



Australian Government

Australian Government response to the
Joint Standing Committee on Foreign Affairs, Defence and Trade
PFAS Sub-committee report:

Inquiry into PFAS remediation in and around Defence bases

JANUARY 2022

Introduction

The Australian Government welcomed the Second Progress report of the Joint Standing Committee on Foreign Affairs, Defence and Trade PFAS Sub-committee's *Inquiry into PFAS remediation in and around Defence bases*.

The Government's continued focus in responding to PFAS contamination is the wellbeing of PFAS-affected communities. We remain committed to reducing risks to human health and the environment from PFAS exposure, and working to improve responses to PFAS contamination. The Government detailed its approach in its response to the recommendations of the Joint Standing Committee's 2018 *Inquiry into the management of PFAS contamination in and around Defence bases* (2018 PFAS Inquiry). In summary, this approach includes:

- Management interventions to reduce community exposure, such as providing alternative drinking water supplies where appropriate, remediation activities to reduce migration of PFAS contamination, and informing affected communities about potential exposure pathways and how to reduce their exposure;
- Support for affected communities, including mental health support;
- Research to investigate potential health effects of prolonged exposure to PFAS, and to develop technologies to remediate PFAS-contaminated soil, water and other media;
- Comprehensive site investigations and PFAS management plans;
- Coordination and collaboration with states and territories; and
- National guidance and standards for environmental management of PFAS contamination.

Since tabling its response to the 2018 PFAS Inquiry in February 2020, the Government has continued to actively progress PFAS-related activities, despite the challenges presented by the COVID-19 pandemic. The Department of Defence has implemented additional communication channels with communities, and has worked to provide increased accessibility and enhanced content on information regarding PFAS management activities. These are described in responses to Recommendations 1, 2, 3, 5 and 6.

The Government has also continued work to improve chemicals management in Australia and deliver pragmatic guidance and policies, informed by the latest scientific knowledge. These are described in the response to Recommendation 10.

The Government is pleased to provide its responses to the PFAS Sub-committee's recommendations.

Response

Recommendation 1

The Committee recommends that the Government highlight the PFAS Taskforce's role in coordination and review of the national PFAS response in a dedicated link accessible on the PFAS homepage as a contact point for members of the public. This dedicated webpage should also improve accountability and accessibility by:

- providing information on and links to relevant annual reports, parliamentary reviews, and to the Government response;
- making a feature of the PFAS Taskforce contact form, with 'how can we help' content and links to dedicated PFAS support and consumer protection sites; and
- providing information and contact details for the Director of the PFAS Taskforce.

The Government should supplement this with a dedicated PFAS call line, accessed via the PFAS website. [Rec. 8].

Response

Agreed in part.

The Government welcomes suggestions for further improvements to the pfas.gov.au website. As recommended, additional information and direct links will be provided for the range of dedicated support services, telephone lines, and other key information sites.

General enquiries about PFAS matters can be made to the PFAS Taskforce through the 'Contact Us' form on the pfas.gov.au website. All enquiries are either responded to directly by the PFAS Taskforce, or referred to the authority best able to answer the enquiry. Consistent with usual practice, it is not intended to publish contact details of individual officers.

Dedicated PFAS information lines already exist to support enquiries on a range of PFAS-related topics. The Department of Defence has dedicated telephone lines and email contacts for enquiries about each of its 28 PFAS site investigation and management areas. The Department of Health has a telephone information line and email contact for enquiries about PFAS exposure and potential health impacts.

The PFAS Taskforce will ensure that direct contact information to the range of available PFAS information and support services is captured in a central location on pfas.gov.au, for ease of reference. An overview of what these services offer will also be provided.

Recommendation 2

The Committee recommends that the Department of Defence includes information on its investment in PFAS remediation programs, research and related activities in its annual reports along with tabular progress reports on remediation work under PMAPs for all sites.

Response

Agreed in part.

The Government welcomed the release of the First Report of the PFAS Sub-committee's *Inquiry into PFAS remediation in and around Defence bases* in December 2019. That report outlined the PFAS Sub-committee's view that the importance and scale of the Department of Defence's (Defence's) response to PFAS contamination warrants inclusion of actual investment, contractual arrangements and progress reports for its national PFAS Investigation and Management (PFASIM) Program in its annual report. In response, Defence included significantly more detail on the PFASIM Program in the *Department of Defence Annual Report 2019-20*. This includes information on:

- interim response actions;
- provision of alternate drinking water to affected communities;
- groundwater treatment systems;
- an explanation of, and strategies behind, PFAS Management Area Plans including Ongoing Monitoring Plans;
- remediation technology; consultation and collaboration; and
- Defence's financial investment as part of the broader Australian Government response to PFAS contamination.

Noting the PFAS Sub-committee's recommendation in its Second Report, Defence will continue to review how reporting of its response to PFAS contamination is conveyed in the Defence Annual Report, in particular in relation to investment in remediation and research.

The Government notes the PFAS Sub-committee's recommendation that tabular progress reports on remediation work under PMAPs for all Defence PFAS management sites should be included in Defence's annual reporting. Defence publishes reports on the Defence PFAS website for each investigation, including: relevant Human Health Risk Assessment Reports and Ecological Risk Assessment Reports; publications and presentations provided at community events; and PFAS Management Area Plans and Ongoing Monitoring Plans. The Government's view is that this is the most appropriate and easily accessible place to host information regarding the progress of PFAS remediation works for each Defence site.

Recommendation 3

The Committee recommends that the Department of Defence should publish on its website up-to-date maps showing the changing boundaries of PFAS investigation and PFAS Management Area Plan (PMAP) sites, with the status of areas officially cleared of PFAS contamination plainly indicated.

The Committee recommends copies of these maps should be made available to residents on request.

The Committee also recommends that the Department ensures public input is sought through community engagement throughout the process.

Response

Agreed in principle.

PFAS contamination is a complex issue, requiring an effective whole-of-Government and nationally consistent response, based on the best available scientific evidence.

Current Investigation Area or Management Area maps for each site in Defence's national PFAS Investigation and Management (PFAISM) Program are available on Defence's PFAS website. Hard copies of maps are also available from Defence on request. Defence publishes results of all sampling conducted to the extent permitted by the Australian Privacy Principles, including sampling that identifies no detection of PFAS above the laboratory limit of reporting. Defence also provides results of sampling conducted on a property to the property owner, including a detailed explanation of how to interpret the results.

Defence works to provide PFAS-affected communities with transparent, timely and direct communication about investigation outcomes; remediation and management activities; opportunities for residents to discuss their concerns about PFAS contamination; and how residents can access further information. As at May 2021, Defence has conducted 149 community engagement events for PFAS-affected communities. These events enable Defence to update residents on the release of investigation outcomes and management plans, provide community members with an opportunity to discuss their concerns about PFAS contamination with Defence and other relevant agencies, and to raise any other issues. The format of these events varies and has included:

- formal presentations delivered by a Defence spokesperson with opportunity for discussion; questions and answers; and/or panel discussion;
- walk-in sessions with rolling presentations or presentations at set times, and interactive engagement between community members and officials over a period of time;
- recorded presentations as part of walk-in sessions with interactive engagement between community members and officials over a period of time;
- shopfront engagement, providing a less formal forum for community interaction and discussion with officials.

Defence has also established community information lines and a website for the PFAISM Program. The website hosts all publications released through the PFAISM Program, as well as site-specific answers to frequently asked questions, information on Investigation and Management Areas, links to precautionary advice issued by state and territory authorities, and links to other agency websites.

In responding to this recommendation, it is useful to explain some of the terminology that applies to Defence's PFAISM Program. An 'Investigation Area' consists of the Defence

property and any relevant surrounding vicinity, where detailed environmental investigations (including a sampling program) will be carried out to assess where, and to what extent, PFAS may be present. The Investigation Area is intended to encompass the potential extent of surface and sub-surface PFAS contamination in all media (soil, water, etc.), noting that not all locations within the Investigation Area are contaminated, nor are they all contaminated to the same extent. The Investigation Area also provides an additional buffer area to allow for changes in PFAS migration pathways. Investigation Areas transition to 'Management Areas' on completion of an environmental investigation – a 'Management Area' defines any areas within the original Investigation Area that require a degree of management.

Not all Investigation and Management Areas are established by Defence – for example the New South Wales Environment Protection Authority established the original Williamstown Investigation Area, and the subsequent Williamstown Management Area (comprising the Primary, Secondary and Broader Management Zones), and still administers the Williamstown Management Area.

In this context, relevant state and territory environmental and health authorities issue precautionary advice (as required), based on the findings of Defence's environmental investigations, monitoring, management actions and remediation. Depending on the nature of such advice, the environmental or health authority would determine whether precautionary advice would apply to all or some of the investigation/management area.

At the conclusion of each investigation, Defence uses the findings to develop a PFAS Management Area Plan (PMAP) that addresses elevated risks identified in the Detailed Site Investigation report and the risk assessment. Defence consults with state and territory environmental regulators in developing PMAPs. Each PMAP contains an Ongoing Monitoring Plan (OMP) that outlines the sampling program that will be undertaken by Defence to monitor and track PFAS contamination over coming years.

Sampling undertaken under the OMP helps Defence, the community and other stakeholders understand whether the actions being undertaken as part of the PMAP are effective, and where more might need to be done. Sampling will help assess changes in concentration of PFAS contamination and geographic spread. Both the PMAP and the OMP are reviewed at regular intervals, including as new information or technologies with potential to impact PMAP objectives become available. Any changes to the footprint of the Management Area would be included in updated maps in the revised documents. If required, changes to the monitoring frequency or locations of sampling may occur.

Defence will release an Annual Interpretive Report for the OMP at each site. This process will allow Defence to assess changes in the distribution, concentration, and transport (pathways and flow rates) of the contaminants against appropriate guideline values, thus providing:

- an evidence base for targeted and effective risk management decision-making to protect human health and environmental receptors; and
- an early warning where additional management of PFAS contamination may be warranted in areas not currently understood to be affected by PFAS.

Recommendation 4

The Committee recommends that PMAPs should be practical documents that direct compliance with a jurisdiction's environmental policies and standards as well national PFAS regulatory frameworks for timely remediation works in and around Defence bases.

Response

Agreed in principle.

Defence conducts its environmental investigations, and management and remediation activities, consistent with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM). The ASC NEPM provides a nationally consistent framework for the assessment of contaminated sites across Australia. Investigation, management and remediation activities under Defence's national PFAS Investigation and Management (PFASIM) Program also adhere to the PFAS National Environmental Management Plan 2.0, which establishes a practical basis for nationally consistent environmental guidance and standards for managing PFAS contamination.

Defence also acts in a manner consistent with state and territory environmental management legislation, where this is not inconsistent with obligations under Commonwealth legislation. In this way, Defence's PFAS Management Areas Plans (PMAPs) conform to applicable state and territory legislation and policy and set out a strategic plan for Defence to manage elevated risks of PFAS contamination on, and emanating from, Defence sites. Defence consults closely with relevant state and territory environmental regulators in the development of PMAPs. Defence PMAPs and Remediation Action Plans (RAPs) are subject to independent review by technical advisers and auditors, who are accredited under applicable state and territory environmental audit schemes.

While PMAPs are strategic-level documents, RAPs define the purpose and objectives of remediation, evaluate and determine remediation options, and set out performance measures. They nest underneath PMAPs and specify the programs of action for reaching remedial goals, validation, and post-remedial management of one or more PMAP actions. RAPs include:

- a summary of the environmental issues for an identified contamination source or a Base (as applicable), identifying issues of concern;
- identification and assessment of available remediation options;
- the plan to achieve remedial goals (including the works, appropriate environmental controls, and work, health and safety controls);
- measures of effectiveness for the remediation; and
- where applicable, a site management plan for monitoring, maintenance and operation of any remediation works.

In assessing all elevated risks within the Investigation Area (both on-site and off-site), Defence prioritises the management and remediation of those risks which contribute to the continuing migration of PFAS from the Defence boundary. These risks are managed in consultation with relevant jurisdictional authorities.

Recommendation 5

The Committee recommends that the Government review its local information and broader media strategy to ensure information on PFAS related matters is factual, cites trusted sources, and is well targeted to inform specific audiences about priority issues and concerns.

Response

Agreed in principle.

The Government aims to provide clear, accurate and timely information and advice to PFAS-affected communities and individuals, as well as the broader public. Responsible agencies use a variety of channels to provide information and advice and adopt flexible approaches to communicate with different audiences.

The pfas.gov.au website provides a general PFAS information portal for Australians and an avenue for enquiries about PFAS related issues. Relevant Commonwealth, state and territory government agencies' websites link to pfas.gov.au as a central source of information on PFAS.

Defence is committed to being open and transparent with local communities where investigation, management and remediation activities are taking place. Defence has demonstrated its flexible approach to communication during the COVID-19 pandemic. During this time, Defence has engaged communities through:

- routine publication of all media enquiry responses, investigation reports and management plans on the Defence PFAS website;
- maintaining dedicated information lines for community enquiries;
- routinely providing media opportunities prior to community engagements;
- publishing online community updates to coincide with the release of investigation reports and management plans when traditional community engagement events have not been possible due to physical distancing requirements;
- undertaking letterbox drops with factsheets ahead of community engagements and online updates;
- meetings with local councils and elected representatives; and
- distributing community newsletters.

Relevant state and territory authorities are responsible for delivering some information. For example, local health advice is the responsibility of the relevant state or territory health department. The Commonwealth Department of Health (Health) provides national advice and guidance on PFAS-related health matters which can be accessed through its website. Health has also established an information service for health-related PFAS queries, including a telephone line (1800 941 180) and email (health.pfas@health.gov.au).

The Government recognises that communicating about PFAS contamination is difficult, including due to current gaps in scientific knowledge. Agencies working on PFAS investigation and management aim to communicate clearly, informatively, empathically, and regularly with affected communities, whose wellbeing remains the Government's continued focus. The Government will continue to assess options for improving communications on PFAS, including in the context of our evolving understanding of the science.

Recommendation 6

The Committee recommends that the Government adopt participatory approaches to improve collaboration and involvement with the community.

Response

Agreed in principle.

The Government understands that communities in areas where PFAS contamination has been detected are concerned about how this may affect them, and have a right to understand what governments are doing about it. The Government is continuing its work to increase understanding of PFAS and to continuously improve responses to PFAS contamination through sharing knowledge, investing in research, and collaborating to ensure the best possible outcomes for affected communities and individuals.

As outlined in response to Recommendation 3, Defence is committed to regularly updating affected communities throughout the investigation, remediation and monitoring stages of its national PFAS Investigation and Management (PFASIM) program. Defence will continue to adapt its communication approach in line with the PFAS Information sharing, communication and engagement guidelines under the *Intergovernmental Agreement on a National Framework for Responding to PFAS contamination*.

Defence has participated in a number of community forums, led by relevant state and territory governments, the membership of which include community and state and local government representatives. These forums include the NSW Government-led Williamstown Community Reference Group (CRG) from its inception in 2015 to its cessation in 2019, the Williamstown Elected Representatives Group, and the Katherine PFAS Community Consultation Group.

Defence also notes the important role that Services Australia (formerly the Department of Human Services) Community Liaison Officers played in connecting residents in Williamstown, Oakey and Katherine with relevant government services, and in listening to community concerns and needs and ensuring these were understood by key agencies. Community Liaison Officers also participated in Community Wellness Committees in both Williamstown and Oakey.

Defence continues to engage with Indigenous stakeholders on PFAS contamination based on the individual requirements of affected Indigenous communities, to establish any potential impacts. This has included impacts on food and water sources, which may affect indigenous groups in different ways from the non-indigenous community. Engagement has also included consultation on cultural and heritage impacts of sampling, construction and remedial work, with Indigenous environmental consultants involved in some investigations.

As detailed in response to other recommendations, Defence works with affected communities to ensure that the most up to date information is provided regarding Defence PFAS investigation, management and remediation activities, and to update the community as required through the Defence PFAS website, including via newsletters and fact sheets.

Australia's Federally Leased Airports engage with a range of stakeholders through Community Aviation Consultation Groups (CACGs). The CACGs provide for effective consultation with members of the local community. CACGs aim to facilitate constructive and open discussion of airport operations and their impacts on nearby communities, including in relation to PFAS contamination. All federally-leased airports except Mt Isa and Tennant

Creek operate CACGs. Membership of CACGs generally consists of representatives from the airport, the Department of Infrastructure, Transport, Regional Development and Communications (Infrastructure), state governments, Airservices Australia, and local communities. In some cases, local government, Defence and/or the Civil Aviation Safety Authority may also participate. The CACGs meet at least twice a year with a Chair that is usually independent of the airport.

In the Jervis Bay Territory (JBT), Infrastructure, as the provider of state-level government services, participates in a range of activities to provide information to the JBT community about how it is managing affected services, such as the dissemination of public health advice and the treatment of the JBT's drinking water. These activities include community forums, community bulletins, easily accessible supporting communications materials, and advisory signage at affected locations. In the future, Infrastructure aims to employ trained facilitators to help ensure successful engagements with the community on PFAS. As Infrastructure's vision in the JBT is to be a capacity partner to the community and stakeholders, community engagement and provision of timely and effective communication products are crucial.

Infrastructure has also committed to keeping the Norfolk Island community regularly informed about its progress to address PFAS contamination detected near the airport in December 2019. Strategies used have included media releases, local radio interviews, drop-in community engagement activities on-Island, targeted briefings to community groups on-Island, an information line, updates regularly posted to a dedicated website, and hand delivered information. Additionally, Infrastructure works closely with the Norfolk Island Regional Council's PFAS Response Team to share information and receive input from the Council and community on the response effort.

Recommendation 7

The Committee recommends that the Government should fund research to better understand the mental health impacts of living with PFAS contamination and related human made disasters to better inform Government services and supports.

Response

Noted.

In October 2016, the Government, through the Department of Health, commissioned the National Centre for Epidemiology and Population Health at the Australian National University (ANU) to examine the potential health effects resulting from PFAS exposure through an epidemiological study (the ANU PFAS Study). The study area includes the towns of Oakey in Queensland, Williamstown in New South Wales and Katherine in the Northern Territory. All components of the study are expected to be complete by mid-2021. It is anticipated that the final reports will be published by the end of the year and that the results will be broadly applicable to other identified PFAS contaminated sites.

The ANU PFAS Study comprises five main components being conducted over two phases. Phase one is now complete and included a systematic literature review and the development of study protocols for phase two. The outcomes from these components are available on the ANU PFAS Study website (<https://rsph.anu.edu.au/research/projects/pfas-health-study>). As part of phase two, a Focus Groups Report was released in March 2019. This Report provided information on the range of social and health related experiences and perceptions, including both physical and mental health concerns, of those living in an area affected by PFAS contamination. The findings from the Focus Groups identified that mental health is an important issue to further investigate in these areas. Mental health scales are also included

in the cross-sectional survey component of the ANU PFAS Study to measure distress and anxiety. The survey also collects information on financial stress, stigma, uncertainty about the future, health seeking behaviours such as seeing a General Practitioner and/or accessing mental health services, as well as changes in lifestyle habits like exercise, smoking and alcohol consumption.

The Government funds health and medical research through two distinct but complementary funds: the Medical Research Future Fund (MRFF), funding priority research; and the National Health and Medical Research Council (NHMRC), focusing on investigator-led research.

The MRFF is a \$20 billion ongoing research fund established by the Government in 2015. Every year, the Government uses some of the net interest from this investment to fund medical research in targeted priority areas.

As part of the 2019–20 Budget the Government announced a \$5 billion, 10-year investment plan for the MRFF. The plan included the establishment of the \$125 million *Million Minds Mental Health Research Mission* to support research that addresses key national mental health priorities. Mental health research may also be funded under other MRFF initiatives where aligned to their objectives.

Based on the priorities for MRFF initiatives or advice from associated MRFF expert advisory panels, funding from the MRFF has been provided for child and youth mental health, Aboriginal and Torres Strait Islander mental health, eating disorders, pharmacogenomics, the effects of the recent bushfires, the establishment of Mental Health Clinical Trials Networks, and the impacts of the COVID-19 pandemic. The outcomes of this research are expected to have application to other areas of mental health, including improvements to the mental health system that may benefit those living with PFAS contamination.

MRFF investments are guided by the Australian Medical Research and Innovation Strategy 2016-2021 and the Australian Medical Research and Innovation Priorities 2020-2022 developed by the independent and expert Australian Medical Research Advisory Board. The Government is required to consider the Priorities when making decisions on MRFF disbursements.

With regards to mental health and chemical exposure, the NHMRC has provided funding to an Australian birth cohort study investigating the effects of chemical exposure on infant development, including neurodevelopmental disorders and mental health. The study will investigate how common chemical exposure *in utero* is and whether higher exposure is linked to attention deficit disorder and autism spectrum disorder. This project is the Australian contribution to an international effort to understand potentially harmful chemical effects on the developing child's brain and to improve the testing and regulation of chemicals, particularly in early life.

Recommendation 8

The Committee recommends that the Government should provide all people affected by PFAS with mental health supports and counselling services, with a dedicated link and a phone contact on the PFAS website for accessing these services, and regular updates provided in affected communities about what services are available.

Response

Agreed in part.

The Government has provided \$19.7 million to fund Community Support Packages for people impacted by PFAS emanating from RAAF Base Williamtown, New South Wales;

Army Aviation Centre, Oakey, Queensland; and RAAF Base Tindal in Katherine, Northern Territory. The packages included a Voluntary Blood Testing Program, the ANU PFAS Health Study, and additional dedicated mental health and counselling services.

Funding was provided under the Community Support Packages to the three Primary Health Networks (PHNs) relevant to these areas, to commission dedicated mental health and counselling services. People in these PFAS-investigation areas have been able to access these mental health treatment and support services at no cost. The PHNs are funded to provide these services until 30 June 2021.

Whilst these specific PFAS mental health services will cease, people impacted by PFAS are able to access the full range of Government-funded mental health services, including Medicare-subsidised psychology services, other PHN commissioned mental health services, and low-cost and free digital mental health services. In 2020-21 alone, the Australian Government has invested a record \$5.9 billion in mental health and suicide prevention services through the Health portfolio.

In the 2021-22 Budget, the Government is investing a record \$2.3 billion in the National Mental Health and Suicide Prevention Plan to lead landmark reform. This includes funding for digital, online and telephone-based supports to provide even greater access to mental health support for all Australians, including those affected by PFAS contamination. Free or low cost digital mental health services funded by the Government offer a range of services including telephone and online counselling, and treatment and crisis support, including suicide prevention and peer support. The types of services funded include Lifeline Australia's 13 11 14 telephone line, online chat and telephone support through Beyond Blue, ReachOut, Mindspot (online clinic) and SANE Australia's online community forums.

All of these services can be accessed through the Government's digital mental health gateway, www.headtohealth.gov.au. A direct link to headtohealth is available on the Department of Health's PFAS website.

The Government also funds Medicare-subsidised psychology services under the *Better Access to Psychiatrists, Psychologists and General Practitioners through the Medicare Benefits Schedule* (Better Access) initiative. Eligible people can receive up to 10 individual and up to 10 group allied mental health services per calendar year under this initiative. In response to the COVID-19 pandemic, the Government temporarily increased the number of individual sessions available to 20 per calendar year until 30 June 2022.

Treatment available under the Better Access initiative includes psychological therapy services provided by clinical psychologists, and focussed psychological strategies services provided by registered psychologists, social workers, occupational therapists and appropriately qualified General Practitioners.

People with more severe and persistent conditions may need long-term treatments from a multidisciplinary state-based mental health service or psychiatrist, rather than the Better Access initiative. General Practitioners can refer those with severe ongoing mental disorders to Medicare subsidised consultant psychiatrist services, where 50 sessions per year can be provided.

This year the Government has invested in a whole-of-population Telehealth model of care, as part of the response to the COVID-19 pandemic. Medicare-subsidised mental health treatment can now be delivered via Telehealth, where it is clinically safe to do so. Telehealth services are accessible to all Australians, including people in PFAS affected communities, until 31 December 2021. Telehealth continues to be available for people living in regional areas. The Government also funds PHNs to commission regional services to improve outcomes for those with, or at risk of, mental illness and/or suicide. Each PHN is required to commission services in partnership with local providers that respond to a range of mental health needs in their communities, from early intervention for mild and moderate conditions to more severe forms of mental illness.

The Government is continuing to monitor the uptake of mental health services in PFAS affected communities to ensure the range of services and supports available respond to their needs.

Recommendation 9

The Committee recommends that the Government prioritise assisting property owners and businesses in affected areas through compensation for financial losses associated with contamination emanating from Defence bases, including the possibility of buy-backs.

Response

Noted.

PFAS contamination is a complex issue, requiring an effective, evidence-based, nationally consistent response. All responsible Australian Government agencies are working closely together, and with state and territory counterparts, to achieve the best outcomes for affected communities.

The Government has invested significantly in providing support to affected communities, including to reduce potential exposure pathways and to provide information and advice.

The Government has also invested significantly in scientific research to help find effective ways to reduce PFAS in the environment.

It remains open to any individual or business who believes they have suffered loss or damage as a consequence of Government activities to submit a legal claim directly to the relevant agency or department.

The Government continues to support the just resolution of legal claims by agreement, not litigation, where appropriate. All legal claims are handled in accordance with the Attorney-General's *Legal Services Directions 2017* (Cth).

The Government's response to Recommendation 5 of the Joint Standing Committee on Foreign Affairs, Defence and Trade's *Inquiry into the management of PFAS in and around Defence bases* addresses this recommendation in further detail (refer to pages 15-16 of the Government's response).

Recommendation 10

The Committee recommends that the Government expedite the work to ban the use of, contain, and ultimately safely destroy, long chain PFAS-based firefighting foams (including those containing PFOS, PFOA and PFHxS), with the objective of urgently ratifying the listing of PFOS and expediting the process for PFOA and PFHxS in the event they are listed under the Stockholm Convention on Persistent Organic Pollutants.

The Committee recommends that the Government provide a timeline for the processes identified in the previous recommendation.

Response

Agreed in principle.

In its response to the 2018 PFAS Inquiry recommendations, the Government outlined work underway to ensure that Australia has the appropriate regulatory mechanisms in place, at the Commonwealth and state and territory levels, to be able to meet the obligations for

chemicals listed under the *Stockholm Convention on Persistent Organic Pollutants* since Australia's ratification of the Convention in 2004. This work needs to occur before the Government can consider ratifying any new listings (refer to the responses to Recommendations 7 and 8, pages 18-22, of the Government's response to the 2018 PFAS Inquiry).

National chemicals reforms

Once implemented, the new Industrial Chemicals Environmental Management Standard (IChEMS) (previously referred to as the National Standard for Environmental Risk Management of Industrial Chemicals) will provide the necessary regulatory controls to meet the Stockholm Convention obligations for PFOS, PFOA and PFHxS. Since the Government provided its response to the 2018 PFAS Inquiry in February 2020, framework legislation to establish IChEMS was passed by both houses of Parliament on 18 March 2021.

IChEMS will provide a consistent framework for managing the introduction, use and environmentally sound disposal of industrial chemicals across Australian jurisdictions. At the same time, it will make it more efficient and cost-effective for Australian industry and manufacturers to navigate how they manage industrial chemicals.

Stockholm Convention listed PFAS chemicals will be prioritised for scheduling once IChEMS is operational. In general, scheduling will involve a public consultation process, formal advice from an Advisory Committee, and will build on the risk assessments undertaken by Australian regulatory agencies, actions under international conventions, and previous consultation processes. Once these chemicals are scheduled on the IChEMS Register, there will be a single standard to support consistent regulation across all Australian jurisdictions. Once the IChEMS Register is referenced in the laws of each jurisdiction, high concern chemicals such as these may be banned or heavily restricted.

Updated information about the progress to implement IChEMS is available on the Department of Agriculture, Water and the Environment website (<http://www.environment.gov.au/protection/chemicals-management>).

As IChEMS is limited in scope to industrial chemicals, other measures will also be required to fully meet Convention obligations. At the Commonwealth level, the necessary legislative amendments covering the import and export of PFAS and PFAS-containing products will need to be completed prior to Convention ratification. This includes import and export controls for any agricultural/veterinary and therapeutic uses. The Department of Agriculture, Water and the Environment is working with other portfolios to ensure these measures are also put in place.

National PFAS Position Statement

In addition to their ongoing collaborative work to identify and manage existing PFAS contamination in the environment, Australian governments have also agreed that more effort should be focussed on preventing future PFAS releases into the environment. Chemicals reforms, such as through IChEMS, seek to address future contamination, however implementing the legislation will take some time.

In May 2020, the National PFAS Position Statement was published as a new appendix to the *Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination*. The Position Statement lists a set of objectives agreed by all Australian governments for reducing further uses of PFAS of concern. By setting clear objectives, the Position Statement will help inform planning and action by PFAS users to reduce the use of PFAS where practicable, before IChEMS is implemented. The objectives in the Position Statement are aligned with internationally agreed positions on these chemicals, including under the Stockholm Convention.

The broad objectives set out in the Position Statement are:

- Ongoing sale or use of products (i.e. chemical based formulations) and articles (i.e. objects that contain chemicals) that contain long-chain PFAS, for any industrial or commercial application, should be phased out, in line with the Stockholm Convention.
- Transitioning away from the use of chemicals that cause irreversible or long-term contamination of Australia's environment should be the ultimate goal for all users of PFAS in Australia.
- Importers, sellers and users of chemicals should inform themselves about the presence of PFAS in products and articles, due to their potential negative environmental, health and socioeconomic impacts.

Since May 2020, the Department of Agriculture, Water and the Environment has been consulting with key industry groups representing entities that may import, manufacture, export, sell or use articles or products that may contain PFAS. The purpose of this consultation includes raising awareness of the objectives of the Position Statement, increasing government and industry understanding of how PFAS are used in products and articles in Australia, and identifying potential opportunities for government and industry-led non-regulatory action to reduce PFAS use.