

Submission

No 26

**INQUIRY INTO THE KOORAGANG ISLAND ORICA
CHEMICAL LEAK**

Name: Councillor Sharon Claydon

Date received: 14/11/2011

Mr Robert Borsak MLC
Select Committee on the Kooragang Island Orica Chemical Leak
Committee Chair
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Borsak

Inquiry into Kooragang Island Orica chemical leak

Thank you for the opportunity to make this submission to the NSW Legislative Council's Select Committee's inquiry into the Kooragang Island Orica chemical leak.

I first heard of the hexavalent chromium leak from the Kooragang Island plant on Wednesday 10 August, when I started to receive anxious calls from Stockton residents asking questions about the chemical leak and its implications for their health and well-being. I immediately contacted Newcastle City Council's Compliance Services Manager, who had no knowledge of the incident at the time.

It was another 24 hours (approximately 6:30pm on Thursday 11 August) before the NSW Office of Environment and Heritage confirmed with Newcastle City Council that there had been a leak of hexavalent chromium from the Orica plant, by which time this was 'breaking news' on our local radio stations.

Despite numerous attempts to contact officers from Hunter New England Population Health, it was another two days (Saturday 12 August) before contact was made and information about the health implications for Stockton residents provided to Council.

This lack of information fuelled the high levels of anxiety of Stockton residents.

The Stockton community held a public meeting on Saturday 13 August, which was attended by approximately 200 people. Orica had refused to speak publicly to the community or provide any information regarding the incident, so the community penned an open letter to Orica and asked for me for Council's support.

I moved the following resolution, which Newcastle City Council unanimously adopted on Tuesday 16 August 2011:

- A. Council endorses the open letter for the concerned Citizens of Stockton to Orica Mining Services dated 13 August 2011, in response to the emission of hexavalent chromium from the Orica plant on Kooragang Island on Monday 8 August 2011.
- B. Council supports the Stockton community calls to have input into crisis management, emergency response and notification alert systems to better manage any future unlicensed emissions or other hazardous events
- C. Council welcomes the NSW Government's agreement to hold an Independent inquiry into the Orica chemical leak and supports community calls for this Inquiry to conduct public hearings.
- D. Council supports the creation of "Community Right to Know" protocols to better protect public health and the environment; and
- E. Council invites Ms Lisa Corbyn, Chief Executive of the Office of Environment and Heritage to brief Council on risk management, notification and emergency response plans for Kooragang Island
- F. Council receive a report from the General Manager detailing what responsibilities and authority Council has in such emergencies

In addition, I've publicly advocated for a thorough risk assessment of all industrial activities undertaken on Kooragang Islands and in the Port of Newcastle, including consideration of their cumulative health and safety impacts; the introduction of publicly accessible 24/7 air and water quality monitoring; the introduction of an alert and notification system to be used in critical incidents; and the provision of much needed infrastructure including the duplication of the Tourle Street bridge and Cormorant Road on Kooragang Island.

The people of Stockton, however, have every right to feel betrayed by Orica, who waited 16 hours to report the incident, and the NSW government who waited an additional 54 hours before advising residents about their exposure to the carcinogenic chemical and subsequent health warnings.

By the time NSW Health warnings were issued to the community, three very long days had passed for Stockton residents. Three long days where:

- parents unknowingly sent their children to pre-school in the heart of the so-called 'fall-out' zone
- children played at home and school in outdoor areas and on play equipment, that had been fully exposed to the fallout of hexavalent chromium
- residents drank water from their tanks and ate vegetables from their gardens
- students from a visiting school competed in their annual fun run/walk around the Stockton peninsula and picnicked on the foreshore blissfully unaware of the chemical leak from the night before
- people delayed reporting symptoms to their GP; and
- workers (on other industrial sites) on Kooragang Island didn't know to undergo their own medical checks

The apparent failure of the NSW Government to inform the public of the health risks during those critical first three days is reprehensible. The lack of notification was potentially devastating for residents; increasing the risk of their exposure to a known carcinogenic chemical. Fortunately, data from subsequent health checks put many fears to rest, but this could have been a very different outcome had residents and workers faced a higher risk scenario during these first three days when they had no knowledge of what they faced.

It's bad enough that Orica failed waited 16 hours to report the leak to the Office of Environment and Heritage, but why did the Government wait another 54 hours to inform the Stockton community of the toxic leak?

Since the leak of hexavalent chromium on the 8 August, there have been another two serious incidents at the Orica plant on Kooragang Island:

- 1) the discharge of 1.2 megalitres of effluent, containing concentrations of arsenic above environmental protection licence limits, on the 19 August 2011; and
- 2) the release of ammonia vapour which travelled from the Orica plant across the Hunter River to the to the Australian Rail Track Corporation facility, in Mayfield East where the odour was detected and emergency services were called on 9 November. Two rail workers were hospitalised after they were overcome by ammonia fumes

These ongoing incidents are of concern to residents across the whole of Newcastle. They not only destroy community confidence, but also highlight the fact that this is not just "a Stockton problem". It could just as easily have been Mayfield, Tighes Hill, Maryville, Wickham, Carrington or the Newcastle CBD who wore the brunt of these chemical leaks, depending which way the wind was blowing on the day.

In incidents such as these, Newcastle City Council can have a role to play as a significant land owner and /or manager in the affected area, as a support agency to assist lead agencies and functional areas, and as a conduit for communication and engagement with the broader community. Council also has a local emergency management role to play when emergencies are declared.

Regretfully, Council's capacity to perform in these roles was hampered in this instance by delayed notification, both from Orica and the lead State agencies, and from those agencies to Council. Council has accordingly recommended that consideration be given to improving the notification process to ensure that Council can provide support and assistance in a timely manner.

I would add that when it comes to managing industrial risks and the impact on the quality of life of residents, the people of Newcastle deserve and indeed expect "world's best practice" – nothing more, nothing less.

Again, thank you for this opportunity to make this submission and please don't hesitate to contact me if I can be of any further assistance.

I would be happy to speak at the public forum in Stockton on Monday 14 November or the public hearing Tuesday 15 November 2011 if required.

Yours sincerely

Cr Sharon Claydon
Newcastle City Council

11 November 2011