



Have your say on clean air

Public consultation now open on the NSW Clean Air Regulation 2022

What is the Clean Air Regulation and why is it changing?

The Clean Air Regulation sets the legal framework for managing air quality in NSW and controlling air pollution. It has a real impact on how healthy our communities are and how much air pollution they are exposed to. It controls the emission of pollutants from industry – including coal fired power stations, motor vehicles, wood heaters, and other sources.

Right now, the NSW Environment Protection Authority (EPA) is seeking feedback on the draft *Protection of the Environment Operations (Clean Air) Regulation 2022 (the proposed Clean Air Regulation)*.

The proposed Clean Air Regulation will replace the existing *Protection of the Environment Operations (Clean Air Regulation) 2021 (the existing Regulation)*, which is due to be repealed on 1 September 2022. The existing Regulation is being repealed because under the *Subordinate Legislation Act 1989* regulations are designed to have a limited life so that their continued relevance and effectiveness can be assessed periodically.

What needs to change?

Disappointingly, the regulation of coal fired power stations will barely change under the proposed Clean Air Regulation. This means that air pollution from these sources is unlikely to go down in the short-medium term.

The current standards of pollution are too high. The proposed Clean Air Regulation does not reduce pollution limits, or 'standards', for toxic air pollutants despite a NSW Parliamentary Inquiry committee finding last year that:

"...it is time that NSW's comparatively outdated and relaxed exceedance limits are tightened to reduce harmful impacts to NSW residents' health."

Consequently, standards for toxic pollutants known to harm health such as nitrogen oxides, sulphur dioxide, particulates and mercury remain too high. The standards are weak compared to many other countries where technology is used to minimise these pollutants.

The proposed Clean Air Regulation includes requirements for power station operators to reduce pollution over time **but they would not be required to do this for at least 3-8 years**. This is far too late to protect community health.

Not only would pollution reduction occur too late, but under the proposed Clean Air Regulation it could be avoided altogether. This is because **operators like AGL and Energy Australia may apply for exemptions from the law. This means they can avoid having to reduce their pollution by installing technology designed to protect community health.** We've seen this occur repeatedly with Delta Electricity's Vales Point Power Station. It means the community continues to be exposed to dangerous levels of air pollution.

Why should I make a submission?

Air quality impacts everyone. We must fight to protect it.

We know that big polluters will be calling for NSW's lax pollution laws to stay as they are. That's why it is crucial our elected representatives and public servants hear from members of the public who are willing to speak up for cleaner air.

We know that air pollution is toxic and that coal fired power stations are the biggest source of controllable air pollution in NSW.

The proposed Clean Air Regulation endeavours to make some changes to the way that pollution from coal fired power stations is regulated but, in our view, the changes do not go far enough to protect community health. It is important for decision makers to get this feedback before they finalise the law.

The consultation process is an opportunity to have your say on the unacceptable levels of pollution currently permitted by NSW law and to provide your feedback on how the proposed Clean Air Regulation can be strengthened to protect public health.

Add your voice by making a submission to the EPA by 5.00pm Friday 3 June 2022.

What should I include in my submission?

Firstly, start with the basics and think about:

- why you care about air pollution
- how air quality impacts you
- what evidence you want to use to back up your statements
- what recommendations would you make to the EPA

Find more helpful tips to get started here:

<https://envirojustice.org.au/three-easy-steps-how-to-write-a-submission/>

Specific things you may want to address are:

1. Pollution from coal fired power station is dangerous and harms human health

- Analysis of health impacts caused by coal fired power stations in Australia has found that they contribute to 845 babies being born with low birth-weight, 14,434 children with asthma, and 785 premature deaths each year.
- There is abundant evidence that fine particle exposure can cause adverse health effects and increased risk of death.² There is no safe level of exposure to air pollution.³
- Nitrogen dioxide is strongly associated with childhood asthma and impaired lung development, which can lead to lifelong adverse health effects and premature death.⁴
- Long term exposure to sulfur dioxide, even at low concentrations, has been associated with cardiorespiratory mortality.⁵

2. Australian air pollution standards are weak compared to many other countries

- Power stations in NSW are licenced to emit toxic air pollution at concentrations far greater than power stations in other jurisdictions. For several decades the US, EU, South Korea, China, Japan and other nations have required increasingly effective pollution controls for particle matter, nitrogen oxides, sulfur dioxide and mercury.
- Figure 1 below outlines the difference in NSW air pollution standards for coal fired power stations compared to the EU.

3. Technologies exist to reduce air pollution from coal fired power stations

- Various forms of technology exist to reduce emissions from coal fired power stations, such as low nitrogen oxides burners wet scrubbers or selective catalytic reduction methods.
- Pollution standards that apply to coal fired power stations should be tightened to require the installation of best practice pollution reduction technologies.

4. No coal fired power stations should be exempt from the standards in the proposed Clean Air Regulation

- The proposed Clean Air Regulation contains changes that are designed to make some of the biggest emitters, like AGL's Bayswater and Energy Australia's Mount Piper, move to tighter pollution standards over time in 2025 and then 2030. Not only is 2030 too late but operators can apply for exemptions.
- Power station operators should not be able to get exemptions.
- The proposed Clean Air Regulation gives operators a significant lead time to install pollution control technology to bring their pollution down. They should not be able to avoid pollution standards that are intended to better protect community health.
- Coal fired power station operators must be required to improve pollution control technology as their power stations get older to reduce risks to human health and the

How do I lodge the submission?

There are two ways that you can lodge a submission with the EPA:

1. You can email a written submission to the EPA at: air.policy@environment.nsw.gov.au. We encourage you to make a written submission if you can because that way, you can tailor it to suit your concerns.
2. Alternatively, you can lodge a submission by completing the 'Have your say' section on the EPA's website here: <https://yoursay.epa.nsw.gov.au/poeo-clean-air-regulation-2022>

The 'Have your say' survey will ask you a series of questions. You do not need to engage with every question and can click 'next' if you do not want make a comment on a specific aspect of the proposed Clean Air Regulation.

This submission guide provides information to assist you to answer the questions in the survey under the heading 'Air impurities emitted from activities and plant'.

Importantly, you must make your submission by Friday 3 June 2022.

Contact us

We'd love for you to share your submission with us, or if you have any questions and need more support get in touch at hello@envirojustice.org.au or ncc@nature.org.au.

Figure 1 - comparison of air pollution regulation at NSW coal fired power stations to EU limits in force since 2017

	Solid particles (mg/m3)	Nitrogen oxides (mg/m3)	Mercury (µg/m3)	Sulfur dioxide (mg/m3)
Bayswater and Mount Piper current licence limit	50	1500	50	1700
Vales Point current licence limit	50	980	50	1700
Proposed 2025 NSW pollution standard (group 5)	50	800	NA	NA
Proposed 2030 NSW pollution standard (group 6)	50	500	NA	NA
European Union existing black coal plant (daily average limit) *	8	200	4	205
Comparison with current licence limits	NSW up to 6 times worse than EU limit	NSW up to 7.5 times worse than EU limit	NSW up to 12.5 times worse than EU limit	NSW up to 8 times worse than EU limit
Comparison with proposed 2030 limits	2030 limit still up to 6 times worse than EU limit	2030 limit still up to 2.5 times worse than EU limit	NA – no limit proposed	N/A – no limit proposed

*Table 10.3 – 10.7, Best Available Techniques (BAT) Reference Document for Large Combustion Plants, Industrial Emissions Directive 2010/75/EU, European Commission, 2017, <http://dx.doi.org/10.2760/949>.

References

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- ⁵ Wang, X., Hu, W., & Tong, S. (2009). Long-term exposure to gaseous air pollutants and cardio-respiratory mortality in Brisbane, Australia. Geospatial Health, 3(2), 257-263.