

annual report

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Annual Report 2002–2003

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Foreword



In 2002–03, the National Environment Protection Council (NEPC) together with the Environment Protection and Heritage Council (EPHC) maintained an extensive work program in the national environmental protection arena.

The air quality focus of the NEPC's work program has continued, with NEPC making a variation to the Ambient Air Quality NEPM to enable the development of an Air Quality Particles Standard for fine particles. Fine particles are found in vehicle emissions and woodheater smoke and have a deleterious effect on people's health. The NEPC also initiated a program to determine the equivalence of methods of monitoring for fine particles. The NEPC continued the development of an Air Toxics NEPM and initiated a review of air quality emissions standards for ozone and sulfur dioxide. A time activity study, which provides a snapshot of indoor and outdoor activities of Australian residents, was undertaken and the results will be published in 2003–04. The outcomes of the study will assist research in the air quality field for years to come.

The NEPC also initiated a review of the Movement of Controlled Waste NEPM, which has been in operation for five years.

A Bill to amend the *National Environment Protection Council Act 1994* (Cwlth), which takes into account the outcomes of the 2000 review of the Act as well as the relationship of the NEPC to the Environment Protection and Heritage Council (EPHC) was passed by the Commonwealth Parliament in 2002. Mirror amendments to the NEPC legislation of the states and territories are progressing through their respective parliaments in 2003.

The close connections between the NEPC and the EPHC have meant that progress is being made with issues such as waste management, chemicals management and heritage. The NEPC has maintained its relationships with the road transport and health sectors.

All governments in Australia are to be commended for their continuing contributions to national approaches in environmental protection through the National Environment Protection Council and the Environment Protection and Heritage Council.

A handwritten signature in black ink that reads "David Kemp". The signature is written in a cursive, flowing style.

Dr David Kemp

Chairperson

National Environment Protection Council

Members of the National Environment Protection Council

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COMMONWEALTH

The Hon Dr David Kemp MP
Minister for the Environment and Heritage
Chairperson



NEW SOUTH WALES
The Hon Bob Debus MP
Minister for the Environment



VICTORIA
The Hon Sherryl Garbutt MP
Minister for the Environment
and Heritage
(to 22/12/02)



VICTORIA
The Hon John Thwaites MP
Minister for Environment
and Water
(from 23/12/02)



QUEENSLAND
The Hon Dean Wells MP
Minister for the Environment



WESTERN AUSTRALIA
The Hon Dr Judy Edwards MLA
Minister for the Environment



SOUTH AUSTRALIA
The Hon John Hill MP
Minister for the Environment
and Heritage



TASMANIA
The Hon David Llewellyn MHA
Minister for Primary Industries,
Water and Environment
(to 08/10/02)



TASMANIA
The Hon Bryan Green MHA
Minister for Primary Industries,
Water and Environment
(from 09/10/02)



**AUSTRALIAN CAPITAL
TERRITORY**
The Hon Bill Wood MLA
Minister for Urban and
Community Services
(to 22/12/02)



**AUSTRALIAN CAPITAL
TERRITORY**
Mr Jon Stanhope MLA
Minister for the Environment
(from 23/12/02)



NORTHERN TERRITORY
The Hon Kon Vatskalis MLA
Minister for the Environment
(to 20/11/02)



NORTHERN TERRITORY
Dr Chris Burns
Minister for the Environment
and Heritage
(from 21/11/02)

About NEPC

The National Environment Protection Council (NEPC) stems from the Special Premiers' Conference held in October 1990, at which the Prime Minister, Premiers and Chief Ministers agreed to develop an Intergovernmental Agreement on the Environment. The agreement came into effect on 1 May 1992.

The Intergovernmental Agreement on the Environment includes provision for the establishment of a national body with responsibility for making National Environment Protection Measures (NEPMs) with the objectives of ensuring that:

- the people of Australia enjoy the benefit of equivalent protection from air, water, and soil pollution and from noise wherever they live
- decisions by businesses are not distorted and markets are not fragmented by variations between jurisdictions in relation to the adoption or implementation of major environment protection measures.

All participating jurisdictions (i.e. the Commonwealth and all state and territory governments) have complementary legislation establishing the National Environment Protection Council, which is a statutory body with law-making powers.

Members of NEPC are ministers, although not necessarily environment ministers, appointed by the principal ministers of participating jurisdictions.

The NEPC and NEPC Committee are assisted and supported by the NEPC Service Corporation, which is managed by the NEPC Executive Officer.

The NEPC has two primary functions:

- to make National Environment Protection Measures (NEPMs)
- to assess and report on their implementation and effectiveness in participating jurisdictions.

NEPMs are broad framework-setting statutory instruments defined in the *National Environment Protection Council Act 1994* (Cwlth). They outline agreed national objectives for protecting or managing particular aspects of the environment. NEPMs are similar to Environmental Protection Policies. NEPMs may consist of any combination of environmental protection goals, standards, protocols and guidelines.

More information about NEPMs, the areas of environmental protection that they may address, and the process for developing them are outlined in Appendices 4 and 5.

Implementation of NEPMs is the responsibility of each participating jurisdiction, and each minister on NEPC reports to NEPC each year on the implementation of each NEPM in his/her jurisdiction.

Executive Officer's Report

The National Environment Protection Council (NEPC) has had another active year in 2002–03.

The NEPC continues to carry out a significant amount of work on air quality issues in conjunction with the Environment Protection and Heritage Council (EPHC). The NEPC sponsored a time activity study, which has developed a picture of the activities and consequent likely exposure of Australians to air pollution. NEPC also expanded the Multi-city Mortality and Morbidity Study. The NEPC made a variation to the Ambient Air Quality NEPM, which will enable the establishment of an air quality particles standard for fine particles (PM_{2.5}) in the future, and initiated a program to determine the equivalence of methods of monitoring for fine particles. Consideration is being given to the needs of a full scale review of the Ambient Air Quality NEPM due to commence in 2005. NEPC also continued the development of a NEPM for air toxics.

NEPC also initiated a review of the Movement of Controlled Waste NEPM, which will be completed in 2003–04.

The review of the National Environment Protection Council Act was completed in 2001. An amending Bill incorporating the changes recommended by the review passed through the Commonwealth Parliament and will come into effect in December 2003. Corresponding amendments to state and territory NEPC legislation are in train through the parliaments of the states and territories.

The Environment Protection and Heritage Council, of which NEPC is a constituent part, met three times during the year. Arrangements enabling the Executive Officer to provide services to this council as well as to NEPC are in place. The amending Bill referred to above takes into account the linkages between NEPC and the Environment Protection and Heritage Council.

The NEPC Service Corporation has an Environmental Management System (EMS) in place to enhance the sustainability of its operations. Through the EMS, the Corporation has put into effect practices which will reduce the environmental impacts of its operations even further.

I should like to thank the Commonwealth, state and territory governments, members of which comprise the NEPC, for their ongoing cooperation in identifying and progressing the national environmental protection agenda, as well as the many other bodies with which we interact in order to achieve such progress.

I should also like to thank the staff of the NEPC Service Corporation for their continuing, well-regarded effective and efficient provision of services to the National Environment Protection Council as well as to the Environment Protection and Heritage Council and their committees.



Dr Bruce Kennedy
Executive Officer

Relationships with Other Bodies

NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL AND ENHEALTH

Representatives of NEPC, the NHMRC and the enHealth Council met in December 2002 to consider issues of mutual interest, including air quality, soil contamination and remediation, vehicle noise standards, toxicity assessment, guidelines for drinking water and recreational water use, and clinical waste.

NATIONAL ROAD TRANSPORT COMMISSION

The cooperative relationship between NEPC and the National Road Transport Commission continues under the umbrella of the Motor Vehicle Environment Committee (MVEC). MVEC met three times in 2002–03.

MVEC finalised new Vehicle Noise Standards that will promote harmonisation with international standards and are expected to lead to significant improvements in noise emissions from Australian motor vehicles including motorcycles, passenger vehicles and heavy trucks. Australian Design Rule 83/00 – External Noise from Motor Vehicles was endorsed by the NEPC and the Australian Transport Council.

MVEC released a discussion paper, *Vehicle Emissions and Fuel Standards Review*, in May 2003. The review comprises the following main elements:

- consideration of vehicle emissions standards post 2006
- consideration of fuel standards required to support any new emissions standards
- examination of other vehicle emissions initiatives, including non-regulatory policy options.

A seminar was held in conjunction with the review in June 2003. Participants in the seminar included representatives from government, industry and other organisations. Recommendations from the review are expected to be finalised in late 2003.

MVEC provided advice to Standards Australia on test and certification requirements for after-market conversions of petrol vehicles so that they can operate with LPG or CNG. Standards Australia has incorporated the advice into the relevant Australian standards, and it is expected that this will lead to improved emissions performance for LPG- and CNG-fuelled vehicles. It will also provide certainty for the conversion industry and consumers that vehicles will remain in compliance

with relevant Australian Design Rules standards following conversion.

MVEC provided advice to the Commonwealth on the development of the second National In-service Emissions Study (NISE 2). This study will update an earlier study (1996) and will also cover imported cars, 4WDs and light commercial vehicles, which were not included in the original study. The new study will also cover post-1995 petrol vehicles subject to tighter emission standards. The study will enable the establishment of a vehicle emissions database to underpin policy development.

In August 2002, the Australian Transport Council endorsed the recommendations of the review of the National Road Transport Commission (NRTC) enabling legislation to broaden its functions to cover road, rail and intermodal transport. These outcomes will come into effect in early 2004 and will necessitate a revised Memorandum of Understanding between the National Environment Protection Council and the new National Transport Commission, as well as a review of the MVEC Strategic Plan.

The Transport Emissions Liaison Group provides a forum for the motor vehicle and petroleum industries, consumers, environmental and health stakeholders to provide advice and share information on issues covered by MVEC. The April 2003 meeting included presentations from the automotive and petroleum industries on the need to ensure complementary reforms of motor vehicle and fuel standards in order to enhance the information-sharing role of the group.

The Chair and Secretariat for MVEC transferred to NEPC at the beginning of 2003, as per the Memorandum of Understanding between NEPC and NRTC.

STANDARDS AUSTRALIA

There was interaction between NEPC and Standards Australia regarding air quality monitoring, soil contamination and railway noise.

OTHER AGENCIES

The Executive Officer has had ongoing interactions with the National Association of Testing Authorities (NATA) and the interim body established to develop a second bid for a Cooperative Research Centre for Contamination Assessment and Remediation of the Environment.

NEPC Committee — Major Activities

Following the changes at the council level, National Environment Protection Council Committee (NEPC Committee) has been incorporated into the Environment Protection and Heritage Standing Committee (EPH Standing Committee). As with the NEPC, NEPC Committee retains its identity and statutory functions within EPH Standing Committee.

NEPC Committee met eight times — September (twice), October (twice), December 2002, April (twice), and May 2003 — in 2002–03, as part of EPH Standing Committee. Four meetings were face-to-face and four were by teleconference.

The activities of NEPC Committee and EPH Standing Committee included the following.

NEPC Committee:

- endorsed Australian Design Rule 83/00 — External Noise from Motor Vehicles
- approved the 2001–02 Annual Report in accordance with a delegation from NEPC
- accepted and published the *Review of the ANZECC Polychlorinated Biphenyls (PCB) Management Plan* and the response to the review on the EPHC website
- published Peer Review Committee's *Technical Paper No. 8: Annual Reports for Ambient Air Quality NEPM* on the EPHC website
- established a working group to develop a proposal for the reviews of the sulfur dioxide and ozone standards under the Ambient Air Quality NEPM
- established a working group to conduct the PM_{2.5} Equivalence Program
- agreed to release the *Proceedings of the Fifth National Workshop on the Assessment of Site Contamination* on the EPHC website.

EPH Standing Committee:

- established a taskforce to develop options for implementing heritage incentives and innovative policy tools
- approved the *Keeping Tabs on Marine Debris Brochure* and published it on the EPHC website for use by community members assisting with beach clean-up days
- established an EPHC Environmental Emergency Contact Network to facilitate interjurisdictional contact on environmental emergencies
- established a steering committee to oversee the Cooperative Studies on Priority Air Quality and Health-Related Issues and the Expansion of the Multi-city Mortality and Morbidity Study
- established a Greening of Government Working Group to share interjurisdictional (including New Zealand) information on the environmental sustainability of government operations, including the management of government-owned heritage places
- established a virtual network to ensure that jurisdictions have an opportunity to be aware of and contribute to the Australian Government initiative, Year of the Built Environment (2004).

Following changes to natural resource and environment-related ministerial councils by the Council of Australian Governments in June 2001, the Environment Protection and Heritage Council (EPHC) was created by amalgamating the National Environment Protection Council, the environment protection components of the Australian and New Zealand Environment and Conservation Council, and Heritage Ministers' meetings.

As the National Environment Protection Council is established under statute (the NEPC Acts of the Commonwealth, states and territories) and has the ability to make national regulatory instruments (National Environment Protection Measures), it retains its distinct status within EPHC. All members of NEPC are members of EPHC.

The National Environment Protection Council met three times in 2002–03, as part of the Environment Protection and Heritage Council.

Major activities undertaken by NEPC and EPHC in 2002–03 are summarised below.

COUNCIL MEETING — SYDNEY, 11 OCTOBER 2002

The NEPC agreed to the release of the draft PM_{2.5} (fine particle) variation to the Ambient Air Quality NEPM and the associated Impact Statement for public consultation.

The EPHC agreed to:

- support the expansion of the Multi-city Mortality and Morbidity Study as a high priority
- adopt a waste management framework for determining collaborative national waste issues
- act nationally on waste issues particularly waste tyres, electrical products, and hazardous waste management
- develop management options for reducing the impacts of plastic bags on the environment
- scope the need for national and collaborative approaches for the diversion of industrial wastes to reuse and recycling
- release the Waste Tyres Policy Discussion Paper for public comment.

COUNCIL MEETING — TELECONFERENCE, 23 DECEMBER 2002

EPHC agreed to a package of measures to reduce environmental impacts of plastic bags. EPHC also asked the National Packaging Covenant Council to provide specific proposals for national action, including ways to reduce the impact of plastic bags as litter and for governments, industry and the community to work together to cut plastic bag litter by 75 per cent by the end of 2004.

A comprehensive study on the full impact of the introduction of degradable bags into the Australian marketplace, including the effect on plastics recycling, local manufacturing, and landfills, was initiated.

EPHC released the *Plastic Shopping Bags in Australia – National Plastic Bags Working Group Report to the National Packaging Covenant Council* to the general public for information.

COUNCIL MEETING – MELBOURNE, 23 MAY 2003

NEPC agreed to the release of the draft Air Toxics NEPM and the associated Impact Statement for public consultation. NEPC also made the variation to the National Environment Protection (Ambient Air Quality) Measure for PM_{2.5} (fine particles).

NEPC agreed to commence a review of the Movement of Controlled Waste between States and Territories NEPM and approved a proposal for the Expansion of the Multi-city Mortality and Morbidity Study.

The Environment Protection and Heritage Council:

- directed the Cooperative Studies on Priority Air Quality and Health-Related Issues Working Group to prepare a report for council outlining priority research areas and mechanisms for funding such studies
- directed the Waste Working Group to report on diversion of industrial waste to reuse and recycling in order to develop a national framework for the reuse and recycling of industrial wastes with a primary focus on their application to land, and to develop a discussion paper in order to seek the views of the community and stakeholders in developing the national framework

- directed the Waste Working Group to develop a set of guiding principles in relation to the assessment of energy recovery from waste proposals that include overall environmental benefits and life cycle considerations
- received the report of the National Chemicals Taskforce and published it on the EPHC website and established the Working Group on the Environmental Risk Management of Chemicals
- published the document, *Going Places: Developing Natural and Cultural Heritage Tourism in Australia – Issues Paper*, developed by the Taskforce on National Strategy to Promote Sustainable Heritage Tourism, on the EPHC website
- established a working group to develop a detailed implementation plan for a mandatory national water efficiency labelling scheme and options for minimum standards including legislative options and administrative and financial arrangements
- established a joint working group with the Natural Resource Management Ministerial Council to develop a proposal to review and update national guidelines for water reuse and recycling
- endorsed an implementation plan for the EPHC Reconciliation Action Plan.

'OUT OF SESSION'

NEPC supported the endorsement by NEPC Committee of the Australian Design Rule 83/00—External Noise from Motor Vehicles.

Australian Design Rule 83/00 will replace three current Australian Design Rule Standards, which set maximum noise emission levels for vehicles (ranging from motorcycles to passenger vehicles to heavy trucks), and will consolidate these requirements in one standard.

VARIATION TO AMBIENT AIR QUALITY NEPM (PM_{2.5})

In September 2001, NEPC commenced the formal process to vary the Ambient Air Quality NEPM to extend its coverage to PM_{2.5}. A Draft Variation and Impact Statement were released for public consultation in October 2002. Consultation was delivered through a call for submissions supplemented by public meetings in all jurisdictions.

Fourteen meetings were conducted in the eight capital cities and one regional centre (Launceston). A total of 34 submissions was received in response to the release of the Draft Variation and Impact Statement — 15 from industry groups and individual businesses, 10 from community groups and individuals, six government submissions and three from consultants. The majority of submissions supported the making of the variation but, in light of the comments received, some modifications were made, particularly in relation to the monitoring protocol.

With regard for the requirements of the NEPC Acts, NEPC resolved to vary the Ambient Air Quality NEPM in May 2003.

The PM_{2.5} variation establishes national advisory reporting standards that are protective of human health and will enable jurisdictions to assess air quality with respect to PM_{2.5}. The advisory reporting standards are a maximum concentration of 25 µg/m³ averaged over 24 hours and a maximum concentration of 8 µg/m³ averaged over one year.

The goal of the variation is to gather sufficient data nationally to facilitate a review of the advisory reporting standards as part of the review of Ambient Air Quality NEPM scheduled to commence in 2005. This goal is different from that of the remainder of the Ambient Air Quality NEPM, as the purpose of the variation is to achieve reporting against advisory reporting standards rather than achieving compliance with national environment protection standards.

Monitors for PM_{2.5} will be located in existing air monitoring stations identified in NEPM monitoring plans for PM₁₀, with the extent of monitoring to be decided by individual jurisdictions. The variation will require jurisdictions to report to NEPC the extent of monitoring undertaken, the number of times the monitored values (by the reference method) are greater than the advisory reporting standards, and PM_{2.5} data collected by other acceptable methods.

The variation also incorporates a PM_{2.5} Equivalence Program (see below) that includes a requirement to establish sites around Australia where reference method samplers and continuous direct mass measurement samplers will be collocated to establish correlations between the two measurement methods under Australian conditions.

PM_{2.5} EQUIVALENCE PROGRAM

The PM_{2.5} Equivalence Program included in the variation to the Ambient Air Quality NEPM will enable an assessment of the accuracy and precision of other PM_{2.5} monitoring methods in respect of monitoring data obtained using the reference method.

The program allows existing jurisdictional equipment to be used for monitoring particles as PM_{2.5}, but requires collocation with a reference sampler at a limited number of sites across Australia nominated by jurisdictions.

The collocated data collected at these sites will be used to establish whether continuous direct mass methods using a tapered element oscillating microbalance have accuracy and precision comparable with the reference method. If equivalence can be demonstrated, then PM_{2.5} monitoring data collected using the non-reference method can be used for the purpose of comparing monitored levels with the PM_{2.5} advisory reporting standards.

The equivalence program requires collection of data over a three-year period. A PM_{2.5} Equivalence Program Working Group has been established to conduct the program and undertake the correlation assessment.

AIR TOXICS NEPM

NEPC had previously initiated the development of a National Environment Protection (Air Toxics) Measure covering benzene, formaldehyde, polycyclic aromatic hydrocarbons, toluene and xylenes.

The aim of the NEPM is to improve the information base regarding air toxics through the consistent monitoring of sites where significantly elevated levels of air toxics are likely to occur and the potential for significant population exposure exists. Investigation levels will be developed to assist jurisdictions in assessing the results of monitoring and to ensure the evaluation of the source of any levels of air toxics that may be of concern.

Following the analysis of comments received on a Discussion Paper released in mid-2002, the Project Team convened a number of workshops with health and monitoring experts to determine the health basis of investigation levels for monitoring and to agree on monitoring methods and equipment to be used in the NEPM. The Air Toxics Non-government Advisory Group and the Air Toxics Jurisdictional Reference Network also assisted the Project Team in developing the draft Air Toxics NEPM and Impact Statement.

In May 2003, NEPC approved the release of the draft Air Toxics NEPM and associated Impact Statement for public comment. It is expected that NEPC will consider making the Air Toxics NEPM in April 2004.

AMBIENT AIR QUALITY — PEER REVIEW COMMITTEE

The Peer Review Committee was established to assist in the development and assessment of jurisdictional monitoring plans for the Ambient Air Quality NEPM. The Peer Review Committee comprises two nominees from industry, two from the environment movement, and one from each jurisdiction. Dr Mike Manton of the Bureau of Meteorology chairs the committee. Executive support is provided by the NEPC Service Corporation.

Following the approval of monitoring plans for all jurisdictions, the Peer Review Committee has had an important role in providing advice on proposed variations to monitoring plans, on quality assurance in respect of monitoring and other methods used to assess air quality, and on the national consistency of technical reporting under the NEPM. These activities will help to deliver a scientifically robust, consistent national database of ambient air quality performance for the Australian community.

The Peer Review Committee met twice during 2002–03.

Activities undertaken included:

- consideration of proposed variations to jurisdictional monitoring plans
- finalisation of *Technical Paper 8: Annual Reports for Ambient Air Quality NEPM*.

All technical papers developed by the Peer Review Committee are available on the EPHC website.

REVIEW OF CONTROLLED WASTES NEPM

The Movement of Controlled Wastes between States and Territories NEPM commenced in 1998. This NEPM provides for a national framework for developing and integrating state and territory systems for the management of the movement of controlled wastes between states and territories. The NEPM incorporates a requirement for a review after five years of operation.

In May 2003, the NEPC initiated a review of the NEPM with the following terms of reference:

- the effectiveness of the NEPM in achieving the national environment protection goal
- the resources available for implementing the NEPM
- relationship of the NEPM to national waste issues e.g. hazardous waste
- relationship of the NEPM to Agreements
- the need, if any, for amending the NEPM
- the impact of the importation of overseas waste.

Dr Paul Vogel, Chief Executive Officer of the South Australian Environment Protection Authority, is the Chair of the review. The report of the review will be considered by NEPC in April 2004.

PUBLICATIONS RELEASED IN 2002–03

All publications produced prior to 1 July 2003 are located on the website at <www.ephc.gov.au/php/list_document_types.php>.

Assessment of the Implementation and Effectiveness of NEPMs

The NEPC is required by the *National Environment Protection Council Act 1994* (section 24) to report on the overall assessment of the implementation and effectiveness of NEPMs and to have regard to reports on NEPM implementation from the Commonwealth, states and territories.

Assessments by NEPC on the implementation and effectiveness are provided below for the following NEPMs:

- National Pollutant Inventory
- Ambient Air Quality
- Movement of Controlled Waste between States and Territories
- Used Packaging Materials
- Assessment of Site Contamination
- Diesel Vehicle Emissions.