

Orica Mercury Independent Review – Steering Panel Meeting Thursday 14 March 2013 – Outcomes and Actions for ratification at next meeting

Attendees:	Mark Gifford (EPA, Chair), Greg Sheehy (EPA), Professor Mark Ferson (Health NSW), Dr Klaus Koop (OEH), Steven Poulton (CoBB Council), Lara Kirchner (CoBB Council), Talebul Islam (Randwick City Council), Professor Alison Jones (University of Wollongong), Chantal Snell (Community Member), Lynda Newnam (Community Member), Zack Thomas (EPA, Executive Officer)		
Apologies	None		
Documents Distributed	<ol style="list-style-type: none"> 1. Agenda 2. Steering Panel Member Summaries 3. Draft Terms of Reference (ToR) 4. Re-drafted Terms of Reference from Chantal Snell 5. Terms of Reference edits from Mark Ferson 6. Proposal for Surface Soil Sampling 7. Draft Scope of Works 		
Item	Discussion/Action	Responsibility	Actions
1	Welcome and Introductions		
2	<p>Background</p> <ul style="list-style-type: none"> Historical background regarding Orica plant, mercury issues and lead up to Independent review and other issues in the area. Sentiment of community regarding testing and assessment of the risks. The motion passed in the community meeting regarding testing which the EPA must address. 	Zack Thomas/ Greg Sheehy	Action 2.1 The EPA to write response to community motion and post on web.

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	<ul style="list-style-type: none"> • Future meeting location agreed to CoBB Town Hall, frequency dependent on activity. • Discussion regarding additional community members on Steering Panel; including size and efficiency, community consultation and noted that Councils represent their communities. <p>2. Items to be added to the Terms of Reference</p> <ul style="list-style-type: none"> • Agendas, Orders of Business and Non-verbatim notes including Action Items will be circulated to the panel for approval. • Documents will be made available on the EPA Orica related webpage and for linking to on community sites. • Costs / budget will be a standing item on the Agenda. • Reference to be made to Out of Session Work. • ‘Directed by Minister’ should be included. • That testing will be done must clarified. • Community forums will take place at key points. • Timeframes for Review. • Steering Panel high level statements and actions will be available to the public. • Randwick City Council needs to be added to membership. • If involvement of other parties is required these will be addressed as issues arise. • Guidelines on expenses for Steering Panel meetings. • Nominations for alternate representatives will be permitted in advance. Noted that Alison Jones will not have an alternate. 	<p>Zack Thomas/ Greg Sheehy</p>	<p>Action 3.4 The EPA to provide response regarding additional community membership.</p>
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	<ul style="list-style-type: none"> • Quorum will be two community members, the Chair and Alison Jones. • Decisions will be ratified out of session. 	Zack Thomas	Action 3.5 All items to be added to draft terms of reference and circulated for ratification.
4	<p>Proposal for Preliminary Surface Soil Sampling</p> <ul style="list-style-type: none"> • The EPA raised the possibility of conducting limited preliminary surface soil sampling in public areas. • Discussed risks in terms of rigour and providing little scientific reassurance, appearing tokenistic and the need for an approved methodology or it could compromise the credibility of the panel, the experts on it and the EPA. • However, it may provide some comfort to the community. • Ms Snell asked if testing could be complementary to future investigations • Majority of Panel members (5/6) did not support the proposal. 	Zack Thomas/ Greg Sheehy	Action 4.1 Investigate if testing may be complementary part of process. (Subsequent email from Ms Snell agreeing that preliminary sampling should not go ahead as they would not be independent if conducted by the EPA).
5	<p>Draft Scope of Works</p> <ul style="list-style-type: none"> • Draft Scope of Works built from community concerns and current info provided to panel. • Validity of testing volatilising mercury in warmer months discussed. Analytical requirements would not change in regard to seasons. The health risk assessment would consider this factor in terms of pathway, dose and toxicity. Seasonal and meteorological factors on testing are included in Scope to be considered. • Information collection from community and worker written and verbal representations to be included. • Applicants will need to present to the steering panel. 	All	Action 5.1 Please read and provide feedback before next meeting.

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	<ul style="list-style-type: none"> • Reviewer will need to present recommendations to community. • There needs to be a 10-fold health risk assessment. • Review will require a number of stages: <ol style="list-style-type: none"> 1) Information and data review 2) Sampling program and analysis 3) Health Risk Assessment for Public Health Concerns 4) Health Risk Assessment for individuals • There will be a need to investigate susceptible populations and there will be ethical concerns. • There are a range of skills required so applicants will probably need experts from a number of disciplines. 	<p>Zack Thomas</p>	<p>Action 5.2 Collate all feedback and provide revised draft Scope of Works before next meeting.</p>
<p>6</p>	<p>Procurement Process</p> <ul style="list-style-type: none"> • Likely selective tender process with invitees to tender who bid and then go through the selection process. • If costs greater than \$250,000, then an open tender is required which will take much longer. • For the staged approach applicants could apply for different parts, some will run concurrently but stages will inform each other. • Applicants will present to the Panel who will assess tenders and test applicants' suitability. 		

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7	<p>Costs Management</p> <ul style="list-style-type: none"> • Orica has agreed to pay for the review and understand the importance of this process. • Orica will need to know what it is paying for. The EPA will inform Orica about progress. • However it will be very difficult to estimate the costs for the sampling and testing, particularly the clinical health assessment components, which could be \$2000-\$3000 per person depending on the risk profile. • If there are any disputes with Orica in regard to testing sites or payment the EPA will work through those issues. 	Zack Thomas	<p>Action 7.1 Costs Management will be a standing item on the Steering Panel agenda.</p>
8	<p>Any Other Business</p> <ul style="list-style-type: none"> • The next CLC meeting has requested an update on the health risk exposure from mercury which will be generic only at this point. • Mark Ferson requested that the EPA give an outline of the review process at the CLC. • There is a risk of creating anxiety which can lead to ill health. We need to ensure community concerns are addressed balanced to the risk. • There is also the potential for impacts from publicity about toxicity: a map of sampling areas could affect real estate prices for example. Income and livelihoods can be impacted by communications. • Balance is required and the steering panel must go away with consistent messages and be prepared to back its decisions. • The principles must be – to work cooperatively, with goodwill, and use constructive communication that reflects the deliberations of the panel. 	Zack Thomas	<p>Action 8.1 Provide update to CLC meeting of 26th May on Independent Review Process.</p>