

**INQUIRY INTO KOORAGANG ISLAND ORICA
CHEMICAL LEAK**

Name: Name suppressed

Date received: 3/11/2011

Partially Confidential

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By email – oricaenquiry@parliament.nsw.gov.au

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As part of your considerations regarding the Kooragang Island Orica chemical leak inquiry I would ask that you consider this submission.

I am a resident close by to Orica in Botany where they are undertaking a number of remediation efforts to clean up stored chemicals and toxic damage. On the 27 September 2011 Orica released more than licensed amounts of toxic mercury gas into the atmosphere at their waste encapsulation plant in Botany. Whilst not directly related to the incident in Kooragang, given the range of continued dangerous chemical releases it is requested that the inquiry committee consider these matters regarding Orica's conduct throughout Australia.

I have provided my comments to the relevant areas of the terms of reference below:

- a) *The response of Orica following the incident including:*
 - (ii) *Orica's understanding of the geographic extent and environmental impact of the leak,*

Orica did not produce any information directly to all residents in Pagewood and Botany following the 27 September mercury release regarding the geographic extent and environmental impact. Transparency of issues and processes needs to be raised and significant effort made to ensure that Orica publicly demonstrate a considered risk analysis for all potential hazards such as chemical leaks. This should include a complete list of risks (impacts to health and communities) in order of potential impact and should be genuinely independently assessed to provide appropriate assurance of the analysis. This should be made publicly available to ensure that

residents surrounding Orica plants can adequately consider the risk of being in close proximity to any Orica plant. Whilst efforts may have been done to address this before this should be undertaken again with a much higher profile, greater transparency, extensive community participation and significant credible independent review. This should be addressed to all Orica plants in Australia.

(iii) whether the potential health and other impacts of the leak on Orica workers and on the community around the company's plant were adequately addressed,

As per my comments in a)ii) above all health impacts should be more adequately assessed through greater transparency of risk analysis processes. It was certainly clear from comments made to me personally by NSW Health senior officials that following the chemical leak in Botany that determinations on health impacts are often guesstimates and do not provide a significant degree of confidence. This is not acceptable and again the consideration of these matters should not be isolated to one Orica plant.

(v) the adequacy of Orica's emergency response plans and safety plans with respect to chemical discharge or explosion prior to the incident,

Again, this should be considered with Orica's conduct throughout Australia in mind. Whilst it is recognized that the inquiry relates to a specific chemical release the recommendations for emergency response plan and safety plans should be addressed to all Orica plants as a universal standard. It is not appropriate to address one plant in isolation. All emergency response plans and safety plans should be well publicized to local residents who should be made well aware on what action should be taken when and if the need arises.

(vi) compliance by Orica with licensing or regulatory obligations arising from the incident,

The recent chemical release by Orica in Botany also demonstrates the need for the recommendations for compliance regarding licensing and regulation to be considered holistically. Much greater confidence of Orica's ability to comply with the regulatory obligations is required. It is clear that the NSW Government has put in place regulatory measures to addresses regulatory weaknesses in reporting arrangements following chemical releases but it would seem that given Orica's track record of non-compliance with their licensing terms that greater emphasis needs to be placed on preventing chemical releases.

Given the significant toxicity of some of the chemicals being managed by Orica and the recent licence breaches a complete overhaul of the licensing arrangements should be considered. As part of this licensing review consideration should be given to the modern day incompatibility of all chemical plants that are in close proximity to residential areas, schools, shopping centers, sporting areas etc. It is simply not acceptable to assume that everyone who lives or passes through these areas is likely to be aware of the licensing arrangements, potential hazards, emergency plans etc in order to make a considered choice about living or undertaking recreational activities in such areas. A review of licensing arrangements for chemical plants should provide alternative options for management of chemicals outside of areas of significant health, community and environmental impact.

(vii) whether other toxic chemicals stored or produced on the Orica Kooragang site have potential to affect the community and environment,

The information regarding all toxic chemicals stored or produced by Orica at all sites and their potential affect to the community and environment should be made publicly available and should be included in the risk analysis mentioned in a) ii) above.

(b) the New South Wales Government's response following the incident

The New South Wales Government needs to demonstrate a whole of government approach to managing the prevention, monitoring, reporting and incident management regarding chemical releases. The personal experience I have had in liaising with the NSW Government since the Orica mercury release in Botany has been one of “passing the buck” to other government departments especially between the NSW Health Department and the Office of Environment and Heritage with no clear accountability and a perceived desire to not address the issues publicly.

Enhanced genuine engagement with the public by the NSW Government to support residents surrounding all Orica plants should be addressed as a matter of urgency to create greater public confidence in the Government’s ability to regulate companies such as Orica. A NSW Government Environment engagement plan should be developed and widely publicised to allow greater community involvement and should be independent of Orica’s own engagement processes. This should commence as soon as possible to allow the community to help inform and participate in any recommendations to improve environmental regulation and the outcomes of this review.

I would welcome the opportunity to discuss these matters further and look forward to seeing the outcomes of the inquiry.

Yours faithfully