



## BULLETIN

Bulletin No: 004

27 May 2016

**TO ALL UFUA MEMBERS**

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### CFA FISKVILLE TRAINING GROUND PARLIAMENTARY INQUIRY FINAL REPORT RELEASED

### **CFA/WORKSAFE/EPA ALL FOUND TO HAVE FAILED IN THEIR OBLIGATIONS**

### **CFA KNOWINGLY EXPOSED FIREFIGHTERS TO UNSAFE FISKVILLE TRAINING SITE**

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The final report from the Fiskville Inquiry was tabled in the Victoria Parliament this week citing damning evidence of the CFA protecting itself while continuing to expose firefighters and the community to an unsafe site.

The Inquiry found that the CFA, Worksafe and EPA all failed in their obligations and duty of care resulting in unnecessary exposure to contaminated soil and water.

***"To the question: "Could unsafe practices at Fiskville have cause my illness?" – the answer is, in all likelihood, yes. To the question "Did CFA management and Board members know that practices at Fiskville were unsafe or contravened standards and safety regulations?" – the answer is yes, some did."***

The Inquiry Report details 125 findings and 31 Recommendations including:

- That the Victorian Government established a dedicated redress scheme for Fiskville-affected people;
- That potable water be introduced as standard for all firefighter training;
- That the Victorian Government take a lead role in identifying safe levels of PFCs (e.g. PFOS and PFOA) for water and soil in Australia.

The inquiry found the evidence contradicted claims by some CFA Management that *they did not know of the contamination:*

*"Many people who held executive management positions in the CFA told the Inquiry that publication of this story (Herald Sun December 2011) was the first time they heard about contamination at Fiskville. This should not have been the case. **In fact it is a fallacy that – at senior levels of the organisation – no one knew there were problems at Fiskville.** [Our emphasis]*

The damning findings include:

*"That individuals at all levels of the CFA executive management – from those in charge at Fiskville up to the Board – had some knowledge about contamination at Fiskville prior to December 2011 when the Herald Sun published its first article."*

*"That the CFA ignored concerns raised by the United Firefighters Union and withheld important information from trainees and others. This was in breach of the Occupational Health and Safety Act 2004 and resulted in ongoing exposure to contaminated water."*

*"That senior management at the CFA was aware from 2009, at the latest, that contaminants in Dam 1 were an ongoing potential health threat to firefighting training drills."*

*"That the Committee doubts the assertions of CFA senior executive managers that they did not know about contamination at Fiskville, and therefore could not take action to address contamination. The failure of CFA management to act on the knowledge catalogued by the Committee unnecessarily exposed another generation of Fiskville trainees to risk."*

The Inquiry resulted from a UFUA campaign for an independent transparent inquiry into the contamination of soil and water at Fiskville.

In June 2012 the UFUA was alerted to smelly foaming water at the training ground and called on CFA and MFB to cease training immediately. MFB stopped training at Fiskville immediately but later attempted to recommence training at Fiskville. The UFU Victoria Branch disputed the decision and ultimately MFB never returned.

The CFA refused to stop training, failed to provide all testing results and information as requested by the UFU and continually publicly claimed that they were training safely. The CFA continued to operate the training ground until March 2015 when the Victorian Government intervened and closed it after PFOS was identified at various points on the site.

In June 2012 the UFUA requested Worksafe investigate and in November 2012 sought to have CFA prosecuted for its blatant failure in its obligations by allowing the continued exposure to contaminated water.

Despite repeated follow-ups by the UFU it wasn't until January 2015 the UFUA was notified that Worksafe was refusing to prosecute as it had *"determined that there is insufficient evidence to establish any offences by the CFA under the OSH ACT."*

**Key findings included:**

**FINDING 58:** That individuals at all levels of the CFA executive management – from those in charge at Fiskville up to the Board – had some knowledge about contamination at Fiskville prior to December 2011 when the *Herald Sun* published its first article.

**FINDING 47:** That the CFA ignored concerns raised by the United Firefighters Union and withheld important information from trainees and others. This was in breach of the *Occupational Health and Safety Act 2004* and resulted in ongoing exposure to contaminated water.

**FINDING 3:** That concerns about safety at Fiskville were often not addressed by the CFA.

**FINDING 4:** That many people who lived and worked at and near Fiskville have suffered numerous debilitating illnesses, including cancer, and want to know if Fiskville contributed to their ill health.

**FINDING 5:** That others are not currently ill but are anxious about their future health and that of their family members.

**FINDING 6:** That epidemiological evidence suggests that the contamination at Fiskville is likely to have caused cancer and other illnesses.

**FINDING 8:** That from 1981 onwards, the law required the CFA to do what was (reasonably) practicable to protect its employees, contractors and volunteers while they were engaged in providing and receiving training.

**FINDING 16:** That the Committee should have been provided with all CFA Board minutes in an un-redacted form within the timeframe of the summons.

**FINDING 17:** That the document discovery process was slow and arduous, and the Committee faced challenges accessing documents from all Departments and agencies, particularly the CFA.

**FINDING 20:** That the Committee identified several failures regarding the Independent Fiskville Investigation, including: the appointment of Professor Robert Joy due to perceived conflict of interest; limiting his terms of reference to 1999; and not investigating present day water quality.

**FINDING 21:** That hazardous materials at Fiskville posed a health risk because of how they were stored and used, and how knowledge of the danger they posed was ignored.

**FINDING 22:** That firefighters are exposed to a cocktail of toxic chemicals when fighting fires which can cause many health problems.

**FINDING 23:** That at Fiskville both firefighters and non-firefighters were exposed to many of the same chemicals in many cases with limited or no protective clothing.

**FINDING 25:** That there are two distinct but related eras of contamination at Fiskville. The first involved the contamination of the site and exposure of people to the chemicals that were burnt and buried. The second involved the contamination of water used in firefighting training.

**FINDING 31:** That CFA representatives were aware that training practices were causing contamination.

**FINDING 32:** That poor record keeping and sample taking on the part of the CFA has meant that regulatory agencies have not been able to hold the CFA and individuals working for the CFA to account.

**FINDING 35:** That former CFA staff and management stated that they were unaware of health and safety concerns because there were no reports of incidents or complaints. However, there is evidence that CFA management was aware of health and safety issues.

**FINDING 36:** That significant occupational health and safety incidents that occurred during Fiskville's operations were poorly documented resulting in a loss of corporate knowledge and the unnecessary exposure of people to toxic substances.

**FINDING 37:** That trainers and trainees at Fiskville were unnecessarily exposed to toxic substances because internal and external reports into health and safety incidents which made recommendations to improve safety standards were not disseminated appropriately. These failures have added to the bitterness and sense of betrayal on the part of many long-term CFA employees and volunteers who lived and worked at Fiskville and gave evidence to the Committee.

**FINDING 38:** That Fiskville staff and CFA managers provided incorrect information to regulatory authorities.

**FINDING 39:** That outside organisations training at Fiskville could not rely on the veracity of the information on water quality provided by the CFA.

**FINDING 40:** That recirculated water contaminated by the products of combustion caused health problems, including skin rashes, which should have warned the CFA about water quality at Fiskville.

**FINDING 41:** That organisations training at Fiskville made decisions based on inaccurate information provided by the CFA, which may have led to people being exposed to contaminated water.

**FINDING 43:** That CFA senior management repeatedly avoided taking responsibility for water quality at Fiskville

**FINDING 45:** That poor record keeping and often contradictory information created a great deal of misunderstanding regarding the use of mains water at Fiskville, including: if mains water continued to be mixed with recirculated water until the installation of a second water storage tank in October 2012; and the use of Class A recycled water

**FINDING 48:** That the CFA Board and senior management did not provide enough information about the contamination at Fiskville to those who were affected, despite the legislative requirement to do so.

**FINDING 49:** That the anxiety of staff, trainees (both CFA and those from other organisations) and members of the community caused by the contamination was fuelled by a lack of information.

**FINDING 50:** That the commissioning of consultants' reports shows that CFA management was aware of safety concerns. However, the CFA did not share the information contained in the reports and reassure people affected.

**FINDING 51:** That a consultant advised the CFA in 2009 that the 2008 Water Management Plan was not being complied with.

**FINDING 52:** That the CFA did not follow the advice contained in a consultant's report in 2012 about keeping records of action taken to address water test results outside the parameters set out in the Water Management Plan.

**FINDING 53:** That the CFA's Water Management Plans (dated March 2008, June 2010 and May 2012) were not always complied with, and CFA practice should have been to stop using water for firefighting training when test results exceeded the acceptable levels for contaminants set out in the plans.

**FINDING 57:** That AirServices Australia alerted the CEO of the CFA to PFOS / PFOA contamination at Fiskville in April 2010. The Board was advised that AirServices Australia would no longer make a \$12 million investment at Fiskville partly due to the presence at Fiskville of 'chemical contaminations.

**FINDING 58:** That individuals at all levels of CFA executive management - from those in charge at Fiskville up to the Board - had some knowledge about contamination at Fiskville prior to December 2011 when the *Herald Sun* published its first article.

**FINDING 59:** That the evidence before the Committee contradicts statements by many members of CFA executive management that they were unaware of problems at Fiskville prior to December 2011.

**FINDING 65:** That the United Firefighters Union wrote to WorkSafe in July 2012 requesting an investigation of the water quality at Fiskville. This prompted a WorkSafe investigation which was largely limited to obtaining copies of consultants' reports from the CFA. WorkSafe inspectors did not carry out any independent tests of the water. 218

**FINDING 66:** That despite being advised in writing to do so by EPA Victoria, the CFA did not consult WorkSafe before making the decision to increase its acceptable levels of E. coli in its firefighting water at Fiskville in 2009.

**FINDING 67:** That WorkSafe provided a 'letter of assurance' in October 2012 to the CFA regarding the safety of the firefighting water at Fiskville based on an inadequate understanding of the source of the water and without having tested the water itself.

**FINDING 68:** That in December 2012, the United Firefighters Union requested WorkSafe investigate the CFA for a possible breach of the *Occupational Health and Safety Act 2004*.

**FINDING 72:** That the decision to shut the Fiskville site for safety reasons in March 2015 was made with WorkSafe an interested onlooker.

**FINDING 73:** That during the operation of Fiskville, WorkSafe was anything but proactive in the performance of its regulatory role. It has been entirely reactive - to the CFA, the United Firefighters Union and the media. 234

**FINDING 74:** That firefighters at Fiskville and the Victorian community as a whole have been let down by the safety watchdog

**FINDING 76:** That EPA Victoria failed to carry out its statutory role at Fiskville and allowed the CFA to contaminate the site to such an extent that it has been closed down and is now the subject of complex and very expensive remediation.

**FINDING 82:** That the Department of Environment and Primary Industries should not have allowed the CFA to be so closely involved in its statutory decision making. Regulatory authorities must be, and must be seen to be, at arm's length from those they are regulating

**FINDING 87:** That the risk categories for exposure at Fiskville developed by Professor Joy are not based on science and should not form the basis of future health studies or compensation schemes.

**FINDING 88:** That there are two distinct eras of exposure to chemicals at Fiskville: The historical exposure from burning, burying, and unsafely storing and handling hazardous materials The exposure to contaminated firewater.

**FINDING 89:** That firefighting has been classified by the International Agency for Research on Cancer as possibly carcinogenic.

**FINDING 90:** That the three main methods of exposure to chemicals at Fiskville were: absorption; inhalation; and ingestion.

**FINDING 91:** That firefighters and others at Fiskville have been exposed to a mix of chemicals causing a 'multiplier effect'; that is, when mixing chemicals causes a more dangerous effect than the chemicals produce individually.

**FINDING 92:** That uncertainty about the fuels burnt at Fiskville and lack of legal avenues has hindered the ability to determine the health risks of chemical exposure to individuals and provide compensation for possible health conditions resulting from exposure.

**FINDING 93:** That the risks to human health caused by contamination at Fiskville could potentially result in a range of health conditions that have extracted and will continue to extract a huge cost to individuals, families and the community.

**FINDING 94:** That the chemical exposure at Fiskville was not confined to firefighters. Residents, visitors, other staff, neighbours and many local children and students attending Fiskville State School were also exposed

**FINDING 98:** That the polluter should not be the agency responsible for monitoring the health of those it has harmed.

**FINDING 99:** That another significant health concern at Fiskville was now-banned firefighting foam residue containing PFCs, including PFOS and PFOA.

**FINDING 100:** That concern around PFCs centres on persistence, bioaccumulation and toxicity, although there are differing views on toxicity.

**FINDING 101:** That the German Environment Agency has defined threshold levels of PFOS and PFOA in human blood.

**FINDING 102:** That the Committee does not believe that the 'safe' parameter for PFOS in firewater at Fiskville should have been raised to 2,600 micrograms per litre. The Committee bases its decision on the scientific uncertainty surrounding PFCs, which should have resulted in Senversa and the CFA taking a more cautious approach.

**FINDING 103:** That standards for safe levels of PFCs in human blood, water, soil and food have not been established in Australia

**FINDING 104:** That the German Environment Agency is a world leader in researching the impact of PFC contamination on human health.

**FINDING 105:** That there is widespread agreement not to use firefighting foams containing PFCs because of their persistence in the environment, toxicity and suspected risk to human health.

**FINDING 106:** That although health experts remain uncertain about the exact health risks posed by PFCs most believe that exposure to PFCs should be limited as much as possible.

**FINDING 107:** That regulators in Victoria have demonstrated poor governance by consulting with a narrow group of experts and relying on the opinion of experts commissioned by the polluter.

**FINDING 108:** That regulators in Victoria lacked the required knowledge to deal with the PFOS and PFOA contamination at Fiskville.

**FINDING 109:** That regulators in Victoria should widen the range of experts they consult to further understand the properties of PFCs.

**FINDING 119:** That people who have been harmed by unsafe training practices at Fiskville have a right to justice.

**FINDING 120:** That 'justice' for Fiskville's victims means something different to each person, but in most cases is more than monetary compensation.

**FINDING 121:** That Fiskville contamination affects a broader category of people than those who were engaged in firefighting training.

**FINDING 122:** That the current Victorian proclaimed disease schedule has not been updated in more than half a century.

**FINDING 123:** That existing avenues of compensation are inadequate for most Fiskville-affected persons.

**FINDING 124:** That countries throughout the world have introduced firefighter presumptive legislation to provide workers' compensation for firefighters that contract particular diseases.

**FINDING 125:** That in Victoria, all major political parties support the introduction of presumptive legislation, thereby accepting that exposure to chemicals in fires can cause certain illnesses.

This report will have significant ramifications throughout Australia as not only have Firefighters from various states and territories trained at the CFA Fiskville Training Ground, but the findings will be relevant to other training grounds and in particular a necessary requirement for sound water management practices and only using potable water for firefighter training.

The UFU is calling for the accountability of all CFA and MFB Management and Board Members who have exposed firefighters to the contamination at Fiskville when they must have known, or should have known by the information they had access to, that Fiskville was unsafe.

Members can read the full report at <http://goo.gl/NmS8xQ>

**READ OUT AT MUSTER AND PIN ON NOTICE BOARD**  
*Authorised by National Secretary Peter Marshall*