The committee recommends that Defence and the NSW Government examine establishing a joint taskforce to coordinate the response of government agencies to the contamination from RAAF Base Williamtown.

Government Response

Agreed.

Defence is engaging with the NSW Government to determine the best way to coordinate government actions to address PFOS and PFOA detected in the vicinity of RAAF Base Williamtown. The Australian Government also notes that the New South Wales Government has recently commenced a programme of testing that will assess potential sources of PFOS and PFOA from some industrial sites and state fire-fighting facilities across New South Wales, including in the Newcastle area. The early results of this NSW Government testing have demonstrated the potential for PFOS and PFOA to enter the environment from activities that are not related to Defence. As NSW Government information regarding other possible sources of PFOS and PFOA improves, it may in turn influence the optimal model for coordinating the response of government agencies.

In addition to Williamtown, the Australian Government recognises that the community of Oakey, Queensland is also seeking a coordinated response to this issue. The Queensland Government has emphasised the importance of national consistency. Therefore, the Australian Government is also canvassing a national taskforce to coordinate the national response of government agencies to the management of PFOS and PFOA, to improve coordination between governments to address community concerns.

Recommendation 5

The committee recommends the Commonwealth Government commit to voluntarily acquire property and land which is no longer fit for purpose due to PFOS/PFOA contamination from RAAF Base Williamtown.

Interim Government Response

The Department of Defence, in consultation with the NSW Government, is actively progressing detailed environmental investigations for RAAF Base Williamtown and these investigations are now well-advanced. The detailed environmental investigations are being completed by expert contamination scientists and scrutinised by a NSW Government-accredited independent contaminated site auditor. To date, PFOS and PFOA have not been detected in 80 to 90 per cent of the samples that have been taken across the investigation area that was originally declared by the NSW Environmental Protection Agency. The detailed environmental investigations by expert contamination scientists will include preparation of a Human Health Risk Assessment, which is expected to be made available to the Williamtown Expert Panel for consideration in July 2016. Upon completion of these detailed environmental investigations, the actual extent of PFOS and PFOA will be better understood.

Defence is progressing its environmental investigations as quickly as is feasible while ensuring that the findings are scientifically robust. Defence is ensuring that investigations align with the National Environment Protection (Assessment of Site Contamination) Measure framework. The expert environmental site investigation contractors only use laboratories accredited by the National Association of Testing Authorities (NATA) for analysis of sampling results. There are only two laboratories NATA-accredited for PFOS and PFOA testing in Australia, which constrains the rate at which samples can be analysed and results provided.

In addition to the environmental investigation at Williamtown, the Environmental Health Standing Committee (enHealth), a subcommittee reporting to the Australian Health Protection Principal Committee, is developing interim guideline values to provide consistent information in order to assess any public health risks arising from the detection of PFOS and PFOA.

The Australian Government will further consider the matter of property acquisition once interim health reference values have been established and a detailed environmental investigation at RAAF Base Williamtown has been concluded. Until these activities are finalised, the Australian Government is not in a position to determine the actual level of risk for existing property use. The Australian Government is committed to the considered investigation of this important issue and will review its response to this recommendation once this information has been established.

Recommendation 6

The committee recommends that if PFOS/PFOA contamination from RAAF Base Williamstown causes permanent or long-term fishing closures, the Commonwealth Government should:

- *Commit to compensate and purchase the relevant rights of fishermen affected; and*
- *Establish an industry transition program for affected commercial fishermen to assist them relocate or transfer to other industries.*

Interim Government Response

The NSW EPA has advised it is premature to speculate whether fishing closures may remain in effect beyond 30 June 2016, when the NSW Government will provide further advice on this matter. The Australian Government will work with the NSW Government on options with respect to the ability of the fisheries to operate.

Defence's environmental investigations are now well-advanced. Defence continues to make all verified results available to the NSW Government and has recently received some of the initial fish testing results from NSW Department of Primary Industries that are required inform an interim Human Health Risk Assessment. The NSW EPA will determine the level of information it requires to make a decision as to whether fisheries will be reopened.

As noted under Recommendation 2 above, on 1 July 2016 the Australian Government will provide the ability for fishing businesses affected by the current closures of the Fullerton Cove and Tilligerry Creek to claim a further Business Hardship Payment of up to \$20,000. In addition, in the event that the NSW Government does not reopen these fisheries by 30 June 2016, the Australian Government will provide the opportunity for businesses to claim a Business Transition Payment of up to \$25,000 to assist businesses to pursue alternative sources of income if they wish to do so. This may provide support to commence fishing in another fishery, for example.

The Australian Government will continue to provide an Income Recovery Subsidy to individuals who have experienced a loss of income as a result of the Fullerton Cove and Tilligerry Creek fisheries closures. These payments will continue for a period of eight weeks after 30 June 2016, when the NSW Government is due to make its decision.

Recommendation 7

The committee recommends that Defence arrange and fund a program of blood tests for residents in the investigation area on an annual basis.

Not agreed

The Environmental Health Standing Committee (enHealth) comprises health advisers from Commonwealth, state and territory jurisdictions across Australia and is responsible for the provision of national health guidance to inform state and territory health policies. Defence is guided by enHealth and the relevant state/territory health authority on health matters in the community.

On 16 March 2016, enHealth released a statement that advises against blood testing of individuals for PFOS and PFOA:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-pubhlth-publicat-environ.htm>

The enHealth statement notes the uncertainty that PFCs are directly linked to adverse health outcomes and recommends that blood testing has no current value in informing clinical management. While blood tests can measure PFOS/PFOA, blood tests do not predict any level of health risk. Most Australians will have had some level of exposure to perfluorinated compounds from a range of sources.

The NSW Department of Health has issued a formal health statement that is consistent with the national enHealth guidance in advising against blood testing of individuals.

Defence will follow the enHealth advice and NSW Health advice that blood testing of individuals is not recommended.

The enHealth statement does note that the monitoring of pooled community blood samples over time may help determine the success of exposure reduction measures. It is a NSW Health decision to determine whether it may wish to pursue pooled testing for communities in NSW.

Recommendation 8

The committee recommends that Defence release a policy statement to clarify its environmental obligations and responsibilities for contamination which spreads to non-Commonwealth land. In particular, it should clarify the capacity of State and Territory environment regulation to apply to its activities.

Government Response

Agreed in part.

Defence has provided further information regarding its environmental obligations and responsibilities within its submission to Part B of the *Senate Inquiry into Contamination of Australian Defence Force Facilities and other Commonwealth, state and territory sites in Australia*. The Defence Environmental Policy and the supporting environmental management framework is available to the public online at:

<http://www.defence.gov.au/estatementmanagement/governance/Policy/Environment/Contamination/Default.asp>.

Defence is completing a review of its environmental policy and supporting documents. As part of this review process, Defence is ensuring the policy and supporting documentation communicate Defence's responsibilities for the investigation and management of contamination. Updated versions of the environmental policy and other environmental management framework documentation will continue to be made available to the public via the Defence internet site.

Defence is bound by the *Environment Protection and Biodiversity Conservation Act 1999* wherever it operates. The question of the extent to and manner in which the Commonwealth is bound by state or territory environmental legislation is complex. However, it is Defence policy to meet the spirit and intent of state or territory legislation where there is no conflict with obligations under Commonwealth legislation.

Defence is carrying out a Stage 2B Environmental Investigation at Williamstown, which includes the development of a Human Health Risk Assessment and Ecological Risk Assessment. In accordance with the *National Environmental Protection (Assessment of Site Contamination) Measure 1999*, including 2013 amendments, Defence is collecting over 900 samples of groundwater, surface water, soil, sediment and biota in and around RAAF Base Williamstown as part of the environmental investigation program.

The Department of the Environment will develop and implement nationally consistent guidance and standards for PFOS and PFOA with state and territory governments as soon as possible.