Note that submissions are in no particular order. Formatting in this document may differ from that in the original submissions as a result of file and text conversion.

TABLE OF SUBMISSIONS

1. Megan Richardson .......................................................... 3
2. Joshua Iles ................................................................. 3
3. Chris Vernon ............................................................... 3
4. Peter Eland ..................................................................... 4
5. Rod Thurley .................................................................... 4
6. Ross Giblin ..................................................................... 4
7. Bob Holderness-Roddam .............................................. 5
8. Peter Marshall ............................................................. 7
9. Craig Mackey .................................................................. 7
10. Mark Broadley ............................................................ 8
11. Tony Shea ...................................................................... 8
12. Fiona Allison .............................................................. 9
13. Graeme Hay ................................................................... 9
14. Geoff Tamplin ............................................................ 10
15. Mike Bulky .................................................................... 11
16. Harry Brown .................................................................. 11
17. Phillip Shearing .......................................................... 11
18. Terry .............................................................................. 11
19. David George ............................................................. 11
20. Jenny Warren ............................................................. 11
21. Colin Stephenson ......................................................... 12
22. Marc Newton .............................................................. 12
23. Andrew Fuller ............................................................ 12
24. Rosemary Farrell ......................................................... 12
25. John Powell ............................................................... 13
26. Susan Hartley .............................................................. 13
27. Michael Woolford ....................................................... 13
28. Andrew Verrier .......................................................... 14
29. Ben Chudoschnik ....................................................... 15
30. Anthony Canning ......................................................... 15
31. Jay Beaumont ............................................................ 15
32. Anonymous Submission ............................................... 18
33. Tracey Howard .......................................................... 19
34. James Park ............................................................... 19
35. Alan Watkins ............................................................ 19
36. Recycling Technologies Group .................................. 20
37. Stuart Rainbird .......................................................... 21
Compilation of Submissions on the Draft Smoke Regulations 2018

38. Theo and Amanda Poteris ................................................................. 22
39. Christine Rushton ........................................................................... 22
40. Robert Vaughan ............................................................................. 24
41. Australian Home Heating Association ......................................... 25
42. Gudrun Macklow ........................................................................... 25
43. Matt Ryan ....................................................................................... 26
44. Anton Sather .................................................................................. 26
45. Jamie Campbell ............................................................................. 27
46. Jade Grice ...................................................................................... 27
47. Gemma Barned ................................................................................ 27
48. Cleanairtas ..................................................................................... 28
49. Southern Midlands Council ........................................................... 32
50. Estelle Ross .................................................................................... 32
51. D.P. Wise ........................................................................................ 33
52. Jeff Jennings ................................................................................... 36
53. Dr James Markos ........................................................................... 36
54. Stephen Pratten ............................................................................ 37
55. Lynette Jones ................................................................................ 38
56. Moira Grindle ............................................................................... 39
57. Department of Health .................................................................. 40
58. Chris Peterson ................................................................................ 41
59. Donald Riddell ............................................................................. 41
60. Lisa Grindle ................................................................................... 44
61. Alex Newman ............................................................................... 46
62. Tasmanian BBQ Society ............................................................... 48
63. Environmental Health Association Tasmania ................................ 51
64. Silvia Krieg .................................................................................. 53
65. Mark Corrigan ............................................................................. 54
66. Central Coast Council .................................................................. 56
67. Vanessa Lake ................................................................................ 57
68. Professor Kevin Parton ................................................................. 58
69. Dr David Butler ........................................................................... 59
70. Anonymous submission ............................................................... 60
71. Paul Smart .................................................................................... 61
72. Daniel Albert ................................................................................ 62
73. Latrobe Council ........................................................................... 63
74. David Hearne ............................................................................... 63
75. Kingborough Council .................................................................. 64
76. Tasmania Fire Service .................................................................. 65
77. Australian Air Quality Group ....................................................... 72
78. Local Government Association Tasmania .................................... 80
1. Megan Richardson

I am writing in respect to the Smoke Regulations 2018 Consultation Draft. I strongly oppose the provisions provided in Part 3 (7), (1), (2) and (3) respectively. You cannot seriously suggest that it is reasonable for an individual to control smoke from a BBQ to the extent that it cannot last more than 30 seconds or seen by someone 10 metres away. Seriously, if my neighbour was to burn his steak then by rights he can be fined for said offence. He is also required to ensure that he only use wood in his fire pit that is so dry it will basically self-combust in order to be compliant with this regulation. The requirement for 30 seconds and 10 metres is completely unmanageable and will be difficult to enforce on Australia Day. You will need about 1000+ “authorised officers” out and about to make this one work.

2. Joshua Iles

Good afternoon my name is Joshua Iles, I'm a 22 year old resident of Hobart and have been my whole life. The fact you're looking to find people for running a bbq in their backyard is utterly ridiculous. I've recently started using offset smokers and cooked at MONA festival and I am now looking to make a legitimate business out of bbq. One of the greatest things about this state is the produce we have and get to cook each and every day. Don't take the possibilities of jobs and custom away from local butchers and farmers and caterers.

3. Chris Vernon

This submission relates to s7 of the proposed regulation.

Most if not all wood heaters in this rural area of the North West emit some visible smoke most of the time. The requirement to not emit smoke visible 10 metres from the source for periods exceeding 10 minutes is onerous and entirely impractical. Is the home owner who lights their wood heater expected to keep going outside to check how much smoke is coming from their chimney? The intent of s7 of the draft regulation appears to be aimed at removing wood fires and heaters from homes without the need to ban them. If the intent is to remove wood fires and heaters from homes then why not ban the sale of new ones and wait for the old ones to expire? A more practical alternative is to delete the proposed s7 and rely on the eventual replacement of old wood heaters by the new faster burning heaters.

This proposal would result in more people shifting to electric heaters increasing the reliance on and use of electricity. There are pensioners in this area who rely on wood heaters for warmth in the winter and this proposal would force them to move to more expensive forms of heating, which they cannot afford. One day of fuel reduction burning in the forests to the south of this area results in more smoke pollution than all the wood heaters and fires in this area burning for a year.

The proposed regulation may be intended to reduce smoke pollution in urban areas. If so, then the definition of residential premises could be changed to exclude rural resource and rural residential areas outside urban areas. I live on a 33 acres block so under this proposal I will be able to make as much smoke as I like burning vegetative matter outside but will have to control the smoke from my wood heater. This doesn’t make sense.
4. Peter Eland
I am writing in as I have just read about this proposed ban which from the information provided seems to seriously impact significantly on the Australian summer pass time of the backyard bbq! Whilst bbq’s have come a long way over the years many can still emit a lot of smoke, I agree with the idea of the policy for the other smoke emitting devices but clearly your proposal needs more research and unbiased work so a favourite pass time is not killed because families end up scared that they’ll be fined because of having a bbq.

Please as a concerned resident of inner urban living don’t kill off our bbq’s.

5. Rod Thurley
Draft regulations relating to new anti-smoke rules are a sham.

So ridiculous are these planned new restrictions I see it merely as a creation of the Liberals to provide a platform for Brett Whiteley and his soap box.

It has long been my personal view the EPA are not independent of government.

It does not serve the Tasmanian people fairly if departmental and authority heads are dictated to by government ministers, in the case of salmon farming, a federal minister.

6. Ross Giblin
I am taking the time to write to you regarding a published article in the Mercury news paper, which outlined some basic regulations with respect to particularly barbeque smoke.

To set the record straight – I am not talking about wood fires used for heating and these regulations should not be a blanket scheme.

For instance, sound/vibrations and light are subjective mediums – to have regulations outlining specific details of such is absurd and will not be recognised by the general public.

For instance, under what conditions should the smoke be observed, light sources, wind speed, smoke type, condensation, temperature. There are simply too many variables for you to adequately enforce these nonsensical proposed regulation changes.

It’s also pretty obvious that barbecueing is not a day long activity, traditionally in Australia, and those doing more American styled cooking are thin and far between.

If you’d like to make real positive change regarding atmospheric pollutants, subsidise the price of power for heating. Tasmania is cold, put cashbacks on professionally installed heat pumps, consult Tasnetworks or insulation consultancies and installers. Ban wood heaters for domestic use. Roll out some household efficiency lessons in the education syllabus. Don’t waste your time in the paddling pool – jump in the deep end.

Taking a stab at what is regarded as Australian culture was low – better spend your time elsewhere.
7. Bob Holderness-Roddam

Introduction

Thank you for your invitation to comment on the revised Draft Environmental Management and Pollution Control (Smoke) Regulations 2018. I am encouraged by your statement that submissions outside the scope of the Regulations ‘… will be of great assistance in the Government’s consideration of any future changes to air quality policy’.

This submission is a slightly revised version of that I made in 2017.

I welcome the revised draft smoke regulations. As a former resident of New Norfolk (1976-1990) I am only too aware of the problem of excessive smoke from wood fires and heaters. Since moving to Austins Ferry 28 years ago I have continued to observe excessive smoke production from domestic chimneys. Even with the current regulations I regularly observe up to six or seven properties producing excessive quantities of wood smoke. I attach as a separate document a photograph taken on Wed. 11 July 2018 showing seven chimneys smoking. This was taken from Shoobridge Park, Austins Ferry, looking west.

I view the failed MP Brett Whiteley’s comments reported in today’s Mercury (Thursday, 19 July 2018) as nothing more than a cynical attempt to obtain media coverage for his campaign in the forthcoming Braddon by-election. They should be ignored.

Domestic wood heaters

I fully support the adoption of the updated standards for wood heaters and the requirements for smoke visibility. However, I’d make two observations:

1. As an adult educator with many years’ experience, I am very cynical when I hear ‘education’ being promoted as a solution to societal issues. As they say ‘you can take a horse to water, but you can’t make it drink’.

   Whilst education, by the supply of advice and information in the wider community, will be assimilated by some residents; there is a significant proportion of society that is – for want of a better term – just ‘bloody-minded’ and will go out of their way to flout regulations. These people will only recognise one lesson, that being a hit to the hip pocket nerve. Which brings me to point two.

2. I note that 1.6 Implementation of the Proposed Regulations (p. 8) “… requires councils to use their ‘best endeavours’ to prevent or control pollution …”.

   As a former local government councillor, I am aware of the limitations placed on councils due to lack of resources, but I have concerns that smoke pollution from domestic heaters is unlikely to be monitored outside normal council hours, i.e. early mornings, evenings and at weekends when people are more likely to be at home and using heaters.

   In my experience councils are reluctant to take a hard line with repeat offenders. As an example, I have today advised the Glenorchy Council of three smoking chimneys in Austins Ferry. Each of these was visible from a considerable distance for at least an hour this morning. I pointed out that these were regular offenders, not one off. The Environmental health officer I spoke to commented that “this time she would send out a letter” and that in future I should contact Council’s customer service section [as opposed to contacting her section].

   Given the previous history of these properties, I would have expected the more appropriate response would have been for a Council officer to investigate these properties in person. This would have the benefit of giving Council first-hand evidence of these offences, and the offenders could be advised of their non-compliance at the time. They could be shown their smoking chimneys so that they could not dispute the evidence. Council officers could also photograph the properties for the record.
I note in the draft of the Regulatory Impact Statement (page), cost and benefits for Local Government (p. 34) that “… an average of more than one warning was issued per complaint”. Given the very serious health consequences from wood heater smoke, I would expect Councils to take action if the initial warning was ignored!

**Backyard burning**

This is another topical issue. I strongly support increasing the area in which backyard burning may be permitted to 4,000 m² or more.

Over the past eighteen months or so, there have been two cases of backyard burning within a couple of hundred metres of my property. The first was an incinerator which poured out a dark, black smoke for several minutes. Incinerators have been banned under GCC bylaws for around ten years. Council was advised.

The second was more recent, on Easter Monday 2017, and raises an important issue. At about 5:20 pm on Monday 17 April 2017 I became aware of a nasty smell of smoke in the vicinity of our home at 155 Main Road, Austins Ferry. Upon investigation I found a large cloud of thick, black smoke billowing up from a property to the west of Main Road. It appeared to be an internal property, possibly 188 Main Road. As I approached the area I noticed a Police vehicle departing.

I also phoned Tas. Fire Service, who advised me there was a 'registered burn' for a property off Main Road. They refused to advise the address on the grounds of confidentiality.

I advised both Council and the EPA per email. Council advised they couldn't investigate without the address. I then responded, stating that I would expect the TFS to supply that information, given that Council was responsible for enforcing the legislation.

I also wrote to the TFS advising that, since Council was responsible for enforcing the legislation, I expected them to supply the address of the property. I also stated that I felt the TFS should advise councils in advance of 'authorised burns' and that neighbouring properties should be advised too. I have had no response to that letter, to date!

I therefore submit that any burns authorised by TFS must be notified in advance to the relevant council and to the residents of neighbouring properties. Not only would this be a courtesy, but these residents could then be prepared in case a fire escapes onto their property through flying sparks, etc.

Related issue – illegal harvesting of firewood from reserves and private property (otherwise known as theft)

Illegal removal of dead – and living, standing – trees has been an on-going issue for some time. Perhaps the most notorious case was July 2016, when old growth trees used by Swift Parrots for nesting were illegally felled near Buckland (Hobart Mercury, 30 July 2016, p.3). A Swift parrot researcher estimated that ‘hundreds’ of trees had been illegally felled in the area over the preceding six years! This is clearly firewood harvesting on an industrial scale!

At this time of year (late autumn and through winter) one regularly sees trailers parked on roadsides with firewood for sale. There is no indication who these vendors are, or where the timber was sourced from. There is an urgent need for a firewood vendor registration system, with vendors required to prominently display a registration number at roadside sales sites and in newspaper and online advertising. I attach a policy brief dealing with this issue, along with a copy of an article of mine from the Mercury (23 May 2016).

**Conclusion**

1. I fully support the draft Environmental Management and Pollution Control (Smoke) Regulations 2018.

2. Councils must be more proactive in enforcing these regulations and legislation.
3. There is an urgent need for the regulation of roadside firewood sales.

8. Peter Marshall
All you are proposing to do is reach further into the lives of people and control what they do and when they can do it.

And why is it that "fining" people is always seen as the ultimate solution to any problem?
By all means address the issue of excessive smoke in our environment.....but don't start and finish with the softest targets...the ratepayers and taxpayers.

Big business has gotten away with blatantly polluting our beautiful state for decades.
So please don't be proposing to make smoke from a barbecue a fineable offence in any way shape or form. The smell of a bbq is an indicator of many things. The most significant thing......enjoyment.

9. Craig Mackey
I tender this submission regarding the draft smoke regulation.
I am glad to see my valuable tax payer dollars are being well spent in drafting this most ludicrous regulation.

Key points
- cooking bbqs and food outdoors must be protected as a basic right
- cooking must exempt from this regulation

The obvious issues with this regulation are
- nearly every bbq would break this rule
- in may cases it would only be policed where there are already neighbourgh tensions.
- who is going to determine what volume of smoke is an issue
Compilation of Submissions on the Draft Smoke Regulations 2018

- who is going to be able to differentiate steam from smoke when cooking low and slow.

In summary go find something of value to do rather than developing this dribble.

Where is the objective, what are the current measurable social/health issues that this is going resolve. By how much... I could go on and on.

Being a senior leader in a number of industries over my career, if I were presented with this I would be assisting the person who drafted it to consider other opportunities.

10. Mark Broadley

Thank you for the opportunity to comment.

I support the proposed draft. Any action to reduce the adverse impacts of smoke on our health is to be welcomed.

I really hope that one day not far away there will be a total ban on wood fuelled heaters in certain circumstances, such as a distance of less 100m from an adjoining neighbour.

We currently have a wood burner next door about 10m from our southern building wall. In certain wind conditions the smoke gets into our house causing us breathing problems. Its an insidious problem, one where from the outside you cannot necessarily smell the smoke but nevertheless it penetrates a home. The particulates must be so small that they can enter the home and of course small particulates are very bad for ones health. These problems I believe are more widespread than Government agencies would be aware of. We for example will not complain about our neighbour’s heater. They are friends, good people and we feel bad reporting to an agency. It needs an overall reform for built up urban areas such that wood heaters are effectively banned.

Please progress even more restrictions on smoke in urban areas.

11. Tony Shea

I tender this submission regarding the draft smoke regulation.

You lot have lost the plot... how much money have you wasted with this ridiculousness?? Too much smoke from a backyard family BBQ... get a grip for goodness sake!

This is a long way past over regulation!

Key points
- cooking bbqs and food outdoors must be protected as a basic right
- cooking must be made exempt from this regulation

Some obvious issues with this regulation are:
Apparently the committee that came up with this nonsense has been listening to too much garbage from the Russian propaganda machine
Surely most Australian bbq’s would break this rule
In many cases it would only be policed where there are already neighbourgh tensions, used as a tool for division
Who is going to determine what volume of smoke is an issue perhaps most importantly, who is going to be able to differentiate steam from smoke when cooking low and slow.
What is the objective of this legislation that tramples on the traditional Australian lifestyle? What are the current measurable social/health issues that this has any possibility of making a real and positive impact? By how much?

In summary go find something of value to do rather than developing this drivel.
I pay far too much tax to see it thrown away on rubbish like this...

12. Fiona Allison

In reference to the inclusion of (barbecue) ‘Outdoor Cooking appliance’ inclusion into the regulations. I believe this is a ridiculous inclusion. This is over regulation at it’s finest.

You are proposing Australians be banned from using a barbecue in their backyard if it produces a little smoke? I’m in favour of removing this part of the regulation.

13. Graeme Hay

AND MY VIEWS -

This is NOT fair its ANY valley and street and suburb ANY where in Tasmania - Beverly Hill Billy’s: -:

Don’t have barbi powered by wood it may SMOKE.
Don’t use LPG it requires mining and employee’s people.
Don’t eat eggs your may fart, don’t breed cows for milk or meat they fart a lot. Don’t have chicken’s for eggs they may be locked up inside.
Don’t raise chickens for food so don’t use the waste for a garden lay a concrete slab, the council fee for “permits” this will cover the lost council income from not having a cat or dog registered, Bugger what am I going to use to grow my Karl or “Grass”

Don’t own a cat it may pester wild birds
Don’t own a dog it may crap in the park

Don’t build hydro dam u may chop down a tree.

Don’t have power on demand so we can’t make aluminum and glass and copper so we can’t have power from renewables.

Don’t dig up coal for energy or coking so we can’t have steel for wind turbine.

Don’t provide water for cotton we can use Kangaroo skins from road kill from cars until the petrol runs out then we can use spears after paying a council fee for a permit to cut down a tee tree, sorry here no power on my mobil to use the Road Kill Apt this is good for use normal people- we have food.

Get a permit (Pay the fee) so we can have a stove powered by whale oil to cook our protein, Kangaroo, and what ever else we can scrounge, maybe the homeless camping at Hobart show grounds can be hire to train the new age people on survival methods.

Maybe a “bush type “ school where the survival experts can visit our caves to teach us new age people , naturally on horse back.

Sorry - I forgot whales are protect -bugger now what no lighting now. Ah Mutton Birds Na there only allowed for a minority groups
Well at least we be able to keep clean as there be no more crap in the ocean from no salmon farms.

Train some VERY VERY young people I mean very young, they could be housed in library to protect the books from being burnt (Knowledge) to understand how to smelt iron, copper and the like - keep then well fed somehow and went the last person leaves Tasmania and turns of the lights the young people can remain. as the protectors of knowledge.

As years and years go by and the flat earth , nanny state faithful ALL die out and Tasmania is re-discovered, maybe by accident from a raft being blown the wrong way TASMANIA could again re-discovered and turned into a natural museum with all the swift parrots, kangaroos wombats , devils, mutton birds , cave dwellers etc etc as 22nd century Jurassic Park.

IDIOTS

14. Geoff Tamplin

As an owner of a solid fuel barbeque I am writing to oppose the draft regulations on smoke produced by barbeques in Tasmania.

If the environmental agency has the time to spare on such a minor issue why cannot it not focus on some of the bigger issues like speeding up or streamlining approvals for construction projects that are caught up in there system affecting employment and adding to the financial stress of maintaining workflow. Creating easier communication channels and being proactive in development approvals is surely more beneficial to the state than penalising people for trying to eat!
15. **Mike Buky**

It is good to hear that the EPA is considering the regulation of smoke in Tasmania. Without doubt the most severe controlled smoke emitting events in Tasmania are the 'burns' by Forestry after a coupe has been cut. However, it is noted that the proposed regulations do NOT include this aspect of smoke emission.

While fuel reduction burns can be seen as a necessary procedure to minimise fire risk, Forestry coupe burning is a harmful and highly undesirable pollutant that has not been addressed. I therefore suggest that unless the EPA tackles the problem of post-logging burns, the EPA’s role in smoke reduction is invalid.

16. **Harry Brown**

Forget about the BBQ’s
When are you going to stop the Forestry Burn offs
You lot are a waste of time.
Get real.

17. **Phillip Shearing**

Get a grip and stop wood heaters existing in the Tamar Valley!!
Do some real life changing paper work and get out of our back yards and patios
Talk to Dr Jim Markos at LGH and get your teeth into life and death matters not BBQ 🍗

18. **Terry**

Does this mean we now import our ham and bacon lol

19. **David George**

Whats this banning bbq it was mentioned on 3aw melbourne. Wouldnt it be better to ban wood heaters first and vehicles then bbqs. If you then run out of stupid ideas you could ban fun and family get togethers. Really please explain ?

20. **Jenny Warren**

Submission 1

The issue of pollution from domestic wood heaters is one of health and safety, not personal freedom of the owners of the heaters. The injurious effects of this pollution are not only well documented, but have been known for some time. My experience of the reaction of local councils to this problem is that they prefer to avoid dealing with it.
When polluted air flows into one's property and house month after month, it is not possible to choose not to breathe that air. Damage to health is caused, and this is a hidden problem in Hobart because of historical reluctance to face this issue. The right to breathe air which is not harmful is being breached and ignored.

The use of fire starters with toxic components needs to be addressed.

I ask the EPA to investigate this problem thoroughly and be strong in protecting public health.

 Submission 2

Thank you. I would like to make a separate submission on this issue that the EPA start the discussion about a “buy-back” scheme or subsidy scheme to assist in the compulsory upgrading of old domestic wood heaters to new ones, or preferably changing to a modern form of heating that does not create pollution on site.

Please would you forward this email on as a separate submission. If you need any further contact details for me please let me know. Thank you,

21. Colin Stephenson

After reading the proposed draft on smoke emissions I was astounded that the back yard BBQ was included. Was any thought given to the ramifications that this could imply. If you have a neighbour that is critical of every thing you do ( and plenty of people have them )you could not hand them a better weapon. Leave the humble BBQ alone. Society does not need to become more fragmented Admittedly we need to restrict the indiscriminate burning of fossil fuel based substances. For God’s sake no one puts up with their own BBQ smoking.

22. Marc Newton

WTF is happening with this type of communistic address! Let me say this loud and clear; I will not be subjected to greeny bullshit, and tell me how to control smoke with a BBQ!

Sort it out, because a huge backlash is coming! Enough is enough......I am Australian

23. Andrew Fuller

You people should be disgusted at the wasting of tax payer money, with this crap, have you nothing better to do, I am so annoyed that you could even come up with this bullshit, you let forestry burn their waste during the summer time causing a haze across the coast, if I were your boss I’d sack the lot of you

24. Rosemary Farrell

I absolutely agree with Mike Buky that Forestry coupe burning is a harmful and highly undesirable pollutant.

I wish to endorse Mike Buky’s observation that ‘burns by Forestry after a coupe has been cut should have been included in your Smoke Regulations 2018 Consultation Draft.’

Please accept this as my submission to your Smoke Regulations 2018 Consultation Draft.
25. John Powell
[in support of Mike Buky submission]

So absolutely true, and perhaps the Minister might like to hear the voices and understand the message.

26. Susan Hartley

Good on you for making a submission, Mike. We have a sick neighbour who had to go interstate to live for a month due to the smoke haze over up our way two autumns ago.

Would this enquiry also cover the particulate emissions from the cruise vessels burning high sulphur content, extremely dirty, heavy, bunker fuel whilst in our ports? I just read an article ("I don’t want ships to kill me": French port fights pollution from cruise liners, p11) in the last Guardian Weekly (13.07.18) that covers this.

When one considers costs, other than health issues, such as cleaning up of the oily contamination on our historic buildings, it’s really is only economic sense to curtail this. Ships can be built that burn more efficiently and use more expensive fuel. Why are the citizens of port cities subsidising the cost to cruise ships of using better quality fuels so their profits are higher? If that cost makes the fares more expensive, so be it. We ought not be subsidising their profits and compromising the health of our citizens; children, allergic and breathing-compromised people in particular.

By the way, the person who heads up the cruise ship group world wide lives in Hobart. I can’t recall her name. I meet her at a tourism development group in Smithon and put this question to her. She is aware of the problem and knows a change must come but said, “what about the other ships coming into our ports?” She also said we have some of the oldest cruising ships on our routes, so I guess they would be the dirtiest ones without good emissions controls. I believe the freight ships don’t keep burning the fuel as long, or as intensely, as the cruise ships, which need to run their lights, fridges and so on all the time. Australia has no laws that stops the burning of this poor quality bunker fuel, unlike the USA where the vessels have to swap over to higher quality fuel 200 kms from any port. There are citizens groups in Australian cities fighting this but not here in Burnie or Hobart.

Anyone keen to start the campaign?

27. Michael Woolford

I read the newspaper article in Thursday’s Mercury and submit some thoughts about the proposals in this email.

I understand the health imperatives driving concern about the matter of smoke in the environment (of whatever type and from whatever source).

However, the limitations as outlined are unreasonable. I believe that these limitations currently apply to those who heat their homes with a wood-fired appliance of some description. Even then, they are unreasonable. Who and for what reason were the criteria .... visible for ten minutes and visible for thirty second from ten metres away ... determined? How was the $1,600 fine arrived at? That is extraordinary. There are many crimes .... real, criminal activities in our community which do not attract such heavy imposts.
My second issue has to do with enforcement. Is the homeowner to be issued with a warning or does some council officer just arrive and issue a fine after having watched the home for the obligatory ten minutes? No law or regulation should stand if it is not be enforced. One can be fined for not wearing a helmet when riding a bicycle. But one only has to spend some time observing bicycle riders (particularly children) not wearing helmets in the proximity of police vehicles to see that this law is not enforced. Yet, one could easily argue that the consequences of such an activity could have immediate and extraordinary effects on the rider, should he or she fall onto the pavement.

Yes, if a home owner or occupier has a heater which emits offensive and continuous levels of smoke, then he or she needs to be warned that the heater must be attended to and that further instances (after enough time to attend to remediation has been given) will incur a financial penalty. But, $1600!!!!!

The same should be true for the barbeque or the outdoor smoke or fire pits which are now popular.

As I write, I can see from my window some seven homes from which puffs of smoke are being emitted. They are small but are clearly visible from over ten metres away.

When the regulations come into force (if they do) do I call someone and ‘dob’ these people in? This would make for fine community spirit and the $11,200 collected in only a few minutes would more than cover the costs of Sunday morning rates.

In summary, I present two comments for consideration:

- if laws are made, then they must be enforceable;
- if laws are made, then the penalties applied must be just and reasonable.

28. Andrew Verrier

Firstly thank you for this long needed proposal.

As a long time sufferer of smoke induced asthma and a chronic cardiac condition (3 heart attacks and quadruple bypass surgery) these proposals give me an optimistic look to the future. My wife also suffers from chronic smoke induced bronchial and asthma problems.

I realise the sensationalisation by Mr Whiteley, and Mr Mallett, using the outdoor bbq as a way of getting media attention is not what this proposal is all about.

It’s about the faulty and often used vintage wood heaters that are prevalent in many suburbs. Plus the continual backyard burn offs in rural and suburban backyards. Some of which are done with no advice to Council, Fire authorities or immediate neighbours.

My wife and I live in Dodges Ferry. We can’t go for a walk outside on some days, as the smoke generated from the faulty wood heaters and constant burn offs is overbearing.

In an effort to get some clarity from the Sorell Council re regulations governing wood heater emissions and the governance of same, I contacted the Council on Thursday 12th July and was informed one of two officers would ring me back by the following day to assist in my enquiry. I am still waiting.

At times the emission pollution is so overbearing that we are confined to the house for days on end. There are countless residences in our area and neighbouring suburbs, whose wood heaters are in violation of what I believe to be the proposed safe measures. Ie smoke emits for 10 minutes or more and is visible from 10 metres away for more than 30 seconds. Countless residences emit visible high concentrations of smoke from the time they are lit to the time they turn them off.
Why does Council not regulate the standards that I believe are already in place.

A simple way to overcome this problem is through the annual rates. Woodheaters attract a rates tax of $250 - $500 pa. Problem solved.

In closing, to give you an idea of the pollution wood heaters give off is that they are worse in total combined usage than the annual burn offs we are subjected to early April to mid May.

The only help or advice we have ever received is to shut our doors and windows, and sit it out. Not much of a life is it. At the moment it’s unbearable.

I hope for all sufferers concerned, that a sensible proposal is successful, and more importantly monitored.
Good luck

29. Ben Chudoschnik

I would like to provide feedback on the draft smoke regulations.

My feedback is piss off and stop being so out of touch with the general public and their expectations. Typical bureaucrat nonsense from a nanny state government department.

Thank you for your time.

30. Anthony Canning

Today i heard of plans to introduce a law that would prevent people using a charcoal bbq even in their own homes. It amazes me how a government organisation could be so unaustralian and so stupid in their bid to try and remain relevant. I hope you reconsider.

31. Jay Beaumont

One of Australia’s favourite and most revered pastimes is barbecue. Throwing another shrimp on the Barbie.

It is not possible to Barbecue without creating smoke. When the fat hits the coals, smoke is created and exists for as long as you are cooking. If you are feeding a football team, or hosting a Bunnings sausage sizzle, you are going to be producing smoke for more than 10 minutes.

While I do understand that a smoker or a grill doesn’t produce visible smoke if it is burning clean, when cooking food, the fat rendering does produce smoke. You new laws would outlaw grilling altogether. I have attached photos that clearly illustrate the situation. These barbecues are all using dry fuels, but yet smoke still exists.

I think your new proposed laws should exclude cooking of food.
Compilation of Submissions on the Draft Smoke Regulations 2018
Would it be un-Australian to prevent people from using their fire pits converted to an incinerator converted to a barbecue if they bother their neighbours to this degree. This particular barbecue lasted for 3 hours, in suburban Trevallyn, not for the first time.
33. **Tracey Howard**

I wish to object to the proposed smoke laws that have been announced recently. I understand that in some instances smoke can be a frustration for neighbors, particularly when it is a regular occurrence. However, the proposed new laws will mean that my family will not be able to use our outdoor wood fired pizza oven. We are very mindful of the current laws around fires in summer and do not use the oven in peak fire season. We are also mindful of our neighbors and use only dry firewood in the oven to reduce the amount of smoke emitted. However, the oven will take longer than 10 minutes before it ceases to burn cleanly as would any wood heater.

In regards to burning of rubbish on properties, my property is over the required land size and therefore I understand that I may burn off garden rubbish. This will not be the case for my neighbors however and I think this is grossly unfair. I would be happy to see my neighbors burn their garden rubbish so long as it is of an evening (as I do) to reduce the negative effect the smoke has on all neighbors.

I am not sure that wood smoke is such an issue in Tasmania that we need to have such strong laws. Many people I have spoken to regarding these proposed laws deem them ridiculous. Please don’t take the fun out of summer outdoor living.

Regards Tracey Howard

P.S. You are welcome to come around for a pizza during the warmer months :-(

34. **James Park**

No, I am not a Tasmanian but do enjoy smoking my meat. It is true that sometimes BBQ’s produces a lot of smoke when there is the oil that drips onto the coals, and moist fuel.

I noticed in the draft under Part 3.7 that the distance is only 10 meters. That’s only 33 feet. What happens on a really still day and the smoke is going straight up and not being dissipated by the wind? How could you judge 10 meters straight up. I know that this is picky but know that many people translate the same language in many ways especially if “fine quota’s” are in place.

Moist fuel has been covered and just destroys your food anyway, but oil dripping should not be punished unless of course it is just oil burning, that also would destroy the taste.

Just my say.

Thanx’s for reading.

35. **Alan Watkins**

With regard to the draft proposal entitled Environmental Management and Pollution control (SMOKE) Regulations.

I am presently strongly opposed to the draft proposal proceeding without further changes or preferably being withdrawn. Furthermore I would like to be kept advised by mail at [address removed] of any further drafts as well as any dates that this proposal is slated for presentation before parliament.

In particular, I object to the proposals following sections:-

Part I section 3.

This section states that ALL appliances new or used need to comply with Australian and New Zealand standards.

This is unacceptable as it requires retrospective examination, testing and approval of appliances legally purchased before the legislation. Only new appliances should be subject to Australian and New
Zealand standards at the time of sale. It is unreasonable and unrealistic to expect the thousands of existing owners to bear additional costs after purchase.

Part 2. Section 5
Item (1) States that all appliances sold need to comply with Australian and New Zealand standards. This would mean that owners of legally purchased appliances would be unable to sell them without additional costs of compliance testing. Once again, unreasonable and unrealistic to expect owners to bear additional costs after purchase.

Part 3 Section 7
Item (1) States that no appliance can emit smoke for a continuous period of 10 minutes together with additional details. This requirement would encompass virtually all normal wood burning activities as burning wood produces smoke and almost any burning activity would be subject to a fine. This is totally unrealistic and the entire section needs to be scrapped.

Item (2) Indicates that an authorised officer or council officer’s evidence would be regarded as prima facia evidence. This goes against natural justice and the concept that requires proof and evidence. Authorised officer or council officer are not police and I strongly object to any persons word being taken as prima facia evidence. This could create very abusive or violent confrontations between owners and council workers that is very undesirable and potentially dangerous.

Part 4 Section 9
Item (1) Indicates that a person on a normal house block would require permits from various authorities before burning vegetation on their land.

Removal of vegetation is a necessary activity of almost all gardens and owners should not be burdened with obtaining approval from multiple authorities for the infrequent and limited activity of burning vegetation. A normal suburban block can simply not produce enough vegetation to require any regular and extensive burning.

I believe this is an example of legislation based on flawed concepts that would be virtually impossible to enforce and not in the best interests of the people of Tasmania. Therefore this proposal needs significant revision or be totally scrapped.

36. Recycling Technologies Group

RE: DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL REGULATIONS 2018

I am writing to comment on the proposed draft regulations currently open for public review and comment. Specifically, Part 2 relating to Heating Appliances and the requirement to adhere to AS/ NZS4012: 2014.

I am suggesting that the term Heating Appliances should be split into two product classes:

1/. Traditional solid wood heaters which have the capacity to burn both seasoned and unseasoned wood AND,

2/. The newer type pellet heaters which can ONLY burn timber pellets that have a moisture content (m.c.) less than 12%. (Typically around 10%).
Here is my reasoning: Traditional wood heaters do emit smoke and a large amount of particulate because the water in the wood has to be first evaporated - or boiled off, prior to combustion occurring. This lowers the combustion temperature resulting in a cooler more inefficient burn and high particulate emissions. Even seasoned firewood has a moisture content of +25%. Green, or unseasoned wood has a much higher moisture content. This is because the fibre saturation point (FSP) is about 25% - 27%, depending on species. The moisture content cannot be lowered without artificially drying the timber in a force fed heated environment such as a kiln.

Wood pellets are produced from kiln dried waste wood fibre with a m.c. around 10%. When they burn the combustion is a lot more efficient because minimal water has to be liberated from the fuel before combustion commences. Hence, emissions are a lot lower than Traditional solid wood heaters. The most inefficient pellet heater available on the market will still be three times more efficiently that the most efficient traditional solid wood heater burning unseasoned wood.

And this is reason the two products need to be treated differently. The technology advancement in pellet heaters over the past 20 years has been significant. However, the rules governing the heating appliances have not changed that much over the same period of time to accommodate the changing technology available. The net result is that today pellet heaters are being governed by an antiquated set of regulations designed for inefficient solid wood heaters. This needs to change.

Our company import from Italy the Piazzetta range of pellet heaters. These heaters all conform to EN 14785 regulations which also cover the very strict European emission levels. These levels are more stringent than the Australian Standards. So, by default, they will comply with the AS regulations. I would like to see Australian regulations recognise and incorporate the EN14785 standard used overseas as being accepted, by default, if the appliance complies with the European standard. This will save a lot of unnecessary compliance cost involved in testing. And because we have a relatively small market in Australia, compared to Europe and the USA, the compliance cost amortised over a lower number of unit sales increases the prices of the locally sold appliance.

Further, wood pellet boilers to provide hot water will slowly start to displace the traditional electric hot water heaters present in so many buildings and homes throughout Tasmania. As the popularity of these pellet boilers grow with increased market penetration the regulations WILL have to change to accommodate these devices. We are not talking 5 -10 years away either. These devices are being installed NOW and their uptake amongst consumers is growing quickly. Therefore, it makes sense to incorporate into the rule changes now, the definition of wood pellet combusting devices so that your rules going forward do not have to be changed in a few years’ time.

I am available for further consultation and discussion if you would like further information on wood pellets and the associated combustion devices that consume the pellets.

37. Stuart Rainbird

I would like to raise my concern regarding the Draft Smoke regulations.

I own and occasionally operate a small, home made stainless steel meat smoker. Is is gas fired, heating either flavoured woodchips or sawdust and by its nature - emits smoke.

This is used very occasionally for up to 2-3 hours at a time.

How am I meant to undertake this under the new regulations?
38. Theo and Amanda Poteris

Re Part 4 - control of burning.

Point 9. Burning of vegetation on land with an area LESS than 4,000 sq.mt.

We submit that the minimum area to be covered by this legislation should be 40,000 sq.mt.

Many hobby farms up to approx 10 acres are situated close to the boundaries of towns and villages and therefore impact on these residential areas as much as on the air quality for surrounding hobby farms.

We live on our 10 acres and have made a conscious decision to reduce the shocking air quality that hangs over areas like ours due to unregulated “backyard” burns.

Often the green waste is burnt too early and allowed to smoke inefficiently and for far too long.

This same waste can be

a. composted,

b. allowed to rot down and create habitat for animals and reptiles

c. chipped with either a domestic or commercial chipper, creating valuable mulch.

There is no reason why these hobby farms should not have to be just as responsible as both residents living in towns and those on only 4,000 sq.mt. In fact it is easier when there is more land to facilitate green waste management.

WE ALSO SUBMIT THAT A GREEN WASTE MANAGEMENT SYSTEM SHOULD BE AVAILABLE TO ALL RATEPAYERS, THROUGH COUNCIL COMPOSTING FACILITIES SUCH AS EXISTS IN MANY OTHER AUSTRALIAN COUNCILS.

39. Christine Rushton

SUBMISSION ON THE
ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018

I make the following points regarding the draft Environmental Management and Pollution Control (smoke) Regulations 2018:

In principle, I support the outcomes of the Regulations to limit the smoke produced by heaters, fireplaces, outdoor cooking appliances and ‘backyard burning’ in and around urban areas. I do not consider however, that the Regulations give sufficient consideration to the duration of smoke emissions and cumulative effect caused particularly by heaters and fireplaces, and to a lesser extent backyard burning that may be burning for continuous periods over 24 hours and have a significant effect on air quality. In contrast it is perhaps not as important to provide prohibitive restrictions to temporary and short duration smoke outputs caused by outdoor cooking appliances that predominantly will only have usage over a short time frame of one or two hours and will have a minimal impact on the daily air quality of most residents. Most importantly I consider the regulations do not sufficiently address certain factors that must be considered to achieve the stated outcomes in particularly unique geographical towns of Tasmania. These factors predominantly relate to the cumulative effect of ongoing wood heaters emissions caused by long duration usage. Particular considerations include:
• Urban versus Rural regulation. The regulation of urban areas must be more significant because of the high concentration of residents, and therefore high concentration of smoke emitters, predominantly by wood heaters, causing a cumulative effect on the air quality of the suburbs, particularly during the winter months where usage is long in duration and may be continuous over several days.

• The Regulations concentrate on specific individuals and breaches to achieve the outcomes and do not take into consideration the cumulative effect of high numbers of individual households who may be compliant, but due to the high numbers of compliant individuals, particularly relating to wood heater emissions in winter, emitting smoke over a long duration, results in unacceptable air quality for that area.

• The regulations do not take into consideration other significant factors that affect air quality in suburbs or areas that have unique geographical and environmental factors resulting in unacceptably poor air quality predominantly caused by the cumulative effect of long duration smoke emissions particularly caused by wood heaters over the winter months.

• Suburbs such as Lauderdale and Launceston suffer poor air quality during the winter months based on unique geographical and environmental factors that cannot be adequately addressed by the 2018 draft smoke regulations. Lauderdale is a victim of its almost perfect weather during the winter months. Its sits in the sheltered bay of Roches Beach and during winter may experience days on end with almost no wind movement. The main township of Lauderdale is sheltered from the air movement created by Mount Wellington and sheltered by the air movement normally created by the ocean, because of its sheltered inlet. This does not change until past Mays Point where the natural air currents of the Southern ocean become evident.

• Being historically a shack based town there are a high number of houses with wood heaters, most operating on a 24 hour basis during winter, and often over a continuous daily basis. The cumulative effect of this ongoing long duration wood heater usage and smoke emissions, with almost no air movement, is a high build up of smoke sitting across all the low lying suburb. Although it is accepted that a small proportion of the wood heater emissions would be subject to enforcement under the new regulations having poor quality wood heaters or using green wood with high damping, it is unlikely the new smoke regulations would have significant effect on the air quality issue based on the high volume of wood heater usage regardless of the compliance of individual woodheaters. It is also noted that even modern or renovated houses in the area are still installing woodheaters due to the high cost of electricity and the attractive comfort of woodheater warmth. Alternative heat based sources such as roof based circulation systems relying on drawing the outside air through the roof and utilising the natural sun to warm the roof cavity, are almost unusable in this suburb in winter as the roof cavities draw in unacceptably high smoke content air, therefore filling the house with smoke polluted air.

• Similar problems are experienced in Launceston. Previous efforts to address the air quality by local council have included woodheater buy back incentives to reduce the overall use of woodheaters, rather than simply attempting to ensure woodheater compliance because of the air quality being impacted by the cumulative effect of high concentrations of wood heater usage, regardless of individual compliance. The positive results from such incentives have been impeded recently with reinstallations of wood heaters due to rising electricity costs.

Possible Solutions:

These solutions may relate to a combination of statutory regulation and council/government co-operation
• Consideration of specific regulations and restrictions relating to designated suburbs/towns or specific portions of those suburbs/town to address air quality issues having unique geographical and environmental factors that make those towns at higher risk of poor air quality caused by

• mass volume and use of wood heaters, regardless of their compliance, caused by the cumulative effect of long duration wood heater emissions and lack of air movement in low lying areas. A definition of a ‘Designated suburb’ could be defined in the regulation with reference to the specification of any designated suburbs to be listed in a separate Appendix, amended on a periodic basis, removing any need to change the Regulations themselves each instance a new suburb is designated.

• Towns for consideration would include but not be limited to:
  o Lauderdale
  o Launceston or specific areas/suburbs of Launceston

• Consideration of incentives to buy back any wood heater (regardless of compliance) for replacement with gas or electric alternatives, with the most significant incentives for current non compliant wood heaters, with particular incentives provided to designated suburbs. Sufficient incentives to replace wood heaters would hopefully negate the need for a complete ban on woodheaters however a ban on the installation of woodheaters in any new house/development/renovation might be a consideration for designated suburbs.

• Requirement to replace old non compliant woodheaters in designated suburbs or mandatory inspection of old woodheaters to ensure they are compliant by the EPA.

• Consideration by Government or councils to extend gas line to suburbs suffering air quality to remove the need for wood heaters and offer cheap alternatives.

40. Robert Vaughan
To Whom It may concern

I am making a submission on the above Regulations.

1. The time allowed for an appliance to be smoke free.
   • This time is too short as when it is raining and the flue is cold it takes extra time for the flue to be heated to allow sufficient draft to allow good combustion.
   • The time should be extended to 15minutes.

2. Prohibit backyard burning on land with an area of <4,000m2.
   • This should be of <3000m2 as there are there are many small land areas that are heavily wooded and require regular clean ups to reduce the fire hazard.

3. Local government should aid in the disposal of green waste.
   • Local government should full fill their contribution to the Regulations by increasing the number of free entries too refuse sites to a minimum of 12 visits.
   • In the event of a severe storm the refuse sites should be free for a number of days (one week after the event).
41. **Australian Home Heating Association**

Dear Mr Ford,

I would like to thank the Tasmanian Environment Protection Authority (EPA) for providing the Australian Home Heating Association (AHHA) with an opportunity to comment on the draft Environmental Management and Pollution Control (Smoke) Regulations 2018.

The AHHA is broadly supportive of the proposed regulation and we particularly welcome the inclusion of the correct Australian Standard for wood heater emissions into the proposed regulation. However, the AHHA has two points that we are seek further information about:

- **Laboratory certificates:** The AHHA seeks clarification on the requirement of a laboratory certificate – this requirement is unclear, as NATA or IANZ laboratories currently do not issue a certificate of compliance.
- **Characterisation of wood heaters as similar products to other sources of emissions:** The AHHA does not agree that wood heaters are similar to fireplaces or barbeques. This characterisation is inaccurate and does not reflect the reality of how wood heaters operate in real world conditions.

The AHHA is committed to working constructively with the Tasmanian Government and its agencies to improve air quality. The AHHA would welcome the opportunity to speak to you further about the contents our submission.

Yours faithfully,

Demi Brown

General Manager

Australian Home Heating Association Inc.

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42. **Gudrun Macklow**

[Handwritten letter retyped]

Dear Madam/Sir

I appreciate the opportunity to address the negative impact woodsmoke has on my health.

A 73 year old resident of Scottsdale for nearly 16 years. Moving from Melbourne for the ‘clean, green’ environment. Only to be confronted by the reality of woodsmoke from different sources.

The worst is woodheater smoke! Relentless month after month. Rolling down roofs, drifting along streets, covering low lying areas like a suffocation blanket. Even getting into houses! Black soot inside on the glass windows!
Useless talking to neighbours. Useless trying to explain how sick woodsmoke makes you.

Responses are like: We always used wood. Never did us any harm. Too dear. Can’t afford it. Why do you live here then!
To the point where I was confronted by a very aggressive woman who verbally attack me.

I politely did stand my ground and manage in the end to tell her why wood smoke make me sick.

T.B. in the lungs as a young child. 6 months in Switzerland. Smoking Ban in the office too late for me. Damage done. I myself never smoked.

The devastating enormous bushfires in the Northwest of Tasmania caused serious health problems. I lost 5kg in weight in less than a month.

I believe that would not happen if I was not exposed to the nearly constant pollution from wood-fired heaters.

Smoke from wood-fired heaters, backyard burn off, farm burn off, forest burn off is one cause of heart and lung disease.

Duty of care?!
Yours sincerely
Gudrun Macklow

43. Matt Ryan

I’m writing this email in regards to the draft smoke regulations 2018, most importantly the wording in part 3 section 7 concerning outdoor cooking and heating appliances.

I believe the wording of this section allows for unnecessary oversight and restrictions on a weekend gathering. You could very easily stand 10 meters away from any bbq with a clear line of sight and watch a half dozen sausages cause visible smoke, let alone smoking meats, which I quite enjoy doing and have never received complaints from neighbours about the smells of my cooking. As for outdoor heating, it’s almost a necessity at this time of the year to enjoy a quiet night outside.

Allowing fines to be issued for smoke being visible from these appliances is unacceptable.

I don’t believe that doing this is the intended purpose of the changes, and as such believe the wording should be changed to reflect that.

Thank you for taking the time to read this, I hope it is taken into consideration.

44. Anton Sather

Dear Director,

I wish to comment on the Draft Regs, with particular reference to the unclear smoke specs for BBQs. I fail to understand the unreasonable, un-Australian attitude behind singling out this Aussie icon.

If smoke is not allowed to be visible for more than ten minutes, what is the relevance of the 10 second from 30m reg? If smoke is visible for up to ten minutes, then I would suggest that it would be visible from 30 m as that is not a great distance. A mozzie coil would most likely produce smoke visible from 30m and certainly for more than 10 minutes.

You state this is not about banning BBQ’s; I disagree as it certainly singles them out, unduly restricts them and in my opinion the severity of the regs are un-Australian. I request that any reference to BBQ’s be omitted, as there is plenty under the general guidelines to deal with inordinate amounts of
smoke. And on that point, one doesn’t have to look far to see the existing regs aren’t policed all that well, if at all.

45. Jamie Campbell

I am writing to express my opinion that the environmental management and pollution control regulations poses a significant and unreasonable burden on everyday people. It significantly restricts people’s freedoms and should be redrafted to ensure that it does not provide means for state government and councils to use people trying to stay warm or have a barbecue as a way to raise revenues through fines, which appears to be it’s current purpose.

Part 3, section 7 in particular should be completely struck out on the basis that:

a) It has the potential to prevent anyone from being able to enjoy a barbecue on the basis they will fear people fining them for 7. 1. a) is visible for a continuous period of 10 minutes or more; or b) as anyone know that all smoke is viable for a distance of 10m.

b) Threatens the ability of people, particularly low income people of being able to stay warm using wood heaters, as again, any woodheater modern or old will create smoke for more than 10 minutes or more than 30 seconds for a distance of 10m or more.

This has clearly been drafted by someone who has never seen or knows of wood smoke works and as stated above, seems to be driven by the want to raise revenues through fines rather than sensible laws to reduce smoke pollution (which currently is not a significant issue).

46. Jade Grice

Dear Premier, the following is spreading across many camping, lifestyle & tourism sites I follow: https://au.news.yahoo.com/australian-bbq-ban-004055801.html Is this true - are you seriously banning the sensible use of BBQ’s, outdoor cooking & fire pits etc? I recently spent a good deal of money purchasing an OzPig www.ozpig.com.au (endorsed by Ben Milbourne) so that I could have a safer, more efficient method of backyard heating & cooking, & now I find out it may be illegal? So disappointing if so!

47. Gemma Barned

I think it is a little late (or early) for April Fool’s Day jokes.

This is a joke isn’t it?
Thank you for the opportunity to make a further submission to that which was forwarded in relation to the EMPC (Smoke) Regulations 2017 Draft.

PART 2 – HEATING APPLIANCES TO COMPLY WITH AUSTRALIAN STANDARDS.

6. Interference with heating appliances

   (2) Subregulation (1) does not apply in relation to –

   (b) a heating appliance that has been installed in, and is sold together with, a building.

Subregulation (2)(1)(b) should not exempt a heating appliance that has been interfered with, and is sold together with a building.

No heating appliance should be allowed to be on-sold with a building if it has been interfered with.

Final Draft to be changed to read:

6(2)(b) needs to be deleted from the draft, because this legislation should be written to make sure all non-compliant heaters are made to comply, or are removed from service.

To say appliances have to comply with AS/NZS 4012:2014 or AS/NZS 4013:2014 and then to say some do not is inconsistent and the final draft needs to be amended.

NOTE:

Interfered with or not, all installed appliances must comply with the latest standards.

AS/NZS 4012:2014 or AS/NZS 4013:2014 are now three years old and it has even been show these standards do not meet real-time conditions thereby under-estimating emissions and efficiency.

There does not appear anywhere in the 2018 draft Regulations to make sure old non-compliant polluting appliances will be got rid of; removed forever from the system.

The lifetime of an appliance can be up to fifty years old. Environmental Management and Pollution Control (Smoke) Regulations 2018 will be of little comfort for those living near such heating devices unless this is changed, and now is the time to do it.

What good is it updating Standards and Regulations if old non-compliant appliances are still permitted to be used?
Part 3 - EMISSION OF SMOKE FROM HEATING APPLIANCES, OUTDOOR HEATING OR COOKING APPLIANCES AND FIREPLACES

7. Emission of smoke from heating appliances, outdoor heating or cooking appliances and fireplaces

(1) A person must not cause, or allow, a heating appliance, an outdoor heating or cooking appliance or a fireplace to emit smoke…

Penalty: Fine not exceeding 10 penalty units.

Final Draft to be changed to read:
“Penalty: Fine not exceeding 10 penalty units for the first offence…” (and increases for repeat offences).

After years of observation it is usually the same offenders who keep offending, deliberately in many instances, when they are asked to desist.

7(3) A person must take all reasonable measures to ensure that only dry wood, dry vegetation or dry vegetative waste is burnt in a heating appliance, an outdoor heating or cooking appliance or a fireplace.

Penalty: Fine not exceeding 10 penalty units

Final Draft to be changed to read:
7(3) “A person must ensure that only dry wood, dry vegetation or dry vegetative waste is burnt in a heating appliance, an outdoor heating or cooking appliance or a fireplace.

Penalty: Fine not exceeding 10 penalty units for the first offence…” (and increase for repeat offences).

Part 4 – CONTROL OF BURNING

8. Prohibition on burning of prohibited waste

Unless it is otherwise lawful to do so, a person must not burn any prohibited waste.

Penalty: Fine not exceeding 50 penalty units.

Final Draft to be changed to read:
“A person must not burn any prohibited waste.”

Prohibited waste is listed specifically in the draft for good reason.

To make it lawful to burn prohibited waste is inconsistent and needs to be removed from the final Draft.

9. Burning of vegetation and vegetative waste on land with an area of less than 4 000 square metres

(1) A person must not burn vegetation or vegetative waste in the open, or in an incinerator, on land that has an area of less than 4000 square metres,

NOTE:

4000 square meters = 1 acre only, or 0.4 hectares only.

Whilst the area in this draft has been doubled, the previous legislated area of 2000 square meters was manifestly insufficient.

It is well known by the EPA and the population that PM2.5’s can travel much further than this and can be detrimental to health.
Some rural properties, such as Grindelwald, are 3 acres or more in area and we can still be smoked out when some people burn vegetation or vegetative waste.

This has been borne out in smoke complaints to the EPA and can be found in the 2017 Cleanairtas draft Smoke submissions or at http://www.cleanairtas.com

Please refer to the attached West Tamar Council letter. Incidentally, WTC said the owner could burn and the EPA and police said he could not.

**Final Draft to be changed to read:**

(1) “Unless there are no other means of disposal, a person must not burn vegetation or vegetative waste in the open, or in an incinerator, on land that has an area of less than 4 hectares or 10 acres.”

*unless –*

9(a) the person uses all practicable means as are necessary to prevent or minimise air pollution; and

**Final Draft to be changed to read:**

9(a) “The person must not allow smoke to escape from their boundary.”

It is not a matter of minimising air pollution. It is a matter of not deliberately polluting the air in the first place.

There are proven means of getting rid of vegetation or vegetative waste other than burning it.

These fully explained and appropriate methods can be viewed at http://cleanairtas.com/departments/alternative-solutions.htm

9(b) if a valid permit is issued to the person under the Fire Service Act 1979, he or she burns the vegetation or vegetative waste in accordance with the permit; and

**NOTE:**

It is no trouble to get a fire permit and make as much smoke as you like which goes against the intent of these EMPC Smoke Regulations.

Some people, and some members of the Fire Service, are way too keen to burn and make smoke and think of it as the first means of reducing vegetative waste.

As with 9(a) there are proven means of getting rid of vegetation or vegetative waste other than burning it.

It is a community expectation that a Fire Service Act should not take preference over these EMPC (Smoke) Regulations when it comes to making or allowing deliberate and harmful air pollution.

This needs to be recognised in the Final Draft.

9(c) if valid by-laws, within the meaning of the Local Government Act 1993, are made in accordance with that Act and are applicable to the person, he or she burns the vegetation or vegetative waste in accordance with those by-laws…”

**NOTE:**

According to the Local Government Association of Tasmania (LGAT) website there are 29 councils in Tasmania. Some make by-laws and some do not.

This gives us non-uniform smoke regulations and controls across the state.
It has been shown in the previous Cleanairtas 2017 draft Smoke submissions that councils and the EPA do not agree when it comes to deliberate burning and smoking people out.

The EPA cannot delegate smoke responsibility to councils in the final draft of the Smoke regulations because Cleanairtas has previously shown councils do not want to have to police smoke in Tasmania when larger burning is allowed to continue and resourcing is not provided.

It will be easier for councils to pass a by-law to solve their problem by allowing open burning at the expense of susceptible old, young and sick people.

The Final Draft Regulations should not allow this to happen.

This submission should be read in conjunction with the detailed submissions forwarded by Cleanairtas to the 2017 EPMC (Smoke) Regulations draft.

Thank you.

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[ATTACHMENT TO SUBMISSION – LETTER FROM WEST TAMAR COUNCIL WITH ADDRESSES REMOVED]

I’m writing to you in regards to your phone call to Council on Monday 23rd December 2013. This was in relation to the occupant [ADDRESS DELETED] burning off garden waste.

As advised to you by phone, this activity is permitted. Part 5, Regulation 11(2) of the Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007 (the Regulations) permits this activity on blocks of 2 000m² or greater in Size [ADDRESS DELETED] exceeds this requirement.

Under the Environmental Management and Pollution Control Act 1994 Section 53 both (1) and (2) specifically require the offence of causing a nuisance to be unlawful. Due to the activity being permitted under the Regulations, this is not an unlawful activity and action under this section cannot be taken.

If you have any queries regarding this matter, please contact Council’s Environmental Health Department on (03) 6323 9300.
49. Southern Midlands Council

Dear Sir/ Madam

SUBMISSION - ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018

Southern Midlands Council, at its meeting held on the 24th July 2018 considered the draft Environmental Management and Pollution Control (Smoke) Regulations 2018.

Council is strongly opposed to the imposition of any further restrictions relating to outdoor cooking, specifically in relation to Part 3 - emission of smoke from heating appliances, outdoor heating or cooking appliances and fireplaces.

In this regard it does appear that Part 1 of Regulation 7 has virtually identical wording to that in Regulation 9 of the Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007 (ie: the current Regulations controlling smoke). It is noted however that sub-regulations 2 and 3 are "new", although there are no concerns with (3) which relates to a person being required to take "reasonable measures "to ensure only "dry fuel" is burnt.

However, with (2) detailing that the "word" of an authorised officer is taken as "prima facie" evidence", then a "problematic/persistent" complainant may be able to use this sub regulation to insist that Council resort to legal action when a more educative approach would be more reasonable in the circumstances. Thus, resulting in a minor issue with a BBQ potentially becoming a larger one and imposing further restrictions than may currently be the case.

Also, in the existing Regulations sub-regulation 9(2) set out an approach whereby an Authorised Officer or Council Officer can formally require someone to take action within a certain time to reduce the smoke, without having to take "legal action". The new Regulations do not appear to include such an approach meaning that they potentially impose greater restrictions on BBQ’s than may currently be the case, due to this simple approach being no longer available.

Yours sincerely

Cir Tony Bisdee OAM

MAYOR

50. Estelle Ross

SUBMISSION TO EPA RE DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018

From Estelle Ross August 13th 2018

RE BURN-OFFS IN SUBURBAN AREAS LARGER THAN 2000SQ METRES (or proposed 4000sq metres)

Thank you for the second opportunity to express my views.

I understand that since my submission last year it is proposed that the 2000sq metre amount be lifted to 4000sq metres which is an improvement but still not satisfactory when this area is in suburbia and bounded by houses, shops etc.

After all the World Health Organisation clearly states that the emissions from wood smoke are carcinogenic.
There is no difference between the environmental and health hazards of the smoke from small (less than 2000sq metres or even the proposed 4000sq metres) properties and large acreage so I want to know why property owners of sections larger than 2000sq metres (or proposed 4000sq metres) would still be allowed to burn-off ad lib in suburbia?

An example of the illogic of this is the nuisance caused over the years by my local golf club which is bounded on the north by a subdivision of approximately 240 homes, on the south by 60 homes and on the western boundary by shops and homes on the West Tamar Highway.

Most of these are within a few hundred metres of the golf course, some even back onto it and, depending on which way the wind blows, are affected by these polluting particulates in the atmosphere, which bearing in mind the inversion layer in the Tamar Valley, are considerably injurious to health.

Homes of less than 2000sq metres which abut the golf course are not allowed to burn-off and yet a few metres away over their back fences the golf course burns-off with impunity. (The golf course is well over 4000sq metres in area)

According to the West Tamar Council website “this activity MAY ONLY be undertaken when there is no other option and if it does not cause an environmental nuisance.” Well it does cause a nuisance and there are other options such as mulching or removal of green waste to municipal dumps. In fact since the 1st July the West Tamar Council has recently introduced a scheme for disposal of green waste.

Despite complaints to the West Tamar Council, the EPA, LGAT and the then minister for the environment, Brian Wightman, nothing was done to resolve the impasse between councils and the EPA as to who had the authority over these matters. Each blamed the other and nothing was done.

It is imperative therefore that your review of Air Quality should ban any burn-offs in suburbia regardless of zoning or acreage size. That way hopefully we can spare residents from these carcinogenic particulates.

I should also add that the regular autumnal burn-offs by forestry companies should be reviewed as well. Not sure what the solution is to this but the vast amounts of polluting particulates in the atmosphere travel for hundreds of kilometres as satellite photographs have shown when we receive smoke from Victorian bush fires.

Wood burners should also be phased out as these pollute the atmosphere as well. Instead, use of heat pumps and solar panels should continue to be encouraged.

Thank you for this second chance to comment.

I should mention that in the past few months the golf course has, thankfully, considerably reduced the amount of burn-offs for which I am very grateful.

51. **D.P. Wise**

Submission on draft Smoke Regulations 2018

Draft Smoke Regulations 2018.

Notwithstanding the adoption of part or all of these or any other regulations it seems to me that it will be almost an exercise in political futility and that people with respiratory ailments will continue to suffer.
As the law stands NOW, there are provisions to ensure that the population is protected from excessive smoke violation in the environment, however without proper and dedicated enforcement, the law is as futile as the law nationally adopted to ensure bicycle riders wear a helmet. A visit to ANY school in the country at start time or home time will show that in the majority of cases this law is ignored.

For years and years this situation has continued as the law enforcement is seen as being non functional and thus the perpetrators continually flaunt the process.

My opinion is that without a constant enforcement program the Smoke Law will be similar to the helmet laws- non-functioning for the majority.

Where I live it is a "birthright" for people to burn vegetation and totally ignore the outpouring of smoke from domestic heating devices.

A walk around my neighbourhood at 7:00am or 7:00 pm would show that the inhabitants have no respect and/ or responsibility to the community. Laws currently exist to make life more comfortable for all residents but enforcement seems to be "too hard".

Some time ago I had a neighbour burning vegetation and I asked him to cease, and his reply was-

1. "What is wrong with a bit of smoke - It won't hurt you" and
2. "besides" he said "the smoke is staying here not going to your place".

My washing on the line was severely contaminated and need to be rewashed another day.

On the same day I reported the issue to council who issued the reply "The officer responsible for that enforcement is not in the locality today. We will inform him when he returns in 3 or4 days' time"

Subsequently that day I happened across a council "inspector" and I asked him if there was something he could do, but when I told him the identity of the offender his reply was- "Well Mr X is a bit of a "no hoper" and he would not listen to me so it's futile making a visit"

An eventual letter to the Minister did have a result when Mr X was advised of his duties and responsibilities, but it took nearly 9 weeks and then he told me "it's just like GREENS they want to ban everything". Six months later he burned vegetation again, smothered the neighbourhood in smoke and told me to EXPELITVE DELETED.

Such is the belief and the enforcement of the existing smoke law, any further alteration to the law will only breed more apathy and contempt.

It is my view that unless a dedicated educational approach is taken then the process is flawed and I believe that without an extensive and well devised public education plan you are wasting your time.

Secondly, and more importantly, I believe that there MUST be a corporate mandatory education program that, the local council MUST send delegates to and subsequent to that education program the councils MUST take a more pro-active attitude to the smoke violation of the environment.
I also submit to you a statement (in part) by LGTA CEO Katrena Stephenson who stated “It would be difficult to enforce (BBQ smoke law) given that BBQs were generally a weekend activity”.

Therein lies another dilemma.

Ms Stephenson has acknowledged that BBQ smoke on the weekend would be difficult to enforce but I suggest to you that ANY smoke ‘issue’ on the weekend is apt to be unaddressed.

It is not unusual where I live to see smoke violations increase either of an evening or more likely on the weekend- Our council ceases to exist from about 4:00 pm Friday until 8:00am Monday and later if there is a public holiday- more joy and opportunity for the ill-informed to make smoke.!!

Then there is the issue of domestic heating that has been ignored and overlooked irrespective of the legislation as it currently exists or is intended to be revised.

I don’t believe that the Tasmanian population grasp the need to have firewood undercover and at least make an effort to burn dry wood.

Its ironic to me that Mr X, referred to earlier, is one of the few that has dedicated protection for his firewood. It’s odd that he burns dry firewood and causes very little smoke- but believes he has a birthright to burn vegetation twice and year and cause (and deny) havoc.

It also seems apparent to me that the issue regarding BBQ smoke might be better served if the EPA were to differentiate between solid fuel units and gas BBQ in the same way that the Fire ban process allows for gas units to be used on fire ban days but not solid fuel. The concept that I could be fined for emitting smoke from my gas BBQ when I turn the snags is just unbelievable and with the greatest respect may I say nonsensical and very very un-Australian and insulting to the population.

In summary may I conclude by suggesting that the following could be implemented:

1. An education program aimed at the general population to re-educate them on their long standing beliefs. Perhaps a "pamphlet" attached to or in concert with council rate notices.
2. An education program rolled out across ALL schools to better educate the children with the hope that their future is on a better foundation and also that the kids take home to "mum and dad" the concept that everyone could do better to make a cleaner environment.
3. A mandatory education program for the Council officers charged with the enforcement to be more informed, more responsible and much more proactive in Smoke violation enforcement across the seven days of the week.
4. A Mandatory education program for council managers to be more aware and responsible to supply adequate staffing both during and after hours for the general consumer to access.
5. The creation and implementing of an EPA "hotline" where a smoke report can be reported and then acted upon as soon as possible.

52. **Jeff Jennings**

Having read the proposed draft I would like to make the following objections to this draft policy.

1. It is discriminatory as it allows burning and smoke emissions for those people who have larger areas of land while penalizing urban dwellers. If the aim is to reduce smoke emissions that cause poor health or environmental issues, surely the large scale, ie farmer/forestry burns offs, contribute a far greater amount of smoke pollution than backyard burning which is usually to burn garden waste.

2. This policy is hypocritical in that it does not treat possible contributors to smoke pollution in proportion to the damage they inflict on others, it panders to industries who are by far the greatest cause of smoke pollution.

I agree with moves that force people to use devices that keep smoke emissions to a minimum standard but these regulations should also apply across the board to all situations that cause smoke pollution.

Another example of bureaucracy picking on the potentially vulnerable while letting the "big end of town" off the hook.

Just what empirical evidence do you have for this discriminatory proposal? How about some comparative data re large scale burning off as compared to backyard barbecues?

53. **Dr James Markos**

Thank you for the opportunity to make this submission re: Draft Environmental Management & Pollution Control (Smoke) Regulations 2018

I refer you to my previous submission in relation to this same matter, dated 30 June 2017. I will not reiterate my previous comments which explain my background and expertise in relation to urban air pollution and its adverse health effects.

I am pleased to see that the plans for revising the regulations are progressing. Additional measures are needed because we still have many exceedances of PM2.5 levels in Launceston and some nearby towns, especially in winter. I am also aware from direct contact from concerned individuals that they feel powerless to protect themselves in their neighbourhoods from residents who use wood heaters for heating or who burn waste in their backyards. Some people have told me that they have had measurements made of PM2.5 within their properties which show excessive levels, only to find that limited or no action is taken by regulatory bodies to enforce change.

In light of this, I am supportive of the proposed measures to improve the regulation of smoke pollution arising from households and properties. I like the specific reference to using certified wood heaters (section 5) and not permitting any modifications of these (section 6). I like the condition (section 7) that visible smoke must not exceed a 30 second continuous period at a distance of 10 metres from the heating source and that the opinion of an authorized officer will be accepted based on that officer's own senses.

In relation to vegetation burn-offs (section 9), I note that there are many possible avenues for exemptions, but I am pleased that clause 2(a) & 2(b) require additional considerations to limit the adverse effects on human health and the environment. I suspect that this will be a difficult area to enforce but I like the attempt.
I note that there is no provision in the Regulations for the measurement of particle levels in the vicinity of the smoke pollution for objective evidence. I wonder what will happen if an alleged polluter disputes the findings of an “authorized officer”. I expect that regulatory bodies will develop strategies to counter this by obtaining additional observations from other officers or at other times, perhaps supported by objective measurements. This is important, because if polluters escape this potential loophole, then the entire regulatory process may not be enforceable.

The draft document does not make reference to alternatives to burning wood for heating or burning waste, but I accept that this may be the domain of other regulatory bodies. I see this as being equally important to reduce ambient particle pollution in Tasmania, and I would like to see additional efforts to encourage and assist residents to undertake “green waste” activities.

In conclusion, I support the proposed amendments to the regulations and I hope that they reduce ambient particle pollution and neighbourhood pollution. If loopholes in the proposed legislation are found and exploited in the future, then additional restrictions should be considered to further limit wood smoke and to protect human health in our residential areas.

54. Stephen Pratten

Thank you for the opportunity to make comment on the draft smoke regulations. I do so as a private individual and not as an employee of DPIPWE. (As an employee I was a member of the team led by Kelvin Steer developing the June 2006 Air Quality Strategy that included input from the Tas Dept. of health and Tas Fire service, and I am aware of the excellent work done in recent years regarding air quality monitoring.)

My three concerns are:

1. My personal experience as a private citizen with local government both here and in NSW is extremely unfavourable and I object to local government being given more powers to administer.

2. I suggest that building on the excellent work done by the air group of the EPA Tasmania, and such as has been done for decades in Sydney, that the knowledge gained be passed onto the BOM such that the BOM can include information regarding days with likely poor air pollutant dispersion included in routine weather forecasts.

3. The restriction on burning at a cut-off size of 4,000 m2 is going to cause a build up of flammable fuel on the ground in areas such as my own place in Taroona. Our block is about 3,000 m2 but includes a steep gully and some fully grown blue gums. The gully is a wildlife corridor between the foreshore vegetated areas and bush above the Channel Highway. When we arrive 15 years ago the blackberries, hawthorn, cotoneaster, broom and even the declared weed Karamu were mixed with dead bark, sticks and many cubic metres of the original trees in the area that were bull-dozed into the gully and was impenetrable. Without many dozens of burns over about a five year period the gully would still be a serious fire hazard. Using fire and some planting the gulley now has native vegetation, (where fire assists in germination), is reasonable accessible in the event of a fire, accessible to burn-off build-ups of fuel and has increased the natural values of the gully. I am told that in February 67 embers started a fire at the bottom of the gully, above Hinsby beach, burnt up the gully destroying several houses above the Channel Highway. The quantities of potential bush-fire fuel cannot be managed on this block, where there remains significant vegetation, in a practical and economically reasonable manner without the use of fire.
Finally, if indeed it is the case as the media have reported, that BBQs would be prohibited, that is simply ridiculous and totally against the Australian cultural practices. The hardware stores are now selling devices for the purpose of burning wood outdoors for social gatherings. I personally don’t like the use of gas for outdoor heating as it is a waste of fossil fuel and carbon emissions to do something that is thermodynamically pretty silly but my opinion should not prevent others for using such outdoor heating.

We could eliminate the road toll by eliminating motor vehicles; there will always be the need for burning-off for fire safety and land management reasons and wood heaters will never be universally operated in a manner to limit smoke generation. The atmospheric inversion trapping wood heater smoke over Kingston can be very easily seen and so burning-off when weather conditions are unfavourable to dispersion in addition to wood heating pollution, could be avoided by education and the inclusion of warnings of conditions likely to cause inversions in routine weather forecasts. It is inevitable, in my view, that local government imposing unrealistic limitations on burning-off on medium sized blocks that are wooded with eucalypts will cause a build-up of fuel increasing the hazards of fires such as occurred in February 1967.

55. Lynette Jones

Fuel Emissions Submission

My full name is Lynette Fay Jones; I am a retired Police Inspector.

Having had one residence unit, my husband David and myself have resided at [address deleted] for almost 40 years – we had hoped to reside here for the remainder of our lives.

Having spent our leisure time over the past 40 years on board our vessel, naturally we enjoy a clean, fresh and open environment.

But increasingly, our home is being affected by emissions from wood heaters, pellet fires, incinerators and at times outdoor pizza ovens.

This has caused consternation and we feel quite powerless, as we do not wish to have confrontations with neighbours.

We believe we have no rights when it comes to fuel emissions.

My concerns are compounded by the fact that I have a lung condition, bronchiectasis, which is caused by an abnormal widening of the bronchial tube, and smoke emission is one of the worst environments in which I can live.

Several years ago, our neighbour fitted a wood heater pellet fire and pizza oven [address deleted]. Unbeknown to us, the pellet outlet was fitted 2 feet above the ground, about 20 odd feet from our bedroom window and pointed at our house. We became aware of this fitting one morning when we were outside and witnessed white smoke pouring from this outlet, completely immersing their house from our view. Initially we thought their house was on fire!

My husband complained to the male occupant to be advised that the fitting was legal. We were also advised that the wood fire flue was also legal, but unfortunately the fumes always come into our home due to the prevailing wind direction.

In desperation, we purchased 2 ceiling fans for our living and sleeping room and were forced to keep all windows and doors closed.
We then realised that ash had burnt minute holes in an expensive 4WD car cover and our shrubs and lemon trees, thinking initially that my garden was suffering from ‘black spot’, was actually black soot!

There were many days that I could not work in our garden due to the emissions from flues in our residential area.

In desperation we placed our home on the market, but withdrew, as we realised the area we intended to purchase also appeared to have many flues.

Adding to our distress, a Sydney developer has purchased 7-8 properties, including (we think) [address deleted]. It is rumoured the developer is planning to build up to 18 townhouses, but plans have not been submitted at this time of writing.

My fear is that we may be inundated with fuel emissions within these proposed/rumoured constructions if heaters and pellet fires are fitted as the preferred heating option, thereby making our situation intolerable, and having no rights whatsoever.

56. **Moira Grindle**

Although my husband Peter and I now live interstate we were residents of Tasmania for 18 years and continue to visit regularly. We have been both witness to, and subjected to, the effects of smoke pollution and the poem I am submitting is a reflection of that experience. The EPA also needs to reimplement a former Mediation program in neighbourhoods plus oversee the "trend" of firepits, mostly made of metal, which can be used as incinerators by householders and campers.

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**Smoke**

Smoke, from the chimneys of household woodstoves and backyard burn offs in Tasmania.

Streaming into, and from, the suburbs, towns and hamlets along the way. Unrelenting.


A suspension of particles; billions of drifting carbon molecules

A bit of everything that is being burnt and picked up as it drifts along

Filling the lungs of everyone within its reach.

And what will the future hold

For all those whose bodies are being abused

By it falling onto, and into them?

And who will hold up their hand and say:

I, I am the one who is responsible

For doing nothing to stop it!

*
Maybe it will be you,
You, the leaders of the people,
Who collectively
Will hold up your hands and say:
Yes, we will be the ones who will stop it.

And,
Maybe you will not!
Moira Grindle © August 2017

57. Department of Health

Thank you for the opportunity to comment on the draft Environmental Management and Pollution Control (Smoke) Regulations 2018.

As discussed, I have reviewed the draft and sought advice from our environmental health area. We offer the following comments:

1. The draft smoke regulations are clear and straightforward and reflect the real issue of ‘smoke’.
2. Regulation 3 Interpretation: prohibited waste (i) plastic; should this be expanded to include food packaging?
3. Regulation 5 Heating appliances to comply with Australian Standards: (1) A person must not manufacture, import into Tasmania for sale or sell a heating appliance; should this be expanded to include “import into Tasmania for sale or personal use”? Alternatively would it be possible or desirable to prohibit all imports of non-AS compliant heating appliances regardless of the intended use? I’m not sure if such a prohibition would be contrary to mutual recognition requirements. Perhaps such a ban would also need to be elevated to the Act.
4. Regulation 7 Emission of smoke: this is a difficult clause to understand but I appreciate how much effort has gone into drafting for this difficult concept. Maybe the phrase “as a distance of 10 metres or more” could be removed from sub-paragraphs (i) and (ii) to para(b) but that is a matter for OPC.
5. Finally, has DPIPWE allocated resources to councils to assist in implementing these regulations?
58. **Chris Peterson**

I am one of the many asthma sufferers whose condition seems to flare when subjected to wood heater and other sources of uncontrolled smoke and would like the following considered in the context of the review:

- Requirement for an annual chimney inspection/service
- Better regulation on the sale/use of green firewood
- Restriction on use of woodheaters on still days
- Requirement for woodheaters to meet Australian Guidelines on use of best practice emissions and efficiency
- Policing of regulations to remain with state government. Current observation is that local Councils are not performing in some existing areas of regulatory responsibility. Unsure on the merits of using local residing employees in regulatory/policing roles.

In respect to burn offs, backyard burn offs of all material should be banned. Councils need to provide better waste management and recycling services. The approach of our local Council to continue to reduce tip hours and make it costlier is dumb and in direct conflict with anti pollution and bush fire safety objectives. Farm fuel reduction burn offs should be required to have permits all year round in order to avoid unnecessary nuisance smoke eg take wind speed and direction into account prior to light up.

59. **Donald Riddell**

Submission - Draft Environmental Management and Pollution Control (Smoke) Regulations 2018.

**Introduction.**

I wish to make comment, as invited by the EPA, on parts of the proposed draft smoke regulations. Unfortunately, I was unaware of the RIS prepared in 2017 on this matter and would have made the same comments if I had been aware of these proposed changes in 2017. Notwithstanding this comment, changes, once in draft regulation format, are also more transparent and focused than the tabular and conversational form as “proposals” in which they are expressed in the RIS, and comments can also be more focused.

My principal concern is subsections (2) & (3) of regulation 7.

**Public Discussion and Context**

My concern regarding these new regulations were triggered by the following type of media comments:

“The EPA says that draft smoke regulations that could see people fined for smoke coming from their backyard barbecue are ‘nothing new.’ Director of the EPA, Wes Ford, speaks with Brian Carlton about the regulations this morning, and says that this is a move by the State Government, not the EPA. He also said that regulations around smoke and barbecues have been around for ten years.”


ABC Online Updated 20 Jul 2018, 6:34am
“What is new is the capacity of council officers to levy fines of two penalty units where fires break smoke rules and the power for magistrates to impose fines of up to $1,600 as a maximum penalty in the courts.

Under the changes council officers will be able to issues fines of $320.

"It means that environmental health officers from local government are able to issue environmental infringement notices, or on-the-spot fines, rather than having to go to court."

Comments on the Regulations. Regulation 7 (2) (previously 9(2))

Prior to reading the RIS, I found the previous regulation and compared it with the new regulation. I was appalled that the educative process enshrined in the previous regulation had been removed in favour of “parking ticket” approach that;

Gives no explicit right to a warning or whatever; and

Gives the authorised officer such powers that would be very difficult to counter i.e. “based on the officer’s own senses, that smoke was emitted from a building or land occupied by the defendant, that evidence is prima facie evidence of the matters so stated”

I then back tracked and read the RIS and found the following on Page 8 which seemed to be some sort of justification:

“Local Councils have their own implementation policies and practices and it is likely that the type and level of action taken by Councils will vary to suit their local community.

For example, problem assessment, advice and education will often be a first step. Verbal and written warnings may also be issued, followed if necessary by the serving of an environmental infringement notice (EIN).”

I believe the preceding paragraphs are telling us is that Councils will use their discretion in applying paragraph 7 (2), or don’t worry, she will be right! Unfortunately, in this day and age, I don’t believe laws can be written around the notion of discretion; this sub clause it is at best sloppy drafting and at worst something worse.

Surely to write a regulation that leaves this important FIRST step in obtaining compliance at ABSOLUTE DISCRETION of Councils etc is the height of COMPLETE NAIEVATY. This will at best introduce a high level of inconsistency across the State (we do have 29 Councils with varying ideological bents) and at worst leave persons open to either vindictiveness or a mindset of fine gouging. At the moment it seems like it has the potential to impose a punitive tax on a community that can often least afford it and produce more, not less red tape.

Please reinstate a clause in the regulation that gives a person the RIGHT to an educative step. Yes, the standards per se are not new, but that doesn’t mean everyone will be familiar with them, as this rewrite of the regulation seems to suggest, or as the Director of the EPA suggests in the above quote from the Brian Carlton show – “nothing new”.

Further on this subsection of the Regulation, the clause appears to set very low and potentially biased evidentiary standards. What form of evidence will be required, other than what they “sense”? (Presumably “see”, given regulation 7 (1) is based on visibility.) Shouldn’t photographic evidence be a minimum standard, rather than something that may be momentarily seen? I suggest this regulation should be revised to set some sensible standards of evidence that all sides of a potential dispute can be aware off.

Regulation 7 (3)

From the review of the previous Regulation, 7 (3) seems to be an entirely new sub clause. One must question why it is here!
The RIS talks about things that are “dry” or “dryness”, but seems to assume that everyone knows what is meant by such a broad generalisation. I suspect those that conceived the clause may be hard pressed to give a straight answer. Furthermore, I note this clause is an addition from the 2017 draft regulations contained in the RIS. What does this suggest about the genesis of this clause?

From an educative / aspirational position it is an entirely reasonable “motherhood” statement. But to enshrine something as nebulous as this in a regulation with a fine of up to 10 penalty units is a disgraceful action.

There are many reasons why I believe the translation of this motherhood statement to a Regulation are fraught;

Essentially the regulation is about smoke production, not about how “dry” the material being burnt is. As I alluded to above there appears to be no definition of dry?

Use wood as an example; A piece of wood can be kiln dried and be about 12% moisture content or it can be picked up from the bush and appear dry and its moisture content may be well more than 30%. So what is the standard and who will define dry and how it is assessed?

Depending on the phase of a fire, start-up etc, performance of the material in relation to its moisture content may have little relevance to the smoke produced. i.e. very dry wood will smoke when first lit and wood with 30% moisture content on a hot fire may be of little consequence.

Thus Regulation 7 (3) introduces

A rule that will be virtually impossible to adjudicate, so why introduce it to sit there when the issues about smoke production are about more than one variable; and

It introduces a “double jeopardy” offence if it can be proved. Not only have you produced smoke and contravened set of standards that could be problematic to meet, but you can essentially be fined twice for the same offence. Inclusion of the word “reasonable” does not in any mitigate the potential of this regulation to be misused; it is drafted as “all reasonable” not just “reasonable”. I believe the inclusion of “all” restricts the use of reasonable as a defence.

Stick to the smoke standards in 7 (1), even though these are almost impossible to meet at some stage during a wood heater cycle. I suggest that 7(3) be deleted from the final regulations.

Regulation 9

The change from 2,000 m2 to 4,000 m2 in Regulation 9 appears to be classic case of prescription creep.

I note the RIS says;

“The area limitation has been proposed to increase from 2,000m2 to 4,000m2 to reduce smoke from backyard burning in residential areas. It is considered that most property owners with land in the 2000 – 4000m2 range will have other disposal options for green waste such as mulching or mowing.”

It would seem little evidence has been presented to support such a throw away statement. I can imagine there is a whole range of circumstances out there which essentially render this statement to be someone’s unsubstantiated opinion.

In this absence of real evidence rather than “consideration” I suggest the area requirement revert to 2,000 m2.

Yours sincerely

Donald Riddell
Thank you for the opportunity to comment on the Draft Smoke Regulations 2018. I am writing from personal experience and from the perspective of my clinical role as an allied health professional where I work across the community and in hospitals.

**Background**

I did not quite know how to begin, as the extent of my experiences of being negatively affected by smoke pollution is not an easy thing to sum up. Moreover, those in the community that are dismissive of concerns about the impact of wood smoke will most certainly lack empathy and be resistant to change. People are highly attached to their wood heaters for obvious reasons. I appreciate financial implications and that a proportion of people benefit from reduced power costs when they can get access to free wood. In addition, it is fair to say that people with wood heaters enjoy the warmth and cosy glow. However, the abundance of research about smoke related illness and mortality rates speak volumes as does the voices from various foundations, groups and individuals.

I have read with dismay the stories from desperate parents feeling powerless to protect their children and loved ones from smoke exposure resulting in chronic illness and their inability to play outdoors in smoky surrounds, or enjoy life in their home due to visible smoke inside. For no matter how much people seal their homes, smoke will still get in, much like oxygen does except the smoke will reduce oxygen and compromise ability to breathe well.

We know that smoke is smoke whichever way one inhales it and is highly damaging to health. Medical and air specialists and anti-smoking campaigns outline the correlation of smoke exposure and chronic illness with reference to increased risk of asthma, cancer, heart disease, atrial fibrillation, hypertension, brain injury, stroke, dementia and yet wood smoke heaters are left to smoke all day and night with very little regard and action to prevent harmful exposure. My local council has been reluctant to take enforced action and given letters to those I have complained about to very little, if any effect.

There is parody and paradox of antismoking campaigns in the media ‘smoke kills’ and so forth and yet people choose to be in denial that their smoking heater is just as harmful as passive smoking. Upon driving into Queenstown, plumes of wood smoke surround an anti-smoking billboard with the town often adrift in severe smoke haze. The negative impact particularly on the young sets up their future health outcomes. There is a lot of chronic illness in this town and in Tasmania per se and one can only wonder the cost on the health system and all that it encompasses i.e. hospital beds, bed blocking, specialist intervention and so forth but this is only one factor. In my job, I notice on a daily basis the laboured breathing and coughing of others, how most people I work alongside have asthma, and I have not known this to be so prevalent in other states I have worked.

I relate to how it feels to be affected from smoke pollution drifting into my home and surrounds, the acrid, putrid stench on furnishings, in my home, in my lungs; neighbouring smoke and plumes drift from up the street or across the road or several streets away…smoke pollution that is not mine, but imposed.

Over the course of 3 winters, I have made over 65 complaints in relation to the impact of wood smoke from neighbouring properties in my street in addition to properties near my work place. Other complaints have been in relation to neighbours burning plastic and building materials. Please see attached photos for some examples.

The smoke pollution has been overall unrelenting and significantly affected enjoyment of property and ability to stay inside the house or in the vicinity. People say go, leave, move house…but I ask you where does one go to get respite when the smoke is across every Tasmanian town for at least 4 months of the year. In my work role, most people I meet have asthma and chronic breathing issues and I see the neighbouring wood heaters or indeed their own heater and I understand why this is so.
I have taken leave many times from work due to lack of sleep and headaches, breathing issues from exposure and driven off many times at 1AM to get some respite. To me, this is extremely unjust how others’ pollution can be allowed to have so much detrimental effect on others. I am not a sensitive person, smoke exposure is just that, and nobody is immune. I have bought air purifiers at great expense but they can only do so much and do not have the capacity to eradicate the harmful particulate matter and gases and poisons in smoke.

During 2017, I approached the Environmental Pollution Agency, Hobart for advice on basis my complaints to council did not amount to any positive change. In Aug – Sept 2017, I left my home for 3 weeks due to the neighbouring smoke pollution and during this time, the EPA put in a pollution monitor. This recorded levels of particulate matter that daily exceeded the ‘safe’ levels as outlined by the Tasmanian Health Service. Following this, Dr John Innis, Senior Scientific Officer, provided a 60 page evidenced based report in relation to the pollution to local council and the council acknowledged that a ‘pollution issue’ existed. However, they still requested at least 10 minutes video footage as part of their assessment in terms of what action or options they may take in seeking to address the matter.

My complaints have not translated to perpetrators changing behaviours because people simply do not care enough. The significant variable is that in trying to prove the smoke pollution, one has to jump insurmountable and unrealistic hoops to prove that an issue exists.

**Recommendations**

1. There needs to an authority that can deal with genuine complaints especially after hours that has no allegiance with council on basis council I believe can be reluctant to take enforced action on locals especially in small towns where many people know each other. Another consideration is that people are reluctant to complain for fear of reprisal and being demonised and dismissed for being ‘crazy’. Although what is crazy is, allowing people to be subjected to passive smoking from wood smoke day and night when so much education exists about ‘anti-smoking’. A mediator is beneficial in ensuring all parties are heard as part of reducing risk and building rapport.

2. The duty of care to the community needs to be 24 hours with adequate resources available to address pollution issues. Smoke pollution is often unrelenting through the night when people shut heaters down, or just let them smoke. The police I have found while empathic are reluctant to act and refer to council. The police need to have authority and obligation to act if someone is being adversely affected by smoke exposure, as there are potential serious health implications and possible neighbour disputes and hostilities that can result from resentment and differing attitudes.

3. The council have requested at least 10 minutes of video footage of smoke plumes of at least 10 metres that provides evidence of ‘nuisance smoke’ but capturing footage in the dark can be impossible. In fact, capturing smoke from an offending heater regardless of hour puts the person at risk from hostile perpetrator who may lack insight as to the issues or not care about how their smoke pollution is affecting others. Ideally, a complaint about smoke should warrant further investigation by an authority that includes asking the homeowner to actually light their heater/ fire to assess appropriately. Looking at how people stack or store wood or them simply saying they do the right thing does not translate to responsible management. Unfortunately, people cannot be trusted to do the right thing. Fines need to be enforced, as people will be more inclined to make improvements if it affects them financially. The excuse about allowing people to use out dated heaters due to financial resources needs to stop, as this ideology is akin to letting people drive unsafe cars.
4. Wood heaters do not belong in the suburbs for the reason they impose passive smoking on everyone in the vicinity. Although this move would be unpopular with those with heaters, the benefits on health and social outcomes would be two fold in terms of improved community health, less burden on health system and saving the health system billions in the long term.

To conclude:

I cannot stress enough how horrendous it continues to be living in a smoky environment. I struggle to understand that people would rather breathe in smoke than clean air and I struggle to understand why policy makers do not make the laws easier to enforce as part of protecting community. Children and the aged are the most vulnerable but nobody is immune.

I view being smoked out of house and home as a form of domestic and environmental assault as there is simply nowhere to get respite from it. Those with wood heaters should not have a monopoly on the air people breathe and dictate the compromised air quality so they can stay warm and cosy while people struggle to breath—air is our basic life force and human right. Whereas there are other forms of clean heating that people can adapt to.

Sincerely,

Lisa Grindle.
August 2018.

61. Alex Newman

Dear EPA,

A quick response to the draft legislation on control of Draft Smoke Regulations 2018.

Had thought this was a joke when I first heard of it, but heard today it is true. I am a law abiding citizen and care a lot about the planet, my neighbours and pollution reduction. The proposed draft would however make it illegal for me to use my small outdoor pizza oven. I question how much of a nanny state we need to become.

My commercially purchased pizza oven is small, 80cm outside measurement and is located approximately 4m from my nearest neighbour’s garden fence. It takes about an hour to fire up and it is impossible to do this without some smoke. I use the oven once a fortnight during half the year for maybe four hours at a time maximum. I do not use it during winter. Therefore my maximum usage is roughly 48 hours a year. Most of this time would be smoke free but a percentage would not. How do you determine what is visible? Black smoke is clearly an issue but is a white smoke that you might from a bbq an issue? How much harm does my pizza oven use do the planet compared to someone who burns wood the whole way through winter?

Another issue as I see it with the proposed changes, is it could create issues between neighbours. A neighbour might start reporting smoke from a neighbour who they dislike and according to the proposed changes that would be very easy to do. Who is going to police this? Will EPA be driving around timing smoke emission from chimneys?

Believe this is a step too far into the world of insanity. Would it be better to require people to have their wood burners cleaned? Would it be better for the government to do a free replacement system where they go to household with little or no money and install new more efficient burners? Should there be a more options to burn dry wood then off the back of a truck parked by the road?
In the end EPA is trying to control backyard cooking. A social and important activity. Our pizza oven use is always a communal event often with neighbours involved. Are there not more important areas for EPA focus on which would achieve more?

By all means try and control people burning off rubbish in their gardens but don’t try and outlaw cooking food in the garden. No more slow roasts over the bbq etc.

Best regards,

Alex Newman
62. Tasmanian BBQ Society

Tasmania Environmental Protection Agency – to whom it may concern,

Please consider this submission provided by the Tasmanian BBQ Society regarding the proposed changes to regulation of smoke emitting fires. Also consider the attached document that includes research we have found to support our position that BBQ smoke represents a minimal impact on the environment; while other sources of smoke (particularly cigarette smoke which is unregulated) pose a greater risk to the environment. While we understand clean air and environmental protection is of utmost importance, we do not feel including BBQ smoke in the same categories as controlled/permit burns and wood heaters is justified.

‘Best practice’ when smoking meat calls for the cook to burn a clean wood fire, where the “smoke” is more of a mist. We call this the “thin blue” or “silver blue”, which is the result of burning a clean fire and having adequate air flow. When thick acrid smoke is present, the cook is incorrectly applying BBQ technique. Non-charcoal cooking devices, including electronic or gas smokers, use chips or pellets which are specifically designed to provide this “thin blue smoke”.

The method of smoking meats has been used for centuries to preserve meat and enhance flavour. Slow cooking techniques using smoke will generally maintain a minimal cooking temperature in the smoking chamber, normally no more than 100 degrees Celsius. In the fire chamber the pyrolysis process occurs in the wood; internal temperatures are kept at ignition points of 480-500 degrees Celsius and the wood releases sweet, earthy flavours, that complement the taste of meat. This is referred to (in BBQ jargon) as “good smoke”. The pheno-chemicals produced when burning this type of fire have both anti-microbial and anti-fungal properties.

If used correctly a wood fired smoker will not be anywhere near as hazardous as a wood fire heater or vegetation burn-off.

We feel Tasmania EPA has an excellent opportunity to work with the Tasmanian BBQ community and the Tasmanian BBQ Society to promote a best practice strategy where the public can enjoy the use of their backyard BBQ’s without the need for legislated control and penalties.

We have attached a brief document to support our belief that EPA regulations are better applied to ‘major’ sources of air pollution; which do not include BBQ cooking devices.

Tasmanian BBQ Society Inc.
The National Environment Protection Council (NEPC) monitors our natural environment and they basically develop the yardsticks by which measurements are made on things like air and water quality and noise pollution. Smoke is largely made up of particles and air quality standards are defined by the concentration and size ranges of particles suspended in the air.

How is smoke and air quality measured? Air quality standards exist for particles with an equivalent aerodynamic diameter of 10 micrometres or less (PM10) and particles with an equivalent aerodynamic diameter of 2.5 micrometres or less (PM2.5). BBQ smoke is generally dominated by fine particles in the PM2.5 range. PM2.5 particles are small enough to be breathed deep into the lungs and prolonged exposure may cause health effects, particularly in children. However, acute exposure to heavy BBQ smoke is not the norm, and it’s recommended that children should be supervised whenever they are in the near proximity of a BBQ cooking appliance.

Does acute or prolonged inhalation of barbeque smoke impact negatively upon air quality? Certainly, any smoke (because it contains a mixture of fine particles and potentially harmful gases) may be classified as polluting the air. Therefore, smoke from backyard barbeques does have some impact on air quality, but these impacts are generally localised and minimal when compared with other sources of pollution. The explicit impact of BBQ smoke will also depend upon atmospheric conditions; principally temperature, sunlight, and wind.

The major sources of PM2.5 emissions are motor vehicles, power plant emissions, bushfires, home wood heaters, and cigarette smoke. Direct comparison of personal (i.e. backyard) BBQ smoke emissions with any of the major PM2.5 contributors has not been adequately documented.

EPA initiatives have addressed motor vehicle emissions (which have been reduced over time, but remain a major concern to air quality) and power generation. Reduction in the negative effect from bushfires can be addressed through better land management practices, including the proposed EPA changes in burn-off regulations on private land. Changes in the regulations applied to the manufacture and sale of ‘efficient’ wood burning appliances makes sense with respect to the volume of pollutants (particularly in some urban regions) emitted during winter months by home wood heaters.

Determining the scope of air pollution caused by cigarette smoke and barbeque smoke is problematic, as very little quantitative evidence exists. One published study from China did look at the PM2.5 emissions from an outdoor commercial BBQ kitchen. This study reported that inhalation by an adult who spent at least one hour/day near a charcoal-grilling device amounted to 2.8–27 nanograms. The EPA standard for ‘very good’ air quality for hourly PM2.5 exposure is 0–13.1 microgram per cubic litre of air (i.e. one nanogram being 1/1000th of a microgram). [Note: one nanogram = 10^-9 gram, and one microgram = 10^-6 gram]. In this published research, the exposure to a commercial source of PN2.5 air pollution generated from a BBQ was insignificant.

BBQ smoke emissions might also be compared to passive cigarette smoke effects. Published estimates of one-hour exposure to PM2.5 from cigarette smoke is 830 ug/m^3 of air. While acknowledging that government legislation restricts cigarette smoke in some designated public spaces, in the majority of outdoor settings (public or private) there are no restrictions on the emission of cigarette smoke, nor any recommended ventilation standards. Therefore, uncontrolled air pollution from cigarette smoke may pose a significant problem that is many times worse than smoke from an outdoor BBQ cooking appliance. Considering the same exposure time to cigarette smoke and BBQ smoke in an outdoor setting clearly indicates the relatively low level of PM2.5 exposure from BBQ cooking. Therefore, it may
be more useful to look at additional ways to limit cigarette smoke, rather than focus on the possible environmental impact of a backyard BBQ.

A definitive number of studies comparing/contrasting the pollution effects of the home BBQ with/across other sources of air pollution must be done before the scope of any ‘problem’ can be determined; at this time such studies do not exist. The important question should be, “How can BBQ smoke emissions be reduced?” The best way to reduce emissions from a wood or charcoal fire is to keep it clean. This means burning dry and untreated wood and regularly cleaning the interior surface of a barbeque.

The Tasmanian BBQ Society is a strong advocate for “best practice” in the use of wood/charcoal cooking appliances and cooking methods. Public education, in relation to BBQ as a means of food preparation, is what’s needed – not legislation. The TBBQS will gladly take on a leadership role in educating the public about responsible use of wood/charcoal cooking appliances.

References

**Barbecue Fumes: An Overlooked Source of Health Hazards in Outdoor Settings?** Chen-Chou Wu, Lian-Jun Bao, Ying Guo, Shao-Meng and Eddy Y. Zeng, *Environmental Science and Technology*, Volume 49, Number 17 (2015), pp 10607–10615. This research looked at the atmospheric size-fractioned particles emitted by a commercial food vendor (cooking on a charcoal fire) in Xinjiang, China. Gaseous samples were collected and analysed for particulate matter and polycyclic aromatic hydrocarbons. Exposure to PAHs through inhalation for an adult who spent at least one hour/day near a charcoal-grilling device amounted to 2.8–27 nano-grams.

**Cigarette smoke produces 10 times more air pollution than diesel car exhaust.** *Medical News Today*, 25 August 2004.


**Evaluation of interventions to reduce biomass smoke air pollution on mortality in Launceston, Australia: retrospective analysis of daily mortality, 1994-2007**, Fay H Johnston, Ivan C Hanigan, Sarah B Henderson, and Geoffrey G Morgan, *British Medical Journal*, published online 8 January 2013. This age stratified time series analysis of daily mortality compared Launceston, where coordinated strategies were implemented to reduce pollution from wood smoke; and Hobart, where no specific air quality interventions were conducted. Mean daily wintertime concentration of PM10 fell from 44 µg/m³ during 1994-2000 to 27 µg/m³ during 2001-07 in Launceston. The period of improved air quality was associated with small non-statistically significant reductions in annual mortality. The analysis indicated that decreased air pollution from ambient biomass smoke was associated with reduced annual mortality in males and with reduced cardiovascular and respiratory mortality during winter months.
Dear Sir/Madam,

RE: ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018

I am writing to you on behalf of Environmental Health Australia (Tasmania). Environmental Health Australia (EHA) is the premier environmental health professional organisation in Australia which advocates environmental health issues and represents the professional interests of all environmental health practitioners. EHA is committed to the professional development and status of its members and the enhancement of environmental health standards and services to the community through advocacy, promotion, education and leadership. The professional organisation has been in existence since 1936 and is a member of the International Federation of Environmental Health (IFEH).

EHA (Tas) is pleased to provide comment on the aforementioned Regulations which have been created to replace the Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007 which expired on 15 August 2017. The Regulations are essential to allow Environmental Health Officer’s (EHO’s) to limit the smoke produced by wood heaters, fireplaces, outdoor cooking appliances and ‘backyard burning’ in and around urban areas.

The implementation and enforcement of the Regulations is primarily the responsibility of local government EHO’s, with some support from the Environmental Protection Authority Tasmania (EPA) for air quality monitoring and wood heater compliance. Majority of EHA (Tas) members are employed in local government in Tasmania and are required to implement the legislation on behalf of the EPA.

The following comments are provided regarding suggested amendments to the proposed Regulations, to enable EHO’s in local government to interpret and apply the legislation with minimal ambiguity.
I am writing to provide support for the proposed *Environmental Management and Pollution Control (Smoke) Regulations 2018* with the inclusion of the amendments detailed in this letter. The Regulations will enable environmental health professionals to carry out their statutory functions and deliver a high level of public health regulation in Tasmania. The requested amendments will reduce ambiguity of interpreting and applying the legislation.

Thank you for taking the time to consider our feedback.

Yours Sincerely,

Melissa Burn

President

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<tr>
<th>Section</th>
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| 8       | **8. Prohibition on burning of prohibited waste**  
          Unless it is otherwise lawful to do so, a person must not burn any prohibited waste. | The items listed as prohibited waste may be harmful to the environment and public health when burnt, therefore it is proposed that these wastes are not burnt under any circumstances, on any size of land. | **8. Prohibition on burning of prohibited waste**  
          A person must not burn any prohibited waste. |
| 9       | **9. Burning of vegetation and vegetative waste on land with an area of less than 4 000 square metres**  
          **(1)** A person must not burn vegetation or vegetative waste in the open, or in an incinerator, on land that has an area of less than 4 000 square metres, unless –  
          **(a)** the person uses all practicable means as are necessary to prevent or minimise air pollution; and | This particular wording may make it difficult for EHO’s in LG to enforce and determine non-compliance with the legislation due to the ambiguous nature and interpretations of ‘all practical means necessary’. It is proposed that part (a) is removed, therefore prohibiting the burning of vegetation or vegetative waste on land less than 4,000 square meters unless there is an EPN, TFS permit or fire hazard. This particular wording worked well in the previous legislation where burning on land less than 2,000 square meters in size was prohibited. The removal of 9(1)(a) may also mean that 9(2) is not required in the Regulations. | **REMOVE**  
          **9(1)(a)** the person uses all practicable means as are necessary to prevent or minimise air pollution; and |
Environmental Health Australia (Tasmania)

64. Silvia Krieg

Although I live in the coastal area of Southeast Queensland I still would like to make a submission. While Queensland is a world away from Tasmania we do seem to have the same smoke pollution problems.

- **Burning of vegetation and vegetative waste on land with an area of less than 4000 square metre (page 11)**

  Here in Southeast Queensland the regulations in regards to backyard burning seem to be patchy. Some councils have the 4000sqm rule while others don’t seem to have them in place. Many owners of the big properties burn off their garden waste regularly. According to the law the matter should be dry/seasoned but in most cases it is still fresh or so compacted by the time it is eventually burned off that it does not burn properly and causes a lot of smoke. While they are at it many people also throw other material on the pile that is unsuitable for burning and releases toxic fumes.

  From my experience no private landholder should ever burn vegetative matter on their land no matter what size the property is. Where I live only a small local road separates the acreage properties from the smaller 640 to 800sqm properties and this is not an isolated situation. This street is not a barrier and the smoke from the big properties is affecting residents on the smaller properties.

  In my opinion this habit is wasteful, unnecessary and no longer in line with the newest environmental and health related findings. All green waste should be recycled by mulching or composting either on site or at an appropriate council facility. The Gold Coast, like some other councils is providing green bins for that purpose, although they are unfortunately not yet standard.

- **Emission of smoke from heating appliances, outdoor heating or cooking appliances and fireplaces (page 9)**

  In winter we get a double whammy here. Although winters are dry and vegetation dries out faster burning off garden waste still produces a lot of smoke. In addition winter nights can be quite cold and people love their fire places. I know some people find them cozy but from a health point of view they are a problem. Most houses these days have reverse-cycle air-conditioning to heat the house in winter and cool it down in summer. That should be sufficient enough to be comfortable during any season. My house does not have air-conditioning. I rely solely on the sun to cool and heat the house. In summer that is often affected by people deciding to burn off garden waste on their big properties. In winter it is even worse since I only have a small window of time to heat my house and that often coincides with neighbours deciding to put another log on the fire causing the street to succumb under smoke. Even once the smoke is gone the smell often lingers around for a much longer time.

- **Prohibited waste means any one or more of the following (page 5)**

  The prohibited waste section should also include melamine boards, laminated timbers and any type of engineered timbers such as plywood as that releases toxins, too.

- **An additional note**

  There is also still the misconception that burning wood is carbon neutral when in fact it is not. While the amount of environmentally-damaging CO₂ emissions that are released when burning timber equals the amount which the tree has filtered from the atmosphere during its lifetime, it does not take into account the amount of emissions produced during transport and process of the timber. It is also in contradiction with the effort to capture excessive carbon from the air which we produce by other means. And then there is the problem with particulate matter and toxic gases that are being emitted.
65. Mark Corrigan

Wood smoke submission, 17 August 2018.

Here we are again lodging another submission with regard to wood smoke controls. The EPA has yet to fully explain why as a stakeholder, no one in the EPA let individuals know that their submissions previously made & submitted had been pushed aside & that the regulations where rolled over for another 12 months. Surely we deserve some effective communication from the EPA on this matter. This does tend to show the level of respect you have for individuals that make such submissions. I will await the EPAs answer on this point.

I have lodged in the following documents the Wood Smoke Control Report from NSW 2011, so that the Dept. can clearly understand the health effects of wood smoke. It is stated in the NSW Wood Smoke Report 2011 that wood heaters make up less than 5% of smoke polluting appliances in Sydney (due to good access to gas & other forms of heating) but the impact of wood smoke on the NSW health budget will be $8 Billion dollars by 2030! How much is wood smoke costing the Tasmanian health budget? Dr. Dorothy Robinson found that each wood burning appliance will cost NSW health system $5000 per year, so just imagine how that $$figure will rise in Tasmania with our long drawn out winter/spring/autumn of solid fuel burning & as well, Tasmania has at least 50% of homes with a wood burning appliance compared to NSW (in my observations for eg there are 10 houses in our street & 8 houses have at least one wood burning appliance; I calculate that to be 80%, so my estimate of 50% I believe is conservative!) Tasmania has the worst State health outcomes in Australia with regard to heart & lung diseases, strokes & repeat strokes, cancers & 68,000 individuals with asthma.

With our so called 'clean & green' rhetoric why has this State such appalling health outcomes for both young & old? We need action on this major public health issue, the science in well as true in! Wood smoke is toxic & contains benzene, formaldehyde, carbon monoxide PAH, HAP & fine particulate matter P.M 2.5 to name just a few chemicals. There is NO safe level to exposure to PM 2.5 & studies have shown that 80% of the wood smoke emitted from a family home either re-enters that home or that of their neighbors. Adults choose where they live but babies & children cannot & are at the mercy of their parents questionable (in this case) choices. Until a child is 18 they inhale twice as much air as adults, so look what toxic smoke pollution they are forced to breathe in for up to 9 months of the year, day & night! It's called 'chronic exposure' & amounts to passive wood smoking for by far the majority of the time, a sure recipe for bad health outcomes. I believe forced passive wood smoking is tantamount to child abuse.
So what is the answer to reducing & minimizing this toxic air pollution? Is the EPA not capable of conducting a simple risk assessment re the dangers of all this wood smoke & use basic principles such as elimination or reducing the impact of wood smoke on the broader community? Wood smoke from wood burning appliances should not be examined in isolation but added to the long list of burning anything & everything in this State, pollution we have to endure much of the year such as:

*Fuel Reduction
*Forestry burns
*Incinerators. (Yes still openly practiced outside Hobart & Glenorchy & even encourage by Councils on blocks over 2000 sq.)
*Burning of rubbish & waste
*Burning on farms instead of making use of a precious vegetation resources for composting.
*Burning of green waste masquerading as hazard reduction.
*Burning for land clearing.
*Agricultural burning =Why do we have farmers still conducting stubble burns in 2018, when progressive farmers have moved away from this Neanderthal act years ago?)

We are unable to attend a festival/event in Tas without some genius having fire pits or a huge bonfire as a focal point, or burning a whole pig or a cow even......Please ! I'm of the belief that the majority of residents in Tasmania are addicted to passive wood smoking.

What do other intelligent individuals have to say about wood smoke air pollution? They don't just sit there & ignore this issue:

Kerry Chant    NSW Chief Medical Officer:
States wood smoke is so detrimental to health she supports banning wood heaters/appliances & phasing out of solid fuel heaters in urban areas.

Michelle Goldman   Australian Asthma Foundation CEO:
One wood heater produces emissions more toxic than cigarette smoke & generates as much PM 2.5 each year as 370 SUV cars each driving 20,000 km!!!

Dr James Markos   Respiratory Physician Specialist Launceston:
Also called for the banning and phasing out of wood heaters in urban areas. "If you can't breathe nothing else matters"!

Dr Fay Johnston   Associate Professor, Public Health, Menzies Institute:
In terms of local air quality wood fired heaters are the most polluting source of home heating known to humanity & Dr Fay Johnson said she would always promote an alternative heating source if available.

NSW EPA:
"If you can see or smell the smoke from your wood heater then you are causing a health problem for yourself, your family and your neighbors".

The list goes on but all we get in Tasmania is the 'Burn Brighter campaign' re the EPA & Wes Ford the EPA Director sneaking on ABC radio @ 6.30 am to inform us of smoky wood heaters. No doubt 'Burn Brighter' was just about as effective as slapping us in the face with a wet fish! No mention of the health effects of wood smoke or no real care about this issue in general, just doing the Govt of the days 'window dressing of concern' because they actually KNOW the science, it’s easily accessible to all of us Online....HELLO! If the EPA is serious re this matter it needs to spell out clearly & loudly to the general public the health impacts that their individual wood burning appliances are wreaking on themselves, their family & community.

It takes courage to do what’s right. EPA Tas & Tas Health Dept need to grow some & ACT. NOW!

Yours Sincerely

Mark Corrigan

Attachments:

1. Economic Appraisal of Wood Smoke Control Measures 2011 (AECOM Australia Pty Ltd), Office of Environment and Heritage
3. Article from The Age newspaper 6 July 2018: ‘Like having a smoker in the house: why wood heaters in winter are bad for us’ https://www.theage.com.au

66. Central Coast Council
The following submission is made on the draft Environmental Management and Pollution Control (Smoke) Regulations 2018.

1. The inclusion of restrictions (regulation 7) on outdoor heating or cooking appliances is supported. Should there be any relaxation regarding such appliances there is the potential for barbeques or similar appliances to be used to burn waste materials.
2. The increase of land area (regulation 9) on which vegetation can be burnt from 2000m2 to 4000m2 is supported. Many lots of 2000m2 are within residential zones, or on the fringe of densely occupied towns.
3. There has been historical difficulty enforcing or applying the restriction of smoke emissions outlined in Regulation 7(1)(a) and (b).
   • Weather conditions impact the dispersal of smoke, which does not often travel in a horizontal linear manner
   • Smoke is often difficult to observe against an overcast background
   • Most complaints relate to nighttime emissions, which are again difficult and impractical to observe
   • The burden of proof makes enforcement action relating to smoke plumes unlikely
Council has taken an active educative role over this past Winter and supports the continuation of State-based education programs, particularly related to wood-heater smoke emissions.

Regards,

67. Vanessa Lake

To Whom This May Concern,

Re: Draft Smoke Regulations 2018

I wish to make this submission in response to the Tasmanian draft Smoke Regulations 2018. My interest in the regulation lies in the fact that for almost every night of this winter my house has been infiltrated by smoke that can be visibly seen to be emanating from a neighbour’s chimney. This has been detrimental to my health and quality of life and I am concerned about possible long-term effects of it. I have been corresponding with Australia’s leading expert on smoke-related lung disease, Dr James Markos, and he has confirmed for me that that wood-fire smoke is as toxic as tobacco smoke.

The current Tasmanian smoke regulations have not enabled either Devonport City Council or the Environmental Protection Authority to stop my neighbour’s smoke from penetrating my house and it seems that updates to the regulations will not make it any easier for them to.

Sections of the Draft Smoke Regulations, as follows, make them unlikely to achieve their presumed goal:

- Part 2, section 5 of the regulation does not provide adequate protection for Tasmanians from wood-smoke, as it only applies to new appliances. Based on this section of the regulation, highly polluting heating appliances can continue to be used indefinitely and so can continue to harm the health of Tasmanians for years to come. Further, I have been told by Dr Markos that even wood heaters that meet Australian standards, do emit toxins and that no level of exposure to wood smoke particles is safe. This part of the regulation could be strengthened by including in it a period by which wood heaters must be upgraded to ones that meet Australian standards. A license or fee could be charged to people who keep outdated wood- fire heaters, as an incentive for upgrading or removing them.

- Part 2, section 6 of the draft regulation is ineffective, as there is nil apparent, planned monitoring or enforcing of compliance with it. Devonport City Council has told me that they do not check heaters for compliance with this section of the current regulation.

- Part 3, section 7 of the draft regulation seems to be the same as a section in the current regulations. It has been proven ineffective at preventing smoke from entering my house. It is ineffective because Tasmanian Councils are not obliged to monitor chimney smoke compliance with this regulation outside of normal working hours. My neighbour’s chimney smokes most heavily from midnight until 1:45am. Council has therefore never witnessed it at its worst or when it is obviously non-compliant with the regulation. Another problem with this part of the regulation is that it relies on the subjective judgement of a council worker to enforce it. The Environmental Officer at Devonport City Council has told me that he will not issue fines for breaching smoke regulations unless he is certain that they are producing a smoke plume that
is visible ten metres from its point of leaving a building. A third problem with this section of the regulation is that smoke can be highly toxic and carcinogenic even if it is not visible. In my case, my neighbour’s smoke is not always visible at night and yet mostly smells pungent then. I fail to see how a regulation that is not enforceable can be effective at achieving its goal. In the least, the allowable plume length should be reduced from ‘within ten metres of a building’ to ‘within one metre’ of a building as this is easily achievable by modern wood heaters.

- Further, the problem with wood fire smoke is the particular matter that is in it, not its visual appearance. It seems pointless to have a visual limitation on it, instead of a smoke-particle amount limitation. It would surely make more sense than this to have a limit on how much particulate matter is allowed to be detectable within a certain distance of chimneys and to ban wood-fire heaters within a certain distance of any homes at which their particles can be found to exceed World Health Organisation standards. Visible smoke-plume length is not specific or easily measureable, so it seems to be an ineffective part of the regulation.

- Part 3, Section 7 (3) states that “A person must take all reasonable measures to ensure that only dry wood, dry vegetation or dry vegetative waste is burnt in a heating appliance...or a fireplace.” This section of the regulation is not currently being enforced by Devonport City Council, and therefore is ineffective at achieving its goal. An improvement on this section of the regulation would be to say that local councils must measure compliance with this, on receiving reports of nuisance smoke. Moisture content of wood can objectively measured.

Given these limitations of the draft smoke regulations, it seems that the proposed regulations will not be effective at achieving its presumed aim of reducing wood-smoke related morbidity and mortality. These regulations therefore place the rights of people to release carcinogenic smoke into the air before the rights of Tasmanians to clean, safe air and to optimal health. Sections of the regulation are not enforceable and they allow wood-fire heaters to continue to legally be used, in spite of their health effects and in spite of the fact that it is unnecessary to use wood for fuel in Tasmania when we have ample hydro-produced electricity. I implore you to consider banning wood-fire heaters in suburban areas of Tasmania, for the health and safety of all Tasmanians, or to at least strengthen the Tasmanian smoke-fire regulations in order to make certain that they are enforceable and effective.

Thank you in advance for considering the content of this submission when finalising the smoke regulations.

Sincerely,
Vanessa Lake.

68. Professor Kevin Parton

Dear Mr Ford,

INVITATION TO COMMENT ON THE DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018

Thank you for the invitation to comment on the draft regulations. My general view is that the proposals are limited in what they are likely to achieve. Nevertheless, in the spirit of "let not the best be the enemy of the good", I'm prepared to concede that they are a small step in the right direction. I have attached my main submission as an appendix, attached below. In this letter I have presented only the key points.
My credentials: I am a university researcher (Charles Sturt University) and editor of the Conference Proceedings, *Particulate Pollution in Australian Rural Towns*, published by the University of New England some 20 years ago. The key conclusions of the research presented there were that wood smoke was particularly damaging to health (see summary in the appendix) and that the only way to improve health in country towns was to change over to using heating fuels other than wood (that is, to ban wood heaters).

I have followed developments in Australia since, and have been astonished and dismayed by the lack of political will to do anything other than make token gestures that have minimal impact. Many people have died unnecessarily during that 20-year period, many others are suffering debilitating health effects.

There are four key issues.

1. Wood smoke is a significant health risk
2. Domestic wood heaters are the main source of wood smoke pollution, even in the major cities like Hobart.
3. The only policy that consistently reduces wood smoke pollution is a gradual reduction over time in the number of wood heaters. For example, town and city councils can prevent any new wood heaters being installed, require wood heaters to be removed when a house is sold, and buy-back for $500 any wood heater where the householder is converting to an approved form of heating.
4. Many other schemes have been tried, such as improving the standards of wood heaters and stricter smoke abatement (as currently proposed in Tasmania). These have had almost no effect.

Again, many thanks for allowing me to contribute to your deliberations. I wish you well.

Sincerely,

VAi

Kevin A Parton
Institute for Land, Water and Society Charles Sturt University

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69. Dr David Butler

Dear Sir or Madam,

This letter is in response to the "Smoke Regulations 2018 Consultation Draft" that was recently released for consultation. While I generally agree with a need to improve amenity by regulating devices that emit smoke, I believe the proposal is fundamentally flawed by including cooking appliances within the same rules as fireplaces, heaters and outdoor heaters. Specifically I would like to make the following statements:

1) Finally, burning sausages will be illegal!
2) Outdoor cooking is an activity that is very dear to many residents and the proposal will make many community enriching activities unacceptable with threats of significant penalties.
3) Arguments and stress over the possibility of a barbecue emitting too much smoke is likely to result in excessive neighbourhood disputes. I would like to especially note that these disputes are likely to come from spoilsports rather than people genuinely impacted by smoke. I believe this will reduce amenity far beyond any positives of the regulation.

4) Many outdoor cooking devices are designed to emit smoke. Smoking add-ons for gas barbecues have been common for a long time now. Many newer high-end outdoor cookers are primary designed for smoking. Plus of course, Australians have been building backyard smokers for at least hundreds of years and probably many thousands.

5) In the context of food smokers the 2017 Regulatory Impact Statement is fundamentally flawed in stating "The rationale for this provision is that fires kindled and fuelled with dry wood, and provided with sufficient airflow should only produce significant smoke plumes during brief start up and restocking periods." Smokers are designed to produce smoke during nearly all of the cooking process. The provision should be significantly revised before forming any regulation.

6) Outdoor cookers are often installed in very visible locations (like on a deck with a good view). The 10m visibility rule will be almost impossible to meet with any barbecue in a visible location.

7) Personally I recently purchased two smokers for roughly $2500 that will no longer be legal to use as intended. With recent foodie trends I am sure I am part of a fairly large group. Imposing the regulation without a very long phase-in period or a generous buy back program will be extremely inequitable.

8) Outdoor cookers that do not meet this regulation are still widely available for sale. If you are serious in making this regulation work, I suggest this be the first battleground. Possibly an Australian Standard for outdoor cookers? I believe this is how smoke from indoor wood heaters was first tackled.

9) The EPA will get far greater success from simply enforcing the existing rules around residential wood heaters. From observation very few heaters currently comply. Plus those heaters burn nearly 24x7 during winter (when smoke tends to hang around) compared to outdoor cookers that are only used for many a few hours per week normally in warm weather.

10) How is enforcing this cost effective or in anyone's interest? I am picturing hundreds of Council staff being conscribed as "Barbeque Cops" on grand final day.

Thank you for the opportunity to comment. As you may have noticed I am a little passionate about this issue! If you would like to discuss further please contact me, you will find that I am also level headed and constructive.

Yours faithfully,
Dr David Butler

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70. Anonymous submission

I would like to express support for the draft of the Environmental Management & Pollution Control (Smoke) Regulations 2018.

I have personal experience of the negative effects of fire smoke in a residential area. Residents of a neighboring property have an outside fire pit, which they use regularly, sometimes for cooking or garden waste disposal but mostly just recreation.

When lit, the fire pit has frequently been kept burning for well in excess on an hour, emitting large amounts of smoke and ash. The fire pit has been lit both in cooler months and in summer months, even on quite hot days. I believe the ash and smoke that flies away from the fire is a danger to surrounding properties, and the health of others.
On hot days we have opened windows of our house to cool it down, only to be forced to shut the windows again due to smoke from the nearby fire pit. This has resulted in our house remaining uncomfortably hot.

I believe the lighting of completely unnecessary fires in residential, suburban areas is irresponsible and inconsiderate.

Further to the draft, I would suggest that fire pits and similar recreational fires be banned altogether on residential, suburban blocks less than 4000 square meters in size.

I have witnessed ash from a neighboring recreational fire pit falling onto our house, posing an unacceptable threat to our property and personal safety.

I believe our property in outside the 10 meter range (Part 3, 7 of the draft) from our neighbor’s fire pit. However, if the regulations were weakened in this regard, that may not be the case.

I believe the above issues represent an unacceptable, unnecessary danger to property, health and safety.

A concerned resident of Tasmania

71. Paul Smart

Thank you for the opportunity to comment on the proposed Draft Smoke Regulations 2018.

As an avid barbeque enthusiast, I have concerns that the proposed legislation is a step too far and will impinge on the rights of everyday Tasmanians to enjoy the delights of wood fired, smoky meats. There has been a rise in home barbequing, particularly with the use of slow hot smoking of meats, which can produce some fantastic food. These new proposed regulations go too far and will make this practice illegal.

Of concern is PART 3 – EMISSION OF SMOKE FROM HEATING APPLIANCES, OUTDOOR HEATING OR COOKING APPLIANCES AND FIREPLACES, clause 7. Emission of smoke from heating appliances, outdoor heating or cooking appliances and fireplaces. The practice of “smoking meats” produces smoke, that is the essence of this particular cooking process. This clause states that no smoke should be visible for more than 10 minutes. This will be inappropriate, particularly when I am slow cooking a nice piece of Tasmanian Big River Highland Beef brisket for 24 hours. Smoke will be produced for 24 hours, but in a very small controlled way. No visible smoke leaves the property, nor travels further than a couple of metres.

As the proposed new legislation stands, the art of barbequing is at risk, and the draft needs to be adjusted so this very Australian practice will be allowed to continue.

I welcome further consultation.

Cheers

Paul Smart
72. Daniel Albert

Comment on the proposed Smoke Regulations 2018

Level of the present pollution problem

The Tasmanian guideline for pollution are for a maximum PM2.5 particles level of 25 µgm³ over an hour period. In Bellerive this winter, the level reached over eight times that amount. This illustrates the enormity of the pollution problem in Tasmania and the health dangers pollution poses.

Total Emissions Levels

Placing emission controls on heaters that are sold once the regulations come into force is unlikely to have a significant impact on pollution levels for a very long time. Pollution levels may not even decline as there is no limit on the number of wood heaters that can be installed. Factors such as Tasmania’s growing population, high electricity prices making a wood heater a cheaper option for some and even the recent fashion trend back to wood heaters may all lead to levels of wood heater pollution increasing in future years, rather than decreasing. The problem is especially acute in the greater Hobart area with its rapidly rising population and in certain areas, increasing population density.

The only way of controlling the total level of wood heater emissions is to control the number of wood heaters being used. This is particularly relevant to the major population centres where large numbers of wood heater are contributing to the already high level of pollution. At the very least the government therefore should be looking at the introduction of prohibited areas where wood heaters are no longer permitted to be installed, including a prohibition on the replacement of wood heaters when they wear out. The rules in the proposed regulation on wood heaters, should therefore only apply to non-prohibited areas.

Specific comments

Sub-section 5 (1) states “A person must not manufacture, import into Tasmania for sale or sell a heating appliance to any other person unless …”. The wording could be interpreted to mean that a person can import a non-complying heater if it is for their own use. If this is the intent of the regulation, why is the importation of non-complying heaters being allowed?

Section 6: If someone has a heater installed that requires a laboratory certificate they cannot under sub-section 6 (1) alter it. The wording of the section could be interpreted to mean, if the home, where the heater is installed, is sold, then under sub-section 6 (2) (b) the new owners are entitled to alter it. If that is the intent of the regulation, why is a person buying a house being allowed to alter the heater when it is considered unacceptable for the previous owner to alter it?

Sub-section 9 (1) (a) allows the burning of vegetation or vegetative waste on properties of less than 4,000 square metres where “the person uses all practicable means as are necessary to prevent or minimise air pollution”. Even if this is done, the burning can be a health hazard to neighbours. Most local governments offer green waste collection and a facility to drop off additional green waste at waste depots. There does not, therefore appear to be a need to burn off vegetation or vegetative waste. An additional paragraph to Sub-section 9 (1) should be added that only allows the burning of vegetation or vegetative waste on properties of less than 4,000 square metres where local government does not provide a green waste collection service for the property.

Enforcement

There is no accompanying documentation on enforcing the new regulations. The hopelessly under resourced and underfunded EPA is not in a position to enforce the regulations. Local governments have neither the resources nor the authority to enforce the regulations. Without sufficient resourcing for enforcement, the regulations are of no value. When issuing the new regulations, the Government needs to detail a package of additional resourcing it will provide the EPA for enforcing them.
73. **Latrobe Council**

I would like to provide some feedback on the draft Smoke Regulations on behalf of Latrobe Council.

Section 8 Prohibition on burning of prohibited waste

I would like to see this read as a person must not burn any prohibited waste to ensure there is no ambiguity.

Section 9 (d)
For a smaller Council such as Latrobe I see the issuing of EPN’s for burn offs on blocks less than 4000m² as an issue in regards to resources. Maybe the EPA/ Tas Fire Service can provide a template for this??

74. **David Hearne**

**Submission: Draft Smoke Regulations 2018.**

**Background**

One of the deciding factors to move back to Tasmania was for the fresh air and clean green image. I moved to Ulverstone in the Central North West Coast. I first noticed the wood-smoke pollution in my house when I moved in. I started to wake up every night with breathing difficulties and acrid air that was definitely smoke. I noticed students at the school I worked at come to school with increased coughs and coughing in winter. I smelt the smoke in the school. There was no way to get away from the particulate matter.

I approached neighbours politely to manage wood heaters. One even burnt plastic in their backyard. I called the fire-brigade and they echoed my sentiment to the neighbour (I asked if I could take their plastic and dispose of it without burning it, it is toxic, be respectful of other neighbours and it is not environmentally friendly). This seemed to solve backyard burn-offs. The other neighbours ganged up as a family and intimidated my partner and I. The other neighbour raced in to my property verbally abused me and grabbed me by the throat. I called the Police in this instance.

The EPA then installed a baby blanket and particulate emissions were reported to most likely cause cancer and were well above safe limits.

I approached Council and Police to see if they could mediate. Police said it was a Council Issue. Council said supply 10 minutes of footage. Council said they would review the case once we have supplied footage. This has gone on for three years.

It seemed like no one cared and the culture of, ‘oh its Tasmania’, seemed to prevail. I have witnessed my home and street look like fog the smoke has been so thick.

**My environmental air Quality and Indoor air quality has been compromised by inaction. It has also compromised my health with sleepless nights where I cannot breathe and days off work. I have woken up as if I could not breathe or swallow and have had sore throats all the time.**

It is not good enough to be indemnified to a culture of inheritance for wood smoke pollution at the cost of my health.

**Recommendations**

1. Education in Schools and Communities
2. No wood smoke heaters in congested suburban towns or cities
3. Council by laws of strong effect
4. Fines for polluters
5. Alternative promotion of clean heating

To conclude:

It is not okay to smoke in cars or public buildings or shopping centres, yet my home can be barraged and consumed by neighbour’s wood smoke pollution for 24 hours a day during winter. EPA reports should constitute a legal precedent if the particulate matter goes beyond dangerous limits. Enforcement laws of pollution as a veto of assault is the only way forward.

Thank you for listening.

Yours sincerely,
David Hearne.

75. Kingborough Council

Dear Sir/Madam,

Thank you for the opportunity to comment on the draft Environmental Management and Pollution Control (Smoke) Regulations 2018.

On behalf of the Kingborough Council, the following comments are submitted:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>R3</td>
<td>Suggest “Authorised Officer” be added to R3, as it is referred to in R7(2).</td>
</tr>
<tr>
<td>R3</td>
<td>Suggest “Council Officer” be added to R3, as it is also referred to in R7(2).</td>
</tr>
<tr>
<td>R3</td>
<td>Suggest “Vegetation” and “Vegetative waste” be added to R3, as they are referred to in R7(3).</td>
</tr>
<tr>
<td>R3</td>
<td>The term “dry” is used in R7(3). Suggest this is also defined in R3 (eg. Moisture content, etc?).</td>
</tr>
<tr>
<td>R7</td>
<td>Suggest considering an exemption where an approved DA is in place for an event (eg. festivals, cultural events, etc.).</td>
</tr>
<tr>
<td>R7</td>
<td>Suggest adjusting penalties for R7 for natural persons/body corporates, as R7 is not restricted to residential premises.</td>
</tr>
<tr>
<td>R7(1)</td>
<td>Suggest adding a subregulation to ensure heating appliance use is also in accordance with local by-laws. Eg. Include R7(1)(c), similar to R9(1)(c)</td>
</tr>
<tr>
<td>R7(2)</td>
<td>Suggest correcting typo – “authorized” to be changed to “authorised”.</td>
</tr>
</tbody>
</table>
76. Tasmania Fire Service

Dear Sir/Madam

TASMANIA FIRE SERVICE SUBMISSION TO DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018 AND REGULATORY IMPACT STATEMENT

Tasmania Fire Service (TFS) wishes to provide the following submission to assist in improving or clarifying the proposed Regulations as well as commenting on the previously provided Regulatory Impact Statement.

TFS provided a submission to the Environment Protection Authority (EPA) on the draft Regulations 2017 and Regulatory Impact Statement (RIS) on July 7, 2017. It is noted there have been several significant changes to the 2017 version of the Regulations and it is concerning to TFS that a Regulatory Impact Statement is not provided to explain the draft Regulations 2018 to the community. It is unusual that the draft Regulations 2018 have not been analysed to show there is sufficient community benefit to justify making the Regulations. As a result, TFS is basing some of its submission on the relevant content of the RIS from 2017.

SUBMISSIONS ON THE DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018

Part 1 - Preliminary Regulation 3 Interpretation

The definition of prohibited waste is specific but also seems somewhat limited. The RIS says that the specificity is likely to be effective and that burning other materials will be a minor problem in comparison. However, TFS submits that other materials such as woven fabrics and foams should not be burnt due to the toxicity of their smoke, and there are likely to be other materials which should also be prohibited. TFS supports the concept of prohibiting all burning of these types of wastes but suggests that more generic descriptions such as building, household or industrial wastes be considered for inclusion, so as to catch all prohibited wastes. This approach would avoid a defence for burning materials which are clearly synthetic, toxic and undesirable, but not specified (or listed) for the purposes of the Regulation.

Part 2 - Heating Appliances to Comply with Australian Standards

TFS supports this Part as drafted.

Part 3 - Emission of Smoke from Heating Appliances, Outdoor Heating or Cooking Appliances and Fireplaces.

TFS notes that the materials which may be burnt in these appliances are restricted to dry wood, dry vegetation and dry vegetative waste. With respect to materials, the draft Regulations now restrict the burning of paper, pellets and briquettes, charcoal, peat and coal which were previously permitted. Table 1 provides a comparison of the current appliance descriptors and allowed fuels against those proposed in the draft Regulations.
Table 1: Current and proposed appliance descriptors & allowed fuels.

<table>
<thead>
<tr>
<th>Current</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Appliance</td>
<td>Allowed fuels</td>
</tr>
<tr>
<td>Heater, fireplace, barbecue, hot water heating appliance, cooking appliance, or heater or appliance specified in regulation 4(1)</td>
<td>(a) unpainted, untreated and uncontaminated wood; or (b) vegetative waste; or (c) pellet fuel; or (d) a briquette; or (e) paper; or (f) coal; (g) charcoal; or (h) peat.</td>
</tr>
</tbody>
</table>

TFS is concerned that the allowable fuels are now overly restrictive and may impact specific activities such as using barbeques, smoking food and providing warmth. The terms pellet fuel, briquettes, paper, coal, charcoal and peat do not, and would not be interpreted to have the same meaning as wood, vegetation or vegetative waste.

It is noted that this restriction would apply on all land types within Tasmania irrespective of land use or lot size. It was not part of the 2017 draft regulation, is therefore not discussed in the RIS, yet it is now proposed in the 2018 draft regulations with no explanation or justification to the community.

Furthermore, r.7(3) specifies that "all reasonable measures" must be taken to burn "only dry" materials. "All reasonable measures" is highly contextual and could include a very long list of failings, and "dry" is not a defined quality. Therefore it is considered that subregulation (3) will not provide certainty for either regulators or the community and the offence is likely to be unenforceable. TFS' view is that r.7(3) should be deleted as repetition and unworkable and that the offences in r.7(1) and r.8 are better options for enforcement.

Part 4 - Control of Burning

**Regulation 8. Prohibition on burning of prohibited waste**

Regulation 8 is supported by TFS as drafted noting the above concerns regarding:

1. the definition of prohibited waste; and
2. that the regulation would apply to all land within Tasmania irrespective of land use or lot size.
Regulation 9. Burning of vegetation and vegetative waste on land with an area of less than 4,000 square metres

Subregulation (1) further restricts the range of material which may be burnt to vegetation or vegetative waste if in the open or in an incinerator. Wood is not allowed to be burnt, therefore burning a heap of wood on the ground will not comply with r.9. If the heap is in a pit or over a buried oven or a hangi pit it will comply with r.7 but not r.9.

It seems unnecessary to have a different set of burnable material for all built structures other than incinerators. And, as is the case for r.7, there is no explanation or justification for the further restriction of the range of materials which may be burnt either compared to the current Regulations or between the draft Regulations. This difference will only lead to implementation and compliance issues due to the complexity of the different regulations.

Regulation 9 applies to all lots in Tasmania with a land area of less than 4,000 m$^2$. The RIA claims that increasing the areal limitation from 2,000 m$^2$ to 4,000 m$^2$ is a simple and effective means of reducing non-essential smoke to a minimum within Tasmanian cities and towns. The EPA website and media material for the current draft Regulations claims that they relate to urban air quality. It is noted however that the draft Regulations do not attempt to define urban areas. There is no data provided to show that this lot size (<4,000 m$^2$) coincides with the target locations (urban areas), nor is a basis provided for this value. Consequently, this regulation will apply to all uses and classes of land including farms, plantations and forests which have small lots within their boundaries.

The RIA claims that mowing and mulching are effective and available tools for fuel removal for lots up to 4,000 m$^2$. This glib statement is generally incorrect as both these fuel management tools act to modify the fuel structure, they do not remove the fuel. And furthermore, mowing is generally practical only in grassland fuel types and is ineffective in shrublands, woodlands and forests.

An uncleared lot with woodland cover could easily support 20 tonnes/hectare of bushfire fuel, which an occupier or owner may want to, or be required to remove for fire safety reasons. For a 4,000 m$^2$ lot size this is equivalent to 8 tonnes of material (or approximately 12 standard box trailer loads). The reason the current upper limit was set at 2,000 m$^2$ was to give the community the real ability to manage their fuels in the most appropriate way including using fire for genuine hazard reduction.

TFS analysis of LIST data shows that > 97% of all land area in Tasmania is regarded as ‘bushfire-prone’, and this comprises some 63% of all land parcels. When size is considered 50% of all parcels < 4,000 m$^2$ are within bushfire-prone areas. So rather than applying to urban areas, the data shows the effect will be widespread and indiscriminate. Thus, increasing the lot size to 4,000 m$^2$ represents a significant increase in regulation, impacting widely on non-urban areas.

The data presented in the RIS points to nearby sources of wood smoke as the dominant air quality issue in urban areas. Therefore regulating outside burning in rural areas is unlikely to significantly increase urban air quality. Further, the RIS noted there is little evidence that urban air quality is actually significantly affected by outside burning, albeit a source of complaints. Thus the increased lot size is clearly to prevent any smoke production rather than improve urban air quality which is dominated by wood smoke from heaters.
Regulation 9(1) also contains drafting which purports to limit the powers of the *Fire Service Act 1979*. The subregulation cannot require anything of the holder of a permit issued under s. 66 of the *Fire Service Act 1979*. This is because the *Environmental Management and Pollution Control Act 1994* does not apply to a fire permit issued under s.66:

*Fire Service Act 1979*

Section 66 (12) A person who lights and controls a fire in accordance with the conditions of a permit granted to that person under this section is exempt from the *Environmental Management and Pollution Control Act 1994*.

This subsection was inserted by an amendment made to the *Fire Service Act 1979* in 1995 to specifically prevent the application of a regulation as is proposed here. It was recommended by the Solicitor-General in the *Review of Vegetation-Based Fire in Tasmania*. It is surprising that r.9(1) would contain such regulatory over-reach.

TFS further notes that the condition of 'validity' specified at r.9(1) (b), (c) and (d) is unusual and would seem unnecessary as an invalid instrument, such as a permit or environment protection notice, is in fact not an instrument.

The lawful use of fire in this regulation will be dependent upon compliance with one or more of the following:

- A Fire Permit under the *Fire Service Act 1979*, or
- A By-law under the *Local Government Act 1993*, or
- An Environment Protection Notice under the *Environmental Management and Pollution Control Act 1994*.

The requirement and availability for Fire Permits is triggered by the declaration of the Fire Danger Period. The dates of the declaration and revocation are determined on the basis of expected fire behaviour and fire safety considerations and is minimised in order to decrease regulatory impact upon the legitimate activities of land managers. Twenty five years of TFS data shows that there has been a declared fire permit period somewhere in Tasmania an average of 144 days per annum, but this has ranged between 72 and 219 days. It must also be noted that Fire Permits are issued with strict conditions, and the availability of safe burning conditions during the Fire Danger Period is very limited. Therefore the number of available "lawful" days for fuel reduction are much less than the average would indicate.

Additionally, lawful burning is unavailable (on lots <4000m²) outside the Fire Danger Period. This is the greater part of the year, as burning with a Fire Permit is a very limited activity through time.

Council by-laws are also a means of lawful burning. However, there are only two municipalities which have relevant by-laws: Kingborough and Brighton and they have different requirements for their communities despite being the same valley and less than 25km apart. In Brighton a lot size of 2000m² is applied whereas in Kingborough there is an additional requirement to not burn on sites within residential zones based on the statewide definitions used in the planning scheme. In Brighton there are fire location requirements as well as time restrictions. In Kingborough there are also location requirements but not time restrictions. Such lawful burning is not available in other municipal areas.
The inclusion of environment protection notices allows burning to proceed under conditions prescribed by an authorised officer, generally a council officer. This is a means of legally allowing for an otherwise illegal fire outside the Fire Permit Period. This will provide environmental conditions for burning but will not be able to provide specific fire safety advice as the council officers will not have the appropriate training.

TFS is very concerned that genuine hazard reduction (on lots <4000m$^2$) is no longer included as a lawful use of fire in the 2018 draft Regulations. This will significantly impede people using fire during the safest part of the year to mitigate bushfire risk. As a result there will be pressure to accumulate fuels until the commencement of the Fire Permit Period, whereby these fuels will be burnt simultaneously and result in periods of high levels of smoke production. This will push the community into waiting for the most dangerous part of the year to remove their fuels, or not remove them at all.

Regulation 9(2) contains a poorly expressed list of considerations that might be applied to minimise smoke production and impact. For example, wind speed and direction are a part of weather conditions; time needed for the fuel to be consumed is dependent upon the lighting strategy, consumption rate, packing ratio/aeration of the fuel and fuel particle size; and suitability for burning is contextual upon the purpose of the burning and the nature of the materials. The generality and vagueness of the proposed controls would appear more suited to an advisory tool such as a guideline rather than a regulation.

**Part 5 - Miscellaneous & Schedule 1**

This Part and the Schedule are supported by TFS as drafted.

**COMMENTS ABOUT IMPLEMENTATION ISSUES**

The current Regulations are due to expire on 31st January 2019. Should new and different regulations be made, TFS will face significant resource issues in complying with any changes before the end of the fire season. TFS attempts to ensure where possible that its advice to members and the community as well as its on-ground practices conform to the requirements of the EPA and councils.

All changes arising from new regulations will need to be assimilated into TFS information and educational materials. This is funded by TFS and relied on by councils and the community.

Further, Fire Permit Officers will need to be trained to provide their service within two different regulatory regimes during the one fire season, spring-summer and autumn. This will place an impost on TFS training, operational and support staff throughout the fire season. Therefore it is likely the new regime will be poorly implemented within TFS.

As there is no RIS for these regulations ii is unknown what is in place by the EPA to implement the new regulations and facilitate community and stakeholder awareness of the changes.

**COMMENTS ON REGULATORY IMPACT ASSESSMENT**

The TFS submission for the previous draft 2017 Regulations and the RIS raised significant concerns with both documents, to which TFS has received no response from the EPA. Additionally, and as noted above, there are significant changes proposed in the 2018 draft regulations.
Regulations which have not been explained or justified through a RIS, and therefore lack transparency and context.

TFS has a clear view that there should be a RIS specific to the 2018 draft Regulations, as this is the public expectation for such regulatory changes and is a requirement under the Subordinate Legislation Act 1992.

CONCLUDING COMMENTS

The TFS position is that the use of fire for land management is a legitimate activity and should not be unduly restricted. In particular, within bushfire-prone areas it is vital that all risk mitigation tools are available to the land holder. Fire is a cost effective and environmentally appropriate means to manage bushfire hazards at a range of scales from individual lots to multi-tenure broad scale programs. Fire is also an appropriate farming tool for crop, weed and hygiene management. Fire is also used by many in the community for cooking and warmth. As a result, these Regulations should make provision for legitimate uses of fire, provided appropriate materials are burnt and smoke impacts are managed.

TFS data shows a significant increase in the number of burns (i.e. registered) state wide since 2013. This trend is indicative of strong community engagement with the Tasmanian Government funded Strategic Fuel Reduction Program, other community fire safety programs, and the State Bushfire Safety Policy. The proposed Regulations will impact these bushfire risk management initiatives being implemented by individuals with lots < 4000m².

It is noted that apart from the burning of prohibited wastes, these draft Regulations do not apply specific controls to large lots and thus large scale fuel management activities will not be limited or affected. In the absence of explanation and justification, some in the community will likely be unhappy about the inequity of regulation on small lots and de-regulation for large area burning.

TFS concludes that the controls proposed in the Regulations will limit the tools available to many people living in bushfire-prone areas to manage their fuels. The decision to remove the ability of persons to use fire for the sole or primary purpose of reducing a potential fire hazard, and reducing the time period where fuel reduction burning can take place, will significantly increase fire risk to the Tasmanian community. TFS considers this to be a serious public safety issue.

TFS uses the concept of bushfire-prone areas in its guidelines for issuing of fire permits and for advice to the community and stakeholders for identifying places where burning should or should not be used for fire hazard management. Outside bushfire-prone areas, that is in urban areas, TFS advises people not to use fire except for cooking or warmth.

In brief, a bushfire-prone area is land where the level of risk is sufficient to require specific bushfire mitigation through both planning and building controls. This is applied as planning scheme overlays through planning schemes and the building regulations state-wide. The bushfire-prone area maps are under development and are due for delivery during 2018-19. The City of Clarence and the City of Hobart bushfire-prone area overlays have already been produced and are publically visible on The LIST and !Plan. Completed maps are ready for most
local government areas in preparation for lodgement with the Tasmanian Planning Commission which will formally adopt them as planning scheme overlays.

As there are maps of bushfire-prone areas being prepared for the whole State it is possible for the Regulations to use the mapping to show places where burning may be undertaken. Regulations could be applied for bushfire-prone areas and for non bushfire prone areas which would therefore be logically related to risk, and would not randomly impact on farming, forestry, land management or community activities and which would be easily found through the List.

RECOMMENDATIONS

1. The current Regulations should be extended to allow for a planned and managed transition to a new regulatory regime;
2. A regulatory impact statement should be undertaken for these Regulations;
3. To enhance community understanding and improve the operation of the Regulations, there should be a unification between r.7 and r.9 of the types of fuels allowed to be burned in appliances and in the open;
4. To enhance the adoption and enforcement of the Regulations, the requirements of r.7 and r.9 should be made less subjective for offences;
5. The restrictions on the burning of vegetation and vegetative waste should remain in place only for land with an area of less than 2,000m2;
6. The bushfire-prone areas criteria should be applied as a means to control the use of fire in the landscape, other than for cooking and warmth;
7. Regulation 9(1) should be amended to remove ultra vires regulation.
77. Australian Air Quality Group

Scope of the Regulation

The email accompanying the follow-up consultation said that "many of the changes suggested in the submissions have not been adopted because they lie outside the scope of the Regulations."

The graph left shows NZ research showing that real-life emissions of new wood heaters bear almost no relationship to lab test AS4013 Australian Standards test results (NZ Research). $R^2 = 0.0047$

No explanation has been given about why the regulations should allow new heaters based on an emissions test that bears little or no relationship to real-life emissions, nor why nothing can be done to protect the health of people living near to unhealthy levels of smoke from other people’s wood heaters.

Recent research on woodsmoke in Tasmania found that hospital admissions for heart failure (HF, the leading cause of hospitalisation for adults aged over 65 years) started to increase as soon as woodsmoke PM2.5 from exceeded 4 ug/m3. The current draft regulations provide no protection to residents who do not wish to be exposed to this additional and unnecessary risk.

The regulations should therefore be revised in the light of this new research, and also the research in Sweden showing that: "people who live in areas where wood-fire stoves are common run a greater risk of being affected (by dementia), and that also goes for people who live next to someone who uses wood-fire stoves," said Anna Oudin, a researcher in occupational and environmental medicine at Umea University’s department of public health and clinical medicine. "The risk for residents living in areas with the highest rate of smoke from wood fires to be hit by dementia, or dementia-related diseases, was 30% higher compared to other residents in the town of Umea. "In households that had
their own wood-fire stoves the risk was 70% higher.” The abstract of the journal paper shows that exposure of just 1 μg/m³ of PM2.5 pollution increased the risk of dementia by 55% in the USA, increased exposure of 10 μg/m³ PM2.5 increased the risk of dementia by 80%, Alzheimer’s by 150% and the risk of Parkinson’s diseases by 80%. Increased exposure of 3.5 μg/m³ reduced the volume of white matter in the brain by 6.2 cubic centimeters. Exposure to PM2.5 pollution above the US EPA standard of 12 μg/m³ nearly doubles the risk of cognitive decline and all-cause dementia; exposure to this level of PM2.5 pollution quadrupled the risk for people with 2 copies of the APOE gene.

As well as harming the developing brains of children, evidence suggests exposure to air pollutants can cause inflammation in the brain, can damage brain and neural networks and influence behaviour - see air pollution increases crime in cities – here’s how. Low level air pollution are also said to cost the economy billions of dollars in lost productivity. "What we’re learning is that, at severe levels, pollution clearly impacts respiratory and cardiovascular function," says Graff Zivin. "Those same impacts at more subtle levels simply impair our ability to do every day tasks."

The above issues, like the issues raised in our previous submission should be well within the scope of the regulation. We are therefore repeating our previous submission in the hope that all the valid points made previously will be reconsidered so that the regulation can be revised and provide much needed protection for public health.

**Snake Oil Solutions Don’t Work**

The most health-hazardous pollutant in our air (responsible for more premature deaths than any other pollutant) is PM2.5 pollution - fine particles less than 2.5 millionth of a meter that penetrate the deepest recesses of our lungs where they can enter the bloodstream and transport toxins to every organ of the body including the brain. PM2.5 pollution increases the risk of heart attacks, strokes, lung diseases, cancers, cot deaths, Alzheimer’s and autism.

We are told that the “proposed Regulations are based understanding that Tasmanians place a high value on air quality and want the cleanest air possible that is consistent with achieving the State’s economic and social development goals, as well as minimising fire risks to individuals and the community.”

Recent research on woodsmoke-reduction in Tasmania was summarised by Dr Fay Johnston’s talk to the International Woodsmoke Researchers Network [1] – see slide below. This research shows that improved heater emissions standards, education on improved use of heaters and retro-fitting catalyst technology are ineffective, and that the best and most cost-effective solution is to transition to non-polluting heating.
Claiming that new regulations will achieve the desired benefits, despite recent Tasmanian research showing the opposite, is a misleading snake oil “solution”. It will counter-productively allow health-

worked for Tasmania?

<table>
<thead>
<tr>
<th>Heater</th>
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<th>Real-life</th>
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- Remove heaters
- Improved heater emission standards
- Education / improve use
- Retro-fit catalyst technology

Cost-effective alternatives should be considered

The current RIS is no better than a misleading RIS attributing the highest net benefit to phasing out blue asbestos while continuing to allow white asbestos, simply because the cost of banning all forms asbestos was never considered! An impartial RIS aiming to maximize the public benefit would consider alternative regulations with much greater net benefits, e.g. not allowing new wood stoves to be installed, or requiring all new stoves to satisfy the emissions limit required for new stoves in Christchurch.

“Standards” set by industry bear no relationship to real-life emissions

The table (left) shows AS4013 test emissions and real-life pollution from a study in Christchurch, New Zealand in 2009 [2]. This was one of 4 studies from 2003 to 2009 involving a total of 37 households; real-life emissions averaged 6.6 g/kg dry wood, much higher than the average ANZS4013 ratings of 0.85 g/kg [2]. The approach considered in this RIS of tighter standards has been tried in Christchurch since 2002 when the limit for all new wood stoves was reduced to 1.0 g/kg. From April 2010, Christchurch prohibited the use of wood heaters more than 15 years old [3]. Despite the fact that the vast majority of wood stoves in Christchurch have emissions ratings of less than 1.0 g/kg and only 18% of households in metropolitan Christchurch use log-burning heaters [4], Christchurch exceeded the WHO PM2.5 guideline of 25 µg/m³ on 22 days in 2013. The majority of exceedances
were from May to August (the colder months) and attributed to home heating emissions [5]. Given the failure of the much stricter limit of 1.0 g/kg in Christchurch, the much less stringent limit proposed in this RIS has no hope of achieving its intended objective.

NZ abandoned the joint Australian/NZ “standard” in 2005 and has now developed a much more rigorous test procedure. Most stoves on sale in Australia are considered so polluting they’ve been removed from homes in Christchurch and Otago, or will soon have to be removed.

Research in NZ confirms the results of Tasmanian research that the new Australian “standards” (now abandoned in NZ) will generate little or no benefit and allow health-hazardous levels of woodsmoke to continue damaging Tasmania’s economic and social development.

Figure 2 (left) shows real-life emissions from wood stoves in Armidale, NSW. All except possibly the stove connected to the top left chimney are known to satisfy the requirements considered acceptable by the proposed Tasmanian regulations. Why does the Tasmanian EPA consider this an acceptable level of emissions?

In 2007, the majority of the Standards Committee supported an interim measure (by 15 votes to 4) of halving the wood heater emissions limit while a test to measure real-life emissions was being developed. The recommendation was not implemented because of opposition from wood heating industry. Work on the developing a new test and updating the standard was abandoned. A new
committee approved a weaker “standard” in August 2014 based on the original test that bears little relationship to real-life emissions. Despite being nowhere near adequate to protect human health, the new Standards Committee would have had to approve the changes as better than nothing.

Unlike the Standards Committee, Tasmania’s primary responsibility is the health of its people, not the profits of the wood heating industry. The success of Launceston’s woodsmoke reduction program (which reduced wintertime deaths from respiratory disease by 28% and cardiovascular disease deaths by 20%) shows that informed communities support the recommendations of the health experts, such as the NSW Chief Medical Officer, that wood heaters are so detrimental to health they should be banned and phased out in built-up urban areas [6]. The new Tasmanian Regulation should build on Launceston’s success by continuing to reduce pollution and save even more lives, instead of the current proposals that will do nothing to reduce toxic, health-hazardous woodsmoke pollution.

It is therefore vitally important to consider alternative regulations, such as not allowing new wood stoves to be installed, or requiring all new stoves to satisfy the limit required in Christchurch. The costs and benefits of these options should be considered and replace the proposals in the current RIS if, as seems extremely likely, they have a greater net benefit.

**Policies should reflect what an informed public would want**

Regulations should be based on what an informed public would want. When Launceston residents became aware of the health damage from woodsmoke, the vast majority chose to switch to non-polluting heating. Few would consider it acceptable to allow new heaters with estimated health costs of thousands of dollars per heater per year that emit more PM2.5 (the most health-hazardous air pollutant) per year than 1,000 passenger cars. The typical emissions from brand new heaters satisfying the “standard” to apply until 2019 in NSW shown in the photos (above) represent an unsafe level of pollution.

Modern, efficient heat pumps have superseded wood stoves and natural gas as the most cost-effective heating. They can deliver 5 or 6 times as much heat to the home as they use in electric power, are affordable (as cheap as buying a wood stove) and have lower running costs than buying firewood. In addition they cause a lot less global warming, and don't damage our health.

A NSW EPA Consultancy report identified 3 extremely cost-effective measures – not permitting new log-burning heaters to be installed, requiring existing heaters to be removed when houses are sold, and requiring a small ‘polluter-pays’ annual licence for wood heaters that could help fund education and home insulation programs and replacing wood heating with non-polluting alternatives. These 3 measures were estimated to reduce the $8 billion health cost (over 20 years) of woodsmoke in NSW by at least 75% [7]. An informed community, that fully understands the health effects of breathing woodsmoke, would most likely support these measures. In the same way that there is overwhelming support for taxes on cigarettes to help cover the health costs, informed communities would want levies on wood heater use to help pay the health costs and assist low income families switch to affordable non-polluting heating.

**Correct the appallingly out-of-date cost estimates**

The RIS uses appallingly out-of-date information complied more than 10 years ago that estimated the health costs of breathing woodsmoke at just $5-10 million per year. Since then, Tasmania has developed the excellent BLANkET system to monitor PM2.5 pollution. A more recent estimate by the same scientist using BLANkET data concluded that domestic wood heating was responsible for 74 premature deaths per year [8]. The accuracy of studies of the health damage from PM2.5 pollution is limited by inaccurate estimates of individual exposure. Errors in measuring personal exposure result in under-estimation of the health effects. A new US study of 61 million US adults used improved estimates of PM2.5 exposure from prediction models. At exposure below 12 ug/m3, mortality increased by 1.36% for every 1 ug/m3 increase in PM2.5 pollution [9]. Because of the huge
number of subjects involved (61 million), scientists are pretty certain that the increase is somewhere between 1.3% and 1.4%. This implies that domestic wood heater pollution in Tasmania is responsible for over 160 premature deaths every year. Epidemiological studies equate a premature death to a loss of about 10 years of healthy life, indicating that a conservative estimate of the health costs of Tasmania’s wood stove pollution is at least $160 million per year, and that new woodstoves in urban areas have health costs of thousands of dollars per stove per year.

Supplement regulations with an effective education program on the health effects of woodsmoke

Woodsmoke regulations in Tasmania should be supplemented by an effective education program explaining the health effects of woodsmoke pollution, including the recommendation by NSW Chief Medical Officer Kerry Chant that wood heaters are so detrimental to health she supports banning and phasing them out in built-up urban areas [6]. The NSW Asthma Foundation warned: wood smoke emissions in winter pose a bigger health danger in built up urban areas than cars or cigarettes. Australian Lung Foundation spokesman Dr James Markos said wood fire heaters should be banned from urban areas. He said “real-life emissions from new wood-heaters have little relationship to measurements from a perfectly operated test model under laboratory conditions” [6]. A source apportionment study found that: “Across four US cities, among the primary PM2.5 sources assessed, biomass burning PM2.5 was most strongly associated with respiratory (ill) health” [10]. The prestigious New Scientist magazine also pointed out the climate damage: “Log-burning stoves are harming our health and speeding up global warming” [11].

Education campaigns should explain that the current “standard” does not represent a safe level of pollution because it was set under the threat of a veto by the profit-driven wood heating industry. Woodsmoke, and the PM2.5 pollution it contains, is linked to reduced ability of the lungs to fight infection, elevated blood pressure, increased risk of heart attacks, strokes, lung diseases, Alzheimer’s, smaller brains, cancers (lung, mouth, throat, breast and cervical cancers in adults, blood and brain cancers in children), cot deaths, genetic damage in babies and reduced IQ and behavioural problems when children start school [12]. For women over 70, increased exposure of 3.5 μg/m3 PM2.5 reduced the volume of white matter in the brain by 6.2 cm3 [13]. The American Heart Association published a study in their journal, Stroke, showing that, for people over 60, increased PM2.5 exposure of just 2 μg/m3 was associated with a 0.32% smaller total cerebral brain volume and a 46% higher risk of covert brain infarcts, a type of silent stroke [14]. One in six Australians will be affected by stroke, the nation’s leading cause of disability [15]. Living downwind of one Australian wood heater (new or old) will often increase annual PM2.5 exposure by more than 2 μg/m3.

Woodsmoke was found to cause 12 to 30 times as many tumours in mice and mutations in bacteria as the same amount of cigarette smoke [16]. Breathing cigarette smoke transports chemicals to the bloodstream and directly to smokers’ brains. Similarly, the cancer-causing chemicals in woodsmoke enter the bloodstream and are carried to every organ in the body, causing similar health problems – heart attacks and strokes as well as lung diseases, cancers and premature aging [17]. Few people realise that PM2.5 causes more premature deaths than any other air pollutant [18], that there is no safe level of PM2.5 pollution, or that the average new Australian wood stove emits more PM2.5 per year than 1,000 passenger cars [19].

Protect neighbours’ right to clean air

Nobody should be expected to live next to emissions such as those in the photos shown above. Complaints should be acted upon, by requiring existing heaters to be removed if there is validated photographic or video evidence, or other evidence of unacceptable PM2.5 pollution, from the offending wood stove, on more than one occasion.

Research indicates that the credibility of health information messages is weakened when people see new or even older wood heaters emitting large plumes of smoke. Many residents are likely to
conclude that wood smoke could not possibly be dangerous because smoky wood heaters continue to be installed and used, instead of affordable, non-polluting alternatives.

The current lack of effective action should therefore be remedied as a matter of urgency, both by responding to complaints and conducting surveys of smoke pollution in all residential areas, e.g. using the ‘Travel BLANKET’ and ‘Baby BLANkET’ systems developed by EPA Tasmania [20, 21]. Action should be taken whenever readings greater than 25 ug/m³ are observed. The surveys should continue until no resident is forced to breathe an unsafe level of air pollution.

Follow the UN Environment Program/World Meteorological Organization (UNEP/EMO) Recommendations not to allow open burning of garden, agricultural or forestry waste.

The UNEP/WMO recommendation was made as a highly cost-effective measure to reduce emissions of short-lived climate pollutants that contribute disproportionately to global warming as well as damage our health[22] As well as not allowing garden waste to be burned within 1 km of urban areas, the costs and benefits of new approaches should be considered, e.g. treating biomass as a valuable resource that could increase to soil carbon, make biochar, or fuel power plants. Open burning of garden, forestry or other biomass waste should not be permitted unless there is no other way of dealing with it.

Summary

1) Nobody should be expected to live next to wood stoves with emissions similar to those shown in the photos. The current “standard” continues to allow this horrendous level of health-hazardous pollution. Local councils do not have the resources to address this issue. The only practical solution is therefore not to allow new wood stoves to be installed, until something can be done about their completely unacceptable level of emissions and follow the recommendations in 5) below for existing stoves.

2) The RIS is based on shamefully inaccurate, out-of-date estimates of the health costs of wood stove pollution. A new RIS with realistic estimates of the health costs is therefore required as a matter of urgency. In 2015, 74 Tasmanians were estimated to die prematurely from wood stove pollution, each death equivalent to a loss of an average of 10 years of healthy life. The most comprehensive study to date – of 61 million US adults using improve estimates of PM2.5 exposure – suggests that the true figure is likely to be at least 160 premature deaths in Tasmania per year, or about 1,600 years of healthy life lost annually in Tasmania.

3) The current RIS is no better than a misleading RIS attributing the highest net benefit to phasing out blue asbestos while continuing to allow white asbestos because the cost of banning all forms of asbestos was never considered. An impartial RIS aiming to maximize the public benefit would consider alternative regulations with much greater net benefits, e.g. not allowing new wood stoves to be installed, or requiring all new stoves to satisfy the emissions limit mandated for new stoves in Christchurch.

4) New Zealand abandoned the joint “standard” for wood heaters in 2005 because there was no chance of protecting public health by a “standard” set by a flawed process that allows the wood heating industry to veto any changes to the “standard”. The current process makes no more sense than allowing the tobacco industry to veto health warnings on cigarette packs! Tasmania should follow New Zealand’s example and disown the current flawed “standard” that fails to protect public health. Installation of new wood heaters should not be permitted unless they can be guaranteed to have real-life emissions of less than 0.5 grams per hour under all burning conditions.

5) All existing heaters that emit more than 0.5 grams per hour should be removed when houses are sold. Until then, a small ‘polluter-pays’ annual licence should be levied to help fund education on the health effects of woodsmoke pollution and also subsidize home insulation programs and replacing wood heating with non-polluting alternatives.

6) All complaints should be acted upon by requiring existing heaters to be removed if the complainant provides validated video or photographic evidence or evidence of unacceptable PM2.5
pollution measurements caused by the offending wood stove on more than one occasion. As well as providing and effective response to complaints, surveys of smoke pollution should be conducted in all areas and remedial action taken whenever readings above 25 ug/m3 are observed. The surveys should continue until no resident is forced to breathe an unsafe level of air pollution. 

7) Open burning of garden, forestry or other biomass waste should not be permitted unless there is no other way of dealing with it.


12. AAQG. *Health experts advise that current wood heater models are too polluting to be allowed*. Australian Air Quality Group. Available at: http://woodsmoke.3sc.net/health, 2015.


78. Local Government Association Tasmania

Draft Environmental Management and Pollution Control (Smoke) Regulations 2018

Thank you for the opportunity to provide input on the Draft Environmental Management and Pollution Control (Smoke) Regulations 2018 (the Draft Regulations). The Local Government Association of Tasmania (LGAT) is incorporated under the Local Government Act 1993 and is the representative body for Local Government in Tasmania.

The purpose of LGAT is to:

- Protect and represent the interests and rights of Councils in Tasmania;
- Promote an efficient and effective system of Local Government in Tasmania; and
- Provide services to Members, councillors and employees of Councils.

LGAT fully supports those councils that have made their own submissions to the consultation process. Where a council has made a direct submission to this process, any omission of these specific council comments in the LGAT submission should not be viewed as lack of support by the Association for that specific issue.
Overall, councils are supportive of the Draft Regulations and appreciate the consultation that has taken place to date. The following comments have been provided by councils.

General Comments

1. There is already confusion regarding the competing State Government policy aims of limiting the nuisance caused by 'backyard burning' and ensuring individuals and communities build resilience to bushfire risk. The Draft Regulations exacerbate this confusion and conflict by increasing the land area for burning vegetation. In addition, this change is likely to cause a significant increase in compliance issues for councils. This area of the Draft Regulations requires further consideration, however options for resolving this could include returning to the $2000m^2$ land area or using land use zoning (such as Residential) as the trigger. The Draft Regulations must strike a reasonable balance between controlling occasional backyard burning with the need to protect community health and safety.

2. The Draft Regulations confers responsibility for addressing wood smoke primarily with Local Government. However, councils, especially small rural councils, are not typically resourced to assess complaints outside of business hours. Population exposure to wood smoke is not an issue that occurs only Monday to Friday between the hours of 9.00am to 5.00pm. With continued pressure on councils to minimise rate increases, there needs to be consideration, with any and all new statutory obligations, of the cumulative effect on resources and costs for councils.

3. For several years, prescriptive criteria, similar to that within Draft Regulation 7, has largely proven to be ineffective in catering for real world scenarios. For example, in residential areas it is not uncommon to find neighbouring dwellings separated by distances of less than 10m, or on hilly terrains, where there is a chimney at the same level as the window of an adjacent dwelling. This is only one example but suggests that mechanisms which allow for practical judgement to be more easily applied by compliance officers should be considered.

Specific Comments

Part 1: Interpretation

- Add the terms "Authorised Officer", "Council Officer", "Vegetation", "Vegetative waste" and "dry", as they are referred to in Clause 7(2) and (3).
• Include a regulation that prevents a person from installing a non-compliant or modified heating appliance.

Part 3 Clause 7

• Consider an exemption where a planning permit is in place for an event (e.g. festivals, cultural events, etc.).

• Suggest adjusting penalties for natural persons/body corporates, as Clause 7 is not restricted to residential premises.

• Suggest adding a sub regulation to Clause 7(1) to ensure heating appliance use is also in accordance with local by-laws. E.g. add Clause 7(1)(c), similar to Clause 9(1)(c).

Part 4 Clause 9

• The Distributed Atmospheric Emissions Regulations 2018 clause 9(2) provided for issuing a notice giving 21 days to rectify a situation. This provision has not been included in the Draft Regulations, does this mean that councils will escalate to enforcement without the opportunity for the proponent to rectify the situation? The provision to issue a notice should be re-instated.

• In Clause 9(1)(d) it is unlikely that proponents will request an Environment Protection Notice due to cost and effort required. It is difficult to see when this regulation would be used and therefore it is suggested that it is removed.