



PFAS Sub-Committee of the JSCFADT – Ongoing Scrutiny of PFAS Remediation

National PFAS Investigation and Management Plan

Submission from the Coalition Against PFAS

May 5th 2020

Overview:

The Coalition Against PFAS (CAP) was established to give dispersed contaminated communities around Australia a united voice and to highlight the latest research into this toxic chemical.

CAP consists of community representatives from Queensland, Northern Territory, Victoria, West Australia and New South Wales.

From the outset it should be acknowledged that each contaminated community is at a very different phase in how they are approaching this issue. Some have taken the Government to the courtroom steps. Others are only in the initial phase of understanding what they're facing.

The PFAS Sub-Committee (Sub-Committee) should also be aware that, if not universal cynicism, there is a degree of exhaustion from communities in the frontline of this battle as to an Inquiry culture in Government. For PFAS the risk is countless inquiries seem more focused on kicking the proverbial can down the road rather than addressing a complex and emerging health and environmental issue for our country.

Therefore we don't seek to provide a detailed submission. Our communities have spent literally hundreds of hours drafting them for previous Inquiries and appearing in hearings.

That testimony still stands.

The Sub-Committee though must hear from the communities and people directly impacted. We thank-you for your invitation and we have set out the consistent community feedback we have received over recent months in three concise points.



1) The is no piecemeal solution to PFAS management:

CAP is concerned that State and Federal Government have no coherent policy to the management of PFAS contamination.

Such a policy would not simply look at remediation and clean up. It would also not look at any one Government department such as Defence but take a broader perspective in encompassing both the public and private sector. It would not ignore the health risks of PFAS. And it would acknowledge that those who have had their homes, land or businesses contaminated by negligent management of PFAS chemicals should be compensated and set out a process for resolution.

Instead the feedback we have from community members in the Sunshine Coast to the outer suburbs of Melbourne to Bullsbrook in West Australia is the same. When it comes to PFAS, every level of Government has adopted a “go away” approach. They hope that by keeping the issue quite, making assurances or swathing it in complexity the issue will “go away”.

That approach has worked for a number of years.

The Sub-Committee should be under no illusion that it won't into the future.

There are three key reasons for that.

1. The growing body of peer reviewed research internationally into the serious health risks of PFAS exposure.
2. Aligned with this, the growing community awareness internationally as to the dangers of PFAS and a “grassroots” series of community campaigns in the United States, Europe and locally that are taking action.
3. The growing tide of litigation against both the manufacturers and end users of PFAS.

Therefore, while the Department of Defence should be called to account for its management and remediation of PFAS around its bases, it is a fallacy to somehow think that focusing solely on them will resolve this wider problem.

We would urge the PFAS Sub-Committee not to shelter behind terms or reference and for its recommendations to make it clear that a broader approach to PFAS management is required nationally.

2) The true cost of PFAS management and remediation

In meetings with senior Government officials and elected representatives, CAP representatives have heard a consistent message that the PFAS issue is “complex” . When you dig into that a little more the reality is “complex” means “costly.” Some of the figures



we have heard are in excess of \$10 billion to rectify the contamination nationally of known sites.

Our impression in those conversations is that a large number of our elected representatives have had bureaucratic briefings where the health and human risks of PFAS exposure are played down and the costs of managing the issue magnified.

Yet those MP's who have travelled and listened to impacted communities understand the true cost.

The stress and financial impact living in a PFAS contaminated community is huge. We would urge committee members to revisit the testimony of Katherine, Oakey and Williamtown residents to previous Inquiries held by this committee.

Those communities have, at the time of writing, entered into a yet to be Federal Court approved settlement with the Government for compensation after an arduous five year battle.

Yet the mental health impacts remain. The loss of income and property value remain. And most crucially the PFAS contamination of soil and water remains.

The true cost of years of inaction can be seen in the faces of stressed and weary residents.

Having further communities have to engage in litigation to get action is a failure of our system of Government.

A cold calculation that weighs the cost of legal action and settlement against that of genuine steps to rectify PFAS contamination is not aligned with the Australian ethos of a fair go.

As CAP has said on previous occasions, as the scientific evidence of the risks of PFAS grows, no elected representative can later say, "if only we had known."

The risks are known.

A failure to act now will not be treated kindly by history.

3) The path forward has already been set out.

Rather than simply respond to the previous Sub-Committee Inquiry headed by Andrew Laming MP, the Government somehow sought to pretend it hadn't existed.

The removal of Mr Laming as Chair, without notice, the establishment of yet another Inquiry and the cynical action of releasing the Government response 14 months late, under the



cover of the PFAS Class Action settlement, was a slap in the face to every community member who wrote a submission or appeared in front of the Inquiry.

Mr Laming and his committees report and recommendations are not perfect yet they are comprehensive.

Most importantly they reflect the community concern and need for urgent action.

The Laming Inquiry report, endorsed by Liberal, Labor and Greens MP's and Senators on that committee, told the Government: *'These communities are hurt and angered by the effects PFAS contamination, and the delays and inadequacies in the response to its discovery, have had on their lives, their families and their communities.'*

Mr Laming then told Parliament: *'No family should be trapped on contaminated land. They shouldn't be prevented from selling because of the effects of a pollutant for which they are not responsible.'* He added, *"Justice delayed is justice denied."*

The committee made nine recommendations and called for immediate action.

They are broadly sensible recommendations which avoid piecemeal or half-hearted approaches.

Those Inquiry recommendations have not simply been ignored.

The communities who fought for them have been.

Conclusion.

The current approach to PFAS management nationally is being played out in our courts, not being driven by our Parliament.

The COVID-19 health crisis means the Government has multiple priorities at this time.

Yet it has also shown what can be achieved when there is a coherent policy on a national issue.

The directive from this Inquiry then should be for a national policy framework for PFAS that meets the community's needs, not absolves responsibility from the polluter.

People in PFAS contaminated communities are trapped.

Their environment is contaminated and the continual exposure to these "forever chemicals" and the growing evidence of the health risks of that, is having a heavy impact on mental health.



Sell up and move on is not an option for many when the value of their properties is diminished and their options limited.

CAP urges this committee not to write another report to sit on another shelf.

We urge you to again take a bi-partisan, community focused approach in your response.

We invite you to talk to individuals in these communities as part of your deliberations and are happy to facilitate those conversations.

And we ask that the Laming Report recommendations are implemented as a first step and sign of good faith that our elected representatives are serious about addressing this serious national health issue.

Regards

Lindsay Clout
President
Coalition Against PFAS