

Submission to Inquiry into EPA

Submission from Professor John Stanley, [REDACTED] 3937.

Context

This short submission is to support a stronger role for Victoria's EPA in coming years, as both environmental protector and regulator. The Minister's position, as set out in the preamble to her terms of reference for the Inquiry, provide good context for a stronger role, asserting the 'need to better protect Victorians from exposure to chemicals and pollution ...' and 'need to ensure that the principle of environmental justice is adhered to'. Strengthening the capacity of the EPA as both environmental protector (setting the standards) and regulator (ensuring they are met) is fundamental to realising these objectives.

Two examples illustrate some of the challenges we face: air quality and waste management.

Air quality management

Recent investigations into the state of **air quality** in Australia show we are falling behind international best practice, in areas such as standards setting and outcome monitoring. The NEPM process that sets air quality standards has demonstrated itself to be relatively slow and unresponsive to changing knowledge of air pollutants and their health impacts. This is amply demonstrated in a paper by Environmental Justice Australia.¹ It is extremely concerning that the key air NEPM standards have not changed since originally set down in 1998, even though the World Health organization's recommended standards for nitrogen dioxide, ozone and sulphur dioxide have been lowered in the meantime. Similarly, while awareness of health problems associated with PM_{2.5} has increased, the NEPM process has not set a standard for these emissions, albeit considering such a move for the last decade.

Monitoring processes are also inadequate in relation to air quality. Locations are few and the averaging process smacks of the 'head in the oven feet in the fridge' problem: on average I am OK! Monitoring processes need to better reflect the real world spread of pollution exposures, particularly given concerns about environmental justice and there should be some triggers for action in the event of non-compliance.

In terms of air quality management, the recent VW fiasco with respect to NOx emissions and meeting US air quality standards for these pollutants, highlights major problems with the way motor vehicle emissions are managed. The European type approval process, on which Australian standards largely rely, is less stringent than the US method² and has been shown to be severely inadequate, the apparently tough limits set out in the Euro standards having little relationship to what cars actually emit in service. This means that Australia's reliance on type approval processes to protect air quality, with a lag of a few years behind Europe in terms of the current standards (why is this?), is failing to deliver. In-use vehicle emissions requirements would be a way to assure better compliance if type approvals processes cannot

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https://envirojustice.org.au/sites/default/files/files/Submissions%20and%20reports/Envirojustice_air_pollution_report_final.pdf

² European vehicle emissions standards concentrate more on fuel efficiency and CO₂ emissions.

be improved. State-based vehicle in-service emissions performance measurement, particularly for diesel vehicles, would be a useful contribution to improved compliance and circumvent tricks like those to which VW has admitted (the author's Audi will need to be recalled!). Such an approach would accelerate moves to new low emission technologies.

These examples demonstrate that current institutional arrangements for managing air quality are not providing best practice outcomes in a timely manner. Consequences in terms of numbers of premature deaths and adverse health outcomes are widely reported and do not need recounting here. Reforms are needed to better protect community health.

A new national approach is required, since (inter)national technologies will largely be involved and state-based approaches would be inefficient. However, the national process needs to be far more proactive than the approach that has been in place for the last decade and a half. State EPAs need to contribute proactively to establishing best practice air quality standards and associated emissions performance requirements. Perhaps a more highly visible and more widespread reporting of air quality outcomes would help to increase the pressure for change. The more independent the EPA's role as an environmental protector, the greater the likelihood of transparent and accountable outcomes in this space.

Waste management

Our current lifestyles are seeing high rates of waste generation and a shift in emphasis in waste management policy and planning from avoidance to lower elements in the waste hierarchy. Resource recovery has become the dominant management approach, with avoidance given scant attention. Both are needed. I was Chair of the state authorities responsible for promoting recycling from 1985 to 1995: the Recycling and Litter Advisory Committee from 1985 to 1990 and the Recycling and Resource Recovery Council from 1990 to 1995, when it was replaced by EcoRecycle Victoria. During that decade, the waste hierarchy was treated as just that, a hierarchy with avoidance at the top and various recovery and recycling opportunities lower down. Waste generation rates are projected to increase in coming years in the Sustainability Victoria *Statewide Waste and Resource Recovery Infrastructure Plan: Victoria 2015-44*. This lacks ambition.

Victoria does not need separate authorities handling different policy, system design and regulatory tasks in relation to waste (e.g. EPA on works approvals for landfills; Sustainability Victoria on Infrastructure Planning). This fragmentation reduces potential synergies and spreads skilled staff too thinly. The EPA should absorb the various waste management policy and system design roles and retain its regulatory role, with operational roles in waste management delegated to the various regional groups.

My recent personal experience suggests that EPA staff have the capacity to perform these roles. As a Mornington Peninsula resident, I was actively involved in a fight against a landfill at Boundary Rd, Dromana, in 2014, as a member of the Peninsula Preservation Group. That project involved an EPA Works Approval hearing process, which rejected the landfill. The project stirred up considerable dissent locally but the handling of the investigation by the EPA was seen throughout as fair and even-handed. The professionalism and technical capabilities of EPA staff has been very apparent, which provides a good foundation for a stronger, transparent and accountable role as both environmental protector and regulator.

Role

In light of the above, I conclude that Victoria needs an Environment Protection Authority that does exactly that: protects Victoria's environment with respect to matters that have potential public health consequences, whether today, in the near or long term future, across impact issues such as air quality, water quality, contaminated land and waste. Environmental justice principles are one set of principles that should underpin its approach, as part of a broader set of sustainability principles. The environmental protection role should not accept compromises: they are for state cabinet where important trade-offs are involved. The regulatory role supports the environmental protection role, since regulatory positions should be informed by the scientific, technical and policy matters that led to the environmental protection that is embedded in the regulatory framework.

A formal statutory role is one part of fulfilling this function but it also needs the strength of leadership to stand up to political pressure from time to time. An expanded, skills-based board would help to provide greater independence in this regard.

In terms of performing its tasks, the Authority needs (for example):

- strong science and engineering expertise and strong networks with national vehicle standards processes, to fully understand air quality implications of issues such as defeat devices on VW engines
- a diverse range of regulatory 'levers' to environmental objectives, in areas such as waste management (including picking up 'program' roles currently with Sustainability Victoria)
- strong community engagement practices to ensure local 'environmental justice' through robust debate with industry and community (as was shown in the Dromana landfill case).

I would be happy to expand on my experience with the Dromana land fill assessment and the way in which EPA undertook that process, as perceived by local residents, if that is helpful.

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