

Analysis of Public Comment on the National Pollutant Inventory Public Discussion Paper of February 1994

Prepared for the Environment Protection Agency
January 1995

Executive Summary

This is a summary of conclusions drawn from the following report prepared by Ernst & Young for the Commonwealth Environment Protection Agency (EPA) on public comment provided in response to the National Pollutant Inventory (NPI) Public Discussion Paper of February 1994.

The conclusions relate to the 13 key consultation issues and related matters contained in the Discussion Paper.

Public Right-to-know

Stakeholders are divided in their support for the NPI. The proposal is unanimously supported by environment, conservation and community groups. Industry is divided. Significantly the proposal has some support from key industry bodies. State and Territory respondents were generally opposed to the NPI. The small number of local government respondents support NPI.

The concept of the public right-to-know has wider support than the NPI, although the divisions between stakeholder groups remain.

Significantly each stakeholder group has different perceptions about the public right-to-know. Some environment, conservation and community groups are seeking to expand the limited 'third party rights' contained in the NPI.

Freehill Hollingdale & Page (solicitors) and the Australian Centre for Environmental Law provide extensive discussions of the 'third party' rights issue.

Outcomes of Exposure to Public Scrutiny

Stakeholders are strongly divided on whether increased information would lead to better environmental outcomes.

Environment, conservation and community groups generally support the position, while industry seriously questions the linkage and suggests more direct mechanisms are available. One government agency indicated that increased public awareness may lead to pressure for increased regulation.

Industry questions whether the NPI will provide a stimulus for cleaner production.

The need for priority to be given to public education and/or information initiatives was widely recognised by stakeholder groups.

Functions of the NPI

Stakeholders are strongly divided over the functions of the NPI.

While environmental, conservation and community groups support the statement of functions contained in the Discussion Paper, industry does not. It is concerned that the NPI is unlikely to achieve the desired outcomes and is unlikely to prove cost-effective.

Responses received from all three levels of government question elements of the statement of functions of the NPI.

Relevance of International Models to Australia Stakeholders are divided over the relevance of international models.

Environment, conservation and community groups support what they perceived to be the best features of the US Toxic Release Inventory (TRI) and Canadian National Pollutant Release Inventory (NPRI) (chemicals and facilities).

Industry questions the relevance of international models in an Australian context. There is a widespread belief in industry that the experience of the Toxic Release Inventory in the USA in the 1980s is not relevant to Australian industry in the mid-1990s.

Very limited comment was received from government stakeholders. The NSW Government cautioned that the NPI should reflect Australia's administrative and legal system, while others questioned whether US industry profiles of the 1980s are comparable with those in Australia in the 1990s.

Benefits of a National Approach

Stakeholders are widely divided on the development of a national approach and the role of the Commonwealth Government.

A majority of environment, conservation and community groups favour the Commonwealth assuming overall responsibility and over-riding power, but accept a role for States and Territories in data collection and dissemination.

The majority of industry is opposed to a national approach. Industry respondents noted they were regulated by State and Territory governments.

The position of the few government respondents was more aligned with industry. State and Territory respondents indicate additional resources will need to be provided by the Commonwealth to compensate for the additional workloads.

Inventory Modules

Stakeholders are strongly divided over the proposed inventory modules.

Environment, conservation and community groups are supportive of modules and the majority support the addition of further modules.

There is virtually no support for the structure of the NPI from industry or government. Significantly, Department of Primary Industries and Energy, the National Greenhouse Gas Advisory Committee, the NSW Government and Victorian EPA have identified large areas of potential overlap and duplication.

The First Module: Hazardous and Toxic Materials

There is very little common ground in relation to the position of the three key stakeholder groups.

The comment in the Discussion Paper that 'no additional measurements would be required' for Module I is difficult to reconcile with stakeholder comments on the apparently limited nature of the various reporting requirements of State licensing arrangements and the expectations of environment, conservation and community groups.

Worksafe perceives substantial potential duplication of work it is undertaking.

Criteria for Reporting

With the exception of representatives of small business, stakeholders are opposed to an employee threshold level for reporting. There is broad acceptance that any reporting should not be related to industry category, rather, it should be universal and related to risk to the environment and public health.

Chemicals List for Australia

Stakeholder groups are strongly divided on the size of the list of chemicals appropriate for inclusion in the NPI.

Environment, conservation and community groups do not endorse a short list of 50-70 chemicals as proposed and prefer a significantly expanded list.

Industry, on the other hand, opposes a list of more than 50 chemicals.

Computer System Requirements

Computer System requirements as an issue was primarily of interest to environment, conservation and community groups. They seek to have both raw and aggregate data available in electronic and hard copy formats from a wide range of outlets including State and local government agencies and environment, conservation and community groups.

Government agencies acknowledge that uniform standards will need to be adopted for collection and reporting and that protocols would need to be established.

Legislation

Stakeholder groups are widely divided on the issue of legislation.

Environment, conservation and community groups strongly support the existence of overriding Commonwealth legislation.

Industry strongly opposes this approach, preferring the trialing of a voluntary program. If a legislative approach is required, industry prefers that amendments are made to State and Territory government legislation concerned with reporting and licensing.

Commercial confidentiality is also a major concern to industry. Environment, conservation and community groups propose that the public interest should be of primary concern.

The position of the limited number of government respondents is more aligned with the position presented by industry.

Costs

Stakeholders are divided on the estimated costs of the NPI.

Industry and the limited number of government respondents hold a common view that cost estimates are likely to be significantly understated. Some industry and government respondents have suggested 'piloting' to establish actual costs.

Environment, conservation and community groups support a 'polluter pays' principle, and additional government funding for related initiatives is requested by a number of respondents.

In contrast, industry advocates application of the 'user pays' principle.

Benefits

Stakeholder groups are divided over the benefits to be attributed to an NPI.

Environment, conservation and community groups endorse the statement of benefits attributed to the NPI in the Discussion Paper.

In contrast, industry believes the benefits to be massively overstated. It does not believe the NPI to be a cost-effective regulatory mechanism.

The limited number of State government respondents does not believe the benefits to have been demonstrated.

Local government respondents believe the third tier of government has been generally overlooked.

Further information and discussion is provided in the following report.