Submission on the Draft PFAS National Environmental Management Plan Version 3.0

December 2022

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australian Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

This Submission was endorsed by MWAC on Wednesday, 14 December 2022.

Introduction

WALGA appreciates the opportunity to provide feedback on the *Draft PFAS National Environmental Management Plan 3.0.* The group of manufactured chemicals known as PFAS (per-and-poly-fluoroalkyl substances) has been in use for more than 50 years in a range of products in both domestic and industrial applications.

PFAS are used to make products non-stick, water repellent, and fire, weather and stain resistant, and due to their chemical nature have become prevalent in the environment through a range of supply chains. In 2018, the Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination was established, the primary focus of which is to protect the environment from, and take precautionary action to minimise human exposure to, PFAS contamination.

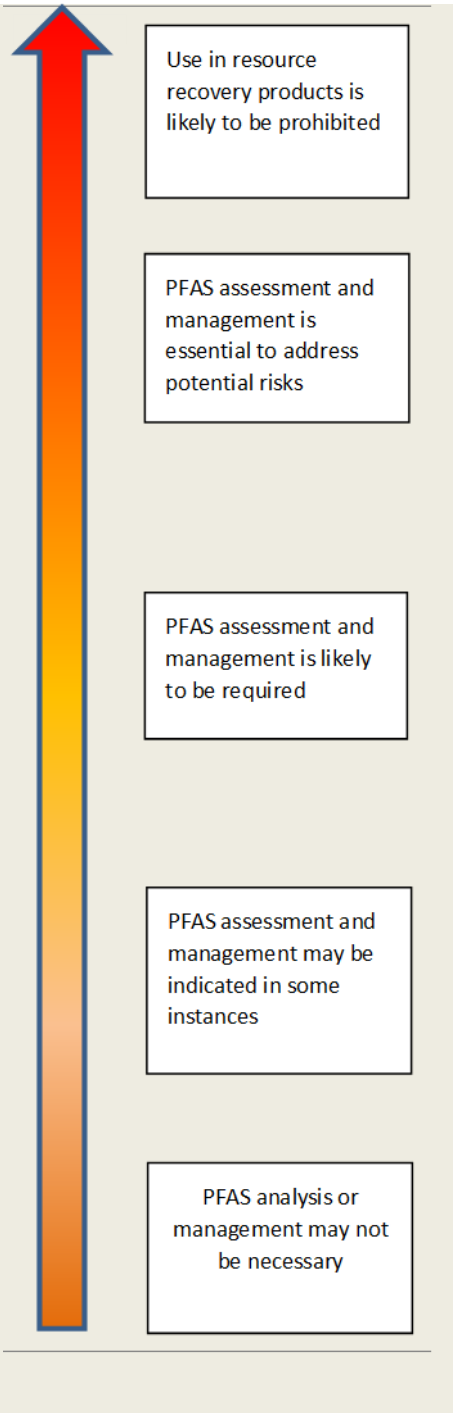
The *PFAS National Environmental Management Plan 3.0* (PFAS NEMP) provides nationally agreed guidance on the management of PFAS contamination in the environment, including prevention of the spread of contamination. The PFAS NEMP identifies the likelihood of PFAS occurrence in waste and waste derived products is dependent on the waste stream. Given the use of PFAS in food related materials such as packaging and paper, it is expected PFAS are likely to be present in both food waste and food waste derived materials.

The PFAS NEMP acknowledges there is limited information currently available on the occurrence and concentration of PFAS in organic wastes. However, a general guide to assessing the risk of PFAS in a range of materials has been provided, based on regulatory experience and understanding of the likelihood of PFAS being present at concentrations that may pose a risk for beneficial reuse of the material (see Table 1).

The PFAS NEMP recommends producers of resource recovery materials adopt a 'feedstock management plan' approach to control, monitor and record potentially PFAS-impacted waste inputs used to form a product.

Table 1 Hierarchy of levels of assessment required for some common organic waste types with respect to potential PFAS content

Waste type	Examples[b]	Level of assessment required
Organic-derived (industrial) liquid wastes	Interceptor trap waste; textile effluent and residues; industrial wash waters; solvents	
WWTP solid outputs	Biosolids[c], sludge cake	
Septage waste	Liquid or solid components from pump-out of septic tanks	
Paper waste	Paper, cardboard, paper pulp, paper processing sludge.	
Domestic organic wastes	MWOO, FOGO	
Animal wastes	Manure; abattoir wastes, animal bedding organics	
Treated timber waste	Waste from timber composite materials[d]	
Natural (untreated) timber wastes	Wood packaging, woodchips, sawdust, shavings	
Natural fibrous organics	Peat, seed hulls/husks, straw	
Green waste/mulch derived from controlled collections	Grass, leaves, tree prunings	



Notes:
a. This table provides a guide to potential risks associated with PFAS only. Other contaminants that may be present in organic waste materials should be assessed separately.
b. Examples are provided as a general guide; however, the list is not exhaustive.
c. Use of resource recovery products containing biosolids must comply with concentration criteria and CLBAR requirements outlined in Section 15.
d. PFAS have been detected in composite wood products. The source of PFAS is likely to be adhesives used in these products (Bečanová et al. 2016).

Comments

The assessment tool outlined in the NEMP identifies the risk of PFAS concentration in Food Organics Garden Organics (FOGO) material as higher than that of garden organics material only, due to the supply chain effects of PFAS being present in food waste. The accumulation of PFAS in food supply chains is undesirable as it would increase the complexity in recovering organic wastes for a circular economy.

At present, 16 Local Governments in Western Australia offer a FOGO system to residents, and some commercial properties, for the collection of food and garden organics. In addition to food and garden materials, other compostable items accepted include shredded paper, food soiled paper and cardboard, tissue and paper towels and animal droppings. Through the Department of Water and Environmental Regulation (DWER) FOGO Reference Group, and WALGA Consistent Communication Collective, acknowledging the potential risks posed by PFAS, the approach being taken is to emphasise that the main materials which should be placed in FOGO are food organics, garden organics and certified compostable caddy liners. Currently, the agreed position in WA is that compostable plastics are not to be disposed of through the kerbside FOGO system.

There is limited information available on current levels of PFAS within Western Australian organic waste products. However, in addition to the likelihood of PFAS being present in food waste, the inclusion of fibre based packaging and other paper products within this waste stream is likely to increase the potential risk of PFAS being present.

Single-use Plastic bans are resulting in a wider range of alternative packaging being introduced, with approximately 3.5 million tonnes of fibre-based packaging (including paperboard, paper bags, and plant-based fibres such as wood, bamboo and bagasse) being placed on the Australian market in 2019-20[1]. In addition, the increase in the availability of, and drivers to move to, compostable packaging has contributed to community confusion regarding accepted materials in the FOGO stream as many products labelled as 'certified compostable' or perceived as compostable are excluded from current kerbside collection. WALGA's Submission on Stage 2 of the WA Single Use Plastic Ban addresses this issue.

In September 2022, the Australian Packaging Covenant Organisation (APCO) released its Action Plan designed to support businesses to phase out intentionally added PFAS in fibre-based food contact packaging by 31 December, 2023. The action plan highlighted the high incidences of PFAS in fibre-based food packaging, in large part due to their water and heat proof repellent properties and offers a structured framework to identify and test for PFAS within packaging as well as transition to safe alternatives.

Conclusion

As a long term means to mitigate the risks raised by PFAS in the organic waste stream, WALGA proposes the use of PFAS in the manufacture of packaging products and compostable alternatives be addressed through a national phase out / ban.

WALGA supports the actions being undertaken by APCO, to assist businesses in phasing out intentionally added PFAS in fibre-based food contact packaging, noting that any alternatives nominated through the process must be functional and safe for use.

[1] Action Plan to Phase out PFAS in Fibre-Based Food Contact Packaging - APCO

To limit the scope of materials containing PFAS entering the organic waste stream going forward, Local Governments have agreed revised messaging promotes the key FOGO feedstocks of food organics, garden organics and certified compostable caddy liners, and de-emphasises the collection of paper and cardboard and other products through the FOGO kerbside system. The refining of the focus of the communications will assist in reducing the risk of PFAS in organic waste, as well as providing a clear and consistent message on the primary materials intended for FOGO.

Implementation of PFAS management plans in downstream supply chains will be further considered through engagement with the DWER FOGO Reference Group and licencing requirements for the facilities processing FOGO.