Dear Director,

RE: PROPOSED ENVIRONMENT PROTECTION REGULATIONS AND ENVIRONMENT REFERENCE STANDARD

About Asthma Australia

Asthma Australia is the country’s peak consumer asthma organisation. Our mission is to help Victorians breathe and live freely. One in nine Victorians have asthma which equates to approximately 714,000 people. Almost half of these people don’t enjoy good asthma control, and this puts them at risk of life-threatening asthma attacks, emergency health service use and excessive burden from their disease.

Air Pollution in Victoria

Asthma Australia welcomes the passing of the *Environment Protection Amendment Act 2018* (Vic) (“the Act”) and calls upon the Victorian Environment Protection Agency (EPA) and the Department of Environment, Land, Water and Planning (DELWP) to take a deliberate and strategic approach in the implementation and enforcement of the Act and its subordinate legislation in order to protect the lives and wellbeing of people vulnerable to the impact of pollution and burns which are conducted across Victoria.

Air pollution from landscape fires; bushfires, forestry burns, and hazard reduction burns, are dangerous irritants for people with asthma. Exposure to wood smoke, and the inhalation of particulate matter and noxious gases as well as organic compounds are known to cause the onset of asthma symptoms. Asthma symptoms can escalate in severity and become life-threatening and we do not currently have means to determine which symptoms and when they escalate to dangerous levels. In 2018, 89 Victorians died from asthma, this figure was 109 in 2017 and 118 in 2016. We know that the majority of these deaths are avoidable¹.

As well as exacerbating symptoms in people with diagnosed asthma, air pollution from woodsmoke is also associated with new cases of asthma².

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¹ Australian Bureau of Statistics, Asthma deaths by age and sex selected by state of usual residence (25 September, 2019).

In Victoria we observed the devastating effects of airborne exposures during the 2016 Thunderstorm Asthma Epidemic where 8000 people rushed to emergency departments and 10 people lost their lives in just a few hours of exposure to pollen during a significant weather event. We also acknowledged the tragic loss of life and significant trauma experienced by people exposed to woodsmoke during landscape fire events and periods of wood smoke-related high air pollution days. In 2016, one week of poor air quality due to hazard reduction burns in Sydney was associated with the premature deaths of 14 people due to heart or lung disease and hospitalisation of 58 people due to respiratory disease alone. Between 2003 and 2013, we noted the health impact of landscape burns in Australia causing 787 asthma-related hospitalisations and 197 asthma-related deaths. The long-term impact of the Hazelwood coalmine fires is still being witnessed, with the Victorian Inquiry attributing over 11 premature deaths from the disaster that spanned 45 days.

It is imperative that all agencies in Victoria take the opportunity of this reformed environmental protection regime to lead the country in protecting the wellbeing and safety of people vulnerable to the impacts of the unique and changing Victorian environment. The people of Victoria deserve responsible regulation that has a tangible impact on protecting the environment - this includes a regulatory system and enforcement mechanisms that are effective and not beholden to special interests. The implementation of clear parameters will provide clarity and security to operators and community alike.

Our Recommendations

Asthma Australia, on behalf of the 700,000 Victorians with asthma urges the EPA and DELWP to:

1. Use the new permissions regime to regulate forest burns. Such implementation would include enforcement of optimum burning practices and burning limits both in terms of estimated pollution emitted from burns and in terms of the number of burns permitted in adjacent areas. Such activities should be required to comply with the General Environmental Duty where burners are provided with detailed guidance about how to achieve compliance. We note that the current draft regulations do not expressly mention forestry operations, and this should be sufficiently addressed.

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2. Enact new regulations within the Act which, for example, define planned burns as a specific division of Draft Regulations 5.2 in order that they are subject to specific regulation.

3. Consider the General Environmental Duty (GED) as an instrument that should apply to planned burns in order that burners are obliged to follow strict protocols, including when they are not permitted to minimise the impact of the practice.

4. Make best use of the Better Environment Plan (BEP) to compel key stakeholders around planned burns to collaborate on innovation to reduce the harmful impact of burning. Manual removal of biomass for hazard reduction burning or other mechanisms for post logging waste management are examples where the EPA can make best use of the BEP to reduce harmful planned burning.

5. Apply and enforce the law, including the bolstered Civil Penalty Provisions contained in Part 11.5 when breaches occur. The EPA can exempt certain activities from the GED but where this exemption is not provided, this could constitute a breach of at least the GED within the legislation.

Concluding Remarks

We must respect the opportunity and responsibility given to us by our community to be honest and true to the intention of the most significant reforms in Victorian environmental protection legislation in a generation, and the purpose statement of the Environment Protection Authority to protect the environment and people by preventing and reducing harm from pollution and waste. This statement implies an active role of agencies and the community. With this Act, the Victorian Government has an opportunity to lead the way by helping Victorians live in safety and retain their quality of life.

Yours sincerely,

Anthony Flynn
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Asthma Australia