



**The Hon Roger Cook MLA
Deputy Premier
Minister for Health; Mental Health**

Our Ref: 60-20340
Your Ref: Petition No. 128

Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn

Math,

Thank you for your letter of 17 October 2019 regarding Petition No. 128 – Dust emissions in Port Hedland.

I welcome the opportunity to address the issues raised in the petition. Air pollution is an important environmental determinant of public health; therefore, I have referred the petition to the Environmental Health Directorate of the Department of Health (DOH) to comment on the issues raised. Detailed comments are attached for your consideration.

In brief, I am of the opinion that there is no requirement for an inquiry into dust impacts in Port Hedland on the basis that the concerns raised in the submission are based on factual errors and misunderstanding of the regulatory framework.

I trust that the information provided is reassurance that the DOH takes the health of the residents of Port Hedland and visitors very seriously.

Yours sincerely

**HON ROGER COOK MLA
DEPUTY PREMIER
MINISTER FOR HEALTH; MENTAL HEALTH**

- 4 NOV 2019

Att:

Attachment for correspondent Hon Matthew Swinbourn MLC

The following comments address the key points raised in the submission by the Hon Jacqui Boydell MLC.

1. Implementing the Taskforce recommendations

The Government has appointed a Senior Officers Group (SOG) and an Implementation Working Group to oversee the implementation of recommendations from the Taskforce's Report to Government. The first meeting of the SOG is scheduled for 29 October 2019.

2. Accuracy of the dust monitoring

The Department of Health (DOH) selected the monitor locations that best represented community exposure to dust. The Department of Water and Environmental Regulation (DWER) had oversight of the installation of the monitors which were installed according to the relevant Australian Standards.

The DWER and the independent consultant commissioned to undertake the Health Risk Assessment (HRA) assessed the monitoring data for its quality and its suitability to inform the HRA. The Australian Standards provide parameters for data capture and data quality, which had been met according to DWER.

This matter was discussed in detail with the community during the open day held in Port Hedland and reiterated during the public submissions period.

3. Doubts about BHP's response to compliance monitoring

BHP operates under a licence issued by the DWER (L4513/1969/18). The licence specifies requirements that must be met to mitigate dust. The licence clearly sets out levels of dust that trigger dust management actions. The dust triggers apply to a number of BHP boundary monitors (~15 stipulated in the licence) as well as the community monitor at Taplin Street. Failure to meet the requirements can result in prosecution if a breach of the licence is substantiated.

Residents can raise suspected or alleged breaches of the licence with the DWER to investigate.

4. Taplin Street monitor is not giving true and accurate dust representation for triggering dust suppression activities

It is incorrect to characterise the Taplin Street monitor as the only monitor that triggers dust mitigation activities for compliance purposes. Dust triggers apply to a number of BHP boundary monitors (~15 stipulated in the licence) as well as the community monitor at Taplin Street.

A network of seven monitors, of which Taplin Street is one, was installed to collect data for the HRA. DWER will use data from these monitors to assess compliance against the guideline when DWER takes over the network.

The following comments address the key points raised in the submission by the petitioner Mr Gary Wightman

5. Compliance point monitoring

See response to (3).

6. Days recorded above the WHO & NEPM

An interim guideline of 70 µg/m³ for dust has been in place in Port Hedland since 2007/8. Therefore, it is incorrect to compare monitoring data to the NEPM or WHO guidelines of 50 µg/m³. The level of dust has in fact reduced by at least 40-50% since 2006 with the gradual implementation of tighter industry regulation and local community dust mitigation strategies.

The reasoning behind the interim guideline was discussed with the community at a number of open days and in a number of fact sheets distributed to the community over the past 10 years. Information has been available on the DOH and Department of Jobs, Tourism, Science and Innovation websites for a number of years.

7. Lidar

Lidar technology is useful for identifying the source and trajectory of dust plumes. However, it is not useful for determining mass concentration of dust that can be compared to a guideline.

8. Why don't the same regulations apply as in Esperance and Geraldton?

This refers to port activity. The same industry regulatory framework occurs at all ports in WA; Port Hedland is no different. Activities at a port are managed through licences issued by the DWER. Licences contain conditions to protect the environment and public health pertinent to the commodity handled at the port.

9. Buy-back scheme is an admission that West Hedland is not a safe place to live.

A voluntary buy-back scheme is being proposed. The scheme is a recognition that over time the throughput at the port may outstrip the technology to mitigate dust emissions in the adjacent areas.

10. Continued engagement with the community

Engagement with the community has been a constant since 2009. Community has been consulted at each key decision making step either through face-to-face open forums or through community representatives. The Department of Planning are currently engaging with the community with respect to the planning improvement scheme.