

PFAS Standards Section
Department of the Environment and Energy
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Canberra ACT 2601
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28 February 2018

Regulation Impact Statement for a national phase out of PFOS

Dear Sir/Madam,

I am writing to you in relation to the consultation on the Regulation Impact Statement (RIS) on options for a national phase out of perfluorooctane sulfonic acid (PFOS) and related chemicals, including its salts and perfluorooctane sulfonyl fluoride (PFOSF). The Australian Airports Association (AAA) welcomes the opportunity to provide input into this consultation process as the AAA has a long-held position of supporting an Australian Government ratification of the PFOS amendment to the Stockholm Convention.

The AAA is the national industry voice for airports in Australia. The AAA represents the interests of more than 300 airports and aerodromes Australia wide – from local country community landing strips to major international gateway airports. The AAA's members include Adelaide, Brisbane, Cairns, Canberra, Darwin, Gold Coast, Hobart, Perth, Melbourne and Sydney airports. There are a further 140 corporate members who provide goods and services to airports. The Charter of the AAA is to facilitate co-operation among all member airports and their many and varied partners in Australian aviation, whilst maintaining an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians.

The AAA notes that the consultation RIS for the national phase out of PFOS presents four options for consideration. These include:

- Option 1 - No new policy intervention;
- Option 2 - Do not ratify, but implement certification requirements;
- Option 3 - Ratify and register permitted uses; and
- Option 4 - Ratify and phase out all non-essential uses.

As you may be aware, the AAA has been actively involved in engaging with Government since 2014 in relation to potential per- and poly-fluoroalkyl substance (PFAS) contamination at approximately 36 airport sites across the country. As we know, much of the PFAS (including PFOS itself) related contamination at airports has been a result of the historical use of firefighting foams at Airservices Australia and Department of Defence sites on airports. While the use of firefighting foams that contain PFAS has largely ceased since 2010 (with the exception of Department of Defence sites), the use and storage of these foams for training exercises and emergencies at airports over many years has resulted in PFAS being detected in soil and/or ground water at a number of airports.

Since becoming aware of this issue, the AAA has been urging the Government to ratify the Stockholm Convention in relation to PFOS to assist in strengthening the regulatory framework for managing this chemical. While the AAA understands that ratifying the Stockholm Convention listing of PFOS will not necessarily assist in the management and remediation of legacy PFAS contamination issues at airports, it will however assist in ensuring that no future PFOS related contamination can occur.

The AAA and its members have also been involved in the broader Government discussions around PFAS management, including providing input into consultation on the development of the PFAS National Environmental Management Plan (NEMP). The AAA was also pleased to note recently that the Intergovernmental Agreement (IGA) on a National Framework for Responding to PFAS Contamination (including the PFAS NEMP) was finalised and came into effect with the Commonwealth and South Australia being the first signatories. While the AAA recognises the IGA in of itself is not a legally binding instrument with any regulatory effect, we do however view it as an encouraging step towards a nationally consistent regulatory framework for the effective management of PFAS contamination.

In relation to the four options presented in the RIS, the AAA has consulted with its members and recommends that proceeding with Option 4 (ratify the Stockholm Convention and phase out all non-essential uses) is the most preferable course of action. The AAA also notes that the Department's own independent cost-benefit analysis also confirmed that Option 4 would deliver the highest benefit to Australia at the lowest cost.

However, the AAA would recommend that firefighting foam containing PFOS not be included in the specific exemption (Table 11. Measures under Option 4), which permits ongoing use for 5 years. Alternatively, the AAA suggests that use may only be continued in line with transition plans approved by the Department of Environment and Energy and agreed by the users of this foam for a maximum of 2 years.

As mentioned previously, the AAA has long supported the ratification of the Stockholm Convention to prevent any further PFOS contamination at airports (either through fire fighting foams or other products). This approach is in line with the precautionary principle that has been largely adopted by industry in relation to PFAS management. While the science regarding the environmental and health impacts of PFAS are still being determined, the AAA supports the phase out of all non-essential solutions to prevent any further contamination.

Proceeding with option 4 would only result in PFOS continuing to be used for photo-imaging and certain medical devices, with all other uses being banned within five years. This is likely to have little impact on airport operators, particularly given that the firefighting foams currently used by Airservices on airports do not contain any PFOS or PFAS. The exception to this is the foam used at Department of Defence sites on airports where it is still a requirement for foams containing PFAS to be used – this will likely require further consultation with Defence on viable alternatives.

The AAA also notes that there are some other aviation related products that do contain PFOS (such as aviation hydraulic fluid). While this is not likely to directly impact airport operators, it may impact airlines, tenants and other businesses that operate on the airport. The AAA believes that in the next stage of the phase out and consultation process, it will be essential to provide industry with additional information and guidance on the proposed process and timeframe for the disposal of each PFOS containing product in each jurisdiction.

In considering legislative and regulatory amendments to give effect to banning the ongoing use of PFOS containing products, it is important to ensure that it is made clear that the responsibility for the management and disposal of PFOS material rests with the owner and users of those materials. This is important for airport operators, given that it will be users/tenants at the airport that may have these products and materials, therefore a clear delineation of responsibility is critical.

In regards to the request for further information on the current import, use, storage, and stocks of PFOS-containing fire-fighting foams, unfortunately the AAA and its members are not in a position to provide this information. The AAA suggest that approaches be made directly to Airservices, Department of Defence, airlines and fuel suppliers that use these foams in firefighting and fire suppression systems.

I would welcome the opportunity to discuss any of these issues with you further and should you have any questions, please do not hesitate to contact me via Simon Bourke (AAA Policy Director) on 02 6230 1110 or sbourke@airports.asn.au.

Yours sincerely,

A handwritten signature in black ink that reads "Caroline Wilkie". The script is cursive and fluid.

Caroline Wilkie
Chief Executive Officer