

Williamtown Contamination Expert Panel - Terms of Reference

1 Purpose

The Expert Panel has been established under Division 4 of the Protection of the Environment Administration Act 1991 for the purpose of providing informed scientific advice to the Environmental Protection Authority (EPA) to assist in developing the NSW Government's response to the Department of Defence in relation to investigations to characterise and manage its offsite contamination from Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) from the Williamtown RAAF Base.

The Expert Panel will also provide advice for NSW agencies to inform decisions they may need to make to protect the community and the environment in relation to matters such as the harvesting of oysters, fish and other agricultural products and the use of ground and surface water and the consumption of produce from animals kept in areas potentially affected by the offsite contamination.

2 Functions and Role of the Expert Panel

The functions of the Expert Panel are to:

1. Assess available information on contamination from the Williamtown RAAF Base and advise agencies on factors influencing the retention of the temporary measures already in place and the need for any additional measures to manage potential risks, including to recreational and commercial fishing, oyster harvesting, bore water usage and agricultural activities.
2. Provide advice to the EPA on whether and what additional investigations or studies are needed to be undertaken by the Department of Defence and their consultants, to assist in refining risk assessment and management measures related to the PFOS and PFOA contamination originating from the Williamtown RAAF Base.
3. Review and provide advice on proposed remediation strategies to be undertaken by the Department of Defence to address migration of contamination from the Williamtown RAAF Base and advice on the need for further investigations and/or long-term monitoring, and reporting mechanisms for the data and information derived from implementation of these strategies.
4. Provide a source of informed expert advice to the EPA and through them to the Department of Defence on guidance to the local community and relevant stakeholders.

The Expert Panel will operate for 12 months from the date of its formation. The term of the Expert Panel can be extended by the EPA Chair and CEO if required.

3 Membership of the Expert Panel

The Expert Panel will be comprised of:

- Chair – NSW Chief Scientist and Engineer
- a representative from NSW Food Authority
- a representative from NSW Health
- a representative from DPI – Fisheries

- a representative from DPI – Water
- a representative from DPI – Agriculture
- a representative from EPA – Regional Office
- a representative from EPA – Contaminated Sites
- a representative from Hunter Water Corporation
- a representative from Marine Park Authority
- person(s) with expertise in environmental and clinical toxicology
- a person with expertise in hydrology
- an OEH/EPA science expert in measurement and laboratory protocols

The Government members will be senior representatives and able to speak authoritatively and make commitments on behalf of their agency.

4 Role of the Chair of the Expert Panel

The Chair of the Expert Panel is the NSW Chief Scientist and Engineer.

The role of the Chairperson is to be a convenor, facilitator and where required, the spokesperson for the Expert Panel. The Chairperson will be appointed for the term of the Expert Panel.

5 Appointment and replacement of members

Agency representatives on the Expert Panel will be nominated by their agency. Other members of the Expert Panel will be appointed by the EPA Chair/CEO. Additional persons may be invited to join the Expert Panel with the agreement of the Expert Panel.

Members may, following an approved request to the Panel Chair, nominate an alternate representative in advance of any meeting, with the request to the Chair made at least 24 hours prior to the meeting.

Relevant persons may be invited to attend meetings to provide presentations, expert technical information, or for other purposes, as agreed by the Expert Panel.

6 Operation of the Expert Panel

Secretariat

The Expert Panel will keep minutes of proceedings at its meetings and actions arising. The EPA acts as secretariat to the Expert Panel. The Minutes of the Panel will be placed on the NSW EPA website.

Meeting frequency

The Expert Panel will meet as frequently as required, but at least four times per calendar year, unless otherwise agreed in writing by the NSW EPA Chair and CEO.

Disclosure of pecuniary interests

If a member of the Expert Panel has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Expert Panel, and this interest appears to raise a conflict with the proper performance of the member's duties in relation to

the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Expert Panel.

Communication

The Chair of the Expert Panel will be the spokesperson in relation to the work and recommendations of the panel. The Chairperson may delegate some communication responsibilities where appropriate.