

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

Name: Mr John Holden

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The Director
General Purpose Standing Committee No. 5
Parliament House
Macquarie St
Sydney NSW 2000

RE: EPA Inquiry

The staff of the NSW Environment Protection Agency have the complete support of the NSW community and should be congratulated for their forbearance with politicisation of the NSW public service and the chaos of budget cuts and the subsequent retirements of highly experienced technical/scientific staff. This leaves the Agency incapable of performing its function in the manner the NSW public expects of their environment watchdog.

It is apparent that the EPA is beleaguered by pressure from senior contract managers and ministerial staff to 'toe the line' and not properly conduct themselves in the manner that the community of NSW expect in protecting our air, water and environmental health. It is underfunded and nearly destroyed by managerialism, anti-regulation, and the red tape" restriction of cost benefit analysis to stop standard-setting or even updating of standards.

The NSW public expects:

- **Modern, fit for purpose, flexible environmental health protection legislation** with real teeth for citizens and new standards for air, water, soil etc. - NSW environment legislation is no longer fit for purpose and is based on industry patterns present in the 1980s. It has ossified due to the policy hurdles put in place to prevent making pro-citizen legislation and mandatory safety standards in NSW. The legislation should be remodelled looking to the USEPA and the EU for a model.
- We need **new up to date air, water and soil pollution standards** that can be flexibly amended as new research emerges – in particular we need comprehensive oil and gas legislation if this industry is allowed to invade this, our most settled, state.
- Cost benefit and regulatory impact analysis, and one in one out anti regulation requirements prevent legislation being made for the **protection of the environment and public health** – This must be simplified or waived for environmental standards. These red tape policy requirements act to prevent standards being set or improved.
- If the onshore gas industry goes ahead, (and it should not go ahead in our drinking water catchments, state forests, prime agricultural land nor settled/residential areas), we need **new air and water pollution standards and controls on toxic hydrocarbons** -The USEPA has put in place new pollution standards for the oil and gas industry (<http://www.epa.gov/airquality/oilandgas/actions.html>).
- The EPA must be able to **manage its legislative function independently and free from interference and pressure** from the planning, development, central agencies and mining portfolios. Officers from portfolio and central agencies should not attend EPA meetings with APPEA and the NSW Minerals Council. This intimidation should stop. Please inquire into this practice.
- All contract managers in EPA at senior levels should be made **permanent public servants** so that they can offer frank and fearless advice, and enforce NSW's environment legislation.

It's about time that governments stopped destroying the public protections the community expects against the mistakes, short cuts and greed of those in big business. 'Market failure'

of business is inevitable and that is why the NSW public wants a watchdog. The public want a public service that is there to serve the public, not ministers or the mining and gas industry.

Yours sincerely

John Holden MBa BEng