

## Endorsed Minutes – Q&A Session 7 July 2016

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**Meeting:** Williamtown Contamination Investigation Community Reference Group (CRG)  
**Date:** 7 July 2016  
**Location:** Mercure Hotel, Newcastle Airport      Time: 4.15pm to 8.00pm  
**Number:** 1609  
**Chairperson:** Jodie Calvert | Principal Coordinator | Department of Premier and Cabinet (DPC)  
**Secretariat:** Cheryl Clarke | Senior Coordination Officer | DPC

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### Attendees:

Scot MacDonald | Parliamentary Secretary for Hunter & Central Coast  
Chris Birrer, First Assistant Secretary | Department of Defence  
Karen Marler | A/Manager Hunter Region | Environment Protection Authority (EPA)  
Jeremy Hillman | Senior Stakeholder & Communications Officer | EPA  
Sam Waskett | PFC Project Officer | EPA  
Glenda Briggs | Regional Manager | Department of Primary Industries  
Dr Ben Scalley | A/Director, Environmental Health Branch NSW Health  
Dr Craig Dalton | A/Director Health Protection | Hunter New England Local Health District  
Dr Kathryn Taylor | Hunter New England Local Health District  
Air Commodore Craig Heap | Department of Defence  
James McLachlan | Department of Defence  
Sarah Davis | Department of Defence  
David Hartog | Department of Defence  
Vicki Pearce | Department of Defence  
Jason McCosker | Department of Defence  
Taj Pabla | Department of Defence  
Wayne Wallis | General Manager | Port Stephens Council  
Rhianna Gorfine | President, Williamtown and Surrounds Residents Action Group  
Phil Blanch | Community Member and Fisher's Representative  
Lyndsay Clout | Fullerton Cove Resident  
Julie Bailey | Salt Ash Community First  
Robert Gauta | Manager, Commercial Fisherman's Coop  
Justin Hamilton | Fullerton Cove Action Group & Williamtown Salt Ash Flood Group

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### Apologies

Don Burgoyne | NSW Farmer's Association | Community Member & Oyster Farmer  
Cornelius Disselkoen | Maria's Vegetable Farm | Community Member

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Andrew Smith | CEO Worimi Local Aboriginal Land Council | Community Member

Mark Salm | NSW Farmer's Association | Community Member & Oyster Farmer

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Number	Action Item	Responsible	Due Date
1609-1	Amended minutes to be circulated	DPC	completed
1609-2	Defence to advise whether they have conducted sampling and testing in Willow Lane	Defence	21 July 2016
1609-3	Any further community questions not covered in the meeting to be forwarded to Chair	community	21.7.16
1609-4	Circulate the Australasian Land and Groundwater Association presentations	DPC	completed
1609-5	Chair to liaise with Nick Marshall regarding background information for CRG	DPC	completed
1609-6	Defence to followup on DHS communications with affected persons and production of new written guidelines	Defence	21.7.16
1609-7	Chris Birrer to seek information from Defence Legal Branch around how claims are being handled	Defence	21.7.16
1609-8	Flyer on mental health outreach program to be recirculated to fishers and the wider community noting it is a NSW Health funded program	EPA/DPI/Health	21.7.16
1609-9	DPC to facilitate a meeting to identify solution to 14' drain following voluntary administration by Maria's Farm	DPC/EPA/OEH/PSC	21.7.16

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## Meeting minutes

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### 2. Endorsement of Minutes 23.6.16

Minutes of 23 June 2016 endorsed with the following amendments:

Actions List – DPI reworded to clarify the locations of results.

Fishings Closures – inclusion of Ministerial Statement regarding fishing reform.

Other Business – inclusion of request by Lindsay Clout for Defence to pay his plumbing costs for connection to reticulated water.

*Amended Minutes to be recirculated*

### 3. Actions List

1608-1 EPA advised that amendments to key report dates in the roadmap will be required prior to uploading to the EPA website.

1608-2 Draft DPI communication protocol to be forwarded to Fishers groups for feedback.

1608-3 presentations circulated. Rhianna Gorfine and Craig Heap to liaise directly regarding questions/answers from his presentation that are unrelated to CRG business.

1608-4 listed as an agenda item

1608-5 EPA advised no feedback yet

1608-6 confirmed. Testing does include C6-C8.

1608-7 Defence confirmed that the residential bore sampling program only tested for PFOS/PFOA, based on the advice of AECOM, who are contracted by Defence to conduct the environmental investigation. However, the Stage 2B environmental investigation sampled for a broader range of PFAS chemicals although the laboratory is unable to analyse all of them. The community raised the following questions which have been included in the table of community questions for response by agencies:

**3.1 Is Defence going to retest for PFHxS having regard to the EnHealth guidelines which have added PFOS/PFHxS together?**

**3.2 ALS has 20 different tests and it costs no more for all of them. Why didn't Defence test for all of them?**

The decision was based on an AECOM recommendation.

**3.3 Which health reference level is being used by Defence for the HHRA?**

As the EnHealth guidelines have not been released by the Commonwealth government yet due to caretaker arrangements, the interim level of 0.2 PFOS is being used. The federal coalition will review the EnHealth Guidelines if elected. Defence confirmed that they would adopt the EnHealth guideline values if it becomes Australian government policy.

1608-8 expected completion date for the Moors Drain Functional Assessment Report is mid August.

1608-9 Julie Bailey is gauging the community feeling for types of activities to be included in the community well-being program, particularly in the case for men who may prefer bbq gatherings, pool table, punching bags. The Chair assured the community that information collected on the activities to acquit public monies

would be de-identified and only involve the type of activity held, number attended and how the community felt about its success or otherwise. Julie sought a longer period of funding commitment by Defence to the program to allow sufficient time for the uptake to increase. The Chair noted that the Family Action Centre might also need a longer funding commitment by Defence in view of the investment of time in getting the program up and running.

1608- 11 EPA confirmed that they have not conducted testing in Willow Lane. Defence to ascertain whether they have conducted sampling and testing in Willow Lane. Lindsay noted that both surface water and bore testing is required as contamination of the ringdrain is confirmed and it overflows onto properties each time there is a rain event.

*Defence to advise whether they have conducted sampling and testing in Willow Lane.*

1608-12 Final draft of the ESA has been provided to EPA for comment. An engagement strategy will be developed when the document is finalised.

1609-2 EPA advised that they are not able to say whether properties in willow lane that back onto the ring drain have been tested but will followup with Defence.

The CRG noted that Defence has made arrangements with the Principal of Salt Ash Public School for Defence to remove the affected soil and provide new cleared soil. Julie requested that this be expedited to occur during school holidays.

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#### 4. API Property Valuation Protocol

Bob Du Pont is a member of the Australian Property Institute (API) Standards Board and has attended the CRG meeting to answer questions relating to the API 'Valuation Protocols – Williamstown Investigation Zone and contaminated land'. He explained the purpose of a special meeting which was held by the API for their valuer members on 3 June 2016. There were two concerns of valuers to be resolved: (i) address any WHS concerns so that valuers would return to conducting valuations in affected areas; and (ii) how do valuers make a valuation in the current situation of uncertainty.

Presentations were provided by Defence, EPA and Health at the API Forum. The agencies left the room and the valuers then discussed and agreed upon a way forward for their industry. Mr Du Pont clarified that it was not an open meeting for community but an industry meeting. The protocol was endorsed by the API Australian Standards Board and uploaded to their website for guidance to local valuers. The protocol is based on a risk rating and includes consideration of issues such as: whether the property has connection to town water, contamination results, and stigma associated with location. The protocol is a guide for valuations and can be reviewed at any time. The CRG noted the importance of water reticulation in reducing the level of risk applied as part of the valuation. It is not clear whether the Coalition's announcement of \$3.5m for reticulation can assist in this regard.

Mr Du Pont noted that the valuers are unable to control decisions of the banks. However, he will shortly present to the Banks Risk Managers at region level and will include the Valuation Protocol as part of the topic. It was noted that there are no guidelines for how long testing results are valid and who would pay for further testing should banks require it. The community noted the migratory nature of the contamination, particularly on a flood plain, and the need for a regular sampling program.

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Rob Gauta noted that fishers have been requesting further testing for many months. Only one test has been completed for certain species in 10 months and there has been no followup. The fishers do not consider one test on one sample on one day in December to be sufficient. Re-testing is needed to ascertain trends.

Justin Hamilton noted that a risk rating from 3-4 would appear to be automatic if there is no water reticulation and Fullerton Cove is an area in which residents have only ever used rainwater tanks. Bob Dupont noted that it would be ranked 3 if it was outside of the investigation zone.

There was discussion on the land value protocol allowing valuers to consider the land 'fit for purpose for a house'. Justin Hamilton raised concerns that the absence of councils land zoning in the review raises concerns about how land can be assessed as fit for purpose if it is currently zoned rural and most properties are acreage but landowners cannot grow or consume produce from the land (rather than just live in a house). The CRG noted that one outcome of the Pasminco contamination at Boolaroo was the requirement for lead certificates to be included in land sale contracts. Community raised the issue of whether this is a likely outcome for postcode affected properties.

Wayne Wallis noted that the Valuer General has revalued 376 properties and reduced the valuation on the majority. There has been an average reduction of \$32K on residential, average \$63K on farmland and average \$51.5K on business. This is likely to reduce rates by approximately \$111, \$218 and \$421 respectively.

The following questions that arose as part of the discussions have been included in the table of community questions for response by agencies:

- 4.1 Will Defence offer bore testing and groundwater testing for people who wish to sell their property?**
- 4.2 Will Defence fund a further test where a Bank wants another test completed due to the length of time since the previous one?**
- 4.3 Will Defence undertake a regular sampling program?**
- 4.4 Will Defence (or the Australian Government) underwrite loans for properties?**
- 4.5 Will the NSW Government or Federal Government fund water reticulation for properties outside of the investigation zone?**
- 4.6 Will Defence fund further fish sampling to identify trends?**

The Parliamentary Secretary urged caution in communicating issues through the media to minimize impacts such as reduced land value on the local community. He also noted that he considered an upper house inquiry would not be useful. Community representatives were distressed by the comments particularly as ten months have elapsed and there is still no cleaning up action by Defence and the community was originally informed about the contamination by the Newcastle Herald rather than by government.

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## 5. EnHealth Reference Levels

Dr Ben Scalley joined by teleconference to answer questions relating to the EnHealth Guidelines. Dr Scalley is the A/Director, Environmental Health Branch, NSW Health and has been involved with PFAS issues and meetings with EnHealth.

### **5.1 What is EnHealth?**

EnHealth is a committee comprised of senior environmental health specialists

across Federal and State/Territory Governments. While there is a chair of this group, all jurisdictions collaborate to develop joint statements. All decisions are made by consensus which makes it a difficult, but thorough, process.

NSW hosted a PFOS summit of EnHealth representatives and other experts on the 11<sup>th</sup> of December 2015. A number of presentations were made on the day followed by many subsequent meetings. The enHealth guidance statements on Perfluorinated Chemicals released in March 2016 came from the work commenced in that summit. One of these statements was regarding Tolerable Daily Intakes (TDI) but EnHealth considered that there needed to be a separate group to advise on this issue. EnHealth sought advice from experts in toxicology to consider an appropriate TDI.

### **5.2 What was the involvement of overseas experts?**

The information was sourced from overseas and was considered by Australian experts. A follow up question asked specifically if Dr Marion Lloyd Smith was involved. Dr Ben Scalley confirmed after the meeting that she was not.

### **5.3 Is EnHealth relying on data that is 8 yrs old?**

enHealth considered the guidelines set by the European Food Standards Authority (EFSA) in 2008 to be applicable to an Australian context. Both the US EPA (2016) and EFSA (2008) guidance relied on key studies from prior to 2008. The key studies from these agencies were considered in both reviews, even though the European guideline was formed earlier. EnHealth considered information from other studies post 2008.

### **5.4 Why are there different levels for USEPA and EFSA?**

- (i) USEPA and EFSA used two key studies of chemical doses that cause animal health effects, both of which were published prior to 2008. The EFSA guidelines chose a “safe” intake amount for animals that was lower than the US EPA guidelines, but the “safe” intake calculated for humans (TDI) by the US EPA was lower because they used different safety factors when converting the animal dose into a human equivalent dose.
- (ii) The safety factors incorporated in converting the animal cut-off dose into a TDI applicable to humans account for: the difference between how animals react to a chemical versus how humans react (between species), and the difference between how one person reacts versus another person (within species).
- (iii) The USEPA used a mathematical model of how the chemical moves through the body into the blood to estimate the animal-to-human safety factors, whereas the European guidelines used standard default safety factors that are commonly used in Australian and international health risk assessment.

### **5.5 Why is there confidence in EFSA and not USEPA?**

The enHealth reviewers felt the European (EFSA) method aligned better with Australian risk assessment practice. The difference between Tolerable Daily Intakes (TDIs) across all international guidelines reflects the uncertainty (safety) factors chosen and **not** the underlying animal toxicity studies.

Whilst it is appropriate to use the EFSA level in an Australian analysis that does not mean that the USEPA level could not be considered. NSW Health will include USEPA in a sensitivity analysis to illustrate whether anything would change if the USEPA level was used when considering the report being produced by Defence.

### **5.6 Which level would be beneficial to the community?**

The answer is not clear-cut. Choosing a lower tolerable level would be more restrictive on what people can consume. The potential benefits of stopping consumption then need to be weighed against what is lost by not consuming, e.g. from not eating seafood. The European level is considered to be scientifically justifiable. The most appropriate response continues to be to minimize exposures to these high levels of these substances, e.g. by not drinking bore water.

### **5.7 Why did EnHealth include PFHxS?**

EnHealth considered that the available information on PFHxS was sufficient to allow a guideline value to be included for this substance. It is important to move quickly on emerging evidence that a chemical might be of concern and it was appropriate that it was quickly included.

### **5.8 Why are chemicals grouped together in calculating level?**

The EnHealth Guidelines add PFOS/PFHxS together as the chemicals are similar and have a similar effect.

### **5.9 What is a TDI?**

TDI stands for Tolerable Daily Intake. The brief definition of a TDI is: an estimate of the daily intake of a chemical which, during a lifetime of exposure, appears to be without appreciable risk, on the basis of all facts known at the time. All TDIs have a very generous safety factor built in to the level.

Lindsay Clout raised concern around now using different language and how does a community member manage their own TDI. NSW Health advised that EnHealth moved quickly to include PFHxS and use the term PFAS as there is emerging evidence that the chemical might be of concern. Regulators do not expect the community to have to apply TDIs. Rather, the TDI will be used to provide advisories on safe use of water and set acceptable levels for different foods to contain by Food Standards Australia and New Zealand (FSANZ).

### **5.10 How is a TDI managed against blood serum? If you have high levels in blood then shouldn't you have no ingestion at all?**

As TDIs are calculated on a lifetime of exposure, the level in blood at one point of time is less informative. Whether you have a high level or low level in blood it is always best to minimize exposure.

### **5.11 There is confusion around water levels and TDIs**

As a TDI is an estimate of the amount of chemical a person can safely consume, it can also inform levels in drinking water that could be consumed. There is a standard method for using a TDI to calculate acceptable water levels for any chemical based on the TDI for that chemical. This includes standardized weights, amount of water drunk and presumes that the person is also exposed to the substances from other sources.

### **5.12 How does Health manage these situations?**

If you consider the impacts of heavy metal found in fish from industry at Boolaroo, the recommended TDI was no more than 6 fillets of fish per week.

### **5.13 What are we looking at into the future for EnHealth to continue and manage the situation?**

In toxicology much of the evidence based is from animal studies. Studies of communities of people exposed to these substances can occasionally inform the evidence base but small communities do not provide sufficient number to provide useful information in most situations.



### **5.14 Do you recognize there are detrimental health affects?**

There are reasons for concern. The chemicals stay in both the body (around 6yrs) and the environment for a long time. The evidence of health effects in people is mixed. There has been some suggestion of a number of potential health effects. However, there may be other reasons why studies may find these effects in humans. The effects found in some human studies may be related to confounding, which means a third factor, unrelated to these substances, may be causing the effect. Also the disease itself may actually affect the level of the substances in the body. For example rather than these substances causing thyroid disease, it is possible that thyroid disease affects how quickly the body removes these substances. So while the study would find those with higher levels of these substances in the body are more likely to have thyroid disease, it could be related to the disease itself not from being exposed to the substances. The studies are of concern but this, and that these substances persist so long in the body and environment is why NSW Health promotes a precautionary approach before definitive evidence of effects is seen.

### **5.15 Was Defence involved in EnHealth?**

Defence was not represented on EnHealth but was represented on the Australian Health Protection Committee. Defence was asked to comment on the reasons for this who informed the group that an Air Vice Marshall responsible for medical treatment and support of Defence personnel is on this committee.

### **5.16 Was CRC Care involved in EnHealth?**

CRC Care was involved in the Workshop Expert Group.

### **5.17 What emphasis was placed on EnHealth by the Workshop Expert Group?**

The Workshop Expert Group recommended the TDI levels to EnHealth.

### **5.18 Does Defence part own CRC Care?**

No. Defence provides funds to CRC Care and other companies, on a fee for service basis, to conduct specific research on environmental projects.

### **5.19 Is the Chief Scientist bound by the EnHealth Guidelines?**

A robust scientific process led EnHealth to the EFSA guidelines as the most appropriate for Australian conditions. The Chief Scientist is not bound by any level but the EnHealth decision is defensible. EnHealth has recommended that the guideline be referred to Food Standards Australia and New Zealand (FSANZ) for assessment.

### **5.20 How long will we need to minimize exposure?**

The Environmental Site Assessment and Human Health Risk Assessment are expected to provide guidance on the risk to people and the movements of the chemicals over time, which will determine how long the precautionary measures need to be kept in place.

### **5.21 What about the research that talks about suppressing children's immunity and vaccinations?**

Study by Philip Grandjean

This was a serological study. It showed a correlation between PFAS levels and antibody levels but it did not investigate/show an increased rate of illness in the children. We intend to raise this with the National Centre for Immunology Studies for further expert advice.



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*Circulate the Australasian Land and Groundwater Association presentations to CRG*

## 6: Detention Basins

Defence noted that the detention basin is equivalent to holding 20 swimming pools of water. It is a standard stormwater drainage solution for slowing down and reducing discharge to alleviate flooding. It does not contain a membrane lining. The basin does not permanently retain water and it does not stop contaminated water coming off base.

There was discussion around the need for Defence to give priority to stopping contaminated water coming off the base and monitoring the contamination levels in water currently coming off the base. Phil Blanch noted that the likelihood of ongoing impact on the fishing industry whilst so ever contaminated water is coming off the base. The community reinforced their views that Lake Cochran should have been the priority for attention by Defence rather than the construction works and that the interests of Defence were put before the local community.

The following questions were raised during the discussion and have been incorporated into the table of community questions for response by agencies.

### **6.1 How is Defence monitoring groundwater as part of the new construction works?**

The earthworks construction groundwater is tested and then filtered through filtration plant and tested again. Test results come back in 2-3 days. Water is not moved until Defence knows it is clear of contaminants.

### **6.2 Will the water in detention basins be tested before it is released?**

### **6.3 Will there be any sampling after rain events?**

### **6.4 Is Defence trying to keep water on base to stop it going down Moors Drain?**

### **6.5 Why doesn't Defence empty water out and line it?**

### **6.6 Why is there a treatment plant for the construction water but not for Moors Drain?**

### **6.7 Why has PFHxS not been mentioned at all by Defence?**

### **6.8 Can Defence provide clarity around what chemicals are being tested?**

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## 7. General business

SACF request for additional seat at the CRG - Correspondence from Salt Ash Community First seeking an additional seat at the CRG was circulated to members for comment. No objections were raised and the application was supported by community. The Chair noted that the CRG is not a decision making forum and all members are expected to behave respectfully to each other.

*Chair to liaise with Nick Marshall regarding background material for the CRG*

Financial Assistance Package - The CRG had previously been advised that the Department of Human Services would directly contact people receiving payments and would also prepare guidelines on the new provisions. Phil Blanch advised that only one person had been contacted.

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*Defence to followup on DHS communications with affected persons and production of new written guidelines*

Compensation Claims - Phil Blanch advised that feedback from fishers who have submitted claims are that Defence is making it difficult for them. Example question: *If you are not working, why do you need a vehicle?* Fishermen were encouraged to go to Defence but they feel like the questions being asked of them are questionable.

*Chris Birrer to seek information from Defence Legal Branch around how claims are being handled.*

Lake Cochran – Defence confirmed that the interim water treatment plant will be operational by the end of September 2016.

NSW Health Counselling Service – The ½ day mental health outreach clinic at Fern Bay is a NSW Health funded program. Taking notes in consultations by doctors, psychologists and other health professionals is a standard practice. Medical notes are the most highly protected of information under legislation. However, there are situations where information can be subpoenaed. Any person is able to access their own counsellor through a GP mental health plan. Phil Blanch requested that another information flyer be distributed to fishers and fishing groups.

*Flyer on mental health outreach program to be recirculated to fishers and the wider community noting that it is a NSW Health funded program*

Environmental Site Assessment – Defence advised that there is no date yet for release of the ESA. A final draft has been provided to EPA for comment. The human health risk assessment is still due at the end of July for release early August. An engagement strategy is to be developed. Julie Bailey requested that it not be a drop in session.

Department of Primary Industries (provided post meeting) - Love Seafood Love Port Stephens campaign continues to re-build industry support. Destination Port Stephens will hold a seafood month in August, involving local restaurants and tour boat operators. Promotional Masterchef style seafood events will be held at Nelson's Bay Marina on 13/14 August using local wild harvest and aquaculture products and on 21/22 August there will be recreational fishing promotional and educational events. Love Seafood campaign supporters (Sydney Fish Markets, Newcastle Coop, Scot Macdonald and NSW DPI) will be recognised as Seafood Month sponsors. DPI is finalising EOIs from recognised training providers for Coxswain Training. The number of places will be limited by the remaining training funds.

Office of Environment and Heritage presentation – Lindsay Clout noted that there was discussion at the previous CRG meeting on modifications to the 14' drain arising from construction work on Maria's Farm. As the business has now gone into voluntary administration, Lindsay suggested that OEH should engage with the receiver to fix the drain.

*DPC to facilitate a meeting to identify solution to 14' drain following voluntary administration by Maria's Farm*

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## 10. Future meetings

21 July 2016

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**Meeting closed 8.00pm**

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**Next meeting:** The next meeting will be held on Thursday 21 July 2016 at Newcastle Airport Boardroom.