

**INQUIRY INTO KOORAGANG ISLAND ORICA
CHEMICAL LEAK**

Name: Ms Lynda Newnam

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The Director
Select Committee on the Kooragang Island Orica chemical leak
Parliament House
Macquarie St
Sydney NSW 2000

My name is Lynda Newnam and I attend community meetings organised by Orica at Banksmeadow. Premier Barry O'Farrell and Environment Minister, Robyn Parker, are to be congratulated on their adoption of the O'Reilly Report (see media release below) but now it is time to turn their attention to North Botany Bay where we have the UNACCEPTABLE RISK of the HCB waste stockpile, transport risks associated with the Chlorine Plant, issues with standard monitoring of the site (eg. sampling of run-off after rain), the contamination of the Botany Aquifer expected to take more than a 100 years to clean up, the associated risks of long term exposure to stack emissions from this plant, the Mercury cleanup and the HCB cleanup.

Communication protocols for preparedness and notification of pollution events need to be thoroughly reviewed. Current communications are controlled by Orica with only occasional media releases from the EPA and even rarer inclusions from NSW Health. The community needs to hear from Government Agencies it can learn to trust like the EPA and HEALTH and Work Cover (the coordinating agency for [MHFs](#)) The link provided here is to my website: www.laperouse.info where I have listed details about the MHFs, EPA licensed operations and those reporting to the NPI. There is no other place people in our region can access this information even though we have the biggest cluster of hazardous industry in NSW.

I wish to address Terms of Reference 1(c) and 1(d):

(c) the final report of the inquiry into the chemical leak at the Orica site being conducted by Brendan O'Reilly, and

(d) any other related matters arising from these terms of reference.

(c) Comments on O'Reilly Recommendations:

Recommendation	Comment
7(a) The Environment Protection and Regulation Group, by Administrative Order be created separately from OEH as an independent Environmental Regulatory Authority headed by a Chief Environmental Regulator who has appropriate qualifications and experience.	Good. But the EPA also needs to establish its own website and be responsible for the coordination of communication about hazardous industry.
7(b) An Independent Board be established whose membership be drawn from people with regulatory expertise as well as representatives from community interests.	Good. But minutes and agendas must be on EPA website. Process has to be transparent.
7(c) Consideration is given to establishing community reference groups at strategic locations across NSW to assist the Authority in its deliberations.	This requires a whole of state approach and deserves a review with input from community members who already participate in such committees. EPA needs to coordinate the reference groups not individual corporations such as Orica.
7(d) The Director General DPC review what other existing functions within OEH should also be transferred to the proposed independent Environmental Regulatory Authority.	It may be appropriate to allow the EPA to focus on the POEO but this shouldn't lead to functions now currently undertaken within the EPA section of OEH going to NPWS.

7(e) The proposed independent Environmental Regulatory Authority has its corporate service requirements met through OEH's existing corporate services division.	Needs to be explained particularly if this refers to shared internet presence. See comment 7(a)
5. The Protection of the Environment Operations Act (1997) and any associated regulations are amended to allow in the event of a hazardous incident the Office of Environment, on advice from the Chief Health Officer to direct the company responsible for the activity to fund NSW Health for an independent analysis of the health risks associated with a hazardous incident. NB to be read in conjunction with Rec 7	Good. But it may also be appropriate given the cumulative impact of a number of industries in a particular area to request said group of industries to contribute to funding studies.
1. Part 5.7 of the POEO Act 1997 section 148(2) be amended to read "A person carrying on the activity and becoming aware of the incident must immediately or within one hour of the incident occurring notify the appropriate regulatory authority of the incident and all relevant information about it". • R2.2 of the POEO should remain as it relates to the licensee must provide written details of the notification within 7 days of the date on which the incident occurred. All Company associated emergency plans should be amended accordingly.	Good. But there could be problems with this when more than one regulatory authority is involved. It would be better to have one coordinating point particularly for MHFs
2. Irrespective of whether an emergency is declared or the accident is determined to be an Incident, when a hazardous material spill occurs which is not confined to the plant and impacts on neighbours be they other business houses or the community, and requires a coordinated inter-agency response, the community engagement system (PIFAC) will be activated immediately the incident becomes known.	Good. But the system should be coordinated by the EPA who consult with Health and other authorities. It comes down to trust and the need to build relationships with communities. The EPA also has to examine the language it currently uses. Language must be precise and detail boundaries. This is important regardless of the severity of the event because EPA officers should get used to articulating clear messages and communities to get used to hearing them. This is critical to educating residents/workers/visitors in hazard zones about risk and how to respond to it. It's an on-going 'conversation' that is required.
3. The MOU between OEH and FRNSW be amended to make it mandatory that immediately or within one hour of becoming aware of a hazardous material spill the agency who receives the notification must notify the other party covered by the MOU.	Good
4. The Office of Environment and Heritage in concert with the Minister for the Environment and Minister for Heritage and her office and the NSW Department of Premier and Cabinet review the processes and time frame for the submission of information which falls under the 'Early Alert' procedure.	Requires greater consultation with other stakeholders.

9. Periodically, Emergency Response Exercises be developed and implemented to incorporate both the media and the public as part of the exercise to test and evaluate the most appropriate means of communication, the clarity of information, its timeliness and public satisfaction levels.	Good. This is critical and it is important that it be championed otherwise it won't happen. Prevention and Preparedness historically have taken a "back seat" and when exercises have been held the focus is on what 'we are delivering' rather than the messages received by community members.
6. WorkCover review its notification system and associated protocols. WorkCover to ensure the content of initial training and refresher training provided to staff of the Strategic Assessment Centre including the relevance of the template of questions to be asked of the notifier	Good. There needs to be greater coordination of the relevant agencies – EPA, Emergency, Health, Workcover as well as Sydney Water, Transport etc.

(d) any other related matters arising from these terms of reference

There are examples in the North Botany region of unacceptable hazards. The first of these is the storage of Orica HCB Waste – see <http://laperouse.info/?p=2177> A further example is the Orica Chlorine plant where the transport risk was not assessed as part of the planning process. Another example is the Orica proposal to build at Southlands – the site of the primary containment line for the groundwater contamination – see <http://laperouse.info/?p=1021> Orica have admitted that it will be more than 100 years before the aquifer is cleaned up but are prepared to build on land that may be required as part of the cleanup solution. They don't know of an appropriate technology to clean up the aquifer but will not apply the precautionary principle at Southlands. Another is Huntsman which has been responsible for a number of spills related to aging infrastructure problems. See <http://laperouse.info/?p=1276>

Reference to some basic protocols are listed briefly in this letter to the Sydney Morning Herald <http://laperouse.info/wordpress/wp-content/uploads/2011/08/herald.jpg>

The Stockton incident has been a wakeup call, a reminder that Government should be regulating industry to the full capacity of its powers. Self-regulation is not an option. Regulation not only provides protection for residents, workers and visitors in hazardous industrial zones but also certainty and a level playing field for the industries themselves. Orica is not the only corporate that needs better regulation. We need best practice to apply across the board and for Government, through the EPA, to not only highlight deficiencies but also celebrate examples of best practice.

Finally, I understand there is a Hearing in Sydney on 17/11/11 and would welcome the opportunity to attend and speak at this.

With regards,
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www.laperouse.info

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