

Government Response to the Senate Standing Committee on Environment, Recreation and the Arts' Report on Waste Disposal

HOSPITAL WASTES

Recommendation 1

The Committee recommends that the Government investigate the need for legislation relating to the transport of hospital wastes across borders and implement an appropriate strategy to reduce the risks associated with the transport and treatment of hospital wastes (Paragraph 3.105).

In light of the existing or planned initiatives for reducing the risks associated with the transport of hospital wastes, additional legislation is unlikely to be required. Four separate but related national initiatives exist to reduce the risks associated with the transport, storage and treatment of hospital wastes:

- 'National Guidelines for the Management of Clinical and Related Wastes', which provide the overarching framework for the management of hospital wastes;
- 'Australian Code for the Transport of Dangerous Goods by Road and

The National Guidelines have been well received. Most hospitals have made use of the Guidelines in developing their own waste policy and procedures. The Guidelines recommend coding standards for the three most hazardous categories of clinical wastes (i.e. infectious, cytotoxic and radioactive wastes). These standards are now well adopted throughout Australia.

In relation to the transport of hospital wastes, the Guidelines also recommended that in adhering to local transport regulations, reference should also be made to the 'Australian Code for the Transport of Dangerous Goods by Road and Rail'.

Before additional legislation could be considered, however, States and Territories should be consulted to ascertain whether they have experienced problems in enforcing the relevant requirements of the Australian Code which is generally endorsed by all States and Territories. They should also be consulted in order to determine whether they are satisfied with the Code in regard to the transport of hospital wastes. If any State finds that the Australian Code does not adequately address the issue of hospital wastes, mechanisms exist for the State to initiate revision of the Code.

The third initiative affecting the transport of hospital wastes across State and Territory borders is the 'National Guidelines for the Management of Wastes: National Manifest and Classification System'. These Guidelines have been prepared by the Australian and New Zealand Environment and Conservation Council (ANZECC) and provide a system for tracking certain, usually hazardous, wastes across State borders. Amongst the wastes subject to this system are clinical and pharmaceutical wastes which are made up of the following categories: infectious substances, pathogenic substances, pharmaceuticals and residues, cytotoxic substances, and wastes from the production and preparation of pharmaceutical products.

The system requires that the local authority in the receiving State or Territory is notified of a proposed movement of waste, and that the waste is manifested with a waste transport certificate throughout its movement.

The system is already operative in Victoria and South Australia and is being introduced in Queensland and New South Wales. The Guidelines are also going through the process of ANZECC endorsement.

In addition, the National Occupational Health and Safety Commission (NOHSC) is developing a national standard for the storage and handling of dangerous goods. Currently some hospital waste is classified as Class 6.2 Dangerous Goods (Infectious Substances). It is anticipated that the storage and handling of these goods will be covered by the finalised standard.

It will, however, be important to ensure that these initiatives are complementary, avoid duplication and are implemented in a co-ordinated manner. This could be assisted by increased consultation with the relevant authorities responsible for the management of hospital wastes.

MUNICIPAL INCINERATION

Recommendation 2

The Committee recommends that approvals for the construction of incinerators should include recycling and waste to energy facilities (Paragraph 3.107).

The Commonwealth considers that incineration with waste-to-energy facilities is a potentially feasible option for waste management but it would need to be justified on environmental, social and economic grounds. While incineration of domestic waste is currently not widely used in Australia, the construction and operation of any incineration facility should be within strict environmental and health guidelines and include a waste-to-energy capacity. Responsibility for the determination of these guidelines is presently shared between Commonwealth, State and Territory Governments, and the establishment of the National Environment Protection Council (NEPC) will promote a national approach to the setting of environment protection measures in relevant areas of waste management.

Responsibility for the granting of approvals for the construction of incinerators typically lies with the State and Territory Governments rather than the Commonwealth Government. As such it would be most appropriate for State and Territory Governments to determine what conditions are attached to any approvals for particular incinerators.

HIGH TEMPERATURE INCINERATION

Recommendation 3

The Committee recommends that technologies designed to reuse or recycle be given priority, and environmentally friendlier alternative technologies for the destruction of scheduled waste be considered in preference to high temperature incineration (Paragraph 5.37).

This recommendation is consistent with the position taken by ANZECC and is supported.

On 10 July 1992 ANZECC considered the draft report of the Independent Panel on Intractable Waste, which had been established to investigate the extent and production of scheduled waste and alternative disposal technologies, and decided to abandon the proposal to establish a centralised high temperature waste disposal facility.

This decision reflected a conceptual shift away from one of managing all of Australia's scheduled waste as a single waste stream and disposing of it through the establishment of a centralised disposal facility, to one of acknowledging the separate components of the scheduled waste stream and

placing reliance on a range of emerging technologies for treating the different parts of the scheduled waste stream.

The development of management plans for the treatment of scheduled wastes has been initiated. The process will include a consideration of all issues, including technical, health, environmental, economic and social aspects.

SCHEDULED WASTE

Recommendation 4

The Committee recommends that enterprises be required to disclose the quantities of scheduled wastes they have stored and that these be stored in National Environment Protection Council approved premises, and that an agreement for their disposal or a research proposal for their reuse or recycling be made with National Environment Protection Council by the year 2001 (Paragraph 5.138).

Under mirror legislation, the NEPC has two functions: to make national environment protection measures (NEPMs) and to report on their implementation and effectiveness across Australia. The Council, which will be established in 1995, will be empowered to make NEPMs that relate to, amongst other issues, environmental impacts associated with hazardous wastes and the reuse and recycling of used materials.

The Council does not have control over implementation of measures as this is left to each jurisdiction. Both the Intergovernmental Agreement on the Environment (IGAE) and the NEPC legislation make it clear that the implementation and enforcement of national measures are the responsibility of each jurisdiction.

In 1993 ANZECC agreed to develop a national strategy to manage Australia's scheduled wastes. The aims of this strategy are to establish conditions for the safe management and disposal of scheduled wastes and to determine agreed dates by which the production and use of scheduled wastes are to cease.

ANZECC has instituted a process of developing management plans for each class of scheduled waste. Over the next three years, management plans will be endorsed by ANZECC as they are produced. In developing these management plans, environmental performance criteria will be established. Facilities will have to meet these performance criteria in order to be licensed to treat such wastes. Each management plan will specify (inter alia) notifiable quantities of waste, the requirements for storage of waste, and a deadline for disposal of waste stockpiles.

SCHEDULED WASTE (CONTINUED)

Recommendation 5

The Committee recommends that enterprises be required to have scheduled waste disposed of according to the terms of an agreement with NEPC by an environmentally acceptable process at a rate which is commercially feasible (Paragraph 5.139).

NEPC has the power to pass national environment protection measures on environmental impacts associated with hazardous wastes and the reuse and recycling of used materials. In developing national environment protection measures, NEPC is required to take into account economic and commercial feasibility factors.

NEPC however, does not have the power to enter into agreements on the disposal methods of scheduled wastes. ANZECC is addressing such issues in its development of management plans (see response to Recommendation 4).

A transfer of responsibility for co-ordination of the scheduled waste issue from ANZECC to NEPC does not appear to have any advantages and may itself delay appropriate action. Even if a transfer of responsibility did occur, under the NEPC scheme implementation is left to individual jurisdictions. Hence it would be for individual governments to implement and enforce agreements on disposal of scheduled wastes.

CEMENT KILNS

Recommendation 6

The Committee recommends that the Government investigate the potential and feasibility of using cement kilns for the disposal of particular waste streams (Paragraph 6.37).

The opportunities for disposing of particular waste streams should be examined on a case-by-case basis and would be best undertaken by State and Territory Governments, which are responsible for regulating both waste management activities and cement production facilities in their jurisdictions.

Cement kilns in several States currently use a variety of materials as energy sources (e.g. used tyres). While it is recognised that such practices as energy reclamation are a preferable option to landfill disposal, recognition needs to be given to the potential hazards that could be created. Compliance with State and Territory environment protection regulations is required. The future use of these and other materials will be dependent on, among other things, the economics of the practice and community concerns about using cement kilns for waste disposal purposes.

A review of the availability of technologies for the treatment of scheduled wastes is being conducted by the Environment Protection Agency (EPA) within the Commonwealth Department of the Environment, Sport and Territories. The Cement Industry Federation Limited has advised that the current cement kiln operators are not interested in burning scheduled waste materials in cement kilns in the foreseeable future, primarily because of the potential for adverse public reaction.

On this basis, while from a technical viewpoint cement kilns may have the potential to destroy scheduled wastes, it appears unlikely for non-technical reasons that this will occur on a commercial scale in the foreseeable future.

Recommendation 7

The Committee recommends that the Government investigate the avenues available to regulate the use of materials for recycling in preference to their use as a supplementary fuel (Paragraph 6.39).

The approach adopted by the Government in the "National Waste Minimisation and Recycling Strategy" is a co-operative rather than a regulatory approach. On the basis of environmental, technological, social and economic considerations, recycling of materials may be preferable in some circumstances to the use of those materials as a supplementary fuel, although in other circumstances the reverse may also be true. Any decision to support waste-to-energy should be made on the basis of a case by case assessment. To a large extent, it will be market demand and technological advancements that will dictate the fate of recyclable materials.

As the responsibility for waste management and recycling generally lies with State, Territory and local Governments, it would be more appropriate for these governments to investigate policy options for ensuring materials are recycled rather than used as supplementary fuels.

INDEPENDENT PANELS

Recommendation 8

The Committee recommends that independent panels be established to facilitate the settlement of ongoing disputes with regard to waste management issues (Paragraph 7.43).

Independent panels have had some success in addressing community conflict in relation to complex waste issues. This is likely to continue to be an approach adopted by the Government where appropriate.

Recommendation 9

The Committee recommends that the members of these panels be determined by the National Environment Protection Council and not have members from the State or Territory in which the dispute occurs (Paragraph 7.44).

This recommendation is outside the mandate of the NEPC but is an appropriate issue for consideration by ANZECC. It should be noted that the co-operative framework within which the Government operates on waste issues necessitates involvement by all relevant States and Territories. A dispute resolution panel should not exclude the responsible or proponent State or Territory. Issues requiring resolution would in practice be addressed on a case-by-case basis.

IMPORT OF SCHEDULED WASTES

Recommendation 10

The Committee recommends that a permanent ban on the import and export of scheduled wastes be implemented except in cases where technologies are developed which recycle them into useful products which are not hazardous (Paragraph 9.35).

Australia is committed to meeting its obligations under the Basel Convention, including that it will take appropriate measures to:

“Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is considered in a manner which will protect human health and the environment against the adverse effects which may result from such movement” (Article 4.1.d)).

The Government considers that Australia's stockpiles of scheduled wastes should be treated within its own borders. Accordingly exports of these materials will only be approved under exceptional circumstances, such as where the wastes proposed for export would otherwise pose a significant risk of injury to human health or the environment, and where the importing country possesses facilities where the waste can be treated without damage to human health or the environment.

Approval of imports of scheduled wastes would be limited to:

- importation of waste in very small quantities for scientific purposes; or
- importation where Australia has developed technology to treat a particular waste and where treatment is not available in the originating country and the treatment of these wastes within Australia would have an overall positive impact on the environment.

Although there is a limited number of technologies currently available to treat scheduled wastes in Australia, there is a range of emerging technologies likely to be available within a few years.

RECYCLING

Recommendation 11

The Committee recommends that where technology is available governments work with industry to encourage the use of recycled materials instead of raw materials (Paragraph 11.50).

Several initiatives have been undertaken by the Commonwealth Government to encourage industry to use recycled materials in preference to raw materials, including:

- ANZECC has established a working group to address standards and regulations that present barriers to the use of recycled products;
- with funding from the EPA, an Eco Re Design project is being conducted which, among other things, is assisting industry in investigating design opportunities for using recycled materials; and
- through the Cleaner Production program, which includes an industry workshop series, the EPA has encouraged industry to recycle and reuse materials as part of the implementation of cleaner production methods.

CONSULTATIVE PROCESSES

Recommendation 12

The Committee recommends that as a matter of urgency, Commonwealth Environment Protection Agency be required to establish formal and informal consultative processes with local, State and Territory governments, industry and the broader community on all the major principles of waste management, particularly those relating to the National Waste Minimisation and Recycling Strategy (Paragraph 11.62).

The EPA actively consults on waste issues with States and Territories, through ANZECC, and with Australia's external territories. Government consultative processes are developed in accordance with the particular issue being addressed. There are many examples where these consultative processes include the establishment of advisory groups which draw their membership from a wide cross-section of the community.

WASTE REDUCTION TARGETS

Recommendation 13

The Committee recommends that the Government give priority to the measurement, review and monitoring of performance against the waste reduction targets contained in the National Waste Minimisation and Recycling Strategy, and that the Minister provide details of the actions taken when responding to this report in Parliament (Paragraph 11.65).

The report 'Monitoring of Performance Against Waste Minimisation and Recycling Targets' was commissioned by the EPA and released in November 1994 as part of its commitment to monitor progress against national waste minimisation and recycling targets. In future, the National Waste Database, currently being developed, will provide information to waste managers and the community on waste generation and progress towards achieving a 50% reduction in the amount of waste going to landfill by the year 2000.

MONITORING PROGRAM

Recommendation 14

The Committee recommends that as a matter of urgency, the Commonwealth Environment Protection Agency monitor the effectiveness of all measures adopted so as to ensure that the desired outcome is achieved, and provide ongoing reports to this Committee (Paragraph 11.67).

Following the completion of the report 'Monitoring of Performance Against Waste Minimisation and Recycling Targets', the EPA is considering priority areas for action. In a number of instances it appears that progress towards some recycling targets has been slow and discussions are under way within ANZECC to identify ways to address these shortcomings. The EPA will provide the Committee with copies of relevant reports as they become available. In order to monitor performance, obtain information and develop waste minimisation policies, the EPA consults widely with Commonwealth, State and Territory Government departments, local government, industry and non-government organisations (e.g. environment groups).

REVIEW OF TECHNOLOGIES FOR DISPOSAL OF SCHEDULED WASTES

Recommendation 15

The Committee recommends that emphasis be given to the prompt dissemination to local, State and Territory governments, industry and the broader community of the information collected in the review of available technology for the treatment of scheduled waste (Paragraph 11.69).

The EPA has under way a consultancy to 'Review the Availability of Technologies for the Treatment of Scheduled Wastes'. Four reports will be provided over an 18 month period under this consultancy which will provide an independent source of information on the current status of the development and availability within Australia of technologies for treating scheduled wastes.

The Review will also provide a good overview to holders of scheduled wastes of the technologies which are available within Australia and the types of waste which can be treated by them.

The EPA will make this information publicly available to relevant government, industry and community groups. Under the Intergovernmental Agreement on the Environment, this information should be provided to the Norfolk Island Government and the Indian Ocean Territories. The EPA will make the report available to members of the public upon request. The information will also be included on the National Environment Industries Database being developed by the EPA. The Database will incorporate information on Australia's environment management capabilities, for use by industry, the community and governments at all levels.

The Commonwealth also facilitates access by Local Government to information on environmental issues, and related education and training, through the National Local Government Environment Resource Program (NLGERP). As part of the NLGERP, an Environmental Information and Support for Local Government (EIS) service has been established to assist councils to find and use information on the many issues associated with integrated environmental management. NLGERP is funded by the Department of Housing and Regional Development under the Local Government Development Program.

LOCAL GOVERNMENT

Recommendation 16

The Committee recommends that the Government:

- *recognise the central role of local governments in waste management;*
- *include representatives of Australian local government associations in national waste management planning;*
- *assist local government to disseminate information about the costs and benefits of waste management options; and*
- *encourage local governments to exchange information about developments in waste management (Paragraph 11.70).*

The Commonwealth supports the active involvement by local government in national waste management activities and often seeks local government representation on advisory and planning committees relating to a range of waste issues. The Commonwealth Government also supports the dissemination and exchange of information on waste issues and regards this as being essential to the improvement of waste management practices in Australia. A variety of initiatives have already been implemented which will increase local governments' access to information on waste issues, for example:

- a waste minimisation category has been included within the Local Government Development Program administered by the Department of Housing and Regional Development with funding from the EPA. The category was established to support demonstration activities with the results to be made available to other local governments;
- the Department of the Environment, Sport and Territories has established a computer-based electronic network ('CouncilNet') which enables local governments to exchange information on a broad range of issues including waste management;
- with funding from the Department of the Environment, Sport and Territories, Environment Resource Officers have been employed by local government associations in all of the states to facilitate an exchange of information between Commonwealth and local governments and also from one local government to another. Waste management is one of the issues which the officers are concerned with. As a result of increased funding in 1995-96, an additional part time Environment Resource Officer will be employed in each State to deal specifically with waste issues.

- the Environment Information and Support for Local Government (EIS) service has been established to assist councils to find and use information on the many issues associated with integrated environmental management (see response to Recommendation 15).

NATIONAL STANDARDS

Recommendation 17

The Committee recommends that NEPC be requested to give the determination of national standards priority on its agenda (Paragraph 11.73).

NEPC has a wider mandate than just setting standards. NEPC has the power to develop national environment protection measures, which may include standards, guidelines, goals or protocols. NEPC's role also extends to reporting on the effectiveness of the implementation of measures.

This recommendation to give priority to the setting of national standards will be referred to NEPC in the context of its deliberations on its work program.