

## Response ID ANON-XVYX-N2FA-6

Submitted to **Independent review of the 'water trigger' legislation**

Submitted on **2016-01-29 22:28:58**

### Upload submission

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#### 2 Would you like to submit your uploaded file now or continue to the questionnaire?

No, I would like to continue to complete the questionnaire

### TOR 1: Examine the appropriateness of the regulation including whether it is necessary and well targeted

#### 3 Is there a significant likelihood of a substantial negative environmental impact from coal seam gas and large coal mining development on water resources in the absence of the water trigger legislation?

Yes

**Please tell us why:**

When the companies involved...such as IMDEX Limited who primarily supply fracking liquids and mining fluids refuse to release material safety data sheets on 497 products they sell to the market ...no evidence is needed to assume a lot of those products are banned from a content standpoint and also a water contamination point. For example one product which a secretary released to me from IMDEX --COREWELL tm listed on Imdex MSDS as completely non toxic....Poly(acrylamide-co-acrylic acid) partial sodium salt at 80 - 90% is listed as highly hazardous in water by the WGK Germany at only 20% content here/// <http://www.sigmaaldrich.com/catalog/product/aldrich/511463?lang=en&region=AU> as 3 meaning --copied from <http://www.ilpi.com/msds/ref/wgk.html> -Definition

The German Federal Water Management Act requires that substances be evaluated for negative influence on the physical, chemical or biological characteristics of water. These are classified into numeric water hazard classes (WGK or WHC depending whether you use the English or German acronym).

Additional Info

The water hazard potential is based on the properties of the substances (in particular acute oral toxicity for mammals), toxicity for aquatic organisms (mostly fish and bacteria) as well as biodegradability and bioaccumulation. The ranking is assigned by the Commission of the Evaluation of Water Hazardous Substances (KBwS) in which the German federal government, the German States and industry are represented.

Class Hazard Potential

nwg

"nicht wassergefährdend" Not hazardous (formerly WGK 0)

1 Slightly hazardous to water

2 Hazardous to water

3 Extremely hazardous to water

From this referenced statement we can clearly see that even company released MSDS are inaccurate and full of monomers...apparently putting" do not add to water" on the MSDS for IMDEX alleviates water concerns ...unless of course you are pumping it into the water.....which their clients clearly are....

.

#### 4 Is the scope and focus of the legislation appropriate to the problem being addressed?

No

**Please tell us why:**

It has far too many loopholes for exclusion and exemptions. As I mentioned in Q3 many companies are exploiting these loopholes and external information elludes to the toxic nature of the substances sold clearly for adding to water in the Australian market with "do not add to water" warnings....The legislation must enhance the liability for suppliers products regardless of the "warnings" ...for example if a product is sold for use in CSG wells which use water than clearly any product containing chemicals which may for any reason end up in the waterways or water must be made illegal. Due primarily to the fact none of the suppliers can guarantee correct use and clearly are simply hiding behind "do not add to water" whilst instruction read on how to correctly mix with water.... this creates an environment where toxic products do in fact end up in our water and are sold with the governments blessing. Declarations about use, suitability for suggested use, and other uses need to be declared and whenever a flag is raised it should result in further investigations to clarify its safe use irrespective of on label warnings or MSDS warnings.

#### 5 Are there significant gaps in the scope or intent of the legislation?

Yes

**Please tell us why:**

Loop holes allow off label use veiled by insignificant warnings about "do not use for...." whilst known use is only for the very thing it is advised not to use for.

**6 Please upload additional information relating to TOR 1 if you wish**

**File upload:**

Documenttor1.pdf was uploaded

**TOR 2: Effectiveness of the regulation in protecting water resources from the impacts of coal seam gas and large coal mining projects, including the role and scope of work given to the IESC**

**7 In your opinion has the water trigger legislation been effective in protecting water resources potentially and actually affected by relevant developments?**

Uncertain

**Please tell us why::**

The future cumulative effects have not been assessed. Bio accumulation of chemicals and the unknown compounds that may result from cross linking chemical compounds in waterways still remain unknown and as such a rule regarding future bioaccumulation and unintentional created compounds possibility must be included so that liability for toxicity accidents cannot be revoked upon "not reasonably foreseeable" the honess must be on "proven safe" as there is no room for accidentally poisoning our rivers. Any product no matter how seemingly innocuous can react with other compounds naturally occurring in the waterway such as antinomy ect...Loop holes need to be closed and laws regarding supply of goods as acceptance of liability no matter the label use suggestions and advices .

**8 Please upload additional information relating to TOR 2 if you wish**

**File upload:**

Document 1.docx was uploaded

**TOR 3: Identify any opportunities to improve the effectiveness of the regulation**

**9 Are there gaps in the scope of the legislation that reduce its effectiveness in protecting water resource from relevant developments?**

Yes

**Please tell us why:**

Known off label uses. Where chemicals are supplied to a known off label user. Example COREWELL by IMDEX. Notes do not add to water on MSDS when the products known use is for CSG extraction heavily contaminating water with Poly(acrylamide-co-acrylic acid) partial sodium salt which according to german assessment is highly hazardous in water but under australian laws - do not add to water removes this toxicity rating. One product out of 500 known to be used in CSG extraction against the label warning of do not add to water....

**10 Are there opportunities to improve the clarity of the legislation? This could include responses concerning the definitions of actions which are covered by the legislation, and whether the approval conditions on those developments provide benefit in protecting water resources.**

Yes

**Please tell us what type/s of opportunities may improve the clarity of the legislation:**

specific indication of suppliers facing liability if shown to supply intentionally for against or off label uses. Users must also face the same liability for incorrectly using products and penalties could be massively increased to promote appropriate use of chemicals and such that may in all reasonable expectation end up in waterways. All chemical additives and contents must be freely publicly available to allow appropriate research of all products that may foreseeably or unforeseeably end up in our waterways.

**11 Are there improvements that could be made to the way in which advice is sought by the Australian Government from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) that could increase the efficiency of processes required as part of the water trigger?**

Yes

**Please tell us why:**

Consult experienced municipalities who have had CSG industry and learnt from experience about water issues. Anecdotal evidence must be treated as evidence untill such time as it(product or chemical) is proven safe.

**12 Were stakeholders appropriately involved in the implementation of the water trigger legislation?**

Yes

**Please tell us why:**

**13 Please upload additional information relating to TOR 3 here if you wish**

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**TOR 4: Examine the efficiency of the regulation in protecting water resources from the impacts of coal seam gas and large coal mining projects**

**14 Have there been additional administrative compliance and delay costs arising from the water trigger that have affected business, community organisations and individuals?**

No

**Please tell us why:**

Testing and proving safe of chemicals and products is not required. It should be and yes this would be a burden however if one is seeking profit and comfortably foresee that profit a small increase in costs to ensure safety is quite reasonable and in fact expected by the constituents to protect the future livability of areas.

**15 Has the water trigger been beneficial in providing environmental outcomes, community confidence in the regulatory system of applying science to decision-making and management of environmental risk?**

No

**Please tell us why:**

Insufficient implementation and testing of products used has not being undertaken. See my previous examples of malpractice by CSG/LNG industry. Not a single person in the environment office of government has any idea of what is being used in industry and that in itself is not only a disgrace but also creating liability issues for the government ministers of the day.

**16 Has the water trigger delivered an overall benefit when regulatory costs are compared to the environmental and other benefits?**

Uncertain

**Tell us why:**

see 15.

**17 Have there been additional administrative and other costs to governments arising from the implementation of the water trigger?**

No

**Tell us why:**

see 15

**Upload file:**

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**TOR 5: Identify any opportunities to reduce or simplify the regulation whilst maintaining its effectiveness**

**18 Are there any opportunities to reduce or simplify the regulation whilst maintaining its effectiveness?**

No

**Please tell us more:**

The regulation has failed to be implemented

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**TOR 6: Identify any recommended appropriate future review points of the regulation**

**19 Are there particular points in time, outside the statutory schedule for the review of the EPBC Act (reviewed every 10 years from commencement) that should be considered as review points for the water trigger?**

Yes

**Please tell us why:**

Any occasion where contamination occurs

**Personal information**

**20 What is your name?**

**First name:**

dean

**Last name:**

connolly

**21 I wish to make this submission anonymously**

Not Answered

**22 Contact details**

**Email address:**

[REDACTED]

**Mailing address:**

**Postcode:**

[REDACTED]

**23 What is your organisation (if applicable)?**

**Organisation:**

none

**24 What has been your involvement with the Water Trigger legislation?**

Other (please describe)

**Please describe:**

I drink water and swim in it.

**25 How did you hear about the water trigger review?**

Community organisation or peak body

**If other, how?:**

**26 Rate the following sources of information regarding the water trigger review.**

**rank - Department of the Environment website:**

Neutral

**rank - Issues Paper:**

Neutral

**27 Which of the following sources of information do you find useful for information on coal seam gas and coal mining?**

**Rate sources of information - Media:**

Not useful

**Rate sources of information - Government:**

Not useful

**Rate sources of information - Scientific and research bodies such as CSIRO and universities:**

Not useful

**Rate sources of information - Information from community groups and peak bodies (eg websites, newsletters):**

Useful

**Rate sources of information - Informal sources such as word of mouth:**

Not useful