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Mr John Ramsay
c/- Ms Mary Harwood
First Assistant Secretary
Environment Quality Branch
Department of the Environment and Heritage
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RE: Review of the National Environment Protection Council Act 1994

The National Toxics Network Inc. is a community based network working for pollution reduction, protection of environmental health and environmental justice for all. NTN, as a national and regional network, supports community and environmental organisations across Australia, New Zealand and the South Pacific. NTN provides non-government organisations (NGOs) with a national and international voice on chemical and toxics issues.

NTN has had a long involvement in all aspects of toxics chemicals management, particularly in relation to the management of Persistent Organic Pollutants (POPs) through our participation in the National Advisory Body on Scheduled Waste and our role as focal point for the International POPs Elimination Network (IPEN). NTN was involved in the development of the NEPMs including the NPI since its inception and was a member of the Commonwealth NPI Reference Group and provided detailed comments in relation to the NPI NEPM.

Terms of Reference:

Effectiveness of the NEPC model in meeting the national environment protection objectives set out in the Intergovernmental Agreement on the Environment.

The NEPC was brought into being by the National Environment Protection Council Act 1994 (“NEPC Act”)¹ as a direct result of the Intergovernmental Agreement on the Environment. Its success is reliant on the voluntary co-operation of States with the Commonwealth on environmental issues. The NEPM implementation process is weakened by the ability of States to disallow NEPMs.

The Commonwealth Environment Minister, in consultation with other Ministers, still has complete discretion,² over the Commonwealth’s NEPM obligations raising serious concerns regarding accountability and the risk of politically expedient, but environmentally unsound decisions. And there are still loopholes in the Commonwealth Act to remove the obligation to implement NEPMs, eg “administrative efficiency”, “national interest”.

NEPC’s scope also is too restrictive and priority environment issues have not been addressed.

Efficiency and effectiveness of NEPM development and variation

The consultation in the development of NEPMs and their variation remains poor. The inadequate timeframes, planning and other limitations have meant consultation processes have not facilitated ownership and hence adequate outreach to the wider community has failed.

Measures needed for a wider range of environmental health issues

In terms of delivering the Act’s objective of equivalent protection to all Australians, there are key areas of environmental health which the NEPC Act currently does not include in Section 14(1), namely:

- indoor air pollution
- chemical pollution reduction and sustainability

Indoor air pollution

¹ NEPC Act, s 34.

² Parliament of the Commonwealth of Australia, Senate, *National Environment Protection Measures (Implementation) Bill 1997, Explanatory Memorandum* (Circulated by Authority of the Minister for the Environment, Senator the Hon Robert Hill), P.4

In terms of the existing ambient air NEPMs, NTN is concerned about the lack of consideration and assessment of indoor air pollution as a confounding factor in developing health-based approaches to ambient air quality standards.

Indoor air pollutants should also be considered in their own right for a NEPM as people now spend up to 90% of their time indoors where they can be exposed to a wide range of air pollutants. It is a real gap in the NEPM approach that this key area of population exposure to pollution is neglected. It is not satisfactory to simply dismiss this significant aspect of air pollution and its health impacts because it falls through the cracks and no jurisdiction will take charge of it.

There are now numerous scientific studies which indicate the inside air is contaminated by a variety of gas and particulate-phase substances that may be present at concentrations which cause acute or chronic symptoms or illness.

If the primary objective is to protect public health from exposure to air pollutants, it could be argued that national protective measures should start with indoor air pollution because the exposure duration, pollutant concentrations and at risk populations are all greatest in the indoor environment.

Ambient air quality is the baseline for inside air. When setting ambient air quality standards for air pollutants that people are also exposed to indoors such as nitrogen dioxide, this aspect of exposure should be assessed to reflect real world exposures, pollutant concentrations and health impacts.

It is widely accepted that reducing pollutants at their source is by far the best way to reduce and manage indoor air pollutants. This dovetails with our second suggestion below.

In terms of indoor air pollutants, NTN is particularly concerned about unflued gas heaters and appliances and believes there are currently too many people, especially children in classrooms, who are needlessly exposed to high levels of nitrogen dioxide and carbon monoxide as a result of government failure to adequately regulate this industry and apply the appropriate safety standards to give all Australians access to safe gas appliances.

The current childhood asthma epidemic in Australia and increasing rates of childhood cancers raise the question 'Are children being adequately protected by current air pollution standards and approaches?' NTN believes they are not and the NEPC Act is failing the public in relation to indoor air pollution.

Chemical pollution reduction, eco-efficiency and sustainability

A key area where action and harmonisation is needed across the States and Territories is how the various authorities should be handling the issues around chemical pollution reduction, eco-efficiency and sustainability choices. At present, no practical tools or guidance have been created to help companies and consumers in their everyday choices

of products and services with chemical pollution reduction, eco-efficiency and sustainability as the focus.

The NEPC Act refers to Ecologically Sustainable Development as a principle and Eco-efficiency and Sustainability is clearly mentioned on the EPHC website as a Priority Issue.

A NEPM on Chemical pollution reduction/Eco-efficiency/Sustainability could address limiting chemical pollution at the source and provide national indicators for eco-efficiency and sustainability. Currently there are six “end of pipe” NEPMs about chemical emissions, but nothing that requires industry to reduce chemical pollution at its source.

The community, authorities and industry are struggling to make well- informed choices to reduce chemical pollution and to drive eco-efficiency with such an uneven playing field that currently exists. The scope of the NEPC Act may need to be reviewed to accommodate such a NEPM.

Jo Immig, NTN Co-ordinator