

Draft amendment to ban fire-fighting foams containing perfluorinated alkylated substances (PFAS)

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EPA 1103/17: This information sheet explains the proposed changes to the current Environment Protection (Water Quality) Policy 2015 to prohibit the use of fire-fighting foams containing perfluorinated alkylated substances in South Australia. This amendment is a consequence of a comprehensive review of the potential environmental impacts of the use of these chemicals. The development of a draft amendment to an environment protection policy is subject to the statutory process required by section 28 of the Environment Protection Act 1993.

1 Introduction

Perfluorinated alkylated substances (PFAS) are manufactured chemicals that do not occur naturally. It is also known as perfluorinated compounds (PFC). Specific types of PFAS include perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

PFOS and PFOA are contaminants of emerging concern in Australia and internationally. In the environment, PFCs are known to be persistent and bioaccumulative, and have been shown to be toxic in some animals. PFCs can be transported long distances (potentially kilometres) in water and air and can readily transfer between different media (eg soil, sediment, surface water and groundwater). In 2010, nine new chemicals, including PFOS, were added to the *Stockholm Convention on Persistent Organic Pollutants* list.

Many countries have phased out, or are in the process of phasing out the use of PFOS and PFOA. The Australian Government Department of Health's National Industrial Chemicals Notification and Assessment Scheme (NICNAS) has monitored PFOS and PFOA use through four national surveys, which show that these chemicals are not manufactured in Australia. NICNAS has recommended since 2002 that Australian industries should actively seek alternatives to PFCs and PFC-related substances. The alternative chemicals should be less toxic and not persist in the environment.

PFCs are added to some types of fire-fighting foam to improve the foam's ability to smother fires. There are believed to be stockpiles of fire-fighting foams containing PFCs still in use. Large quantities have been used at airports, major hazardous facilities (eg refineries, fuel terminals and chemical terminals), fire-fighting facilities and training facilities. They were used copiously from the late 1960s to the early 2000s.

The historic use of such fire-fighting foams has resulted in some areas within these sites becoming contaminated with PFCs. Over the past decades, these chemicals have worked their way through the soil to contaminate surface and ground waters, and have also migrated into adjoining land areas.

The presence of PFCs in the environment has been an issue of significant interest among the public interstate, particularly in New South Wales and Queensland where PFCs have been found in groundwater used for drinking; groundwater is not widely used for drinking in SA.

The purpose of this amendment is to legislate for the banning of future use of fire-fighting foams containing PFOS, PFOA and chemicals that degrade to PFOS or PFOA throughout SA. The Environment Protection Authority considers the ban appropriate to prevent any potential future environmental harm.

Whether hand-held fire extinguishers should be included within the scope of the ban will be discussed as part of the consultation process. The use of hand-held fire extinguishers is generally localised and therefore, easier to contain and clean up. Should hand-held extinguishers be excluded from the ban a guidance document outlining appropriate disposal and clean-up methods for these devices will be produced during the implementation phase of the ban.

2 Next steps in the processes to develop the draft amendment

The draft amendment is being developed in accordance with the requirements of section 28 of the Environment Protection Act, *Normal procedure for making policies*, which specifies the process the EPA is required to follow.

Following consultation, the EPA will report to the Minister on the outcomes of the consultation and recommend including any amendments that resulted from the submissions. Thereafter, the draft policy is approved and an implementation date is established.

3 Draft amendment to the Environment Protection (Water Quality) Policy 2015 (inclusion to prohibit the future use of fire-fighting foams containing PFAS)

The draft amendment will operate in the same way as the current ban on antifoulants containing tributyltin in clause 13 of the Environment Protection (Water Quality) Policy 2015.

While the legislative amendment is straightforward, the implementation processes for the proposed ban will be more complex. Consultation will focus on industry views regarding implementation of the proposed ban. Issues such as timeframes for implementation and requirements for different forms of application will be considered in finalising implementation arrangements.

Further information

Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

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