

Coordination of a national PFAS remediation program

- 2.1 *Recommendation 1* of the JSCFADT report aimed to provide leadership and oversight of a nationally coordinated and accountable PFAS management and remediation program.
- 2.2 The report had found that a lack of communication between the portfolios and jurisdictions had prevented sharing of information, including on remediation best practice. Further, perceived inconsistencies in advice on health and safety were reported to be feeding confusion and distrust of the Government's efforts in PFAS affected communities.¹
- 2.3 To address these issues, the JSCFADT's first recommendation proposed the appointment of a PFAS Coordinator-General to lead an organised whole of government and national response to PFAS contamination.
- 2.4 This chapter reviews the Government's response to this principal recommendation.

Leading a national response

- 2.5 The JSCFADT inquiry report had proposed the appointment of a PFAS Coordinator-General to provide oversight and review of the Government's national PFAS remediation program. This Executive appointment would:

¹ Committee comment, *Inquiry into management of PFAS contamination in and around Defence bases*, December 2018, pp. 125–26.

- enable ongoing monitoring of PFAS levels in all PFAS management areas, and publishing of sample results;
- provide national leadership and nationwide transparency on progress and identify gaps and priorities for remediation work based on health and environmental indicators;
- work across portfolios and governments at all levels to overcome barriers to cooperation, sharing of information, and communication to the public;
- support information sharing on PFAS remediation measures and developments at all levels of government, and ensure consistency in advice to stakeholders in all affected communities; and
- provide a national point of contact and accountability for production of the Government 's response to the PFAS issue, including in annual reporting to Parliament.²

2.6 As discussed in Chapter 1, eight out of nine recommendations in the JSCFADT report were 'noted' or given qualified approval in the Government response.³ The Government indicated that in most cases work was well underway that either met the recommended requirements, or was progressing towards them.

2.7 The response to *Recommendation 1* was in this latter category. The Government indicated that adequate mechanisms and agreements – such as the Government's PFAS Taskforce and the *Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination* (2018) with other existing mechanisms, are providing or capable of providing the necessary co-ordination and internal oversight of national activity.⁴

2.8 The recommendation was 'noted'; the Government did not see utility in appointing a Coordinator-General with an external oversight role.

2.9 However, the JSCFADT proposal for a Coordinator-General also intended to improve public accountability of the Government's remediation activities. Action point 5 of the recommendation had proposed that the

² *Recommendation 1* in JSCFADT, *Inquiry into management of PFAS contamination in and around Defence bases*, December 2018, pp. 126–27.

³ Australian Government, *Whole of Australian Government response to the report of the JSCFADT: inquiry into the management of PFAS contamination in and around Defence bases*, Department of Agriculture, Water and Environment (DAWE), 20 February 2020 (hereafter Government response).

⁴ Government response, *Recommendation 1*, p. 3.

Coordinator-General would ‘provide a national point of contact and accountability for production of the Government’s response to the PFAS issue’.

- 2.10 The Sub-committee’s current review undertook this scrutiny role, aiming to track progress as the Government prepared its response to this complex issue.
- 2.11 In its review, the Sub-committee took evidence from the Department of Defence in late 2019 and then, in early 2020, heard from the PFAS Taskforce (now in the Department of Agriculture, Water and the Environment – DAWE) and the Department of Health. Later, in June 2020, Food Standards Australia New Zealand (FSANZ) advised of its current review of dietary safety standards for PFAS.
- 2.12 All of these agencies are key stakeholders involved in the design, management and coordination of components of the national response, as discussed in this chapter.

Role of the PFAS Taskforce

- 2.13 In its response, the Government highlights the PFAS Taskforce as the Government’s agent and arbitrator in the coordination of the national PFAS remediation effort.
- 2.14 The PFAS Taskforce was first established within the Department of Prime Minister and Cabinet (PM&C) in 2016 ‘in recognition of the need for strong coordination across the multiple portfolios and different levels of government involved in responding to PFAS contamination.’⁵
- 2.15 In that role the Taskforce:
- oversees implementation and review of the Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination
 - provides advice to the Australian Government on PFAS management approaches
 - reports regularly to the Prime Minister and other relevant Ministers on progress of Australian Government responses to PFAS contamination, and

⁵ Government response, *Recommendation 1*, p. 3.

- coordinates inter-agency communication, action, and information sharing (across all jurisdictions) on PFAS matters, as needed.⁶

- 2.16 In April 2018 the Taskforce was transferred from PM&C to the then Department of Environment and Energy. Following machinery- of- government changes in early 2020 the Taskforce was re-located in the newly configured DAWE, which prepared the *Whole of Australian Government Response*.⁷
- 2.17 On 10 February 2020 representatives of the PFAS Taskforce were asked about their national coordination role in DAWE compared with arrangements in PM&C.⁸
- 2.18 Ms Nicola Powell, Director of the PFAS Taskforce, had transitioned with her staff from PM&C. She advised that the Taskforce a now comprises a small team of environment staff located in DAWE's Chemicals Management Branch, which functions as a coordination and outreach point for other Commonwealth agencies and PM&C. In the past the Taskforce had also comprised secondees from different departments.⁹
- 2.19 Mr James Tregurtha, DAWE's First Assistant Secretary, explained that the ongoing nature of PFAS remediation had led to both the consolidation of expertise in the environment portfolio and its decentralisation across government agencies, including Defence:

...Defence, over the last two or three years, have put in place a far greater infrastructure within their own portfolio to manage their own response to PFAS. I think that's been demonstrated...If you go back to when the task force was established in PM&C, not just Defence but the environment portfolio and the health portfolio all seconded one or two staff into a group, whereas now those functions have almost been normalised within each portfolio. So each portfolio is retaining a capacity to bring their own expertise

⁶ Government response, *Recommendation 1*, p. 3.

⁷ Following the machinery of government restructure in late 2019, which took effect from 1 February 2020, see S Easton, 'Four departments and five secretaries cut while one returns, as PM reshapes the public service', *The Mandarin*, 5 December 2019.

⁸ PFAS Taskforce, DAWE, *Committee Hansard*, 10 February 2020.

⁹ Ms Nicola Powell, Director, PFAS Taskforce, DAWE, *Committee Hansard*, Canberra, 10 February 2020, p. 3.

to bear on the PFAS issue within their portfolio responsibilities. That's why we are maintaining a team of Environment staff within the environment portfolio.¹⁰

2.20 Mr Tregurtha advised, in summary, of the symmetries afforded by the location of the Taskforce in DAWE:

We have responsibility for whole-of-government communication, coordination and oversight of PFAS management responses through the PFAS Taskforce, and we lead Australian government work to protect Australia's ecosystems and the environment from the harmful effects of chemicals, hazardous substances and pollutants.¹¹

2.21 He elaborated on the range of current work addressing the issue of PFAS:

There are several significant bodies of work underway in the environment side of our portfolio to achieve nationally consistent, evidence based PFAS responses. These cover both managing existing PFAS contamination from historical uses and preventing further PFAS contamination from ongoing uses, and include overseeing implementation of and maintaining the Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination; leading development and maintenance, in cooperation with states and territories, of the PFAS National Environmental Management Plan, often referred to as the PFAS NEMP; and, developing, in cooperation with states and territories, the National Standard for Environmental Risk Management of Industrial Chemicals.¹²

Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination

2.22 The PFAS Taskforce has oversight of the *Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination* (PFAS IGA) which provides a template for all stakeholders to work towards

¹⁰ Mr James Tregurtha, First Assistant Secretary, DAWE, *Committee Hansard*, Canberra, 10 February 2020, p. 3.

¹¹ Mr Tregurtha, DAWE, *Committee Hansard*, Canberra, 10 February 2020, p. 1.

¹² Mr Tregurtha, DAWE, *Committee Hansard* 10 February 2020, p. 1.

consistency and coherency in the national PFAS response. The Government response states its functions are to:

- Effectively respond to PFAS contamination to protect the environment and, as a precaution, protect human health, including immediate responses to identified contamination, and longer term remediation or management responses.
- Strengthen national consistency, collaboration and cooperation in responding to PFAS contamination.
- Ensure actions are effective, implementable, financially and logistically sustainable, proportionate to risk, and support economic stability.¹³

2.23 The Intergovernmental Agreement was agreed by COAG in 2017, and came into effect in 2018. The Government's response advises that the IGA is subject to regular review based on national outcomes and that the PFAS Taskforce has in the last two years, convened four national workshops with Commonwealth, States and Territories agencies for this purpose.¹⁴

2.24 At hearings in December 2019, the Department of Defence referred to its involvement in the review and finalisation of the revised IGA:

At the national level, we've worked with the PFAS Taskforce since it was established and we've worked with intergovernmental agencies throughout this process. We've contributed to the development of the intergovernmental agreement on PFAS, to facilitate a consistent approach to PFAS contamination across responsible jurisdictions. We've also contributed to the development of the PFAS National Environmental Management Plan, which was initially released in 2018 and is due for revision later this year or, probably, early next year.¹⁵

2.25 The new Intergovernmental Agreement, made in 2019, is now available on the PFAS website, which states:

The [IGA] review found that collaboration and cooperation between Commonwealth, states and territories in responding to PFAS contamination has improved under the Intergovernmental Agreement. The review also identified areas for further collaboration, including: working together to reduce or prevent

¹³ Government response, *Recommendation 1*, p. 4.

¹⁴ Government response, *Recommendation 1*, p. 4.

¹⁵ Mr Steven Grzeskowiak, Deputy Secretary, Estate and Infrastructure, Department of Defence, *Committee Hansard*, 2 December 2020, p. 1.

further PFAS contamination; better communication with PFAS-affected communities to increase awareness of government actions and improve trust; and increased clarity about the roles and responsibilities of polluters and regulators.¹⁶

2.26 The revised IGA appends key policy documents which guide implementation of the national response. These are linked and described on the PFAS website's 'Government coordination' tab, as follows:

- The *PFAS Contamination Response Protocol* – provides information on roles and responsibilities when responding to PFAS contamination;
- The *PFAS National Environmental Management Plan* – outlines consistent environmental management requirements that regulators across Australia have agreed on;
- The *PFAS Information Sharing, Communication and Engagement Guidelines* – contains information on how governments should share information about PFAS.¹⁷

2.27 The PFAS IGA site provides a brief summary of amendments made:

The PFAS Contamination Response Protocol (Appendix A to the Agreement) was revised to be clearer about roles and responsibilities. The PFAS Information Sharing, Communication and Engagement Guidelines (Appendix C to the Agreement) was revised to encourage increased two-way communication with affected communities and other stakeholders. The Agreement itself was revised to include a new objective of working to prevent future PFAS contamination, and a new National PFAS Position Statement was developed and agreed.¹⁸

PFAS management, research and accountability

2.28 Many of the action points in the JSCFADT's *Recommendation 1* anticipated a capacity for well-developed management, research and monitoring of

¹⁶ PFAS website, *Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination* (PFAS IGA) www.pfas.gov.au/news/intergovernmental-agreement-national-framework-responding-pfas-contamination-0 viewed 1 July 2020.

¹⁷ PFAS website, *Government Action – Government coordination* www.pfas.gov.au/government-action/government-coordination viewed 1 July 2020.

¹⁸ PFAS IGA, viewed 1 July 2020.

remediation outcomes, as well as resources to identify and publicise ongoing results. The JSCFADT's *Recommendation 2* built on these expectations by explicitly calling for increased investment in and reportage on remediation outcomes and research. This is discussed in the next chapter.

2.29 In its response to the first recommendation, the Government indicated its substantial investment in 'activities to address PFAS contamination, including PFAS investigations, containment, remediation and research', and its work in 'establishing legislation and processes that will better protect the environment from further high-risk industrial chemical contamination' as key components of its national response.¹⁹

2.30 While this range of vital work is being progressed under the oversight of the PFAS Taskforce, some respondents to this inquiry considered transparency and accountability under the national PFAS response does not appear to be a government priority.²⁰ The Coalition against PFAS (CAP), for example, considered the Government's dismissal of most of the JSCFADT's 'broadly sensible recommendations' to reveal its lack of interest in accountability to community needs.²¹

2.31 The Government response, for its part, acknowledged that much of the PFAS Taskforce's activity is 'behind the scenes, with community engagement on PFAS contamination being undertaken by individual agencies as relevant'. The response went on to note that:

The Committee's investigations and recommendations have highlighted a need to make the functions and activities of the PFAS Taskforce more publicly transparent and accessible. One of the ways in which the Australian Government is achieving this is through the PFAS.gov.au website.²²

2.32 One of the issues raised in the Sub-committee's first report in December 2019 was the limited and outdated nature of much of the information

¹⁹ Government response, *Recommendation 1*, pp. 4–5.

²⁰ The Coalition against PFAS (CAP), *Submission 8*, p. [5].

²¹ CAP, *Submission 8*, p. [4].

²² Referring to the Sub-committee's report, *Inquiry into PFAS remediation in and around defence bases – First report* December 2019, p. 42 (hereafter *First report*, December 2019) and see Government response, *Recommendation 1*, p. 4.

provided on the PFAS website.²³ The Government's response cited recent improvements to the PFAS website including:

- the addition of more general information on PFAS;
- specific information about the PFAS Taskforce and whole-of-government activities; and
- a contact form for enquiries to the PFAS Taskforce.²⁴

2.33 Research for this review revealed that the PFAS website is now well designed with information logically organised, accessible and up to date. The site now contains a dedicated Government Action directory which provides tabs to key areas of interest from 'Government coordination' and 'Community support' to updates on progress in research and on key regulation agreements such as the PFAS IGA and NEMP (National Environmental Management Plan). The FAQ links will also be of assistance to general readers.²⁵

2.34 However, despite attribution on the URL itself, the information within the site on the PFAS Taskforce's role in orchestrating the national response is very basic and not easy to find. Neither the site's home page nor the Government coordination tab mentions the Taskforce and its oversight role. The 'About PFAS' tab, which describes PFAS substances and the potential impacts of PFAS contaminants, provides the only brief statement on the Taskforce's role in coordination of the Government's PFAS effort.²⁶

Committee comment

2.35 In this chapter the Committee has reviewed the Government's arrangements for delivery of a national PFAS remediation response, the key components of which are:

- Leadership and coordination of the national effort by the PFAS Taskforce, now integrated with DAWE's Chemical Management Branch

²³ This was in contrast to the Defence site, which had up-to-date information on its remediation work. See JSCFADT, *First report*, December 2019, pp. 36–37, and Chapter 3 in this review.

²⁴ Government response, *Recommendation 1*, p. 4.

²⁵ The URL title is 'Australian Government PFAS Taskforce: PFAS'. See www.pfas.gov.au/ viewed 20 July 2020.

²⁶ About PFAS, www.pfas.gov.au/about-pfas viewed 30 June 2020.

experts, with outreach to key Commonwealth departments and advisory agencies and equivalents at state and territory jurisdictions.

- Decentralisation of PFAS environment and health expertise within the key partner agencies of the Departments of Defence and Health to ensure the PFAS effort meets portfolio responsibilities.
- A framework for national coordination of effort under the *Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination (PFAS IGA)*, recently updated in 2019 to, among things, clarify roles for governments and regulators.
- An ongoing commitment to research and transparency about remediation work and emerging issues, and about the role of the PFAS Taskforce to lead a holistic and informed environmental response in partnership with the Commonwealth and State and Territories.

2.36 These developments are assessed in more detail in review of the Government's response to recommendations in the body of this report. One remaining consideration in regard to *Recommendation 1*, in the Committee's view, was the proposal for 'a national point of contact and accountability for production of the Government's response to the PFAS issue' and oversight of an annual review.

2.37 As noted in this chapter the Committee's review, independent to government, plays a part in meeting this recommendation. With the Government response not presented at the initiation of this inquiry (one year after the JSCFADT report's tabling) the Sub-committee determined to monitor Defence's progress under the National Program.

2.38 The Government's response meanwhile has indicated that the PFAS Taskforce, with its historical role in managing the coordination response at the highest level, presents a logical contact point for the public. Accordingly it has profiled this on its PFAS website. While this information on the role of the PFAS Taskforce is welcome the detail is minimal – and a web search of the site provides no other advice about the Taskforce's role.²⁷

2.39 Given ongoing concerns about the sincerity of Government commitments to some PFAS affected communities, the Taskforce's high level function and low public profile may further disillusion stakeholders. The contact tab is a welcome development but there may be merit in reviewing the

²⁷ Search, PFAS Taskforce www.pfas.gov.au/search?query=PFAS+Taskforce viewed 30 June 2020.

proposal for establishing an official contact point to explain jurisdictional obligations and frameworks and respond to specific concerns.

- 2.40 In the meantime, the Sub-committee believes the Government should consider launching a more detailed and dedicated page on the PFAS site which highlights the role and work of the PFAS Taskforce as contact and coordinator of the Government's work. The site should contain current accountability information and more 'how can we help' content accompanying the contact form.

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.**

- 2.41 The Government should supplement this with a dedicated PFAS call line, accessed via the PFAS website. This is discussed in Chapter 4.

