



Ms Lisa Corbyn
 Director-General
 Department of Environment and Conservation
 PO Box A290
 Sydney South NSW 1232

30th March, 2007

Dear Ms Corbyn,

Re: Gas Bottles

I refer to your letter of 1st March, 2007 and the meeting held between the Department of Environment and Conservation's (DEC) Tim Rogers and Roz Hall and Australian Council of Recyclers (ACOR) members on Thursday 22nd March 2007. We appreciated the opportunity to discuss the current status of EPR programs with NSW DEC senior management. As we articulated in the meeting, ACOR remains concerned about the need for extending EPR to four key products: gas bottles, lead acid batteries, smoke detectors and fluorescent tubes.

In particular, ACOR members are deeply concerned that the DEC has ignored calls for use of its regulatory powers to control dangerous gas bottles, and deflected all responsibility for management of these deadly hazards onto ACOR members who inadvertently receive them.

In our letter dated 15th November, 2006 ACOR called for an EPR program for gas bottles, and we expressed our disappointment that after eight years of discussion, representations and provision of evidence to your Department and its predecessors on the danger of these products to workers in the recycling and waste industry, as well as the public at large, the NSW Government has taken no steps to mitigate this danger. This is despite the fact that the Government clearly has the factual and documented knowledge and policy instruments available to do so.

During the same period, our members have continued to develop systems and take all possible steps available to them to eliminate these hazardous materials and the danger they represent, without this work being mirrored by any steps taken by your Department. On the contrary, the DEC has consistently taken a policy and more recently a public stand, which simply focuses the blame on the recycling industry as failing to deal with these materials. This is in contrast to the approach taken by Sustainability Victoria which is seeking to address these matters of concern consultatively.

Instead of taking a proactive stance to deal with the problem, your Department has passively resorted to its use of its environmental regulatory powers on recyclers alone, and has issued fines for explosions caused by rogue gas bottles that our members do not want, do not knowingly accept and take active and extensive steps to eliminate.

The NSW DEC has clearly failed to develop and promote a suitable alternative recycling or disposal pathway to prevent the improper disposal of end-of-life gas cylinders and to educate the community on the dangers of improper gas cylinder disposal. It is unsatisfactory to our members and the public at large that you are failing in this duty of care.

Your letter of reply dated 1st March 2007 states that you are “committed to taking regulatory action”, but our members are currently at a loss to understand what regulatory activities the DEC has undertaken in relation to managing these potentially dangerous materials upstream of our members’ facilities.

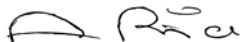
In fact, at our most recent meeting, DEC staff were unable to explain what steps have been taken and implemented to divert these dangerous materials from the waste stream, or indeed any enforcement measures to prevent their collection and transportation from public generators to decommissioning/recycling facilities, via councils, merchants, collectors, etc. Our members have real data that show the rate of illegal disposal of these products is increasing, and this growing hazard must not be ignored.

We would also like clarification on what “analysis has been undertaken to determine how materials can be added and removed from the list of wastes of concern”. We find it incredible that cigarette butts and plastics bags, which have not recently been known to kill people, are included, while gas bottles causing well-documented cases of explosions, severe burns and death remain off the list.

ACOR wants to see immediate regulatory action by the DEC using its EPR powers rather than confining DEC activities to unconstructive prosecutions and accusatory press releases after gas bottle explosions. Nothing less than a comprehensive infrastructure solution (regulations, management, retailing, use, collection, decommissioning, recycling and education) will stem the rising tide of these throwaway explosives. The first step in this process is to get gas bottles onto your EPR program.

We are forwarding a copy of this letter to NSW WorkCover and seeking an urgent meeting with the Authority to outline our deep concerns for public and employee safety. The letter and meeting will formalise our members' concerns over this subject.

Yours faithfully,



Anne Prince
CEO

C.C. John Blackwell, CEO, Workcover NSW