

Port Hedland Dust Management Dust Taskforce Report

Submission Deadline: 6 October 2017

Have Your Say:

www.porthedlanddust@jtsi.wa.gov.au

Port Hedland Dust Management Taskforce
Department of Jobs, Tourism, Science and Innovation
Level 6, 1 Adelaide Terrace
East Perth WA 6004

RESPONSE TO RECOMMENDATIONS 1-7 DUST TASK FORCE

The Port Hedland Community Progress Associations strongly disagrees with the recommendation to create a “special dust control zone” in the town of Port Hedland due to illegal air and noise pollution by major industry. The continuing illegal air and noise environmental pollution has been identified for over 20 years without being controlled in a legal and enforced manner through industrial land use planning and environmental controls. Major industry is operating on 1969 licences and seeks to extend their licences to continue to pollute without penalty, and stifle growth in the town and the region. This is irresponsible known behaviour that is now criminal affecting human plant animal and economic health of the town.

INTRODUCTION

Recommendations in the Dust Task Force report have been made before. The public have responded before with the same answer. “Stop industry from polluting!” The Dust Taskforce seems to be repeating the same recommendations of over 20 years that industry is polluting, so people must move.....or no more people can live in the Town of Port Hedland. In other Western Australian Ports such as Esperance, Geraldton, Bunbury, if industry is polluting - it must stop, and industry must comply with environmental regulations.

For some reason, the same Western Australian Government departments keep recommending for over 20 years, that the number of people in Port Hedland be reduced because the port/industry is polluting.

Port of Port Hedland

The *Hedland Port Authority Ultimate Development Plan 2012-2016* clearly supports legal environmental compliance by industry and industrial land use to avoid pollution of the town, enabling development of the port, waterfront, marina, town centre and more residents.

It is most frustrating to the business community and the residents of Port Hedland when successive Governments refuse to regulate and control port/industry emissions and expect the Town Council to restrict town development by placing a cap on town population while every Government planning document supports an increase in town residential population and development of Port Hedland into a vibrant northern town.

The Taskforce is represented by all level on Governments, Industry and Council, so conflicting messages on planning that only support the polluting industry is unacceptable.

State and Federal Governments spend tax payers’ money on plans to “develop the north of Australia”. Clean air and safe drinking water are the two basic international rights. With constant pollution by global companies in the north of Australia the development of the north will be prohibited.

Criminal Negligence

Criminal Negligence is defined as: *The failure to use reasonable care to avoid consequences that threaten of harm the safety of the public and that are the foreseeable outcome of acting in a particular manner.* <http://legal-dictionary.thefreedictionary.com/Criminal+Negligence>

Putting the public at risk of additional fatalities and hospital admissions, which have been foreseen by the Department of Health (a member of the Taskforce), by adopting Recommendation 1, leaves all members of the Taskforce open to a charge of criminal negligence – they knew about the risk, yet recommended a standard lower than NEPM, exposing the public of Port Hedland to a risk of death higher than that in the rest of Australia.

Background History

1992 – Community lodged complaints of Port Pollution with EPA – *“Respiratory Hospitalisations in Port Hedland, 1993-2004”* – released 2006 – confirmed air pollution from industry dust at port is a risk to human health.

2003- Town of Port Hedland lodged objection to EPA re: BHPB expansion PACE – Mining Area C- unacceptable industry air pollution from Port activities - possible asbestos from Mining Area C and other locations, poor social amenity – BHP not acting in as per corporate charter and values.

2004 – *“Enquiry by Design – Department of Infrastructure and Planning”* Recommendations - Mitigate Dust at Source – PORT; Clear Rules for Industry – Relocation of Residents from West End not warranted – Department Planning and Infrastructure tried to restrict residential occupation in West End – Community and Town insisted dust-air pollution from Port be restricted on Port Premises, not transferred to residents. Port and industry (BHPB) agreed to reduce dust/air pollution/create buffers/stop dust at port boundary/allocate dusty operations to west side away from town so town can grow.

2005 – *“Town of Port Hedland Land Use Master Plan – Urban Design Centre of Western Australia”* all levels of Government Industry Business Community agreed to develop Town, industry and Government agreed to reduce port air pollution (Dust). All parties agreed this as final.

2006 – *“Department of Health Dust Review - The Western Australian Government”* released with three recommendations:

1. Reduce residential development/living, 2. Increase dust mitigation, 3. Improve monitoring.

2007 – *“Hedland’s Future Today – Town of Port Hedland”* Business /Government/Industry Partnerships to reduce pollution and develop the waterfront marina and high density living in the West End. BHPB Ian Ashby warned “labour shortage was biggest hurdle facing BHPB and Port Hedland needed to be a more appealing place to live.”

2009-2014 -Town of Port Hedland Community Infrastructure 2009-2014 high density living in the west end, waterfront safe boat harbour/marina development.

2010-2015 –*“Town of Port Hedland – Strategic Plan”* – facilitated industry and community development.

2012-2016 –*“Pilbara Ports Port Hedland Port Authority Ultimate Development Plan”*- supports all new development west of the Town, BHPB to Boodarie industrial area, waterfront Marina

development and accommodation, vibrant town centre and Port's best practice dust emission control.

2012-2022 – *“Town of Port Hedland Strategic Community Plan – Future city”*- waterfront marina development, vibrant West End.

All of these plans appear to have been disregarded despite collaborative input be all levels of Government, industry, business and community.

2016/2017

The Government of Western Australia Department of State Development Port Hedland Dust Management Taskforce Report to Government August 2016 overview identifies the importance of Port Hedland as a largest bulk handling port in the world. It also identifies Western Australia's and Australia's reliance on the export income of \$2.4 billion in 2014-15. What the report fails to identify:

1. The majority of the royalty income is obtained through illegal and non -conforming environmental practices that pose a threat to humans and has resulted in this proposed “special dust control zone” to protect residents. The Government as recipient of the royalty income, through its regulators has a duty to both the workers and residents to provide a safe working environment, which it has not done.
2. The report relies mainly on transferring risk to residents via town planning, instead of identifying and restricting those industries continually exceeding environmental laws and licences and causing health risks to both workers and residents. The report makes no recommendation for enforcing industrial land use planning on available industrial land as per the Port Authority's Ultimate Port Development Plan 2012-2016, which clearly identifies major growth and expansion without restricting residential land use or continuing health risk to humans.
3. The Port Hedland Industry Council Monitors, Port Harbour Monitors and LIDAR data identifies and confirms BHPB as the main polluter. This is consistent with community beliefs, and evidenced in “BHPB's insistence of recent and current applications for expansion to be granted on their existing 1969 licence - calling it a minor adjustment to their existing footprint, despite long term plans for major expansion. BHPB agreed to expand in the outer industrial area of Boodarie as per the Ultimate Port Development plan in 2012, to ensure the town would not be adversely affected by BHPB operations. Despite agreeing to locate new operations in the industrial area as per the Port Ultimate Development Plan BHPB later negotiated berth space on the town boundary, which was not identified for polluting industry. It seems obvious that BHPB are determined to obtain Government approval for expansion without the environmental and commercial restraints imposed on their competition in order to maintain their competitive advantage of location at the mouth of the harbour, and more lenient environmental and commercial obligations. This is anti-competitive.
4. Potential Port and Town Expansion will be restricted by continuing air pollution and the proposed special control zone. It appears the regulatory authorities have accepted the importance of \$2.4 billion in 2014-15 and denied the potential of a much higher and long term income to Australia through diversification and higher value lower volume products and trade. By allowing air pollution exceedances and self-reporting by industry resulting in the “health risk to humans”, the WA Government has been distracted from best practices and expansion of the port in a safe and lucrative manner. The combined “air shed” used by

the Port Hedland Industry Council and accepted by the Dust Taskforce and Government Agencies has prohibited other income producing industries and developments such as “tourism – the marina”, tourist accommodation, fishing and aqua industries, other marine industries, imports and trade in gas, fuel and services.

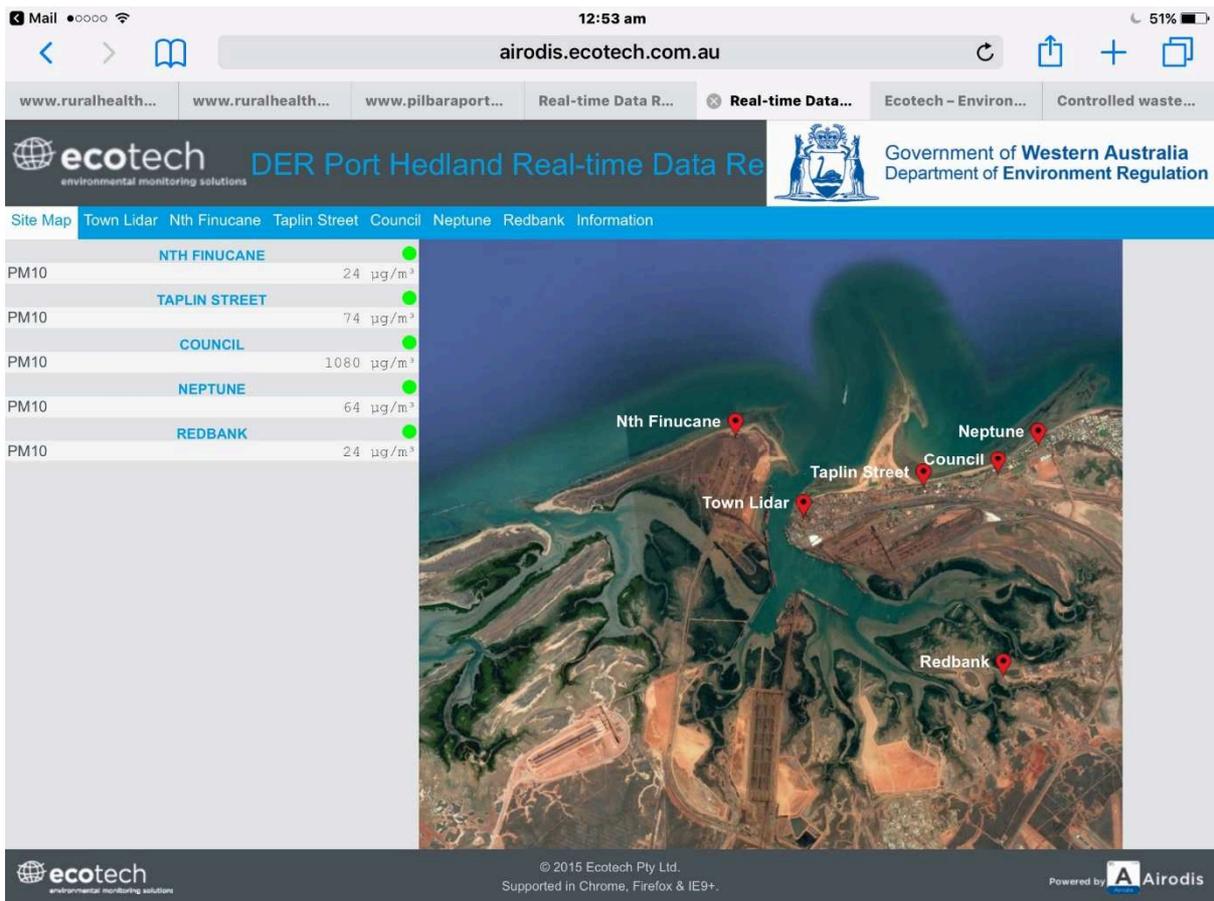
5. The Port Authority Ultimate Development Plan of 2012 -2016 clearly identified how the Port could expand to be an even larger contributor to Western Australia’s and Australia’s wealth, yet has chosen to accept sub-standard and health risking environmental practices in what is known as a world class port. The Government has accepted industries self-reporting practices and is now identified as an air polluting port requiring special dust control zones over town to protect residents. If Government insisted that all industry (not just new ones) met current environmental obligations, and if industry did what they say they do, there would be no need for this Dust Taskforce.
6. BHP have been identified as the main polluter in Port Hedland. BHP’s annual general meeting set for 16 November 2017 identifies the company values that are not evidenced in BHP’s practices in Port Hedland. BHP does not do what it says it does in regards to environmental practices and communities.

Our Values.....BHPB Website 06 October 2017.

- Sustainability
Putting health and safety first, being environmentally responsible and supporting our communities.
- Integrity
Doing what is right and doing what we say we will do.
- Respect
Embracing openness, trust, teamwork, diversity and relationships that are mutually beneficial.
- Performance
Achieving superior business results by stretching our capabil
- Simplicity
Focusing our efforts on the things that matter most.
- Accountability
Defining and accepting responsibility and delivering on our commitments.

INDEPENDENT MONITORING LIDAR

The Department of Environment regulations, reported the following air pollution on their website from February 2017 – June 2017. It was the only independent monitoring that the community could trust. It has been discontinued since July 2017. BHPB have challenged the reporting system and data, yet it clearly identified the exceedances and the source of air pollution and times of occurrences.



BHPB pollutes the air in the Town of Port Hedland at night more than 21 times the legal limit without penalty, and seeks Government approval to pollute even more!

Industry knows the risks to human health and continues to pollute and all levels of Governments continue to support the pollution.

- Local Government is responsible for the environmental and public health in the town. The Town of Port Hedland Website identifies their obligations, however it is not possible to access the policies. Instead the Town of Port Hedland through the Dust Task Force have recommended and “special dust control zone to restrict permanent residents” who are the ratepayers in the town.

Environmental Health.....Town of Port Hedland Website 06 October 2017

The Town of Port Hedland’s Environmental Health Services seek to protect public health by monitoring a diverse range of public health and environmental issues using the Health Act 1911, Health Local Laws 1999, Food Act 2008 and other associated legislation. We also provide a wide range of technical advice and aim to improve the quality of life within the community by implementing preventative measures.

Further information available by phoning

- [Town of Port Hedland's Health Local Laws](#)
- [Health Act 1911](#)
- [Food Act 2008](#)
 - [Food Regulations 2009](#)
 - [Australian New Zealand Food Standards Code](#)
- [Guidelines for Temporary Food Stalls](#)
- [Environmental Protection Act 1986](#)
 - [Environmental Protection \(Noise\) Regulations 1997](#)

Environmental Health Services are available to answer health or environment related questions on (08) 9158 9367.



Iron Ore Dust restricts tree growth in the Town of Port Hedland – 2017

The Town of Port Hedland has recommended the “special dust control zone – no more permanent residents permitted”. This is a negligent and criminal action when the Town of Port Hedland is responsible for the environmental and public health all of its residents!

DUST TASK FORCE RECOMMENDATIONS

1. RECOMMENDATION 1: DISAGREE – must be 50ug/m3 not 70uch/m3

A HAZARD HAS BEEN IDENTIFIED BY THE HRA- SO REMOVE THE HAZARD – INSIST ON WORLD HEALTH AIR QUALITY 50UCG/M3 AND 5 EXCEEDANCES – 70UCG WAS ONLY AN INTERIM AND MUST BE STOPPED.

The current interim guideline of 24-hour PM10 of 70ug/m3 (+10 exceedances to accommodate natural events) was implemented prior to the completion on the Health Report on the basis that the “iron ore dust” (industrial pollution) was not a health risk to humans.

The Government of Western Australia Department of Health has confirmed the Human Health Risk Assessment confirms that there is sufficient evidence that increased levels of dust exposure (iron ore) can have an adverse impact on human health in Port Hedland over the long term.

<http://ww2.health.wa.gov.au/Reports-and-publications/Port-Hedland-Health-Risk-Assessment>;

Port Hedland – FACT SHEET 1. Dust and Health

The Health Department supports the Health Risk Assessment framework endorsed by the national environmental health standing committee of the Commonwealth of Health of:

Hazard Assessment – Contaminant of concern has been identified, potential to cause harm to people by inhalation has been confirmed the cause and source in the Lidar technology February to June 2017. – Lidar screen shots attached and shows BHPB as the cause and Nelson Point and Finucane island operations on 1969 licence as the source)

Exposure Assessment:

Department of Environment has confirmed the frequency, timing, levels, and types of contact being inhalation with the contaminant o concern, being industrial air contaminants and pollution. (Mainly Iron ore dust)

Risk Characterisation:

The Health Report Assessment identifies the risk to humans is sufficient to warrant restriction of the number of people subject to the hazard, so this must include all humans, workers, residents, visitors in the vicinity of the “risk” (the whole of the Pilbara Port of Port Hedland Port Area).

Risk Management:

The First step in Risk management is to “remove the hazard – at the source.” “The Australian Government Work Health and Safety Measures”

2. RECOMMENDATION 2: DISAGREE – It is not acceptable to have industry self-monitoring and reporting when so many exceedances have occurred, and the same Dust Task Force has deemed the “air pollution” is a health risk to humans.

THE PORT HEDLAND INDUSTRIES COUNCIL CEASE AS THE INDUSTRY BODY SELF POLICING AND REPORTING ON INDUSTRY OPERATIONS IMMEDIATLEY AND ALL MONITORING COMPLETED BY INDEPENDENT REGULATORS.

3. RECOMMENDATION 3: AGREE

The department of water and environmental regulation (DWER) be responsible for all of industries complying with world health environmental practices regardless of the date of issue of the original licence.

BHPB inherited a commercial environmental advantage through dust and noise emissions of the 1969 licence, of which they wish to extend and increase export allowance resulting in air and noise pollution of the residential area. All of industry must comply with 2017 world environmental

standards, especially now that air and noise pollution is deemed a health risk to residents in Port Hedland.

4. RECOMMENDATION 4: AGREE

All protection of the community must be from stopping the risk- the air pollution from poor practices and poor industrial planning. There is ample port land for expansion identified in the ultimate port plan of 2012-2016 without transferring risk management to the community and restricting development.

5. RECOMMENDATION 5: DISAGREE!!!!

Restricting permanent residential population development does not reduce the risk to those permanent residents living in the proposed special control zone. Only stopping the cause of the pollution will do that.

6. RECOMMENDATION 6: AGREE

The Town of Port Hedland, Industry- mainly BHPB and The Port Hedland Port Authority and other Government Agencies all agreed back in 2008-2010 that the port and industries would mitigate dust on port land and the Town and other Government Agencies would mitigate dust on town land. This was documented on the 2010 Dust Management Plan as part of the expansion approvals for BHPB.

7. RECOMMENDATION 7: DISAGREE

The Taskforce was implemented to reduce ongoing dust and noise by industry in residential area. Page 8 2009.....Instead the Dust Task force has recommended no more residents. There is no further need for the task force. The task failed.

The Town of Port Hedland is responsible for working with the Port and other Government agencies to promote and grow Port Hedland in a safe, healthy and prosperous manner like all port towns in Australia.

The Port Hedland Progress Association thanks the Taskforce for delivering confirmation that the "dust" and industrial air pollution is a health risk. The town can now insist that all industry is located in industrial areas and contains its pollution on its own boundaries without risking the health of innocent people.

The Dust Task force would be better suited to insist all workers in the "iron ore industry are safe" and ensure all pollutant are tested and protective equipment is provided. Asbestos is a known element in iron ore, and the dust taskforce would be wise to insist all workers are safe, all risks are identified and all pollutants are retained in the work area and not the town.

It is most disappointing that since 2009 that the most compelling recommendation the Taskforce can offer is "a special dust control zone restricting permanent residents" in a 120 year old town, in 2017 with World class environmental laws governing all Australian Ports, yet suggest that in port Hedland the risk caused by industry (1 in particular) can be and should be transferred to the residents. Most disappointing recommendation from such educated Government professionals that could only be expected from the commercial sector. It rises questions as to the power of the Taskforce, its credibility, transparency, and independence.

CONCLUSION

The "*Health Risk Assessment*" has identified the air pollution in Port Hedland is a sufficient health risk to restrict humans from living in the town. This is of major concern and the cause must be stopped at the source.

If all industry operates on the same environmental laws, the port will be able to expand, new industries can commence, the port will be safer, bigger and a world class example of best practice by doing what they say they do, instead of just saying it and restricting development throughout the port and the town. There is an abundance of industrial land, there are new companies and industries abiding by current environment laws and it is time for one rule for all so that the whole of the town, the state and the country can prosper in a first....not third...world manner.

Abide by current environment regulations!

Port Hedland Community Progress Association inc

President: Ms Jan

info@growporthedland.com.au

janford@westnet.com.au

0438 201 005