

**Submission
No 32**

**INQUIRY INTO PROTECTION OF THE ENVIRONMENT
OPERATIONS AMENDMENT (CLEAN AIR) BILL 2021**

Name: Dr Arthur Chesterfield-Evans

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Hon. Abigail Boyd MLC

Chair

Protection of the Environment Operations Amendment (Clean Air Bill 2021) Inquiry

New South Wales Parliament

Sydney 2000

PortfolioCommittee7@parliament.nsw.gov.au

Dear Ms Boyd,

I apologise for the lateness of this submission, but it was only just drawn to my attention.

I am a medical practitioner with higher degrees in surgery and Applied Science in Occupational Health and Safety and an ex-MLC.

I would like to make some comments about aspects of Clean Air in NSW, some of which relate to this bill and others that are relevant to the issue, but may be beyond the scope of the bill and/or your inquiry.

First I congratulate you on this bill. It is very important that scientific knowledge leads to actual change. As you may be aware I was involved in the battle against tobacco-caused disease where the harmful effects of tobacco were well known in the 1950s, but smoke-free indoor air was not mandated until 2000- 50 years later. The histories of tobacco, lead, asbestos, cadmium, methyl mercury and silica are of immense harm done while regulators delayed action. The work of Dr Ben Ewald looking at pollution from coal-fired generators is of a high standard and deserves to be immediately implemented, particularly as the standards suggested already exist in many part of the world.

Political and economic factors are the main reason for delays in implementation of good health standards. The fact that the coal-fired power stations are being phased out leads to a reluctance to spend money improving the health aspects of their performance in that the benefit of this health improvement will not accrue to the owners of the power stations. It is therefore up to the government to ensure that resources are optimally used in the society. The profit margin on some of these power stations, particularly Vales Point which was sold for \$1million and is now valued at \$140 million, presumably as multiple of its earnings, must be sufficient to make it possible for the government both to mandate the pollution control on these facilities and to enforce the legislative requirements.

It must be stated that the government has a very poor record of policing and enforcing these regulations. The oil spill at Gore Bay in 2001 showed that not only was there no regular site monitoring, but the EPA was not able even to measure the levels of air pollutants for 48 hours¹. It might be asked if this has changed in 20 years. The poor monitoring of pollution related to the Alcoa aluminium recycling facility in Yennora caused problems, as it did with the jet fuel and PFAS in Williamstown.

The criticisms made by whistle-blower Phillip Cantrell in 2013² of the dumbing down of WorkCover seem to have been vindicated in the fact that WorkCover, now Safework has allowed the silica bench top industry to become established and now create an increasing number of silicosis cases, basically because it took away specialist units that actively monitored workplaces.

The key point is that if there is not serious monitoring unit with penalties created at the time of this legislation it may simply lead to another unenforced law. If the NSW government does not have trained people who know what needs to be done and are empowered to enforce it, the good intentions of this bill will go nowhere.

It might be noted that it frequently the case that conclusions of Parliamentary Committees are ignored. This committee is at least meeting before the law is enacted, so hopefully are able to craft the legislation so that it is effective and public health is improved.

In the health area and in climate change it is also desirable that there be less coal-fired power. It may be beyond the scope of this legislation to try to lessen the amount of coal-fired power, but as lessening of coal-fired power also lessens the pollution that this legislation is attempting to mitigate, it should not be beyond the scope of this committee to consider the issue of reducing coal-fired power.

If there were more energy storage, there would be less need to rely on coal-fired power. One notes that those who wish to continue fossil fuel power talk about 'baseload power' and are now talking of 'despatchable power' on the assumption that renewable power may not always be available. If there were more power able to be stored, there would be less need for coal-fired power.

The uptake of electric vehicles has been very slow in Australia. It might be noted that an electric car has a battery that stores about 40kWh of power, whereas the average home battery is less than 10kWh and is far more expensive in terms of dollars per kWh stored. If there were a large electric vehicle fleet these could be connected to the grid and could discharge power at peak times, and charge at times when there was excess power. This idea has had little attention perhaps because currently big electricity suppliers are vertically integrated and are able to game the system. If there were many small suppliers, such as individuals with 40kWh car batteries and they could programme their cars to charge when prices were low and discharge when prices were high, this increased number of possible power suppliers would have a huge effect in smoothing energy demand from the large generators and smoothing prices. This requires initiatives between government and vehicle manufacturers and it has considerable implications from the continuation of fossil fuel electricity generation. A larger electric vehicle fleet would increase total electricity demand, but wisely implemented could immensely lessen prices and volatility in the grid.

The Committee should address this.

I note the submission of Sean Ambrose to this inquiry regarding diesel emissions at Port Botany. This is certainly beyond the scope of the bill as written, but relates to the issue of clean air and of inspection and enforcement that will be key to the success of this bill.

¹ <https://www.parliament.nsw.gov.au/lcdocs/transcripts/1877/Transcript%2022%20February%202001%20-%20Inquiry%20into%20Oil%20Spills%20in%20Sydney%20Harbour.pdf> Fire Brigade pp33-37, EPA pp57-58

² <https://www.parliament.nsw.gov.au/lcdocs/submissions/42525/0073%20Phillip%20Cantrell.pdf>

For some reason there is an exemption for off road vehicles from the diesel emission regulations. This exemption has been closed with new emissions regulation in the mining industry from February this year. There should not be an exemption for stevedoring as it is a lucrative monopoly industry with areas between containers where diesel fume can build up. Again, it is important that inspectors check the particulate levels there and compliance with meaningful emissions regulation. Why does the government think some laws are self-enforcing? They are not. Safework has to inspect, measure, check and fine and so does the EPA and they must be resourced to do this.

I urge that this bill be supported, that strong enforcement provisions be also included in the bill and that electric cars be used to store electricity and lessen the need for coal-fired power.

Yours sincerely

Dr Arthur Chesterfield-Evans