

ECONOMICS AND INDUSTRY STANDING COMMITTEE

**TRANSCRIPT OF EVIDENCE TAKEN
AT THE MIDLAND TOWN HALL, MIDLAND
FRIDAY, 10 AUGUST 2001**

THIRD SESSION

Members

Mr McRae (Chairman)
Mr Day (Deputy Chairman)
Mr Bowler
Mr Masters
Mr Murray

BREMMER, MS JANE,
Research Officer, Alliance for a Clean Environment,
examined:

BELL, MR LEE MARTIN,
Secretary, Contaminated Sites Alliance,
examined:

The CHAIRMAN: Thank you for coming. For the record I will read from the “Details of Witness” form as follows -

1. The committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the House itself demand.
2. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as contempt of Parliament.

Have you completed the details of witness form?

Have you completed the “Details of Witness” form?

Ms Bremmer: Yes, we have.

The CHAIRMAN: Do you understand the notes attached to it?

Ms Bremmer: Yes.

The CHAIRMAN: Did you receive and read an information for witnesses briefing sheet and guidance note regarding giving evidence before a parliamentary committee?

Ms Bremmer: Yes.

The CHAIRMAN: Did you understand all aspects?

Ms Bremmer: Yes. I am here representing the Alliance for a Clean Environment.

The CHAIRMAN: The committee received your written submission yesterday. Do you wish to amend it?

Ms Bremmer: I have prepared some notes that I would like to read. I do not have any amendments to the submission except for the attachments that did not come with the submission yesterday.

The CHAIRMAN: You indicated in your letter they would come today. Is it your wish that the submission we received yesterday and the attachments you are presenting today be incorporated into the transcript of this inquiry?

Mr French: Yes.

The CHAIRMAN: Thank you very much. You have observed our process. This is an opportunity for you to talk to your submission. We will follow-up with questions.

Ms Bremmer: I appreciate that the committee wants to get to the nitty-gritty of the submission. We received a press release through our e-mail service from the United Nations Commission on Human Rights with a statement released by the United Nations Environment Programme.

The CHAIRMAN: Can we have a copy?

Ms Bremmer: I will read it first. It is very relevant to the nature of the magnitude of the disaster that happened in Bellevue. I quote -

NEW YORK, New York, April 30, 2001 (ENS) - In a historic move, the United Nations (UN) Commission on Human Rights -

That was this year, a couple of months after the Bellevue fire.

has concluded that everyone has the right to live in a world free from toxic pollution and environmental degradation.

In a statement issued from its Nairobi Headquarters, the UN Environment Programme (UNEP) hailed the Commission's decision to invite High Commissioner for Human Rights Mary Robinson and UNEP Executive Director Klaus Toepfer to organise a seminar on strengthening environmental and human rights principles.

"Many of the fundamental rights enshrined in the Universal Declaration of Human Rights have significant environmental dimensions," Toepfer said. "Environmental conditions clearly help to determine the extent to which people enjoy their basic rights to life, health, adequate food and housing and traditional livelihood and culture. It is time to recognize that those who pollute and destroy the natural environment are not just committing a crime against nature, but are violating human rights as well."

The successful implementation of international environmental treaties on biodiversity, climate change, desertification and chemicals can make a major contribution to protecting human rights.

I will not read any more. My point is that of the four areas that the executive director highlighted, one of them was chemicals, which I think is relevant.

I want to relate the disaster at Bellevue to other disasters. We tried to find research on other disasters. It was a difficult task but I found information on the tenth anniversary of the Anaversa pesticide factory in Cordoba, Veracruz, Mexico. I relate this to the Bellevue plant to give an indication of the magnitude of the disaster.

The CHAIRMAN: Of the Mexican one or the Bellevue one?

Ms Bremmer: The Bellevue disaster in relation to the Mexican one.

Although the Mexican plant was a pesticide factory, which involved a range of the hazardous nature of pesticides, the amount of chemicals involved was 38 000 litres. We have heard that up to a million litres of chemicals may have been involved in the Bellevue fire. I want to relate it in terms of the size and magnitude of chemicals and its impact on the community. I will read some of the summary -

May 3, 2001, marked the tenth anniversary of one of Mexico's worst pesticide disasters - the explosion of the Anaversa pesticide formulation plant in Cordoba, Veracruz. On that date in 1991, the plant located 11 blocks from the centre of Cordoba, a city of 300,000, exploded sending 38,000 liters of some of the deadliest pesticides on the market into thick toxic clouds blanketing several nearby neighbourhoods. Among the pesticides were 18,000 liters of methyl parathion, 8,000 liters of paraquat, and 3,000 litres of 2,4-D.

I believe 2,4-D is dioxin.

With the plant up in flames and a 30,000 liter tank of highly flammable solvent about to explode, the all-volunteer fire fighters doused the fire with thousands of gallons of water. The water soon turned into a bright green toxic stream that ran through the streets for days . . .

While no deaths were immediately reported, the number of acute poisonings were numerous and included classical cases of convulsions and tremors associated with organophosphate poisoning. Most of these, as well as cases of chloracne and chemical pneumonitis -- both

associated with 2,4-D poisoning -- were ignored or mistreated by public hospital officials.
...

Illness and death touched every neighbourhood near the plant. Leukemia took the life of one-year old Nancy Colorado in early 1992. Eight year-old Israel Calles was another early victim -- health officials denied any connection between the boy's eye cancer and the Anaversa fire. At least 25 pregnant women trapped in the vicinity of the fire gave birth to babies with a variety of congenital diseases -- no arms, multiple toes and fingers or neural tube defects such as spina bifida. In 1993, two years after a 40-year old school teacher suffered severe acute poisoning, her 17 year-old daughter gave birth to a hydrocephalic child with spina bifida. The daughter has since had her pre-cancerous uterus removed. In 1995, the teacher's mother died, of multiple tumours. By 2001, the Association of Anaversa victims list over 200 deaths that they attribute to the plant explosion, including five of the attending fire fighters.

I will provide a copy of this material. Parts of the details on this fire are similar to the Bellevue story. We hear the same statements and responses by government agencies and health authorities. Although the Anaversa plant drinking water became contaminated and would have been responsible for many of the deaths and illnesses, the magnitude of the chemicals involved deserve acknowledgment as creating some similarities.

Mr DAY: You have related a terrible disaster in Mexico. Focusing on the waste control site at Bellevue, what was your knowledge of the site prior to the fire? How much knowledge did you have of what was located and over what period of time roughly?

Ms Bremmer: Through my work with the Contaminated Sites Alliance I became aware of the waste control sites approximately two years before the fire. I lived in Bellevue before I was forced to abandon my home due to the Omex disaster. About that time we were driving around the area and noticed there was a dodgy-looking plant with a big sign out the front saying "Hazardous Waste Facility". That caught our attention first. We first went there to record an inventory of the chemicals when I think one of the ex-workers or someone rang us about a large pollution incident, so we returned to the site.

Mr DAY: Was that during 1999?

Ms Bremmer: I think so. We made an inventory of chemicals. We raised our concerns about the site with the Department of Environmental Protection and with the media. At the time we could not take it up as a campaign issue because we were thickly involved in the campaign about the Omex site. However, we had been concerned two years previously and took them to the Department of Environmental Protection.

Mr DAY: Are you referring to the Omex site, which has been cleaned up?

Ms Bremmer: Yes.

Mr DAY: Did you take your concerns to the Department of Environmental Protection at the end of 1999?

Ms Bremmer: It would have been about that time.

Mr BOWLER: Did you gain access to the site with ease?

Ms Bremmer: No, we had no access to the site. We looked through the fence.

Mr DAY: What response did you get from the Department of Environmental Protection? Did you speak only to the Department of Environmental Protection or did you speak also to the Department of Minerals and Energy.

Ms Bremmer: Only to the Department of Environmental Protection. I do not remember any follow-up communication with the Department of Environmental Protection. Lee Bell may be able

to give you more information about that. We have notes. At the time, we did not take it up as an issue with the Department of Environmental Protection apart from pointing out the shabby appearance of the facility and querying whether the company was complying with licence conditions. We were concerned that a hazardous waste facility was established in that area and about emissions. We submitted parliamentary questions and we raised it with the media. That was the extent of our involvement.

Mr DAY: Is it accurate to say that you had some concerns after noticing the site which you raised with the Department of Environmental Protection but did not seek any ongoing involvement or responsibility until the fire?

Ms Bremmer: Yes.

Mr BOWLER: Did you obtain the inventory by looking at the outside of the drums?

Ms Bremmer: Yes, we recorded what we could see on the labels of the drums that were within eyeshot.

Mr BOWLER: Did you ask for access?

Ms Bremmer: No. At that stage we were thick in the trauma of Omex and it was another issue we did not have the resources to deal with, so we alerted the relevant agencies and the media to the issue and left it at that.

Mr DAY: Do you have any knowledge of the response, even though it was not communicated to you at the time or any knowledge of involvement by the Department of Minerals and Energy in the two years since your initial observations?

Ms Bremmer: We had no dealings with the DME about it. I do not recall much communication with the Department of Environmental Protection, although at that stage we were getting more information by asking parliamentary questions than by going to the department.

Mr DAY: Has your involvement intensified substantially since the fire?

Ms Bremmer: Definitely.

Mr DAY: Do you have any comment on how things should be done better in the future with the management of that sort of waste?

Ms Bremmer: One of the main failings has been the lack of process to establish those facilities. It appears that no risk assessment was done before facilities like that were established when, clearly, there should have been. Basically, the community in Bellevue did not know Hazardous Waste Solutions existed. We did not know. No process was in place to identify to the public the existence of that facility. That is the main failing.

The CHAIRMAN: I am aware you have done a fair amount of work in contacting many of the local residents. Did any of those people report to you during your discussions with them over the past six months? I am referring to the incremental development of that site that we heard about from **Mr G. Jones** earlier today? Did anyone make observations about that progressive increase in the range of activities or level of toxicity on that site?

Ms Bremmer: Most people in Bellevue were unaware that the plant was there.

The CHAIRMAN: Completely?

Ms Bremmer: Completely. Most people I spoke to were not aware of its existence. When they did become aware, the general attitude was that that seemed to be the way the government treated Bellevue; that is, as a toxic dumping ground. There was a disdainful attitude and almost a lack of surprise. The general feeling seemed to be, "Well, I'm not surprised we have toxic waste in our neighbourhood - look at Omex, the brickworks, etc".

Mr DAY: Perhaps that reflects a considerable amount of industry in this area over a long period emanating from the workshops over the road, etc. Do you agree that the community's knowledge of environmental issues and its concern about ensuring high environmental standards are applied are now substantially greater than they were 40 or 50 years ago.

Ms Bremmer: Clearly there is a difference. Concepts such as "environmental harm" did not exist 30 or 40 years ago. There has been a change. Environmental organisations can take credit for educating the public about the harms and risk. However, the Government does play a role in providing at least some level of community right-to-know to the public considering their lives can be affected.

The CHAIRMAN: I am interested in - and will take it up during this inquiry with people who have some expertise and responsibility in the field - anecdotal evidence that might come to this committee about any discussion on the cause of fire. Have you heard any gossip?

Ms Bremmer: There are a few words on the street. I am not sure whether the committee is aware, but I had an hour-long conversation with Mr Claflen. He made it very clear to me that he felt the fire was deliberately started; that is, it was an arson attack. I do not know whether there is any truth to any of this; I am merely relaying what I have been told. I do not know whether you remember that perhaps three or four months before the fire there was a case in which a person in Midvale was prosecuted for the storage of large containers of fuel.

The CHAIRMAN: I have become aware of it since.

Ms Bremmer: He was apparently providing the drums but he was unaware it was being stockpiled at a house in Midvale. He was involved in some way. He reported it to the police. They were busted and he suspects it may have been a payback.

The CHAIRMAN: He was supplying empty drums to some people.

Ms Bremmer: Yes; for storing large amounts of fuel.

The CHAIRMAN: For what purpose?

Ms Bremmer: For storing large amounts of fuel, I believe, for some sort of car racing.

Mr BOWLER: Do you have a copy of the inventory you drew up that day?

Ms Bremmer: I do not have one with me.

Mr BOWLER: Will they be part of the documents that you will provide?

Ms Bremmer: They are not part of the attachments. That inventory eventually became the inventory we gave to the Fire and Emergency Services Authority people on the morning of the fire. It has been given to the relevant agencies. I am sure the committee will have a copy but I am happy to get a copy to you.

Mr MASTERS: I have been through the submissions. There are a number of pages that talk about the inventory and list chemicals, but there is no clear indication that it is your list.

Ms Bremmer: Our list has "Compiled by contaminated Sites" written on the top. I will get a copy to you.

The CHAIRMAN: This is a very important line of questioning and your evidence on this will be important. We had scheduled a break about now.

Committee suspended from 11.00 to 11.30 am

The CHAIRMAN: Questions have been asked about the extent of parliamentary privilege. Parliamentary privilege applies to witnesses before this committee to the extent that they do not mislead the committee. Their comments are covered by parliamentary privilege as though this was the House of Parliament. If it is found that any witness intentionally misleads the committee, the usual rules of Parliament will apply. That would potentially lead to a charge of contempt of

Parliament. Parliamentary privilege applies and any assertion made must not mislead this committee, otherwise it may be considered to be in contempt of Parliament.

Mr Bell, the committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the House itself demand. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as contempt of Parliament. Thank you very much for agreeing to come today. Have you completed the "Details of Witness" form?

Mr Bell: Yes.

The CHAIRMAN: Do you understand the notes attached to it?

Mr Bell: I do.

The CHAIRMAN: Did you receive and read an information for witnesses briefing sheet and guidance note regarding giving evidence to parliamentary committees?

Mr Bell: I did.

The CHAIRMAN: Did you understand all aspects of it?

Mr Bell: Yes.

The CHAIRMAN: The committee has received your submission. Do you propose to make any amendments?

Mr Bell: I do not.

The CHAIRMAN: Do you wish the submission to be incorporated as part of the transcript today?

Mr Bell: Yes.

The CHAIRMAN: The committee has resolved that either you or you Ms Bremmer respond to our questions. Mr Bell you might like to speak to your submission.

Mr Bell: Our initial involvement with the Waste Control site was tentative in the sense that we were informed by some anecdotal evidence of some problems at the site. It was difficult to find information to confirm those anecdotal stories. Initially, we attempted to locate some documentation through government agencies and other sources that would verify what was happening on the site, bearing in mind that the Waste Control site at that time was very secure behind fencing. It was always padlocked. When I visited, workers did not appear to be on the site. I inspected it from the outside on a dozen or so occasions over a number of years.

Mr DAY: From when?

Mr Bell: My first inspection of the site was probably in early 1999, although I had driven past it and not taken a lot of notice. It backs onto one street and fronts onto another. From the front entrance, it appears relatively innocuous as a weatherboard house, although it has a few Hazchem signs and a small sign saying "Hazardous Waste Solutions", although that changed over time. Initially, early in 1999, I saw only the front of the house. My first indication that there may have been a problem was around 1997 when I was working there with a member of the Contaminated Sites Alliance. He was a truck driver and a member of the Transport Workers Union of Australia. He said he had concerns about a site in that general industrial area. He named the street but not the actual facility, so it was difficult to tell what I was supposed to be looking for. Again we were deeply immersed in the Omex Pty Ltd situation so we had little time to take on matters of this nature other than generally.

The first indication I had of a major problem was when we received a tip from local businesses that a major chemical spill had occurred in, I believe, September 1999. The local businesses that were able to observe the facility were particularly concerned because of what they claimed were a lot of government cars with government licence plates circling the site as well as hazardous and

emergency response personnel wearing what they called moon suits or protective chemical suits who were attempting to remove liquid contamination that had escaped onto the road through the next property. That was when our concerns grew substantially. We were not aware of the exact nature of the material stored on the site at that time. We had heard it was solvents, but on closer inspection we later became aware of other materials. It was difficult to tell exactly what was on the site. In many cases the drums were not labelled. Much of the labelling was scrawled on by hand, in some cases with liquid paper. It was very difficult to read from over the fence. I took the liberty of taking a number of photographs at the site over about 12 months. Changes were made to the site during that time. One was probably when 1 000 or so drums were taken away. Again it was difficult to identify what was there.

When I could identify material I made a list of it. That served as a basic inventory of material that I was aware of on the site.

Mr BOWLER: How did you become aware of other materials there? How accurate was your awareness?

Mr Bell: I have some experience in issues relating to chemical and waste management. I have been investigating and researching these issues for five or six years. I am familiar with most of the common forms of hazardous waste. I could observe a number of things such as large containers that had waste oil in them. They were approximately 1 000-litre square containers. That caused me concern because I knew that a facility that was processing waste oil in much the same way as Omex had processed waste oil would have a number of environmental concerns about it. I also noticed nickel cadmium batteries. I did not know they were NiCad. I was concerned because they were extremely large industrial-size batteries arranged in banks. There appeared to be crates of them and more than I could count within the crates. That was a concern, as was the general appearance and storage of the material in the area. There were barrels piled three or four high and many barrels deep. It was impossible to see what was within the stockpile. I could see what was on the facing sides and could sometimes identify from the labels names such as methyl ethyl ketone and other products I knew to be hazardous, but not what was further inside. There were 20 to 30-litre plastic containers. I knew they were acids because they were the black polymer containers used for acid and chlorine. A specific type of polymer can stand corrosive capacities. I judged that not only solvents were on site such as perchlorethylene or tetrachloroethylene. We knew other material was there. It seemed wrong that they were being stored in conjunction and often jumbled among each other. I included at the back of my submission some copies of photographs of the rear of the site. A lot of leakage and damage can be seen.

The CHAIRMAN: Are those the two photographs headed "Waste Control September 1999"?

Mr Bell: Yes.

The CHAIRMAN: The top one is what?

Mr Bell: I could identify a large group in the centre of the photograph of white plastic drums. They contained paint residue from what I could see written on the labels. It was a paint residue material. In the bottom photograph on the right-hand side of the facility can be seen a corrugated iron fence. A smaller pile of different drums was outside the fence on the verge that contained material that was spilling onto the ground. Some of it was paint, some was thinners and some was unidentified. It was running all over the ground and I was concerned about that.

The CHAIRMAN: Did you report that?

Mr Bell: That was shortly after the Department of Environmental Protection's involvement in the removal of drums from the site. We had spoken to the local newspaper and had made the DEP aware of our concerns about the site more generally. That pile of paint tins disappeared within a couple of weeks. I assumed that, with the attention the spill had received, the DEP would have

conducted some sort of audit and been busily working to bring these issues under control. Beyond just raising those issues, I did not do a great deal more.

The CHAIRMAN: Did you not formally lodge a complaint?

Mr Bell: No, but I know that surrounding businesses did.

The CHAIRMAN: How do you know?

Mr Bell: Because people from surrounding businesses told me they had lodged complaints at that time and had been lodging complaints for a considerable period. I have referred in my submission to other incidents such as the aerosol can incineration and the trials being conducted with acids. The nearby businesses were complaining of acid rainfall onto their properties and their businesses. Those issues had been reported to the DEP, which had assured people there was no problem at that time.

Mr DAY: Did you have any communication with the DEP or the Department of Minerals and Energy around September 1999 or subsequently?

Mr Bell: I believe we made some communication. I cannot recall whether it was written correspondence. I spoke to a number of people on the phone about it and asked about the situation on the site. We were assured things were under control.

Mr BOWLER: By whom?

Ms Bremmer: I cannot remember any specific identities. It may have been Fred Tromp of the pollution prevention division. I believe he had charge of management auditing of the site because he is the director of the pollution prevention division. The responses we received from Parliament indicated -

The CHAIRMAN: When you say "responses from Parliament", was that via questions you asked Hon Jim Scott to ask in the upper House?

Ms Bremmer: Yes; we wanted to ascertain the action taken after the spill to ensure further problems did not occur at the site. From the responses received from the ministers and their representatives in Parliament, it appeared that \$100 000 was to be spent on removing the stockpile of drums from the site. Given our efforts were largely directed towards campaigns at the Omex site and not knowing intimately the details of the management of this Waste Control operation, we felt that may have dealt with the problem. The removal of 1 000 drums away seemed to be a solution for a large part of the problem. Our inability to assess the number of drums on site, because it was impossible to count from the outside, made it difficult to determine whether it was the majority, the total or a small fraction of the number of drums. A thousand drums seemed like a good start.

The CHAIRMAN: Did you know that the removal was targeted at a particular chemical?

Mr Bell: No, that was not clear. We could not tell what was being removed. It was referred to as a solvent waste in many instances, but we were later to learn that Terrace Pty Ltd took the drums to, I think, Blue Circle Southern Cement in Geelong, where the material was burnt in cement kilns. Following the burning of the material, the cement company tested the drums and found them to contain very high levels of polychlorinated biphenyls, which are a scheduled waste and extremely toxic product used in electrical transformers throughout the 1960s and probably earlier.

The CHAIRMAN: Until the 1990s.

Mr Bell: I believe a ban was imposed on their use in the late 1970s, although I may be incorrect. I was under that impression but I stand corrected if that is the case. I had been informed that it was until the late 1970s when a changeover began.

Mr DAY: Are you saying that some PCBs were stored at this site?

Mr Bell: That is what we believe. However, it has been difficult to determine. Government agencies maintain PCBs were not stored there. We have seen evidence to suggest they were. I photographed electrical transformers - metal boxes essentially - stored on a pallet at the front of the facility but we have received information that they contained a different type of oil.

Ms Bremmer: Having looked through our public meeting minutes, I recall that Brian Jenkins confirmed PCBs were on site and that they were sent to Eli Eco Logic Australia Pty Ltd.

The CHAIRMAN: Where did he confirm this?

Ms Bremmer: At the first public meeting in the Midland Town Hall. Much concern was raised about PCBs.

The CHAIRMAN: Was that in April?

Ms Bremmer: It was 27 February. Brian Jenkins stated that Waste Control was not licensed to accept or handle PCBs, but a pile of PCB drums that came from the Hazardous Waste Solution plant were commissioned to be sent to Eli Eco Logic for destruction.

Mr BOWLER: What evidence do you have that PCBs were in those 1 000 drums?

Ms Bremmer: Only the advice of the chief executive officer of the Department of Environmental Protection, who confirmed that they were sent there and confirmation from Eli Eco Logic that they received PCB drums from Waste Control. I have not seen those drums with my own eyes.

Mr MASTERS: Are we not confusing two sets of materials?

Mr Bell: Are you referring to the 1 000 drums sent by Terrace?

Mr MASTERS: Yes.

Mr Bell: I do not have rock solid confirmation that they contained PCBs. I have information from Cleanaway that there was a problem at Blue Circle Southern Cement and that after that burn, it was banned from burning hazardous waste in its kiln. It is not clear at the moment whether the PCB material was contained in the drums from Waste Control or another source. We are still trying to identify whether that is the case.

Mr BOWLER: Did you say that the drums from Waste Control were tested?

Mr Bell: That is correct; we have not been able to ascertain whether Blue Circle Cement had a large stockpile of drums at its site and whether the Waste Control drums mingled with Blue Circle's existing stockpile. It has been difficult to establish a chain of command or link as to where those drums came from. I believe Greenpeace has done some work on this and is trying to pin it down now. The state of play is that we suspect there could have been a problem with PCBs but we have not confirmed that.

The CHAIRMAN: It seems you are suggesting accurate tracking is not done in either the storage, transport or disposal of such material.

Mr Bell: That is correct. It was one of the problems at the Waste Control site. Even the operator was not fully aware of the material stored on his site. Quite often material would arrive in drums unmarked, which made it difficult for him to judge how to process it. Hence much material became stockpiled for considerable periods, even years at a time. The workers I interviewed - I am repeating information second-hand and I would prefer that the workers were called to give evidence first-hand - believe drums of PCBs were stored on the site. They may not have been processed but just stored and transported to places like Eli Eco Logic in Kwinana, which had a licence to destroy PCBs. We have evidence that dockets confirming that transportation are among associated groups that we work with. Again, due to issues with drum labelling, it has been difficult to confirm whether they were located on the site.

Mr MASTERS: Was the storage of PCBs on that site contrary to the licensing conditions of both the DEP and the DME.

Mr Bell: I believe so because over 50 parts per million PCBs in concentration constitute scheduled waste, which is regulated under federal agreement. It must be treated extremely carefully and can go through only licensed facilities. We have seen nothing in any of the license conditions at Waste Control that allows it to accept that material.

Mr MASTERS: The difference must be highlighted between storage and disposal. Was it your understanding that the Waste Control site was not even allowed to store these materials for on-shipping for final destruction?

Mr Bell: There is no confirmation within any of Waste Control's licence conditions for it to do that.

Ms Bremmer: Parliamentary questions were asked about that issue. I believe the responses confirmed that Waste Control was not licensed to handle or store PCBs.

Mr Bell: One of our great concerns about the operations of the site before the fire - as mentioned earlier, 20 to 30 inspections of the site were carried out by the DEP before the blaze and an unknown number of inspections by the DME - is that the workers and the DEP officer, Fred Tromp, appeared to confirm through the Government's ChemCollect program that stockpiles of material were placed on the site. The ChemCollect program is a proactive and positive program to collect residual organochlorine, pesticides, and other hazardous liquid material from the countryside, often stockpiled in farmers' sheds. That program is trying to take those things out of areas that might cause a problem for the environment if they were to deteriorate or be disposed of improperly. A portion of that material made its way to Waste Control and was stockpiled on the site under tarpaulins. The workers asked where the material had come from, as it was shipped in and they were told it was DEP material. They did not understand it was ChemCollect material because they were probably unaware of the administrative relationship between those programs and operations. Nonetheless, they claimed at least thousands of litres of pesticides had been stockpiled on the site. Organochlorine pesticides are well known for their capacity to generate dioxins and other fairly toxic chemical compounds.

Mr DAY: Carcinogenic material?

Mr Bell: Absolutely.

Mr BOWLER: Do you know what happened to those wastes?

Mr Bell: When they arrived at Waste Control they were stored. Anecdotally, the workers suggested the manager, Jeff Claflen, said he did not want to deal with them because it was boring to deal with that sort of waste and that he would prefer to conduct experiments with the other materials and stockpiles he had on the site. Those are the words of the workers to whom I spoke.

Mr DAY: You said it was anecdotal via the workers to you.

Mr Bell: Yes. The workers I spoke to were present on the site within six months prior to the explosion. There was a high turnover of workers at the site. It should be acknowledged that the working conditions at the site were less than standard and, in some cases, an extreme danger to the health of the workers. Many of them complained of symptoms from working there due to the fumes. I can confirm there were volatile organic compounds leaving the site when I was conducting inspections and photographing the site. A very strong, sweet odour associated with trichlorethylene was reminiscent of solvent waste. If I could smell them off site at those concentrations it would be fair to say the workers were exposed to high concentrations.

Mr BOWLER: On the night of the fire, to your knowledge, were the chemicals under the tarpaulins still there?

Mr Bell: That is correct.

The CHAIRMAN: Did those workers request WorkSafe intervention?

Ms Bremmer: I am not aware of whether they did. I know that in the past year or two of the operation, they regularly saw DME, DEP and International Standards Organisation inspectors on site. I believe they felt that there was not much value in complaining to authorities about what was happening on the site because, given the frequency of the later inspections, it would not have made a great deal of difference. They were concerned that the management of the site was not treating them very well at the time and they were concerned for their jobs.

The CHAIRMAN: Are you saying there were either intimidatory management practices or a poor workplace relations climate?

Mr Bell: Intimidatory work practices.

The CHAIRMAN: Are you saying that people were threatened with dismissal if they complained too much?

Mr Bell: I heard not only that but also that they were threatened physically on a number occasions.

The CHAIRMAN: Physically intimidated by who?

Mr Bell: The manager, Jeff Claflen, who was often, shall we say, irrational and extremely volatile in his behaviour. The workers were concerned on a number of occasions that violence would break out on site. It came close to violence when the workers left the site en masse three months before the fire.

Mr DAY: Is that hearsay information rather than direct observations?

Mr Bell: I made no direct observations, but it has been corroborated by two separate workers.

The CHAIRMAN: Were you at the site when the workers left en masse?

Mr Bell: No, the information they gave me was that there was a work force of four or five, but four left and possibly the truck driver remained because he was not always on site; he was doing deliveries.

Mr DAY: When was that?

Mr Bell: I believe it was approximately three months before the fire.

Mr MASTERS: When you say the workers left, do you mean that they resigned or walked off the site?

Mr Bell: They walked out permanently.

Mr MASTERS: Can you provide more information? What were the specific reasons for their walkout? Had anything changed?

Mr Bell: As I say, most of the workers were relatively short-term workers because they became very concerned about on-site conditions. The workers spoke to me about a range of instances, such as how they should handle chemicals. They were asked to mix unidentifiable chemicals. This often resulted in what seemed to be dangerous situations. They were told to mix various chemicals in buckets from which blue smoke emanated. The workers were not trained chemical workers. I do not believe there was any induction or training of the workers.

Mr MASTERS: Were they being told by Mr Claflen?

Ms Bremmer: Yes. The second in charge was Rachel Irvine, for whom the workers had a lot of respect. She was young but seemed to know her business. She is a trained chemist of some sort. She tried to improve the conditions in the operation of the site. However, she was not allowed to do so. Jeff Claflen would not let her improve the situation. Workers often asked if they could separate chemicals that they believed should not be stored in the same areas because they were reactive. A couple of workers obviously had some knowledge of chemicals. They were told that Jeff Claflen

liked them like that and to leave them where they were instead of separating them into piles. In other instances they were asked to put acids through a process that I cannot name. Shortly after they put the acids into the machine, the acids dissolved through the metal piping and sprayed out dangerously into the area and they had to try to shut down the machine.

Mr MASTERS: You talked about that and said you believed it was hydrofluoric acid.

Mr Bell: They believed it was hydrofluoric. They dealt with a number of acids such as nitric and other acids. They knew that hydrofluoric acid was on the site because when they were handling something at one point, the truck driver told them to be very careful of the stuff because it was hydrofluoric acid and they needed to use a special gel stored in the fridge if they got it on themselves. I have attached sheets referring to the capacities of hydrofluoric acid at the back of my submission.

The CHAIRMAN: Other than the truck driver, who was a member of the Transport Workers Union, is it correct to say that there was an en masse resignation rather than a walk off?

Mr Bell: That is fair comment.

The CHAIRMAN: Was that action guided by the workers acting independently or were they receiving advice from the union?

Mr Bell: I do not believe the workers were unionised. The TWU driver I spoke of was not involved with this site other than to occasionally do deliveries as part of a wider delivery round. Compared to the other places he was visiting, that site seemed to be a shambles. I have a contact for that person at the back of my submission. He worked specifically for the company. It was unclear from my conversations with the workers whether he remained with the company. He was not present on the site when this incident occurred. From some of the conversations I had, I believe that he did not have a particularly happy working relationship with the management of Waste Control.

Mr DAY: Did you have conversations with the employees before the fire or after?

Mr Bell: They contacted me after the fire. There was obviously a lot of media interest in that event. I was involved in some interviews. For whatever reason they said that there was more to it than I knew and I needed to talk to some of the workers to find out what happened at the site before the fire had occurred. They provided me with the evidence that allowed me to compile the map that shows the location of different wastes. They drew a thumb-nail sketch showing where stuff was stored on the site and what issues they faced in their working life on the site. Those people were not extraordinary in any way. They were not alarmist or sensationalists; they were average workers. I had no reason to doubt what they were saying. It tallied with much of what I had seen on the site and what I had witnessed earlier became clearer from talking to them.

The CHAIRMAN: You indicated that the mass resignation occurred a few months before -

Mr Bell: I think it was about three months before.

The CHAIRMAN: Appendix 4 refers to the approximate positions of chemical storage at the Waste Control site one month before the fire. Were they subsequent or additional workers?

Mr Bell: I did not mean three months; I meant up to three weeks before. That was inaccurate. I think one worker went back once to pick up some belongings or something, but the last time the workers were on site was about four weeks before the fire.

The CHAIRMAN: Is that person the source of the general layout of this map?

Mr Bell: Two workers met me together and helped me sketch out the map.

Mr DAY: Can you give us their names?

Mr Bell: I have given you their names.

Mr MASTERS: There are many very important issues in this whole issue of the Bellevue fire. Ms Bremmer spoke at some length about the horrific consequences of the Mexican pesticide factory explosion and referred to some 38 000 litres of pesticides. I am yet to be convinced that it is fair or reasonable to equate in any way that Mexican incident with what happened at Bellevue. I say that because, from what you have said, there is no doubt pesticide was stored at the Bellevue site. However, it is likely to have been only in the hundreds of litres rather than in the thousands of litres. As I understand ChemCollect, most of the chemical containers recovered from houses, farms and industry would have been at least partially used. Some may have been full but some would have been almost empty. To suggest large numbers of containers on the site were likely to contain pesticides - I am happy for Lee Bell to comment - may be trying to create too much of an issue of something that, although important, may be a much smaller issue than all the other issues?

Mr Bell: I will make a technical point, which I referred to in my submission. ChemCollect claims it collected 6 000 kilograms of hazardous waste in its last round-up throughout Western Australia. It was not specific about what the materials were, but organochlorine pesticides are the target of the ChemCollect campaign, and it claimed it collected 6 000 kilograms. Again, we cannot claim that all pesticide on-site was via ChemCollect or Department of Environmental Protection deliveries; it might have come from other sources. We have no way of knowing at this stage. The workers indicated to me that, apart from what was stockpiled on the site, that material was also incorrectly disposed of into skip bins, and I have made points about that.

Ms Bremmer: On the issue of the quantity of waste, the relevance of the Anaversa disaster was merely to compare orders of magnitude. A quantity of 38 000 litres was involved at the Anaversa plant. The DEP has estimated that 400 000 litres was involved at the Bellevue site.

Mr MASTERS: That is the point I am trying to make: 400 000 litres of materials that were not pesticides versus 38 000 litres that were pesticides.

Ms Bremmer: The issue is not just about pesticides.

Mr MASTERS: It is important to compare chalk with chalk, not chalk with cheese. Mr Bell, you made the statement that there were thousands of litres of pesticides on the site. I accept that there were pesticides there, and certainly hundreds of litres. However, I would hate this aspect of the issue to become a headline in the paper saying, "Deformities, deaths and cancers likely to be on the same scale as in Mexico". Nothing either of you has said leads me to that conclusion. I want you to convince me otherwise.

Mr Bell: I believe that pesticides were not the major issue on the site. Frankly, there were things that were worse than pesticides. The information we have received is that a metric tonne of mercury was stored on the site. If that were the case, and the mercury went up in flames - as we believe it did - it would be a very serious situation. Methyl mercury is one of the most toxic substances currently known in its ability to poison human beings. It causes Minimata disease, which is well known in Japan. Japan has had problems with mercury poisoning. The issue at hand is not just which chemicals were stored on the site. Pesticides were obviously on the site and that is a problem. They generate dioxins and furans. However, mercury was also stored in significant quantities on the site. When nickel-cadmium batteries are burnt, they emit extremely dangerous gases, such as phosphine and stibine. They are equally dangerous as pesticides and probably more so in the sense that they also liberate lead into the environment as lead fume when they are burnt, not to mention the nickel and cadmium. This has been one of the chief concerns of the consultants operating on the site since the fire. The levels of heavy metals they have recorded among the waste are very significant.

Mr MASTERS: That is true. However, it is important to ask what evidence from the monitoring or analysis suggests that pesticides, the combustion products of methyl mercury, or whatever, left the site and got into the broader community. Do you have any of that evidence, because the committee has not been given any?

Ms Bremmer: That was to be the main thrust of my submission. My first paragraph to the committee indicated that just because the DEP does not detect it in the environment does not mean it is not there, that it has not occurred and that it has not affected people. Members of the committee will note from the transcript of the court hearings that it was confirmed that very large amounts of chlorine were stored on the site. It is well known that if chlorine is burnt, dioxins and other highly toxic substances will be produced. Given that there were 400 000 litres of a mixture of chemicals - the workers we have spoken to estimate between 800 000 and one million litres of chemicals - we have grave concerns, because we have serious doubts about the integrity of the DEP's ability to do the monitoring and to detect these substances in the environment and, consequently, about the Department of Health adequately assessing that.

Mr DAY: Are you suggesting that the DEP is not ascertaining the presence of harmful substances in the atmosphere which should be detected?

Mr MASTERS: I will take that further and include substances in the air, soil and water. Has there been no monitoring for nickel, cadmium, mercury, dioxins etc?

Ms Bremmer: The air-monitoring program conducted after the fire was a qualitative assessment, not a quantitative assessment. By design, the DEP's air-monitoring program was not going to tell us exactly what was in the environment, to what degree or to what magnitude.

Mr DAY: Are you saying that it intentionally did not want to know what levels of those chemicals were present?

Ms Bremmer: That is for the committee to determine. I am merely telling the committee that that was the design of the program.

Mr MASTERS: I will explore that a bit further. When you say "qualitative" rather than "quantitative", I am not sure exactly what you mean. Did it analyse for the sorts of elements and chemicals that you are concerned about, or did it not?

Ms Bremmer: That is difficult to determine. We have been unable to determine whether the DEP had an adequate system to do that. I do not believe that the DEP conducts appropriate monitoring and testing. We have concerns about that. I have yet to see the Department of Health and the DEP admit in situations similar to this that there has been an impact on the community and on the environment.

Mr MASTERS: Are you aware of any government agency collecting and analysing samples for any of the chemicals, elements or metals that you are concerned about, and the results being nil?

Ms Bremmer: No. In fact, what little monitoring the DEP carried out showed levels of most of those substances in every sample taken in the airshed around the site.

Mr MASTERS: If we asked the DEP or Department of Health for analytical results, would it give us results showing some levels of nickel, cadmium or the elements that you are concerned about?

Ms Bremmer: Yes, they will show something. I indicated in my submission that we consider that questionable. I have highlighted the appropriate criteria that should have been used; that is, the NC criteria - the negligible concentration criteria. It was devised by the department to take into account synergy. Synergy is when chemicals come together, mix and have the ability to create even further toxic chemicals. Basically, they mutate. That certainly was the issue with the Waste Control Pty Ltd site, where there was clearly a mixture of all sorts of different chemicals. It is relevant that synergy be taken into account. However, when the DEP conducted its air-monitoring tests and put the results in a format to the community, on many occasions it failed to show the NC criteria. On most occasions, the levels that were recorded exceeded that guideline.

Mr DAY: What is the scientific basis for your argument that these NC levels should be recorded or that they can mutate into other things?

Ms Bremmer: That is not my scientific argument; it is the Department of Health's scientific argument.

Mr DAY: I was just asking what was the basis of it. I do not pretend to be an expert in that area; I just wanted to know a bit more about the science.

Ms Bremmer: I believe that the NC level provides a safety margin for synergy. The Department of Health looked at individual chemicals and worked out a daily tolerable intake for those chemicals, which was devised on the basis of a 13.2-kilogram child. It then took a one-hundredth percentage of that figure to account for synergy.

Mr MASTERS: One-hundredth?

Ms Bremmer: Yes. It is on the bottom of the data that has been provided by the DEP. It is in the data tables.

Mr MASTERS: Unfortunately, I have the body of the submission from the DEP, but I do not have all its attachments.

Mr DAY: Records have been provided, but they are different.

Mr MASTERS: We have not seen those yet.

Ms Bremmer: In the monitoring data that it compiled for the community, it tabulated the air-monitoring results and provided a number of assessment criteria. We have been critical of the choice of assessment criteria. However, given that we must accept what we are given, in every case the NC level has been exceeded for perchlorethylene, xylene and toluene - VOCs in general.

The CHAIRMAN: What are VOCs?

Ms Bremmer: Volatile organic compounds.

Mr MASTERS: I am stumbling over the issue of NC. Are you saying that a number is chosen by the Department of Health and others, presumably based on international standards and other things, for what are the desirable maximum levels of perchlorethylene, or whatever, and then that number is divided by 100 and the new number should not be exceeded because of the synergies that could exist?

Ms Bremmer: I believe it is the reduction of science. An individual daily dose of the chemical that a human being can consume is worked out. The Department of Health has worked out a fraction of that amount to account for synergy, because, obviously, people are not exposed to individual chemicals in isolation; they are in combination. Synergy can make the toxicity of those chemicals worse than they might have been originally.

Mr MASTERS: I understand the point you are making about synergy, but you used a new word - "dose". Dose is a measure of exposure level, the exposure amount and the length of time a person is exposed to the material. I thought we were talking about the concentration or the amount of material in the atmosphere, soil or water and then that number being divided by 100.

Mr Bell: It is a complex area and it is difficult to get a handle on it quickly. Mr Masters, you are correct about dose. The criteria we are talking about do not refer to soil and water. We are specifically talking about air and air monitoring. The negligible concentration criteria have been set to ensure an order of protection for what are called vulnerable subsets within the population. In this case, the criteria are for a 13.2-kilogram child. That does not take into account sensitivities such as asthma and so forth. The normal weightings that are given to a particular compound in the air are designed to work out what a healthy, normal, average worker would be exposed to, not what a sensitive child or an asthmatic would be exposed to. We have two factors working together in setting the NC level. First, it is trying to ascertain a level for a sensitive individual in the case of a child; and, secondly, it is trying to reduce what would be the nominal effect on a worker. It is trying to bring it down by two magnitudes of order; that is, by a factor of 100. That is intended to

take into account a safety level which takes into account the mixtures of chemicals rather than the chemicals in isolation.

The CHAIRMAN: That reduction is designed to cope with the cocktail effect that you are talking about.

Ms Bremmer: Yes, the synergy.

The CHAIRMAN: Without necessarily understanding the nature of the cocktail, nor its level of toxicity.

Mr Bell: Yes.

The CHAIRMAN: It is an arbitrary reduction.

Ms Bremmer: It is a margin of safety and they are the appropriate criteria.

Mr MASTERS: I would be concerned if the DEP is not analysing on a basis that is consistent with the Department of Health's rules or requirements. That suggests that there is some conflict within government agencies, and I would like to know why there is a conflict.

Ms Bremmer: I disagree with you and say that the Department of Health and the DEP are working complicitly on that.

The CHAIRMAN: In using two different measures?

Ms Bremmer: The Department of Health decides what criteria are appropriate. Whether the DEP puts them in its data table and uses them is another matter. We can go on only the information that has been provided to us, which has been through the DEP. In some cases the DEP uses the NC level and in some cases it does not.

Mr DAY: Are you suggesting that the practice that the DEP and the Department of Health use in Western Australia is different from what is used in international best practice?

Mr Bell: Yes. The health risk assessment methodologies used in Australia are different from those used in the United States. The US is far more advanced in its development of health risk assessment methodology than we are. This is probably the first attempt we have seen by the Department of Health to set criteria which take synergy into account. It is obviously at its infant stage. The US has been developing models for quite some time. It is seen to suit the values of risk assessors in Western Australia, particularly when looking at chemicals in isolation for some period, because it allows the issue of synergy to be discounted and allows for higher levels of pollutants in the environment. For whatever reason, I cannot say, but that has been the case.

Ms Bremmer: For example, five years ago when we were discussing similar issues with the DEP and the Department of Health, the Department of Health refused to consider the issue of synergy. Synergy was not considered at the Omex Petroleum Pty Ltd site. Every assessment was done on individual compounds. Within five years we have seen a change, and synergy is now taken into account.

Mr DAY: Mr Bell, are you suggesting that this is an Australia-wide issue, and not just a Western Australian issue when compared with United States practice?

Mr Bell: It is difficult to confirm, but I believe that is the case.

Mr BOWLER: However, you are saying that the Department of Health takes that into account now. Are you saying that we still have those bad practices?

Mr Bell: This is the first time we have seen synergy addressed in any documents.

The CHAIRMAN: And acknowledged as part of setting the measurement and standard?

Ms Bremmer: Yes, and used in the assessment criteria.

Mr MASTERS: Are you suggesting that it is not applied in full by the DEP?

Ms Bremmer: In some of the data that was provided to the public, the DEP appears to have assessed the monitoring results against the NC level, but in some areas it has not. Yet it made statements to the public that all the levels are within safe guidelines.

Mr DAY: How do Australian and Western Australian practices compare with European practice?

Ms Bremmer: I think Western Australia is poor in that regard.

The CHAIRMAN: What about Western Australia compared with the rest of Australia?

Ms Bremmer: I think the eastern States are marginally better.

Mr DAY: Do you have some experience to make that judgment?

Mr Bell: I do. I was a member of an advisory committee on the setting of acceptable criteria for contaminated land. It is the national environmental protection measure assessment of contaminated sites. I was part of the stakeholder group. It is federal legislation and it is designed to create universal standards for the assessment of contaminated sites across Australia. It deals with these types of issues and, more specifically, it relates to soil. We were not involved in setting the numbers. However, it emerged from those discussions, which were multijurisdictional and involved bureaucrats from every State and from some non-government organisations, that there was a tendency in Australia to do what is called number shopping. They look around the world and select acceptable criteria for pollution levels in soil, water and air. That number shopping means that there is the potential for those different departments to use whatever criteria may suit their agenda at the time. We have often seen things like the Dutch criteria, which have Dutch A, B, C and D levels. They refer to residential and industrial soils and a range of different levels. Other times they might choose to use the United States' Environmental Protection Agency levels or its maximum residue levels. So many levels are set around the world that no one global standard can be put in place. There is a tendency to do number shopping between jurisdictions. Adelaide and South Australia might have criteria which are different from those used in Western Australia. That has been the case for many years. Attempts are being made to bring all of them into some sort of line, but the problem has been that different jurisdictions might have different background levels. It is a big country. The high levels of minerals in the soil in Western Australia might mean that setting a level for copper at 50 milligrams a kilogram is a nonsense because we have naturally occurring levels twice that amount. There is great difficulty in setting acceptable limits.

However, it is somewhat different when setting air-quality limits. They are set primarily for human health reasons, but also for ecological reasons. In setting those air-quality guidelines - it derived from workplace standards - the tendency has always been to look at every chemical in isolation and to set a tolerable type of level; that is, a maximum level that is permissible in the workplace. At these types of sites the area becomes much hazier because we are talking about ambient air levels. Ambient air levels are different from workplace air levels by a different factor, because workers might be on the work site for only eight hours a day.

Ms Bremmer: And have protective gear.

Mr Bell: Young mothers and babies in the house next to the site are there for 24 hours a day and have no protective equipment at all. There is great difficulty in determining an acceptable level of mercury, dioxin or pesticide in the air. Unfortunately, it comes down to the professional judgment of one or two toxicologists within the Department of Health

Mr MASTERS: As a committee, we must be very cautious at this stage about drawing any conclusions about the issue that has just been raised by these two witnesses. I am not trying to discredit them; nor do I think they are providing statements that are wrong, incorrect or misleading. However, the issue is so complex that, until we get the other side of the story from both the Department of Health and the DEP, we may run the risk of drawing the wrong conclusions. Mr Bell just started to talk about ambient levels versus workplace levels versus NC levels. It is important to understand that a level of whatever chemical we are talking about, which might have

applied for two or three hours during the height of the fire, and which might have been downwind for two hours, might have far less an impact at that higher concentration than would the ambient levels on a normal person in his or her 12-monthly life in a normal, urban environment.

The CHAIRMAN: The point is that, first, we do not have a measure of those.

Mr MASTERS: That is right.

The CHAIRMAN: Secondly, there is a range of opinion about what is an appropriate measure and what is an established level of acceptable risk. There are a number of variables already within that.

Mr MASTERS: I appreciate the comment Mr Bell made about the Department of Health regulations being drawn up by two toxicologists. The reality, of course, is that Western Australia is a small population base in a country with a small population base. There is no reason we cannot get the best advice available in Europe, America and elsewhere. I do not think Mr Bell intended to cast any slur on the professionalism of the Department of Health by saying that the regulations are drawn up by just two toxicologists. I have had involvement in this issue in the past, and government agencies look around the world for not only the lowest set of rules, regulations and air levels but also the highest, and they make a professional judgment.

The CHAIRMAN: Rather than deal with the general issue, is there anything you would like to draw attention to in the written submissions you have presented today?

Mr Bell: I will say two things: first, I will hark back to the point we made before. It is a complex issue and it is difficult to address in these circumstances. However, we are not basing our criticisms of both the sampling methodology and the acceptable criteria that are being used against it on some sort of gut feeling. We are basing them on comments made to us by people who are in a position to know that there is a problem with the material being released from this site and the evidence being released to the public.

The CHAIRMAN: We understand that. The point that was being made was that, notwithstanding the array of opinions that you can provide through either hearsay or submission, there are still some contra-opinions. The point the member is making is that there is a range of views on this and we need to keep all the views within the context. It is a point well made.

Mr Bell: My last point is that I have given a fairly detailed account of my involvement at the site the morning after the fire. What concerned me was that the fire operations people seemed to be unaware of the nature of the materials on the site. I have included as the last page of my submission an e-mail between representatives from the Fire and Emergency Services Authority of Western Australia about a list of chemicals that turned up on the site. It is another list, which turned up at the communication centre. I provided the majority of that list to the people conducting the emergency response. I went to the site to visit and have a chat with one of the journalists. I mentioned the chemicals to her and passed that on to a firefighter. I then went home and was immediately recalled by the emergency response personnel. I was required to stay at the site for approximately two hours to relate what I knew about those chemicals. They thought I was from a government department. I explained who I was and that I was not from a government department. They seemed to be quite irritated and agitated by the fact that they had not been able to get any information or inventory from any of the government departments to work out what their personnel had been exposed to and what they should be doing on the site.

The CHAIRMAN: That would be quite a reasonable agitation.

Mr Bell: They certainly were agitated.

Mr DAY: There was a problem getting that information from the company. That is one of the things it was prosecuted for.

Ms Bremmer: However, it was a DEP licence condition to have that inventory. The DEP should have had a copy of the inventory.

The CHAIRMAN: We have already heard the submission from Mr Jones about the information in the red canister, which should store an up-to-date record of chemicals on-site. The e-mail details what the owner of the premises said was there. Then there is another list, which turned up at the communication centre. Are you saying that the second half is a list that you provided?

Mr Bell: Yes.

The CHAIRMAN: That goes all the way down the page. The other list is of chemicals which were not clearly characterised and which were present in small quantities.

Mr BOWLER: Is that totally your list, or is it an abbreviation of your list?

Mr Bell: The chemicals with crosses next to them are the ones that I identified. However, there are no crosses next to the perchlorethylene, xylene and shell-X55. I did not identify isopropyl alcohol, and I do not know how that came to be there. I did not identify the grease fats. I identified the transmission fluids and all the other materials that say "not clearly characterised" and which have crosses next to them. I did not identify three out of the four in the bottom list. I did not identify cyanide, pesticides or mercury. I identified only the NiCad batteries.

Mr BOWLER: Did you identify them just by viewing the containers through the fence and assuming that the label on the outside of the container was correct?

Mr Bell: That is the case.

The CHAIRMAN: Mr Bell, page 10 of your submission, under the heading "Mercury" states -

Other sources, including reports from the fire Department have confirmed that up to a metric tonne of contaminated mercury was stored on-site.

I am trying to get a handle on why an e-mail from the communication centre says small quantities of mercury and your sources from the fire department suggest up to a metric tonne of mercury was on-site.

Mr Bell: That requires a bit of detail. The reason for that apparent discrepancy is that, after the fire, the official version I recall hearing was that a small amount of pure mercury was stored in the laboratory, which is to the side of the house on the site. It is like a shipping container-type arrangement. I believe that to be true. It is on the map at the back of the list.

The CHAIRMAN: Is that the area identified as "glass flasks - mercury"?

Mr Bell: They are called carboids and are square glass flasks. Those mercury flasks were identified by a fire brigade inspection that took place before the fire. I cannot recall the date, but Ron Jones may have a copy of that somewhere which we can provide to the committee. The fire brigade raised the concern that those mercury bottles were on the site. The workers also identified that material as being in the same place, and that is how it came to be on the map in that location. I do not know whether the glass carboids could have accounted for the metric tonne of mercury. I have never seen them, so I could not say how many were there. The issue of the metric tonne arose because the proprietor of the cement works across the road, who had a hobby of fixing antique thermometers, walked across to Waste Control on an occasion - I do not know the exact date, but within the year before the fire - and asked whether it had any mercury he could use in the restoration of thermometers. Rachel Irvine, who was second in charge of the site, is reported to have said, "Yes; we have a metric tonne of contaminated mercury from mine sites out the back, but that will not be any good because you need pure mercury for use in thermometers. We have a little bit of that in the laboratory which we can sell you."

The CHAIRMAN: The phrase "we have a metric tonne" might have been a colloquialism. It is like saying "a country mile".

Mr Bell: Possibly. It seems a fairly specific identification. I could understand it if someone said, "We have a tonne of it out the back". However, a metric tonne is a fairly precise measurement.

The CHAIRMAN: It is slightly more than an imperial ton.

Mr Bell: Yes, but it seems a fairly distinct comment to make. Given the nature of her profession, it seems something that she would be fairly careful about. Also, the nature of the packaging of these types of materials can indicate what quantity is in it. Often on the site there were metal cages that contained a plastic cube, which could have contained a mercury slurry. I am only hypothesising and relating what I am aware of and what people have told me.

The CHAIRMAN: Ms Bremmer, is there anything to which you want to draw our attention?

Ms Bremmer: Yes, I have two issues. I made it clear in my submission that my focus is on the integrity of the monitoring and methodologies employed by the DEP. I want to highlight the reasons for that, and I ask that the committee give that considerable consideration when it looks at the information and speaks to the DEP.

The CHAIRMAN: Is that specifically mentioned in your submission?

Ms Bremmer: Not so much the reasons for our focus on the DEP, which I want to clarify now. The first reason is that the DEP is currently the managing authority of the site and was during and after the fire. I remind the committee that activities are occurring at the site right now. Despite the DEP acting under an emergency section 73, it is now six months since the fire and still it is treating those drums on-site. This emergency has been going on for six months. Because the DEP is working under section 73, the community has been denied an environmental impact assessment. That is highly questionable, considering that the nature of the waste being treated is class 35 and would normally be required to be shipped to Mt Walton. It is also the case that these drums have been giving and continue to give off gas. The DEP has been unable to provide us with any air-monitoring information to show that its current activities are safe for the workers and the immediate community.

Mr DAY: Are you aware that it has a couple of air monitors on the site?

Ms Bremmer: I am aware of that. I have spoken to the DEP on several occasions and still have been unable to get any information about air monitoring, despite the DEP telling the public and the media that everything is okay. The DEP regularly makes these statements and does not have the scientific evidence to back it up.

Mr BOWLER: Has your committee sought an inspection of the site?

Ms Bremmer: I cannot go anywhere near the site. I have raised the issue with the Minister for the Environment's office.

The CHAIRMAN: Why do you say that you cannot go there?

Ms Bremmer: Because I am eight weeks pregnant, and I will not go anywhere near the site.

Mr BOWLER: Has your committee requested that other members of the committee visit and inspect the site?

Ms Bremmer: No, we have not requested that. We have spoken with independent environmental consultants, who I believe intend to do that. However, I have not requested that an ACE representative inspect the site.

Mr DAY: What do you mean by independent environmental consultants?

Ms Bremmer: We speak to other environmental agencies in society. We have raised our concerns with them, and they have indicated that they may be able to inspect the site.

Mr MASTERS: Is that Western Australian agencies?

Ms Bremmer: That is right.

Mr DAY: Are they government agencies or groups such as yours?

Ms Bremmer: No, they are private environmental consultants. The second reason we are focusing on the DEP is that the data and the monitoring that the DEP provides is the basis for all the other assessments made about the site. That is important because the Department of Health goes on the information the DEP gives it. If the information from the DEP is flawed, all consequent assessments may also be flawed.

Thirdly, the DEP's performance at the Omex remediation site casts considerable doubt over its integrity. I remind the committee that while the DEP and the Department of Health were saying that there was no scientific evidence of any effect from Omex, people still got sick and were hospitalised. Those people will be forced to take their cases to the courts. Even though the DEP and the Department of Health say that they do not have the science to show that there is an impact in the environment and cannot measure it in the air and the soil, it does not negate the community's experience and it does not mean that it is not there. I ask that the committee consider the integrity of the methodologies being employed by the DEP to assess environmental contamination and, consequently, the Department of Health's assessment of that. It certainly was in question at the Omex remediation. The same officers are involved; it is the same people giving the same advice.

Mr DAY: Are you aware of anybody who is now showing any ill effects to their health as a result of the Bellevue fire?

Ms Bremmer: I am aware that some of the firefighters have had ongoing effects. I am not aware of any people in the community who have ongoing effects. I am aware of severe acute exposure. I experienced that. I was ill for three weeks after visiting the site after the fire. I understand that the Department of Health has 18 confirmed exposure cases. The Department of Health is currently conducting a health survey under the plume fallout.

Mr DAY: People might have been exposed, but I wondered whether anybody is showing ill effects now.

Mr MASTERS: Mr Bell, is there any evidence to suggest that polychlorinated biphenyls were destroyed on the Bellevue site?

Mr Bell: No, it had no capacity to do that. Do you mean in the fire?

Mr MASTERS: No, beforehand.

Mr Bell: No, it had no capacity to do that.

Mr MASTERS: Ms Bremmer, in the foreword to your submission you refer to a high number of hazardous facilities in this region and a disproportionately high number of industrial pollution sources emitting harmful gases. Can you provide us with a submission on that? Rather than answering that question now, can you give it to us in writing?

Ms Bremmer: Yes, I can do that.

Mr MASTERS: Page 7 of your submission refers to a DEP newsletter, and states -

... The data page provided in this newsletter states, "The off-site VOC concentrations are at normal levels, except when the wind is blowing from the Waste Control site."

I am not sure what that means. What do you think it means?

Ms Bremmer: My understanding of the statement is that it is safe unless a person is downwind. The committee will need to get the DEP to explain it.

Mr MASTERS: It does not make any sense to me.

Ms Bremmer: No. It was quite disconcerting to read that, considering that the levels recorded were in excess of the NC level.

Mr DAY: Can you give the committee a brief description of your organisations, how long they have been in existence and how many members they have?

Ms Bremmer: The Alliance for a Clean Environment is an alliance of environment, resident and community groups in the eastern region, which came together originally to campaign against the fifth brickworks that was planned for this area. Out of that grew a commitment to deal with environmental, health and justice issues in the region. We are very concerned that the east metropolitan region is disproportionately affected by environmental health issues and hazardous facilities. Currently, 10 member groups are part of the alliance, so it would have virtually thousands of members.

Mr Bell: The Contaminated Sites Alliance began in 1996. The Contaminated Sites Alliance is formed by other member groups and the executive of other member groups, which join together to do common campaign work. The common nature of those groups is that they are in communities that were affected by contaminated sites. We had the Minim Cove Action Group, which dealt with the CSBP contamination; the Mirrabooka Action Group; the Jandakot Water Mound Action Group; the Felspar Road Action Group, which was against the Stephenson-Ward incinerator; and a group in Mundijong. Increasingly, we work with groups in Fremantle and Bullsbrook. The membership of those groups varies from two people to 50 or 100 people. They are essentially alliance-based organisations. I am the secretary of that group, when I am not busy lecturing at Murdoch University.

Ms Bremmer: I did not get to address the committee about one point in my submission.

The CHAIRMAN: I was about to indicate that the committee will ask you to appear again. We certainly have not finished our discussion. We might prepare a series of questions to take up with you at a later date.

Mr DAY: Is there a quick, important point relevant to what you said?

Ms Bremmer: Yes, and I think it is the most relevant point of the inquiry; that is, the issue of Mr Jeff Claflin. I would like the committee to consider his relationship with the DEP and the waste management division. He has been a committee member of Waste Management Western Australia and has held executive positions with that committee. It is frightening that this man is considered a professional within the industry. We request that the committee investigate this man's qualifications. In my hour-long conversation with Mr Claflin, I became concerned that he had little, if any, understanding of the risks posed by his operations at Waste Control. I ask that the committee give considerable scrutiny to whether he has sufficient qualifications to have conducted such an operation, to his position with Waste Management WA and to his relationship to the waste management division in the DEP.

The CHAIRMAN: Thank you both very much.

[The witnesses retired]

Proceedings suspended from 12.45 to 1.30 pm.

