

**Submission
No 249**

**INQUIRY INTO PERFORMANCE OF THE NSW
ENVIRONMENT PROTECTION AUTHORITY**

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Submission to the NSW Parliament Upper House Inquiry into the performance of the NSW Environmental Protection Authority

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Preface:

There continues to be considerable discourse about the noise and life style impacts on the cruise ship terminal and about the original decision to build the terminal at White Bay, the author of this submission feels these are important and should be part of public debate and action. However, such issues pale in importance next to **the most critical and immediate issue - the effects of cruise ships in Sydney Harbor and in particular White Bay on the short and long term health** of myself, my family, the Balmain and Sydney communities and the Australian people. This submission focuses on this key issue.

1) There is extremely conclusive science as to the short and longer term health effects of breathing the cruise ships' substantial and highly toxic fumes

For example, a fellow Balmain resident, Professor Alan Rosen AO, a distinguished health professional summarizes the health effects of these: *"There appears to be a strong association, well documented in the clinical literature, between the high levels of Benzene, Toluene, Formaldehyde, Sulphur Dioxide, Particulate Matter and Nitrous Oxide" and "longer term severe health deterioration, particularly anaemia, leukemia and other carcinogenic effects."*

2) These toxic elements are present in high levels in the fuels being used in cruise ships and this is well known through the government, according to Professor Rosen, *"There are no grounds to plead ignorance by government regarding these well documented risks"*.

3) As this is the case (or even if there is a small chance that this is the case), how can the State and Federal Governments NOT act to protect the life and health of its citizens?

This health protection responsibility is widely recognized. In addition to health focused organisations (e.g. WHO) organization concerned with basic human rights recognize that the protection of health is a basic component of human rights and is a basic responsibility of governments (e.g. Council of Europe a leading human rights organization, <http://www.coe.int>, and its 47 member states include this as a key right). The governments of Australia do NOT have a lesser moral imperative or responsibility.

4) Protection is inadequate at present. Sydney Harbor ship emission standards allow 35 times more pollution than do European and North American ports.

Many cruise ships entering Sydney Harbor use low grade Bunker Fuel with sulfur dioxide content up to 3,500 times more than road diesel. In Europe and North America the allowable sulfur levels for ships in port is 0.1% versus 3.5% in Sydney Harbor, i.e. 35 times worse than European and North American ports. Ships polluting at this level are complying to Australian law! This damages not only our environment and health but also our reputation as a modern, progressive country.

5) This worsening situation is counter to the intent of environmental protection. There is a need to act now to protect the health of those within and beyond Balmain.

There is anecdotal evidence that in the 18 months of the cruise terminal operations have worsened the health of many harbourside residents. I did not initially associate emergence of my mild respiratory problems (I had no history of these) and worsening sinus attacks with the cruise ships. Like many I have spoken to in Balmain, I assumed I had a lingering virus. However the “virus” abated when I was away from Balmain and largely disappeared at the end of the cruise ship peak season. I was shocked to discover that this could well be due to the ships, that the long term effects of their emissions were likely to be much more severe and that health and government officials are already aware of this! My story is replicated in residents living near the terminal and around Balmain.

These health outcomes surely run counter to the intention of environmental protection legislation and the organization(s) that administer it. Environment is protected to ensure its survival and health. It is also protected to facilitate the survival and health of a wider ecology of which it is part. In this case this includes Balmain residents, their fellow Sydney residents and ultimately the Australian population.

This is the central consideration for one part of this Parliamentary Inquiry. It is, of course, particularly concerning for residents living close to the White Bay Cruise Liner Terminal, as I do, but it concerns all those who use and/or live by Sydney Harbour. And, the same concerns apply to those who use or live near ports in Australia. Our environment is being eroded by toxic emissions. A key part of the Authority’s performance is surely concerned with preventing this!

6) Possible immediate and longer term solutions

It is surprising that in a situation where it is known that Australians’ health is being compromised, there could be any reasons for avoiding immediate and decisive action. The reasons given for not acting swiftly and substantively seem to focus around arguments including: the problem does not exist/is not severe (as some political parties and interest groups claimed when the terminal was in the approval processes) and/or the

practical difficulties of making changes. The previous points highlight that the problem is real and serious; therefore the following focuses on solutions – immediate and longer term.

Immediate solutions include the moving of cruise ships away from populated areas and requiring cleaner emissions protocols where immediately possible. Specifically:

- 1) Ships capable of connecting to local power should be moved to Garden Island (and any other facility) where the necessary infrastructure for connection is already in place. Where sufficient power is not available a combination of energy sources should be used.
- 2) Ships that have the capability to use better quality fuel should be required to begin use of this immediately. (Fuel surcharges could be added to passenger tickets by order of our government.)
- 3) Ships with “scrubber” technology fitted should be required to use immediately. (Again any additional costs that cannot be borne by cruise companies can be immediately added to passenger tickets.)
- 4) Ships that do not or cannot use local power, use better fuels or do not possess scrubbers should be moved to less populous or unpopulated docking areas – possibly out of Sydney Harbour. This could motivate cruise providers to work to rapidly address their capabilities.

Longer term solutions involve building the infrastructure that will allow docking and access to clean energy, i.e. no emissions Sydney and other Australian Harbours and the requirements that ships approaching the Australian Coastline are complying to best practice standards, including use of cleaner fuel and scrubbers. This is entirely possible as these practices are already in place in many parts of the world. Longer term solutions should not include the half-way (lower cost) pseudo solutions that have been proposed such as putting up pollution barriers that redirect the flow of pollution elsewhere rather than reducing or eliminating it.

Many arguments for not taking immediate and long term action have been made. These include the damage to tourism generally and cruise tourism in particular, the costs involved in building the necessary infrastructure to enable emission reduction/elimination, the costs involved in importing cleaner fuel and scrubber technology, the forthcoming changes to regulatory standards in Australia (though not till 2020) and buck-passing as various levels of government try to find reasons that other branches should take responsibility.

However these are irrelevant. Removal of clear and immediate public health threats that are irrefutably present is more important than any or all of these reasons for not acting. It may be that not all actions that need to be taken can be implemented immediately; however action to progress longer term solution to ensure the safety of Australians should not wait. Those with the most immediate and greatest risk – in this case the residents of Balmain whose homes are adjacent to the toxic pollution of

cruise ships need assistance NOW. And this should be done in ways that recognize that Australia's primary interest is to protect and promote the interests of its citizens' health and well-being today, tomorrow and in the longer term.