

**Submission
No 63**

**INQUIRY INTO INQUIRY INTO PFAS CONTAMINATION
IN WATERWAYS AND DRINKING WATER SUPPLIES
THROUGHOUT NEW SOUTH WALES**

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Submission to the NSW Legislative Council Inquiry on Regulating PFAS Chemicals to Prevent Water Contamination

Thank you for this opportunity to submit to this upper house inquiry on PFAS (per and polyfluoroalkyl substances). I write to express my strong support for stringent regulation of per- and polyfluoroalkyl substances (PFAS) to prevent environmental, water and human contamination across Australia. Whilst this inquiry is focused on NSW, it is also worth noting that at a national level, the Australian Government should consider the inclusion of a wider range of PFAS in the drinking water guidelines as is common in several other countries and in line with international best practice.

I only recently became the NSW Member for Pittwater during the October 2024 by-election. The by-election period coincided with media reports of PFAS contamination in Medlow Dam in the Blue Mountains, contaminating Sydney's drinking water. As such, many of the constituents I now represent voiced their concerns about this issue during the campaign. I consistently heard the need for stronger protections against PFAS contamination. Constituents have also brought up with me concerns regarding PFAS and other chemicals and pollutants in fast fashion, particularly goods from unregulated international sites.

One of my key commitments to my electorate is to advocate for preventative health measures. Scientists are now aware of the significant health and environmental risks posed by these persistent chemicals, including immune system dysfunction, endocrine disruption, and certain cancers. Their widespread use in firefighting foams, industrial processes and consumer products has led to alarming contamination of water sources across the world. Here in Australia, including in NSW, PFAS contaminations are disproportionately impacting rural and Indigenous communities.

All jurisdictions should adopt a best practice approach

We have the opportunity not only in NSW but in all jurisdictions in Australia to lead the way on PFAS regulatory reform. We must collectively take the opportunity to embrace best practice from other jurisdictions such as the USA both at a federal level and state level in Colorado and the European Union. Examples of international best practice include:

Europe: In 2023, the European Food Safety Authority (EFSA) and several EU member states created an *"Initiative group on PFAS"* with the aim of sharing information and building collaborative approaches in the field of risk assessment of PFAS. Further, the EU has instituted several regulations to tackle PFAS in food. The regulations minimise exposure to PFAS, protecting both public health and the environment throughout the EU. [More information on these regulations can be found here.](#)

United States of America: [In April 2024, the Biden Administration finalised the first national drinking water standards through the US Environmental Protection Agency.](#) The new regulation will reduce PFAS exposure for around 100 million people. [This is part of wider body of work begun in 2021 by the Biden Administration across eight federal agencies to address PFAS usage,](#) including at sites owned and operated by the Department of Defence, the Food and Drug Administration efforts to test the food supply and advance work to estimate dietary exposure to PFAS from food.

US State of Colorado: Since 2022 Colorado has banned the sale and distribution of products intentionally adding PFAS including cookware, food equipment and artificial turf

and requires labelling for other products containing PFAS such as wet weather outdoor gear. This legislation followed [an action plan in 2016](#) to address the health and environmental effects of PFAS and [a fund established in 2020](#) to help prevent further contamination and reduce exposure to PFAS. The state government is also proactive in informing its residents about how to reduce possible exposure to PFAS and what proactive steps can be taken in your everyday life to do so.

Key recommendations for regulatory action include:

1. **Enhance Legislative and Regulatory Framework:** Strengthen NSW legislative measures/requirements to improve testing, monitoring, mitigation strategies and public reporting for PFAS contamination, ensuring health-based guidance values meet or exceed international standards.
2. **Integration across agencies and existing laws:** I acknowledge that the federal government has a key leadership role in regulating pollution across Australia. I would urge this NSW upper house committee to recommend greater leadership from both state and federal agencies in this regard, to consider international best practice and ways to ensure that frameworks, standards and guidance are being implemented consistently and rigorously at a state and territory level. We need to have consistency, clear guidance and greater enforceability as we continue to deal with PFAS across Australia.
3. **Implement Enforceable and Improved Drinking Water Standards:** Establish stringent, science-based maximum contaminant levels (MCLs) for PFAS in drinking water supplies nationwide, aligning with the precautionary principle and international best practices. The US has set a legally enforceable maximum level of four parts per trillion for PFOA and PFOS in drinking water. Our standards are not nearly as stringent: for PFOS and PFHxS, a level of 70 parts per trillion is the maximum.
4. **Identify sources of PFAS chemicals:** This includes firefighting retardants, clothing, water repellent uses, furniture, cosmetics - identifying those that impact water systems and which chemicals are the greatest risks.
5. **Ban Non-Essential PFAS Use:** Prohibit the manufacture, import, and use of non-essential PFAS-containing products, focusing on alternatives in textiles, food packaging, and household products.
6. **Comprehensive Environmental Monitoring:** Mandate PFAS monitoring across NSW in surface water, groundwater, and soil, with transparent public reporting and community involvement. Ensure monitoring aligns with the terms of reference, emphasising the adequacy and extent of data collection on PFAS levels in waterways and drinking water sources.
7. **Polluter Accountability and Remediation:** Enforce the "polluter pays" principle, ensuring responsible corporations fund contamination cleanup and provide reparations to affected communities. Include consideration of historic and current firefighting practices as sources of PFAS exposure.
8. **Investment in Research and Alternatives:** Fund ongoing research into PFAS health impacts, remediation technologies, and safer chemical alternatives, while supporting industries transitioning away from PFAS use. Align research with the latest international best practices for water treatment, filtration, and environmentally sound disposal.

9. **Protection of Vulnerable Communities:** Ensure protective measures prioritise regions with existing contamination, including First Nations communities and socially disadvantaged areas disproportionately burdened by PFAS pollution. This includes improved government engagement and support for affected communities.
10. **Alignment with Global Standards:** Align Australian PFAS policies with the Stockholm Convention on Persistent Organic Pollutants and other international frameworks to prevent regulatory loopholes.

The regulation of PFAS chemicals is not just a matter of environmental protection but of public health equity and sustainable development. By acting decisively in its recommendations, this inquiry can safeguard our nation's biodiversity and the wellbeing of its citizens.

Since being elected, I have also had constituents contact me very concerned about the proposed plastics recycling plant, PlasRefine, in the Southern Highlands. I am pleased that the proposal has been now been rejected. I am very concerned about the health implications of microplastics, which raises concerns that run parallel with the terms of reference of this select committee's inquiry. The Minderoo-Monaco Commission on Plastics and Human Health has highlighted that *"plastic production workers are at increased risk of leukemia, lymphoma, hepatic angiosarcoma, brain cancer, breast cancer, mesothelioma, neurotoxic injury, and decreased fertility. ... Plastic recycling workers have increased rates of cardiovascular disease, toxic metal poisoning, neuropathy, and lung cancer."*

However, I am concerned that the NSW Planning System enabled this type of proposal to proceed as far as it did. This demonstrates a need to ensure any reform is not siloed and is properly integrated across agencies and legislation at all levels of local, state and federal governments. Planning uses that risk PFAS or microplastic contamination into the environment, particularly waterways, should be prohibited. I encourage this select committee inquiry to make recommendations specifically on how to prevent similar such projects across Australia from going ahead in the future, particularly those with federal jurisdiction, approval and/pr oversight.

It is worthwhile to note that a similar project near Northumberland Pennsylvania in the United States of America shows the link between plastics recycling and the danger of PFAS when proposed near sources of drinking water. A Texas based company, Encina, proposed a \$USD 1.1 billion advanced recycling plant in the county, claiming PFAS would not be produced in its manufacturing process. Nevertheless, experts noted that PFAS would almost certainly be a part of this sort of recycling operation that washes vast quantities of post-consumer plastic and discharges the wastewater into a rivers and waterways. Some of that plastic waste would almost certainly be coated in PFAS, and some of them would escape from the plastic during the washing stage and get into the Susquehanna River. [However, in April 2024, Encina announced it would not be moving forward with the proposed project.](#) There was vocal opposition from residents of Northumberland County, alongside issues with Encina unable to secure the needed local approvals.

Thank you for considering this submission. I urge the committee to recommend the strongest possible regulatory framework in NSW to address PFAS contamination.

Yours sincerely,

Jacqui Scruby
Independent Member for Pittwater