



Omar, Linda

From: Jane
Sent: Sunday, 15 November 2009 10:21 PM
To: Gillingham, Amanda; Omar, Linda
Subject: Petition No 48 - Transport, management, handling and export of dangerous and Hazardous goods in WA.
Attachments: Function Specific Requirements (2).doc; Hand book cover and contents5.doc; Petition cover.doc

Dear Amanda and Linda

I am hoping this email reaches you in time. I am forwarding the email below to you as part of our (ACE) preliminary submission to our petition No 48 – Mining products and hazardous material- Safe Transportation, Management, Handling and Export that was tabled on the 13th October 2009.

Unfortunately we were not notified in time of the 30 day restriction on preliminary submissions which I believe may be finalised tomorrow Monday 16th Nov. I have left a message on your phone and asked my colleague Ron Jones to follow up.

We are desperately hoping for an extension to allow a submission to be made or the acceptance of this email together with our 2 page cover letter that was attached to our petition, which may provide enough information to be accepted as a submission in the meantime.

The email below outlines the mandated training requirements for all personnel involved in the shipment of dangerous goods by sea. We would consider it essential that any inquiry would need to ascertain the level of compliance with this IMDG code that WA port personnel currently have. Furthermore it is likely that there are other training requirements to ensure the safe export of dangerous and hazardous goods that may also be applicable here and worthy of investigation so as to ascertain the compliance of our WA ports with necessary state, national and international standards for safe handling.

With this in mind and the many transport accidents that have occurred recently in WA involving hazardous materials, such as that witnessed in Esperance, together with the Government's intention to fast track mining and industrial developments and the expansion of several export ports (ie Oakajee, Kwinana) it would seem a timely investigation to ensure that the long term public and environmental interest is served.

I look forward to your earliest reply,

Best regards
 Jane Bremmer
 Alliance for a Clean Environment Inc
 08 6278 1447
 0432 041 397

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From:
 To:
 Date: Mon, 12 Oct 2009 16:27:16 +1100

16/11/2009

Subject: Carriage of Dangerous Goods by Sea - Training to be in place by 01 January 2010 [SEC=UNCLASSIFIED]

Good Day

As many of you would be aware the 2008 edition of the IMDG code mandates training for all shore based personnel involved in the shipment of dangerous goods by sea. Industry were formally informed of this change by Marine Notice 20 of 2008 issued on the 19th of December 2008.. This notice can be down loaded from:

http://www.amsa.gov.au/Shipping_Safety/Marine_Notices/2008/20_08.pdf

The functions captured by the training requirements of Chapter 1.3 of the IMDG code are extensive. Section 1.3.1.2 of the IMDG code requires shore based personnel such as those who:

- classify dangerous goods and identify Proper Shipping Names of dangerous goods;
- pack dangerous goods;
- mark, label or placard dangerous goods;
- load/unload CTUs;
- prepare transport documents for dangerous goods;
- offer dangerous goods for transport;
- accept dangerous goods for transport;
- handle dangerous goods in transport;
- prepare dangerous goods loading/stowage plans;
- load/unload dangerous goods into/from ships;
- carry dangerous goods in transport;
- enforce or survey or inspect for compliance with applicable rules and regulations; or
- are otherwise involved in the transport of dangerous goods as determined by the competent authority

shall receive General Awareness training and Function Specific training. It must be stressed that the training must relate to the 2008 edition of the code - not previous editions - so training provided in respect of the 2006, 2004, or earlier editions of the the Code is not by itself adequate. This being said in such cases refresher training may be all that is required and this is discussed in more detail below.

Training Requirements

AMSA have published information sheets on these training requirements (along with other DG information). If you were not aware of this the sheets can be found at:

http://www.amsa.gov.au/Shipping_Safety/Cargoes_and_Dangerous_Goods/

A list of currently accepted training providers (for those elements that require AMSA acceptance) can be found at the link below. Please note a number of other bodies are in the process of seeking acceptance and this list will expand:

http://www.amsa.gov.au/Shipping_Safety/Cargoes_and_Dangerous_Goods/training.asp

AMSA are a little concerned that a level of misunderstanding and/or lack of awareness of these requirements exists resulting in limited uptake and some errors in application. In simple terms what will be required in the revision to Marine Orders Part 41 is that the mandatory training requirements of sections 1.3.0 to 1.3.1.3 of the IMDG code are to be complied with (this would be required even under the current wording in MO41). The only 'additional requirement' AMSA have placed on this is that that training provided to those undertaking four of the functions identified in section 1.3.1.2 are to receive training that has been "accepted by AMSA". The functions in question are:

- Those that pack dangerous goods in packages, and load Cargo Transport Units (note: this covers two function);
- Those that mark, label or placard dangerous goods; and
- Those that prepare, and sign transport documents for dangerous goods.

The responsibility for seeking "acceptance" of training courses rest with the training provider (be this an in

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house function or provided by an external resource). AMSA is aware that gaining acceptance is not a simple process and have allowed an additional twelve month period (until the 1st of January 2011) for the training provider to achieve acceptance. This does not mean the training need not be provided before the 1st of January 2010, this must still happen, rather it allows time for acceptance to be processed. The risk for the user is that if the course is not accepted in the form provided then the training will not be considered to be in compliance with our requirements.

As noted in the information sheets it will not always be possible to train all individuals before they commence work. The IMDG code does allow some scope in this regard and where new staff are employed, and have not been trained as required, it does not necessarily mean that they cannot work. The employer must ensure that those personnel may only perform functions under the direct supervision of a trained person. This relaxation is not ongoing and such personnel should be trained as soon as practical. It would be normal that the maximum reasonable period would be eight weeks. This relaxation does not apply to those that prepare and sign transport documentations (who are required to have AMSA accepted training) given the responsibilities of these roles.

It is also worth noting that training will need to be provided for each version of the code as it comes into effect. For those that are already trained this can be done on the basis of "refresher training".

Audit and Implementation Verification

Section 1.3.1.1 allows AMSA to audit the application of the training requirements. For a training provider this means there will be auditing on the adequacy of the course where "acceptance" is required. AMSA will issue a short term "certificate of acceptance" for such courses pending the completion of an audit. The training will be deemed to be accepted even when carried out under a short term acceptance.

For individuals and organisations who require training under Chapter 1.3 of the IMDG code this does not mean you will necessarily be subject to an audit when the requirements come into effect, rather you "may" be audited. Verification of compliance with training requirements will usually be conducted as part of normal IMDG compliance enforcement and any necessary action will be taken where shortcomings are noted.

In this regard it should be recognised that failure to be trained as required by the IMDG code, and keep records as required by the IMDG code, means any such cargo associated with these individuals or organisations, which is intended to be carried by sea, does not comply with the Code. Under these circumstances AMSA has the power to give a direction in respect of the cargo, including that it not be carried by sea.

Standards of Training and Training materials.

The information sheet for training providers covers the standards for training but generally speaking the benchmark for such training would normally be the IMO model course (Model Course 1.10 in this case). Model course 1.10 is somewhat out of date and cannot be used as a direct reference, however, it does provide an indication of the scope of such training (when combined with sections 1.3.1.5 to 1.3.1.6 of the IMDG code) and will be used for this purpose by AMSA in the assessment of courses for acceptance.

AMSA has provided a list of references that may be used in the development of training courses in the information sheets. As indicated to some addressees to this message AMSA have also produced a Dangerous, Hazardous and Harmful cargoes handbook covering the 2008 edition of the IMDG code. Noting the 2008 edition of the IMDG code is harmonised with the 15th edition of the UN Model Regulations which means that the technical provisions in the hand book related to DGs are the same as those in ADG7 and AEC3.

The hand book is designed to allow it to be used as a effective training text (it reflects the requirements of Chapter 1.3 of the IMDG code for this reason) but it is not mandatory to use it for this purpose (Annex 1 outlines training requirements and relevant hand book sections and other references). It is also designed as an information resource for those involved in the transport of dangerous goods intended to be shipped by sea. For your information we have included pdf screen shots of the front cover and contents (as they are screen shots the reproduction is effected)

The book can be purchased from AMSA from our Head office (Phone 62795020, e-mail: dangerousgoods@amsa.gov.au) and costs \$25 per copy plus GST and postage (given the book is full colour and about 300 pages long this is quite reasonable). If more than 100 copies are ordered the price is discounted to \$20 plus GST and postage. It will eventually be available for sale over the counter from our regional offices as well. Can you please indicate how many copies you may require and the details for the

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· invoice and we will arrange postage and invoicing.

Frequently Asked Questions:

1. Can I simply train the supervisors only? - No. All shore based personnel, as identified in section 1.3.1.2 of the IMDG code, are required to be trained.

2. Can I customise training for my business rather than covering all elements of the IMDG code? - Yes you can but this must be clearly identified in the training records, Where such training is subject to AMSA acceptance it would be a condition that the records of training clearly identify that the training is only relevant to a specific work place and, where appropriate, specific dangerous goods. Such qualifications would not normally be transferable to other work places.

3. Would training provided under other OH&S training requirements be satisfactory? - They may be. For General Awareness training it is possible this would be covered by training provided for other modes or OH&S training. If this is the case AMSA would not require that such training be duplicated and alternatives may be acceptable. Similarly for some functions (i.e truck drivers under "carry dangerous goods") the function specific training provided under other OH&S or transport requirements may be adequate and employers can vary the level of training provided to suit the role of individuals to utilise this training. How acceptance of such training would work is detailed in section 2.0 of the *!! Advice for Training Providers* Information sheet.

4. Who determines who needs what training? - The obligation rests with "entities engaging shore-based personnel" to determine what training is required and ensure it is provided. This would generally be the employer but may be someone contracting staff as well. This will depend on the commercial relationship between parties. Care needs to be taken to ensure that the training covers the functions that will, or may, be undertaken by particular staff as failure to provide the necessary training will mean shipments would be in contravention with the requirements of the IMDG code.

5. What jobs are associated with what functions? - Some have found it difficult to reconcile particular jobs with the functions listed in section 1.3.1.2 of the IMDG code. To assist in this process please see the attached *indicative* guide, Please note this not a definitive list and other roles may need to be considered.

6. In a factory or production line environment is there a requirement for everyone on the production/packaging line to have received IMDG Code training? - Probably not but this will depend on circumstances. Where goods are automatically marked and boxed then those overseeing the process and those who determine what packaging is appropriate, what marking and labelling of packages is required, and what class dangerous goods belong to need to be trained. In addition once goods are outside the production/packaging process all those who pack containers or otherwise prepare packages for shipment, mark & label containers, prepare shipping documents and offer cargo for transport should be also trained.

7. If a transport document is produced by an automated system do I need training? - Yes. If you are responsible for 'producing' the document by retrieving it from the system such that it is ready to sign (or is to be electronically signed) then you should be able to confirm that the information is complete and correct and as such you need to be trained. Similarly if you sign a transport document (be it physically signed or electronically signed) then you must be trained, particularly given the obligations (and associated penalties) placed on those who make declarations by the *Navigation Act 1912* (see division 10 in Part IV of the act) and Marine Orders Part 41.

8. I have ex-seafarers working for me, do they require training? - Yes, the training must be current and relevant to the latest editions of the code. The safe transport of dangerous goods depends, to a large degree, on compliance by shore based personnel who prepare shipments for transport. If such personnel are inadequately trained or untrained then there is a risk the goods will not be appropriately packed with the consequence that the safety of ships crews, carriers, stevedores and the general public may be put at risk.

Conclusion.

The mailing address on this message does not cover all parties and as such it is requested you give this message the widest possible distribution amongst your stakeholders in order that issues with compliance will be addressed and that staff will be adequately trained by the required date.

Your assistance in this regard is greatly appreciated.

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Best regards

Alex Schultz-Altmann
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Function	Specific Training Requirements	Includes these people
Classify dangerous goods and identify Proper Shipping Name	<ul style="list-style-type: none"> • Classification requirements, in particular <ul style="list-style-type: none"> • the structure of the description of substances • the classes of dangerous goods and the principles of their classification • the nature of the dangerous substances and articles transported (their physical, chemical and toxicological properties) • the procedure for classifying solutions and mixtures • identification by Proper Shipping Name • use of Dangerous Goods List 	<p>People who decide whether products are dangerous goods or not, such as those employed by</p> <ul style="list-style-type: none"> • Manufacturers of dangerous goods • Companies who reclaim wastes • Industrial chemists • Mining companies • Tank farms • Oil companies • Gas companies • Chemical companies
Pack dangerous goods	<ul style="list-style-type: none"> • Classes Packaging requirements <ul style="list-style-type: none"> • type of packages (IBC, large packaging, tank container and bulk container) • UN marking for approved packagings • segregation requirements • limited quantities and excepted quantities • Marking and labelling • First aid measures • Emergency response procedures • Safe handling procedures 	<p>People who put dangerous goods into packages, tanks and bulk containers, usually employed by:</p> <ul style="list-style-type: none"> • Manufacturers • Wholesalers who package or repackage goods • Tank farms • Gas companies • Mining companies • Oil companies • Chemical companies • People who palletise dangerous goods
Mark, label or placard dangerous goods	<ul style="list-style-type: none"> • Classes • Marking, labelling and placarding requirements <ul style="list-style-type: none"> • primary and subsidiary risk labels • marine pollutants • limited quantities and excepted quantities 	<ul style="list-style-type: none"> • Everyone listed above who packs dangerous goods • Everyone listed below who packs containers, trucks or tanks
Load/unload cargo transport units	<ul style="list-style-type: none"> • Documentation • Classes • Marking, labelling and placarding • Stowage requirements, where applicable • Segregation requirements • Cargo securing requirements (as contained in the IMO/ILO/UN ECE guidelines) • Emergency response procedures • First aid measures • CSC requirements • Safe handling procedures 	<ul style="list-style-type: none"> • Anyone who loads, or supervises the loading of dangerous goods into a Cargo Transport Units (CTU). A CTU includes a road freight vehicle, a railway freight wagon, a freight container, a road tank vehicle, a railway tank wagon or a portable tank where these are to be carried by sea.

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Function	Specific Training Requirements	Includes these people
Prepare transport documents for dangerous goods	<ul style="list-style-type: none"> • Documentation requirements <ul style="list-style-type: none"> • transport document • container/vehicle packing certificate • competent authorities' approval • waste transport documentation • special documentation, where appropriate 	<ul style="list-style-type: none"> • Anyone who produces and/or signs a multimodal dangerous goods form (often called an MO41). This documentation could be for a single package, and FCL or a consolidated container. • Anyone who produces and/or signs a container packing certificate
Offer dangerous goods for transport	<ul style="list-style-type: none"> • Thorough knowledge of the IMDG Code • Local requirements at loading and discharge ports <ul style="list-style-type: none"> • port byelaws • national transport regulations 	<p>Anyone who books dangerous goods for transport by sea, either directly or through a forwarding agent. Includes employees of:</p> <ul style="list-style-type: none"> • Manufacturers, exporters, wholesalers and retailers of dangerous goods • Freight forwarders, forwarding agents and consolidators <p>The above includes office staff who may not physically see or handle the dangerous goods in question.</p>
Accept dangerous goods for transport	<ul style="list-style-type: none"> • Thorough knowledge of the IMDG Code • Local requirements at loading, transiting and discharge ports <ul style="list-style-type: none"> • port byelaws, in particular quantity limitations • national transport regulations 	<p>Anyone who accepts dangerous cargo bookings, including employees of</p> <ul style="list-style-type: none"> • Shipping lines • Consolidators • Freight forwarders • Forwarding agents <p>The above includes office staff who may not physically see or handle the dangerous goods in question</p>
Handle dangerous goods in transport	<ul style="list-style-type: none"> • Classes and their hazards • Marking, labelling and placarding • Emergency response procedures • First aid measures • Safe handling procedures such as <ul style="list-style-type: none"> • use of equipment • appropriate tools • safe working loads • CSC requirements, local requirements at loading, transit and discharge ports • Port byelaws, in particular, quantity limitation • National transport regulations 	<p>Anyone who physically handles packages containing dangerous goods in transport. Includes employees of:</p> <ul style="list-style-type: none"> • Companies that transport packed dangerous goods to the wharf • Companies that pack dangerous goods and load/unload trucks, tanks and containers • Stevedores (Truck drivers are covered by "carry dangerous goods". This training is likely to be covered by State legislated training)

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Function	Specific Training Requirements	Includes these people
Prepare dangerous goods loading/ stowage plans	<ul style="list-style-type: none"> • Documentation • Classes • Stowage requirements • Segregation requirements • Document of compliance • Relevant IMDG Code parts, local requirements at loading, transit and discharge ports • Port byelaws, in particular, quantity limitations 	<ul style="list-style-type: none"> • Persons who prepare loading and stowage plans for ships, usually employed by shipping lines or stevedoring companies, but may also be employed by exporters of dangerous goods or charters of ships
Load/unload dangerous goods into/ from ships.	<ul style="list-style-type: none"> • Classes and their hazards • Marking, labelling and placarding • Emergency response procedures • First aid measures • Safe handling procedures such as <ul style="list-style-type: none"> • use of equipment • appropriate tools • safe working loads • Cargo securing requirements • CSC requirements, local requirements at loading, transit and discharge ports • Port byelaws, in particular, quantity limitation • National transport regulations 	<ul style="list-style-type: none"> • People who physically load and unload dangerous goods on and off ships, usually employed by stevedoring companies
Carry dangerous goods	<ul style="list-style-type: none"> • Documentation • Classes • Marking, labelling and placarding • Stowage requirements, where applicable • Segregation requirements • Local requirements at loading, transit and discharge ports <ul style="list-style-type: none"> • port byelaws, in particular, quantity limitations • national transport regulations • Cargo securing requirements (as contained in the IMO/ILO/UN ECE guidelines) • Emergency response procedures • First aid measures • CSC requirements • Safe handling procedures 	<ul style="list-style-type: none"> • Employees of shipping companies that carry dangerous goods onboard ships • Truck drivers transporting dangerous goods, however, this training is likely to be covered by State legislated training

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Australian Government
Australian Maritime Safety Authority

DANGEROUS, HAZARDOUS AND HARMFUL CARGOES

HANDBOOK

(As applicable to the 2008 edition of the IMDG Code)



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Promoting Community Right to Know and Environmental Health and Justice in WA

In Western Australia over the last 10 years, several major environmental health disasters have brought the public's attention and concern to the failings of our government's ability to safely regulate industry and the transport, handling and export of hazardous and dangerous materials in our state.

WA prides itself on the major contribution it makes to the global economy through the mining and extractive industries. The city of Perth clearly exhibits the wealth and culture generated by this industrial based economy. Yet such industry's come with high environment and health costs that are rarely acknowledged or considered within the cost benefit analysis and approvals processes by both industry and government.

There is growing public concern that WA does not have specific environmental health protection laws nor recognition within existing legislation to protect the most vulnerable in society, our children, the elderly and those with compromised immune systems and our indigenous citizens who are disproportionately impacted by mining and heavy industry development in our regional area's.

Since 2001 there have been 3 major parliamentary inquiries over significant industrial related environmental health disasters.

The Waste Control Fire Inquiry (2001), which stated...

"Chemical Storage at the Waste Control Site:

- *From the time of the first regulatory agency inspection did not comply with regulations; and*
- *At no time was in complete compliance with either the DEP or DME licence conditions.*

(Finding 12. p29, Bellevue Hazardous Waste Fire Inquiry 2002)

The Alcoa Inquiry (2004) which stated...

Inquiry Rec 20: The Committee recommends that the Government, as a matter of priority, develop and finalise air emission guidelines specific to WA and that these should include VOC's and standards for multiple chemical exposure.

And the recent Inquiry into the lead impacts at Esperance (2007) which stated...

"DEC staff and resources assigned to approving projects vastly outweighs the staff and resources assigned to post approval compliance monitoring and auditing."

- *There were critical failures by the EPA, the DEC and Magellan Metals P/L to implement DoH recommendations and advice in the environmental approval processes associated with the events that are the subject of this inquiry (finding 23)*
- *The committee believes that the DEC, Esperance Port Authority and Magellan metals P/L, all failed substantially in meeting their responsibilities regarding the effectiveness of dust management, monitoring and reporting lead levels in the Esperance area. (finding 55)*
- *Critical advice about the Esperance Port Authority's environmental licence and dust monitoring regime received from the DoH in Sep 2005 was not followed up the Department of Environment until Feb 2007.(finding 149)*

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Of particular concern to the public is the lack of action by our government to enact recommendations that have been made as far back as the Waste Control Inquiry of 2001 and again in later inquiries. For example....

(Bellevue Fire report 2002) Rec 8. The EIA process as contained in the EP Act 1986 be expanded to:

- *Incorporate a health impacts assessment where appropriate; and*
- *Involve the Health Department of WA in the process of the health impact assessment.*

(Alcoa Refinery at Wagerup Inquiry 2004) Rec 29. The Committee recommends that the Government review legislation and make necessary amendments to ensure that the Dep't of Health has a formal role in advising the Environmental Protection Authority in relation to the assessment of projects that may impact on public health.

(Inquiry into the Cause and Extent of Lead Pollution in the Esperance Area 2007)

Rec 10. The Committee recommends that there be a legislative requirement for the Department of Health to conduct a health impact assessment as part of the Environmental Assessment Process.

It is clear that our current government aims to fast track industrial and mining approval processes in WA enabling more mining and industrial activity through our towns, ports and environments. The increased risks this will bring to the health of our population and protection of our environment needs urgent recognition. The potential for uranium mining and other high risk proposals to gain approval in WA is becoming a reality. Therefore it is urgent and timely for our government to investigate the adequacy of our current regulatory framework to safely protect our workers, public health and environment at all WA Ports and along transport routes where the handling management, transport and export of hazardous and dangerous materials are carried.

Please consider signing this petition and disseminating it widely. It is unbelievable that with such wealth as is generated in this state from the heavy, extractive and mining industries that some of this wealth is not directed to ensure the protection of our environment, public health and future generations.

Jane Bremmer
on behalf of the
Alliance for a Clean Environment Inc.
8/2/09

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