



Environmental
Justice Australia

Submission

in response to the

Review of the National Pollutant Inventory

prepared by

Environmental Justice Australia

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About Environmental Justice Australia

Environmental Justice Australia is a not-for-profit public interest legal practice. We are independent of government and corporate funding. Our legal team combines technical expertise and a practical understanding of the legal system to protect our environment.

We act as advisers and legal representatives to community-based environment groups, regional and state environmental organisations, and larger environmental NGOs, representing them in court when needed. We also provide strategic and legal support to campaigns to address climate change, protect nature and defend the rights of communities to a healthy environment.

We also pursue new and innovative solutions to fill the gaps and fix the failures in our legal system to clear a path for a more just and sustainable world.

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Introduction

Environmental Justice Australia welcomes the opportunity to provide a submission on the review of the National Pollutant Inventory. We have been advocating for better air pollution management and laws for several years and consider the NPI review as an opportunity to embed several strong mechanisms to reduce Australia's air pollution.

Air pollution causes at least 3000 deaths a year in Australia and causes chronic disease and disability for tens of thousands more.¹ Dramatically reducing people's exposure to air pollution is the only way to reduce these rates of death and disease. Actions taken to reduce air pollution should not be limited by consideration of their cost effectiveness. As discussed below, the health cost of air pollution to the Australian community is similar to the cost of the road toll and, as such, should be treated as seriously. Just as we need to reduce the road toll to zero, so too should we be aiming to move to a zero-emissions future. The NPI is one of the key instruments available to Australian governments to achieve that vision.

Control air pollution by strengthening the National Pollutant Inventory

The National Pollutant Inventory was agreed to by Australia's nine state, territory and Commonwealth governments in 1998. It is Australia's most comprehensive annual report on toxic pollution to air, water and land, providing a level of community right-to-know that is otherwise unavailable.

Environmental Justice Australia and the communities we work with use the NPI extensively to identify major sources of air pollution, to understand trends and to advocate for pollution control. We hope the review strengthens the NPI. We believe the NPI must be strengthened in five key ways.

Recommendation 1: The NPI needs the backing of strong national air pollution standards and a national pollution control agency

State Governments have failed to control air pollution. Pollutant concentrations exceed the national ambient air pollution standards frequently in some communities, without meaningful consequence for polluters. In the Hunter Valley, 34 air pollution alerts were issued in July. But the coal mines that are responsible for this coarse particle pollution are not compelled to implement best practice pollution controls. Fine particle concentrations in communities near power stations exceed the national standards, but the generators are not required to install readily available technologies such as flue gas desulfurisation that would reduce the sulfur dioxide emissions that form secondary particle pollution.

To effectively control air pollution, we need more than a comprehensive, accessible pollution inventory. We need a national pollution watchdog with teeth.

¹ Australian Government, Australian Institute of Health and Welfare, *Australian Burden of Disease study: Impact and causes of illness and death in Australia*, 2011 (Revised 2016).

Recommendation 2: The NPI should be used by environmental regulators in their efforts to control pollution

The NPI review is intended to assess the extent to which the NPI “informs, empowers and enables policy and regulatory actions and behaviours that contribute to the achievement of the desired outcomes.”

In reality, there is a total disconnect between NPI data and state government pollution control. State governments don't use NPI data to ensure compliance with licence conditions, relying instead on occasional stack monitoring results. State Governments don't determine pollution limits or pollution fees and levies according to the NPI, or initiate compliance action when the NPI identifies polluters whose emissions appear to have significantly increased. There is no meaningful incentive or disincentive for polluters to report that they have significantly reduced their toxic emissions.

As part of their annual reporting obligation, facilities are required to report on emission activities and investments they have undertaken to reduce toxic pollution. EJA's analysis of pollution reports during the last decade indicates that very few polluters have made any significant investment in pollution reduction.

The NPI's desired environmental outcome is the maintenance and improvement of ambient air quality. The NPI in its current format has failed to achieve this outcome. In fact, ambient air pollution has increased in many Australian communities during the last 20 years.

State Governments have failed to respond when the NPI has highlighted a significant increase in toxic emissions. This year's NPI showed that coarse particle (PM₁₀) emissions from the Mount Owen open cut coal mine increased 17% to 3.3 million kilograms. No additional pollution controls have been required for the mine by the NSW EPA.

Fine particle pollution (PM_{2.5}) from the five power stations in NSW increased by 39% to a total of 755,000kg. PM_{2.5} emissions from Vales Point power station increased by 179%. PM_{2.5} from Bayswater power station jumped by 69%. Despite an EPA review of their licences and compliance history, not one of the state's power stations had its licence strengthened. None have been required to implement additional pollution controls.

State environmental regulators may be more inclined to utilise NPI data in their air pollution control and management if the data was published in a more timely manner. After 20 years, NPI reporting is now a routine matter for polluters and there is no reason why it should take 12-18 months for pollution estimates to be published.

Recommendation 3: NPI data must be accurate and reliable

Often, the NPI data is simply wrong, and nothing is done to correct it. The 2016-17 data, for instance, included several obvious errors.

Bayswater reported emitting 73.5kg of mercury in 2017 while Eraring, Australia's biggest power station, emitted just 1.3kg of mercury. Either one of these reports is in error or one of these power stations is utilising a pollution control measure that should be mandatory for the other.

In the last two NPI reports (2015-16 and 2016-17), the operators of the Yallourn power station reported fine particle (PM_{2.5}) emissions more than 50% lower than any year in the preceding decade. This is not credible, as the power station has not installed any new equipment to control pollution. Yallourn still doesn't have bag filters, decades after this basic pollution control was fitted to power stations around the world.

The discrepancies in emission reports from the Mt Piper power station serve as a powerful illustration of how inaccurate polluters' reports can be. Fine particle pollution is the air pollutant of greatest concern to Australian governments, and power stations are the nation's single greatest source of PM_{2.5}. In its last five NPI reports, EnergyAustralia reported emitting 160,000kg, 210,000kg, 130,000kg, 10,000kg then 59,400kg of fine particle pollution from its Mt Piper power station. If this was accurate, it would suggest Mt Piper had successfully reduced toxic fine particle pollution by 95% in just three years, only to see emissions increase again by a factor of 6. In fact, EnergyAustralia had installed no new PM_{2.5} controls during this period. The variation did not reflect huge changes in energy output from the power station.

A coal tar plant in Newcastle over-stated its benzene emissions by a factor of ten, until concerned residents and an investigative journalist drew attention to the error.² Until then, the 47 tonnes of benzene emitted in a residential area had not generated any attention by state or local government regulators.

Reporting errors are not remedied. Even when the (bare bones) NPI staff are advised of an obvious error or omission in the dataset, errors can remain unchanged for years.

Recommendation 4: The NPI needs to allow users to easily compare pollution year to year, facility to facility

The NPI website has barely changed since it was first established, and allows very limited functionality. It is not possible, for instance, to compare the toxic emissions from a power station year by year. Instead, it is necessary to download the data for each year, then import multiple comma-separated values (csv) files into Excel to make this comparison. To compare all Australia's coal-fired power stations, coal mines or other major polluters over several years, it is necessary to download hundreds of separate search results, then meticulously craft them into an integrated spreadsheet. This requires skill and patience, and presents an entirely unnecessary and preventable obstacle. A programmer with modest skill levels could create a more user-friendly interface in no time.

When community members can easily compare polluters' reports year by year, and quickly access the full details of emission control measures implemented, polluters will begin to be held to account. The purpose of the NPI was to inform and empower communities to compel polluters to reduce their toxic impacts. That purpose is being stymied by an inadequate interface.

² <https://www.theherald.com.au/story/5520830/koppers-mayfield-says-its-pollutant-accounts-are-wrong/>

Recommendation 5: The NPI must be expanded to include other toxic pollutants

When the NPI was first developed in the 1990s, Australian governments made the pragmatic decision to start with 93 pollutants, pledging that the inventory would expand over time. By comparison, the United States' Toxics Release Inventory contains 594 toxic substances.