

Mr Andrew McNee
Department of the Environment and Energy
PFAS Standards Section
GPO Box 787
CANBERRA ACT 2601

Dear Mr McNee

NSW EPA Submission - National Phase-out of PFOS Regulation Impact Statement

The NSW Environment Protection Authority ("EPA") appreciates the opportunity to provide feedback to the Department of the Environment and Energy ("DoEE") on the National Phase-out of PFOS Regulation Impact Statement ("RIS").

The EPA has reviewed the RIS and considered all the recommended options. It is noted that all options for action (options 2-4) will require new regulation and policy to support either the ban or continued use of PFOS.

The EPA support the ratification of PFOS on the Stockholm Convention and notes Option 4, to ratify and phase-out all non-essential uses of PFOS, provides the maximum environmental benefit at the lowest cost to business. However, it is noted that option 4 poses a higher regulatory cost than the other options to support the transition away from PFOS. The EPA have outlined specific concerns below relating to waste management, timeframes for implementation and regulatory costs.

Waste management

The RIS acknowledges that all options for action will require the identification of wastes containing PFOS above the low content level of 50 mg/kg. This will have a significant regulatory impact regarding the management of PFOS wastes, particularly under option 4, which requires the environmentally sound disposal of existing PFOS stocks. This may apply pressure on waste facilities to treat PFOS waste via destruction. However, PFAS destruction technologies are currently limited and could potentially be cost prohibitive dependent on demand and commercial viability. If PFOS destruction options only exist interstate, the EPA would need to consider the implications of long-haul transport of these wastes. The EPA is therefore seeking further information from the DoEE as to whether there are any other Commonwealth regulatory mechanisms that may address the indefinite stock piling of PFAS impacted waste.

Timeframes for implementation

The RIS states that significant amendments to existing State and Territory legislation and policy will be required for all options for action. Alternatively, a national framework may be implemented and co-ordinated by the Commonwealth to establish management controls throughout the full chemical

lifecycle. The EPA seeks clarification on how the DoEE intend to progress the options, the specific roles and responsibilities of the States and Territories and timeframes for implementation. The EPA support the co-ordination of a national framework over the alternative proposed by the DoEE, of significant amendments to State and Territory legislation. The EPA is willing to consult with the DoEE to assist with developing a framework.

Regulatory costs

The EPA note that the cost assumptions that apply to Government for regulation and licencing has been presented over a 20-year period, however, the costs for State legislation review or regulation via a national framework have not been adequately quantified for each jurisdiction. The EPA is therefore seeking further information from the DoEE to determine the associated regulatory costs that could directly impact the EPA under both regulatory mechanisms proposed (the national framework, or amendment to State and Territory legislative frameworks). The EPA is willing to assist with the determination of these costs.

If you have any further questions, please do not hesitate to call me on (02) 9995 6073.

Yours sincerely



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STEVE BEAMAN PSM
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