

LEAD Action NEWS

The journal of The LEAD (Lead Education and Abatement Design) Group Inc. Address correspondence to the Editor, LEAD Action News (LEADAN), c/o The LEAD Group Inc, PO Box 161, Summer Hill NSW 2130 Australia Ph: (02) 9716 0014 Fax: (02) 9716 9005 LEAD Action News vol 5 no 2 1997 ISSN 1324-6011

Lead and the Law

THIS MODERN WORLD

by Tom Tomorrow



Tom Tomorrow graphic taken from the book Toxic Sludge is Good for You, by John Stauber and Sheldon Rampton, p. 11. Good faith notice: after several attempts to contact the owner of this copyright, Dan Perkins, we have not heard back from him. Any reasonable claims made by him will be settled by The LEAD Group Inc.

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Editorial

By Adrian Hill

On the news recently there was yet another story of someone suing an ex-employer who had permitted people to smoke in the workplace. The amount of smoke in the atmosphere at work was adjudged by the court to have been the cause of the woman's cancer because experts believed cigarette smoke was the sole cause of that kind of cancer.

You don't have to draw a terribly long bow to see the connection to lead. Already there has been a court case involving an employee suing an employer when he got lead poisoned at work (see LEAD Action News v5n1, p.16 - "Man Wins Lead Poison Costs Fight").

Just how far can all this go? What is the potential for suing for lead poisoning - could one sue a landlord? A builder? What about lead in consumer products? This is all largely untested in the courts - so far!

And why hasn't much of it reached the courts yet? The Tom Tomorrow graphic on the front cover shows what we may be up against. But forty years ago, who would have dreamt that passive smoking would be the cause of so much litigation. ●

Cartoon - Adrian Hill, Editor, LEAD Action News v5n2



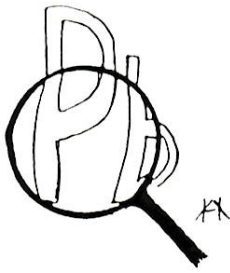
Achievements of CLAS

In the first eleven and a half months of operation, the NSW Community Lead Advisory Service (CLAS) has conducted 50 workshops and 8 homeshow, conducted community development activities, updated the information contained in many of the information sheet sets, published 4 LEAD Action News, trained 3 new staff members, moved offices, set up new reporting systems - both financial and general. In the third quarter we distributed an average of 993/month general information sheet sets and 336/month specific information sheet sets. CLAS has dealt with 2,682 enquiries from clients in 11 months. This project is assisted by the NSW Environment Protection Authority. We look forward to continuing our truly synergistic relationship with the Lead Reference Centre in the coming years. ●

New Committee Member

Congratulations and welcome to Phyll Latta who is our new LEAD Group Committee member. Having been the superlative Director for the past two decades or so of the Summer Hill Children's and Community Centre - "Moonbie Street Pre-School" - Phyll is possibly the most favourite community member for thousands of families throughout the district.

Thanks very much to Prof. Chris Winder for his consistent and highly valued input into the committee since its inception in 1992. Chris recently resigned from the Committee due to work commitments. ●



Lead Poisoning - A Legal Perspective

by Franco Pomare.

Mr F. Pomare is a partner of The Norton Law Group.

Lead poisoning is now recognised as one of the greatest environmental health risks facing children and is a well-recognised health risk to adults.

Can a claim for damages be made by victims of lead poisoning?

Liability of Builders - Many buildings contain dangerous levels of lead. The risk of lead poisoning and injury can be greatly increased during building works which include sanding and scraping of old paint and demolition of buildings including demolition of a roof. A builder may have a duty of care not to cause injury by lead poisoning during construction works. Steps should be taken by builders to reduce the potential of dangerous lead dust being inhaled or swallowed by people and to prevent it from entering nearby soil which could be easily accessed by children. It must be remembered that lead remains toxic and does not break down. The extent of liability of builders is not necessarily limited to the proprietors and occupants of the property where the works are taking place but may extend to neighbours.

Liability of Landlords - Landlords may also have a duty of care to not lease properties which may contain dangerous levels of lead and expose occupants to lead poisoning.

Arguably a Landlord may escape liability when he or she is unaware that the leased property has dangerous levels of lead. Tenants should consider having the premises "tested" for lead levels and thereafter request a Lessor to take appropriate steps to remedy the situation. Once the Lessor has been given notice of the potential danger he or she may have a duty of care to take steps to avoid injury to persons occupying his or her property from lead poisoning.

Liability of Employers - Workers such as furniture restorers, leadlighters, gardeners, car battery and radiator workers, painters and builders, can be exposed to dangerous levels of lead which may expose their employer to liability for subsequent lead poisoning injuries.

Conveyancing - Consideration should be given to the potentiality of lead affectation when purchasing a property. If the property has not been renovated then consideration should be given to the likely costs

of renovating and maintaining the property in a "lead-safe way". Often building consultants report on necessary repairs and renovations but "negligently" omit to take into account the added costs of "lead-safe" repairs and renovations. This may significantly affect your decision to purchase a property.

If a property has been renovated it may not have been renovated in a lead-safe way and there may be serious levels of lead contamination in or about the property including in the soil. Consideration should be given to having the property "lead-tested" before purchase.

Product Liability - Manufacturers of products containing lead may also face claims for damages where there has been insufficient labelling warning of the content of lead and of its dangers. For example, significant levels of lead can be found in lotions/creams used to restore hair colour. Lead poisoning may occur through broken skin or through accidental poisoning if ingested e.g. by children given that the containers may not have childproof caps. ●

National Pollutant Inventory

By Adrian Hill.

NSW Community Lead Advisory Service.

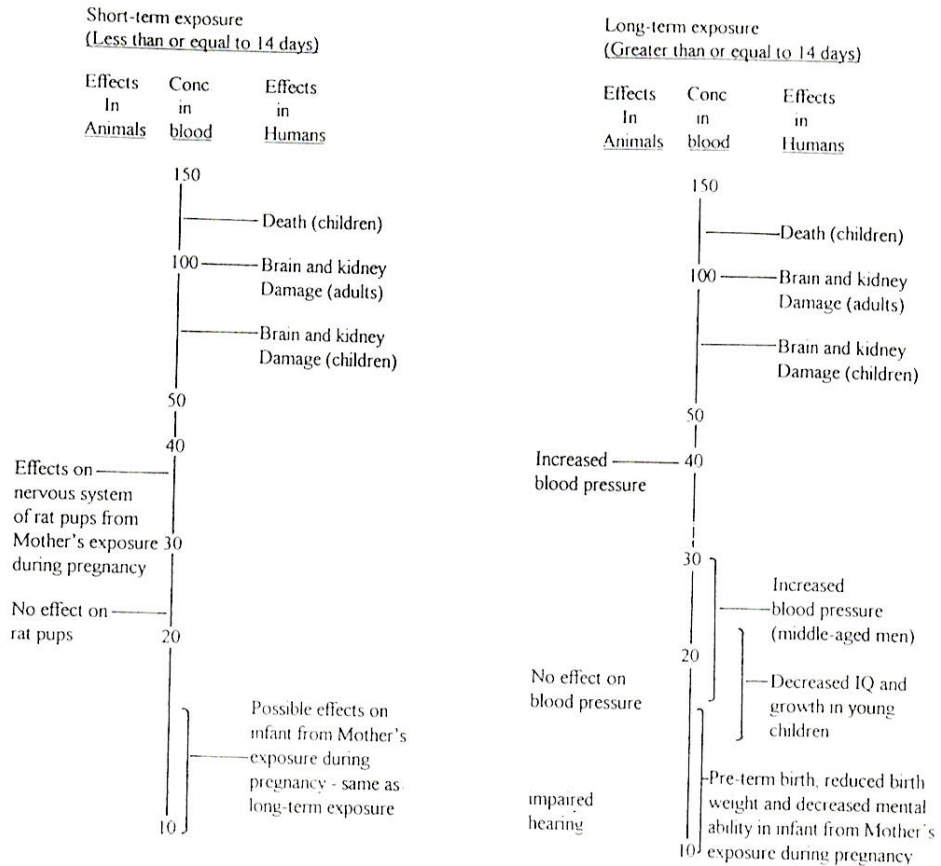
Following the release of the "Report on the Air Emissions Trials for the National Pollutant Inventory" ("the Report"), the Federal Government has indicated that the National Pollutant Inventory ("NPI") will be negotiated by the Federal, State and Territory Governments in the National Environment Protection Council ("NEPC") and be established as a National Environment Protection Measure.

It is expected that the NEPC will soon settle upon a list of substances which will be the subject of reporting requirements under the NPI, and establish thresholds to determine whether a facility needs to report its emissions. One of the goals of the NPI is to encourage waste minimisation and cleaner production and provide the necessary scientific basis to initiate measures to redress air pollution and target specific air pollutants. ●

[Source: Middletons, Moore & Bevins, Solicitors]

Health Effects from Ingesting and Breathing Lead

This graphic was adapted from a figure we found on the internet. Blood lead concentrations are in micrograms per decilitre (µg/dL).



Are Amalgam Fillings Safe for Lead-poisoned People?

By Elizabeth O'Brien, Project Coordinator, NSW Community Lead Advisory Service (CLAS).

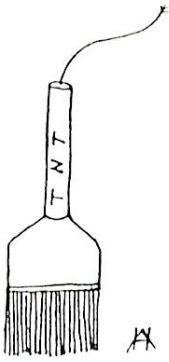
Alarming information about the synergistic effects of lead and mercury, recently brought to the attention of CLAS by ASOMAT members, will be the basis of an enquiry by CLAS to the NSW and Federal Health Ministers. ASOMAT is the Australasian Society of Oral Medicine and Toxicology (ph 02 9867 1111), a non-profit organisation founded by concerned doctors and dentists. Amalgam fillings contain 50% mercury.

The original evidence cited for the synergistic effects of lead and mercury (and cadmium) comes from a 1978 paper by Schubert *et al* published in Michigan: "...the administration of an essentially no-response level (LD1) of a mercury salt together with 1/20 of the LD1 of a lead salt killed all of the animals [rats]."

Dr Michael Godfrey and dentist Noel Campbell write: "...a lethal dose (LD1 [enough to kill 1% of the rats]) was combined with a 1/20th LD1 of lead, resulting in a LD 100 [100% death rate] in the test animals. "We have recently found that considerable amounts of lead may be excreted with the mercury following DMPS provocation. Our preliminary investigations appear to in-

dicade that a synergistic effect could be identified by multiplying the lead and mercury concentrations together, after adjusting to IG of urine creatinine. We have termed this the Campbell-Godfrey factor (C-G factor). Chronically affected patients may have high levels of either metal or a high total C-G factor. Those with the highest C-G factor appear to be the worst affected, thus indicating that the synergism in animals is replicated in man."

The questions raised are: is it safe for lead poisoned people to have mercury fillings? Should CLAS advise parents of lead-poisoned kids never to allow these fillings in their kid's mouths? Should CLAS advise lead-poisoned people who are planning to conceive for instance, to have their amalgam fillings replaced, along with DMSA chelation therapy and nutrient replenishment therapy, well in advance of trying to conceive? Is it acceptable for anyone to be exposed to lead and mercury (and cadmium) as they are in mining and smelting communities? Why aren't the DMPS provocation test, DMSA chelation therapy or amalgam removal procedures claimable under Medicare? When will Australia phase out amalgams?



Case Study - Unsafe Renovation by Landlord

By Robin Mosman, NSW Community Lead Advisory Service Information and Referral Project Officer

Increasing numbers of inquiries are being received by tenants whose rented homes have been contaminated

by landlords having lead paint unsafely removed. In one case, a landlord gave no warning to his tenant before having leaded paint sanded back to the wood off a 2m strip around 3 sides of the weatherboard house. The front veranda and an area 1.8m around the house were covered with the fine paint dust. When tested, the dust on the veranda had a lead level of 119,000 mg/kg; soil directly under the wall of the house 5900 mg/kg. Two windows had been open during the sanding operation. Dust in the interior sill of the bedroom window had a lead level of 26,000 mg/kg. The maximum levels recommended by the NSW Health Department are 300 mg/kg.

The tenant contacted CLAS immediately after the sanding had been done, and he was just starting to realise that lead could be a problem, the landlord having mentioned that due to the age of the house, the paint was probably leaded. He had heard of CLAS on Dr Karl Kruszelnicki's JJJ radio program. He was advised of the absolute necessity of establishing the lead levels in the paint dust in a way that would stand up in the Tenancy Tribunal. This involved use of a laboratory accredited by the National Association of Testing Authorities (NATA). He arranged for this to be done, at his own expense as neither the real estate agent nor the landlord were prepared to do so. Samples from 4 locations were collected by an independent laboratory and tested for lead, giving the results listed above.

Fortunately, he had also acted on other advice from CLAS, to send his one-year-old son away from the premises immediately until such time as a proper cleanup was done, with a clearance test to prove that all lead had been removed. His wife and child were able to live with relatives while the issues were being resolved. Meanwhile, a blood lead test on the child showed a level of 14 ug/dL (the National Health and Medical Research Council recommend that no Australian should be above 10 ug/dL). The tenant believes this was caused by the child occasionally sucking the veranda railing, the paint on which was chalking.

The tenant embarked on the laborious task of getting

the problem of the lead contamination acknowledged and dealt with by his landlord. Because of the widespread ignorance that still exists regarding the danger of lead in old paint and the effects of exposure to this lead, particularly for young children, this is an uphill task for tenants. Most landlords are genuinely unaware of the lead problem, and have simply dealt with the paint removal on their property in the way that most people these days still do. They are astounded and unbelieving when told they have created a major health hazard, and of the work and possible cost of cleanup. They mostly feel they are being unfairly 'got at' by their tenant, and can become resentful and unco-operative.

The tenant at this point simply wanted a safe cleanup to be done and paid for by the landlord, who had created the problem in the first place. Because there are as yet no legal and binding standards or guidelines for such work, this was an extremely difficult task. All the work of establishing what would be necessary had to be done by him. "Throughout the past two weeks the burden has fallen upon me to find out information regarding the lead contamination and to suggest remedial courses of action. This in spite of the fact that I, or my family, played no part in causing the lead contamination." (quote from letter by tenant to real-estate agent).

He consulted by phone and fax with CLAS frequently throughout the negotiations with the real-estate agent and the landlord. CLAS referred him to the Illawarra and South Coast Tenants Advice and Advocacy Service; the Illawarra Public Health Unit; two independent lead assessors; and Standards Australia, who have recently issued a Draft Standard on the management of lead paint in domestic and commercial buildings. CLAS also faxed to him a fact sheet on lead and tenants' rights, and the world best practice guidelines on lead clearance testing from the U.S. Department of Housing and Urban Development.

The tenant was also proactive on his own account: he went through his lease very carefully to find out exactly where he stood legally, and he used the Internet to look at the Tenancy Act. All of this he said gave him more confidence in what he was doing. He also referred back frequently to the fact sheet provided by CLAS to ascertain that he was on track.

During this time the landlord, obviously extremely anxious about the whole situation, twice entered the

premises in the tenant's absence, without the permission of the tenant, in order to attempt some cleanup of the leaded dust. These constituted further breaches of the tenancy agreement. At this point, the tenant decided to discontinue the tenancy.

Using information from the sources to whom CLAS had referred him and from his lease, the tenant informed the real-estate agent "that the premises had been rendered uninhabitable for his family by lead contamination present in and around the cottage and that the landlord has, under Section 12.1, breached the Tenancy Agreement and the agreement is therefore immediately frustrated."

He then applied for a hearing with the Tenancy Tribunal for recovery of his costs.

The landlord, on the advice of the Illawarra Public Health Unit, eventually also contacted CLAS. He wanted independent information on the dangers of lead; how to have his own tests done; and how to do a safe cleanup. He revealed that he was prepared to pay for reasonable relocation costs for his tenant; but that his great fear was that he might in the future be held financially responsible for some damage to the child. His discussions with CLAS seemed to help him to accept that he had, however unintentionally, created a hazardous situation and that the tenant was in fact behaving responsibly.

The matter was eventually settled outside of the Tribunal, the landlord offering to pay all monetary costs incurred by the tenant. These included the costs of all tests; travel and board costs for the wife and child; a week's time off work; 5 hours cleaning of all the child's equipment, toys and clothes; and the transfer of electricity and phone accounts. They amounted to \$1,350. There were no moving costs as friends assisted with a vehicle and labour.

Feedback from the tenant included the following information:

The fact that a Draft Standard for lead paint management existed obviously lent some weight to his claim with the landlord and the real-estate agent.

He now believes that contacting his local Council after he had the results of the testing might have been of assistance, as a Council officer has since told him that "they could have ordered a cleanup". CLAS agrees this would certainly be worth trying; however, feedback from other inquirers has been that at this point, any action a Council will be prepared to take very much de-

pends on the lead awareness of that individual council.

It is worth ringing around a number of analytical laboratories for a quote on the cost of lead testing. Prices varied considerably with the 3 labs he contacted. It cost him \$63 for 4 samples, with someone coming out to collect the sample.

"We would have been lost and still wondering what to do if it hadn't been for CLAS. You gave us confidence that we were right to be concerned, that our concerns were relevant. If it hadn't been for CLAS we would still have been there in that house, and God knows what our son's lead level would have been."

The tenant's professional background and supportive family were obviously very instrumental in enabling him to negotiate an acceptable conclusion to the situation in which he found himself, with his vulnerable small son, through no fault of his own.

Not all tenants have such successful outcomes. CLAS is currently trying to assist a 21-year-old single mother whose dog has already been severely lead-poisoned by leaded paint dust created in her rented premises by unsafe paint removal. Her three-year-old daughter's blood lead level is still being tested.

This young woman lacks almost all of the resources which helped the first tenant. The one resource they do have in common is CLAS. We hope it is enough.

Rotary Project

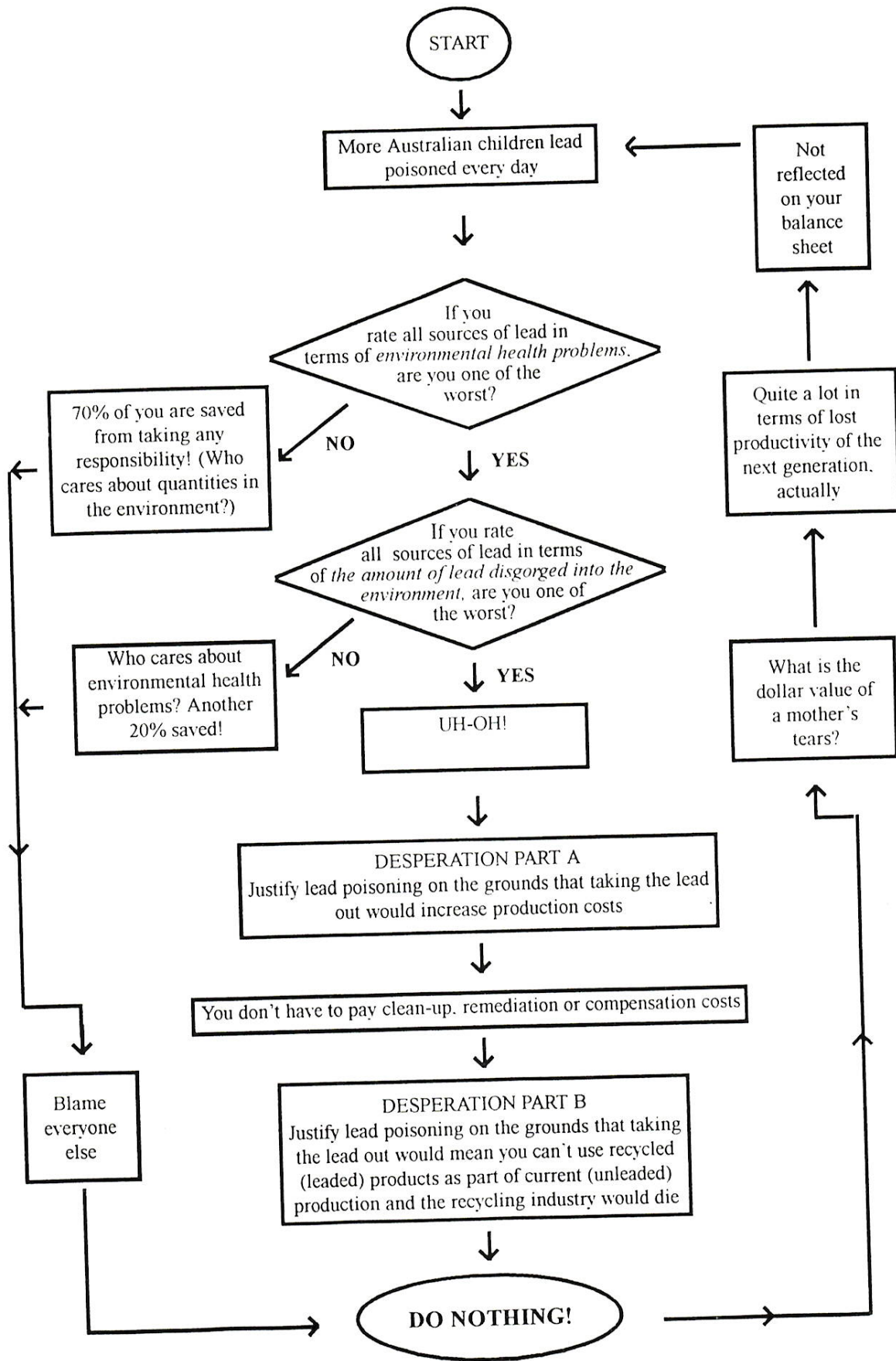
By Adrian Hill, NSW Community Lead Advisory Service.

NSW Community Lead Advisory Service, in conjunction with Rotary clubs in the inner West, are organising for the distribution of information in kindergartens and childcare centres. The information will be developed jointly between NSW CLAS and Rotary, but details have yet to be finalised.

Community Outreach Project Officer for NSW CLAS, Michelle Calvert, is acting as liaison to coordinate the literature to be distributed and the kindergartens and childcare centres to be targeted.

NSW CLAS have also been consulting with Rotaract, the organisation for young Rotary members. Advice concerning lead in paint has been incorporated into their "Paint Your Heart Out" campaign.

An Industrial Guide to Managing Lead Poisoning



Lead and Justice

By Adrian Hill of the NSW Community Lead Advisory Service

Justice can be difficult to get at the best of times. We thought we'd scout around and find what is available should you be unlucky enough to be poisoned with lead.

This has proved no easy task - occasionally we were swamped with information, but more often all we got were hostile questions. It suggested to us that maybe

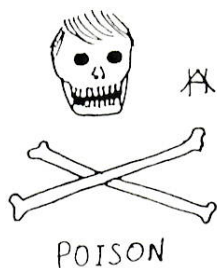
there is a fear out there of opening up a can of worms... imagine how much litigation there could be!

We cannot always guarantee that all the organisations listed below will be delighted to hear from you! (But don't let that discourage you).

This list may not be comprehensive- please let us know of any other good organisations you have dealt with.

Agency:	Legislation, etc.	Comments
<u>1) For Residents</u>		
a) Solicitors	The Tort of Negligence	See Franco Pomare's article in this newsletter. Probably untested in the Courts. Watch this space.
b) Tenancy Tribunal	The Residential Tenancies Act	Would probably involve demonstrating the loss of "quiet enjoyment" of your property, leading to a breach of your tenancy agreement. You would need to show that the Landlord ought to have known about the dangers of lead poisoning, and that there is clear "demonstrable loss" on your part. You can claim up to \$5,000 compensation (e.g. for removal expenses) and you can have the tenancy agreement cancelled. Call Redfern Legal Centre for more info. about your local Tennancy Advisory Service.
c) Pollution Control, NSW EPA	Clean Air Act, Clean Waters Act, Unhealthy Building Land Act, Environmentally Hazardous Chemicals Act, Contaminated Sites Act	The Clean Air Act deals mainly with larger industry through pollution licenses and voluntary guidelines. Each pollution licence agreement is different, but they usually specify acceptable emission standards of particular substances and air quality standards surrounding the plant. These are monitored by the plant, but the plant is checked up on by EPA inspectors. There may be requirements to reduce toxic emissions over 5 or 10 years. Breach of the licence agreement can lead to prosecution. You can also report vehicles whose emissions seem unhealthy. The emissions must be continuous for 10 seconds, and the vehicle must be registered in NSW. Phone Pollution Line (131 555).
d) Local Councils, Department of Local Government	Local Government Act	Tend to deal with smaller industry. Rely on residents to prove there is a problem with lead and who is causing it - if it is obvious councils ask the offender to stop and can serve notices if necessary.
<u>2) For Tradespeople</u>		
a) Building Services Corporation	Trade Practices Act	Deal with unsafe work practices of tradespeople. Do not specifically deal with lead, but you can complain about unsafe work practices which include lead.

Agency:	Legislation, etc.	Comments
NSW Health Complaints Commission	Healthcare Complaints Act, Medical Practices Act	Handle complaints about the health system, including complaints about doctors
<u>3. For Employees</u>		
Workcover NSW	Factories, Shops and Industries Act, Occupational Health and Safety Act, Construction Safety Act, National Standard on Lead & National Code of Practice, put out by Worksafe.	Deal mainly with employees. Deal with blood testing of employees for lead, - can order an employer to check employees blood for lead if they work in a lead risk area. Can also order testing of a site to see if it is contaminated with lead .
	Sex Discrimination Act	Prohibits organisations from hiring employees on the basis of gender . (Women have been hired only if they can prove sterility, to avoid harming a foetus).
National Worksafe		Policy agency for regulations in the workplace. Recommendations are not mandatory but a court of law would use them as a guide to a duty of care.
<u>4. Consumer Products</u>		
(a) Department of Fair Trading NSW, Product Safety and Standards Section	Trade Practices Act	Deal with complaints about consumer products. Action varies from case to case.
(b) Australian Competition & Consumer Commission		Deal with trade practices on a national level by incorporated organisations.
(c) Federal Bureau of Consumer Affairs		Deal with policy issues concerning the Trade Practices Act.
Australian Customs		You can write to the retailer of a product, asking them for the Customs certificate of toxic goods. They then write to the supplier, who writes to the importer.
<u>5. Other</u>		
Standards Australia	Australian Standards	There is a vast number of standards which could relate either directly or indirectly to lead. We tried to make a comprehensive list but gave up with information overload. Ring CLAS or Standards Australia for more info.
NATA	Laboratory Accreditation	The NATA have strict regulations on whether a laboratory is approved to test for lead. Separate guidelines relate for testing different categories of substance: blood, dust, hair and so on.



Baby Drank Leaded Hair Colour Restorer

by Elizabeth O'Brien, Coordinator, NSW Community Lead Advisory Service, Australia

In early April 1997 the NSW Community Lead Advisory Service (CLAS)

was contacted by the mother of an eight month old baby who had been poisoned on 21st February 1997, by getting into the pantry and drinking from a plastic container of hair colour restorer containing 0.05% lead acetate.

The plastic hinged lid on the container of **Restoria Hair Cream** was flimsy enough for the baby to open by himself - there was no label on the container to say the product contained lead and should be kept out of reach of children, nor any instructions if poisoning should occur. The father happened to have a second container of **Restoria** which gave only the warning in fine print "Do not use on broken skin, or if you have any skin disorder. Wash hands after use". The cardboard packaging gave the stronger warning "NOT TO BE TAKEN", which prompted the parents to ring Poisons Information who advised that the child be taken immediately to hospital.

After dosage with charcoal, the baby's stomach and bowel were cleared using colonic irrigation and pumping as the hospital staff feared the baby may begin fitting. Later test results showed that the baby's serum lead level reached 20 µg/dL within 8 hours, ie, twice the national acceptable blood lead level of 10 µg/dL. A retest was ordered for one week after the incident but the result was not reported to CLAS. The doctor and paediatrician were unable to advise the parents as to whether any long term damage would have occurred, stating that there were no long term studies of effects from acute short term exposure to lead, although "there could be speech and neurological disorders later" (See p.4 of this LEAD Action News). The doctor kept the container which had no warnings on it and told the mother he intended to have the product banned.

The mother wondered whether the product is sold in developing countries without any warnings, and wrote to the manufacturer, Wards, in Melbourne, to advise them to remove the product from the market until it was proven to be safe, and to use child-proof lids on all cosmetics which contain poisons. She sought compensation for expenses incurred during the episode. She wrote, "Believe you me I am not into

litigation in any way - all I want is to make sure this will not happen again and to prevent any more innocent children from being harmed again."

When CLAS contacted the Pharmaceutical Services Branch of the NSW Health Department, we were told that the Branch was satisfied that the particular container from which the baby drank had been replaced (by Wards) about 18 months ago with a container which did comply with the Scheduled Poisons Act (the product is a Schedule 5 poison) and that in a foray into the marketplace, the Health Department was satisfied that all three retailers stock-ing the product that they visited, had stock with appropriate labelling. The Health Dept contact, who is also on the federal government's Scheduled Poisons Committee, said, "I told [the mother] she must have had old stock or stock due to be exported to a country without warning statement requirements. She would need to contact the shop she bought the product from."

When asked whether the original source of the offending container would be prosecuted by the Health Dept for a breach of the Poisons Regulations, the Scheduled Poisons Committee member said, "The Health Department would ask them to remove any improperly labelled products from sale."

There are two types of hair colour treatments - one uses lead acetate to bind to the hair and help "fix" the body's natural hair pigment in the hair, thus restoring the person's natural hair colour over a period of about three weeks of regular treatment. With excessive use or lack of natural pigment, the treatment turns the hair black. There is apparently no alternative to lead acetate in such a product. The other type involves simply choosing a dye colour and dyeing the hair. Hair dyes do not contain lead.

In Australia both **Restoria** and **Grecian 2000** hair colour restorer treatments are sold (are there any others?) and both contain lead.

In the USA, a not-for-profit non-government organisation (NGO) in San Francisco, called the Center for Environmental Health (CEH), has sued Combe Inc, the manufacturer of **Grecian Formula**, in San Francisco Superior Court, "seeking an injunction prohibit-

ing the sale of its hair dyes in California without proper warnings", according to an internet report.

Upon contacting Michael Green at the CEH, CLAS was informed that "the NGO's attorney was currently jousting with the company's attorney" in what sounded very reminiscent of the jousting which went on in "A Civil Action" (see book review in this issue of LEAD Action News). CEH says one of the articles in their arsenal is by a toxicologist in Louisiana who had ordinary people use **Grecian Formula** in an ordinary bathroom. The researcher found high lead levels when he tested soap cakes, basins and other surfaces in the bathroom and even such things as the telephone used after leaving the bathroom even when hands had been washed following the use of the hair treatment.

California is blessed with having a piece of legislation called, for short, "Proposition 65" (though it is actually passed as "The California Safe Drinking Water and Toxic Enforcement Act") which demands that toxic substances such as lead, which have been associated with cancer or birth defects, be labelled to say just that. All petrol stations for instance carry the warning that "Gasoline has been associated with cancer and birth defects" (or words to that effect). Enforcement of Proposition 65 in California has resulted in some products carrying the birth defects / cancer warning throughout the US, because its too much trouble for manufacturers to have to have different labelling for the 10% of their market which resides in California.

Letters

To Michelle Calvert, Community Outreach & Education Project Officer, NSW CLAS



Just a note to thank you for your valuable contribution to our Child Health Information Night. Your talk on Lead was clear, illustrative and thought-provoking.

The night was thought to be a success from all accounts, including feedback from members of the Consumer Advisory Committee, the Division of General Practice, attending consumers, health workers and GPs. As well as providing consumers with a wealth of information and opportunities for discussion on pertinent child health issues, we felt the event was a big step in the direction of encouraging GPs and consumers to exchange information outside of the surgery setting.

From their research CEH is convinced that at a minimum, pregnant women should not be using lead acetate hair colour restorer, and they question the safety of its use in any bathroom also used by children or pregnant women. The prime users of **Grecian Formula** in California are in the 35-55 age group. CEH is aiming to get the cancer / birth defects warning on the label, if the product is not banned outright.

In NSW, The Honorable Fay Lo Po, the Minister for Fair Trading, has the power to ban or restrict supply of a product which is dangerous to the public. The Federal Government has some requirements regarding ingredient labelling for Australian made and imported cosmetics (including hair tints), under the Trade Practices Act, the relevant minister being the Honorable Geoffrey Prosser, the federal Minister for Small Business and Consumer Affairs and Minister responsible for Customs.

Clearly, if the company which manufactures **Restoria Hair Cream** does so in compliance with the current NSW Poisons Act regulations, and is still permitted to sell it in containers easily opened by an 8 month old baby, then perhaps Andrew Refshauge, Deputy Premier and Minister for Health, could look at reviewing the labelling requirements and appropriateness of child-proof lids.

Channel 7's *The Investigators*, and the Australian Consumers Association which publishes *Choice* magazine, are interested in the case.

I hope you enjoyed the evening. Thanks again for your participation.

Best regards, Lyndell Weaver
Project Co-ordinator, Consumer Advisory Committee
Central Sydney Division of General Practice
Camperdown NSW 2050
16 April 1997

Dear Michelle,

Thankyou for your excellent talk. Your message was clear. We appreciate it.

Regards Christine
Time Out Club
Mosman NSW 2088
13 May 1997



Case Study - Demolition in a Residential Area

The Lead Plant in the Inner West of Sydney



leadwort

by Elizabeth O'Brien, Coordinator, NSW Community Lead Advisory Service

The LEAD Group is a community group which was founded in 1991 by three families concerned about lead emissions from a lead and aluminium manufacturing plant in inner western Sydney. Soil in a residential property owned by the plant and adjacent to the plant was found to have 16,600 parts per million lead, or more than 50 times more than the "investigation level". The "investigation level" is the only action level in NSW - it means that the result is above 300 parts per million lead and the sources of lead should be investigated. A blood lead survey of fifty 1-4 year old children in the area found that 50% of them had a blood lead level above what is now called the national goal (10 micrograms per decilitre).

Six years later, The LEAD Group Inc runs the NSW Community Lead Advisory Service (CLAS) from an office in Summer Hill, and the owners of the lead manufacturing plant have moved to an industrial park. So after 116 years of operation, all the plant and equipment has been shifted and the buildings are currently being demolished.

In early 1996 residents of the 3 streets which form the boundary of the plant site founded the Summer Hill Local Environment Group (SHLEG) when the proposal to build town houses on the site was put before council. Elizabeth O'Brien from The LEAD Group spoke to the residents' group and many submissions were made to Ashfield Council to ensure, among other things, that the demolition and site remediation would be done in a way which did not contaminate nearby properties and stormwater with the asbestos, lead and other contaminants known to be on the site. The conditions to be placed on the works were negotiated between the consultants hired by the developer to manage the work, the company lawyers, the council and the residents, over several meetings. The LEAD Group proposed the conditions:

1. that the lead contaminated dust and paint off any building debris be recycled for its lead content at a secondary lead smelter, and;
2. that the contaminated soil be cleaned by a machine currently cleaning heavy metals out of soil at the ICI Dulux site in Cabarita, Sydney, in order to reduce by 80% the amount of contaminated soil requiring disposal at a toxic waste dump.

The general response amongst the vociferous Councillors at the meeting was that cradle to grave management such as this was a laughable matter, and they were doing well to have considered the community's concerns at all.

Then in early 1997, the complaints began to roll into CLAS from callers in the area.

Consultants who drilled through concrete for core sampling of the soil, told a resident who was concerned for an asthmatic family member about the concrete dust, that she was "hysterical"

A month later, on Monday 24th February, SHLEG organisers had to call a Council officer out to stop work on the first day of demolition when it was observed that the workers were unprotected from roof dusts, having neither respirators nor protective clothing. No residents had ever been given a copy of the demolition conditions so it was guesswork as to what they stipulated. The LEAD Group took precisely one month to extract a copy out of the Council, having first been told it was not a public document. It was then evident that the demolition conditions were determined by Council on 10th March, two weeks after the demolition had begun.

On the 21st March another resident obtained an extract of the "Remediation Action Plan for Proposed Townhouse Development", prepared by an environmental management consultancy. The Council had determined as one of its demolition conditions that:

...3. All demolition works are to be in accordance with a report prepared by [the environmental management consultancy ie the "Remediation Action Plan (RAP)"]...

The resident claimed that several practices "promised" in the "RAP" had not been occurring:

The "RAP" said: "Dust will be suppressed at all times during the works". The resident lived a block from the site and complained that his daughter was suffering asthma badly as a result of the dust from the demolition.

The RAP said: "The site will be secured at all times

to prevent unauthorised entry by the public". The resident said "the site was left open and unattended for days at a time".

The RAP said: "Demolition and site rehabilitation activities are anticipated to extend over a period of several months, with demolition work commencing mid March 1997." The residents knew the demolition of the roof had begun on 24th February, 1997. At that time "they were pulling tin off the roof and throwing it on the ground".

The RAP is not a public document and a copy must be requested from the developer, or sought under the Freedom of Information Act, which could take longer to obtain than the work itself takes.

The Conditions determined by Council for the Development Application stipulated that residents would be notified about the demolition. However, when a resident with three children under 5 living practically next door to the site, complained that he had not been notified of the demolition, the Council agreed that he should have been notified but that there was nothing the Council could do now.

The same resident is particularly concerned to know what will happen when the concrete slab comes up. The concrete presumably covers old contaminated soil from the first 8-10 decades of the plant's operations. He asked the Council who was responsible for ensuring that any monitoring of dust in air etc, promised in the RAP, is actually happening, and that the information is being acted upon. The Council said the EPA would be responsible. When CLAS asked the EPA contact officer on 22nd April, he said he would ask the company that wrote the RAP if there were any results and whether he could be given a copy.

The LEAD Group is concerned that the only dust in air standard available to compare the results to is designed to protect workers exposed to the dust for 8 hours per day. The standard is not designed to protect more sensitive populations such as pre-schoolers, asthmatics or older people with cardiac or respiratory problems. The workers' dust level is also not a good measure of how much toxic dust may be escaping the demolition site and contaminating neighbouring properties.

On April 24th, the EPA contact person from the Contaminated Sites section rang CLAS to say that he now had some results of dust monitoring carried out by the consultants to the developer. (Is there not a conflict of interest when the developer pays the

consultants to provide proof of adequate dust control which the consultants have written the RAP for?)

The dust monitoring results were not able to be released to the public because the developer had paid for them. However, the EPA contact person was able to say that he was satisfied that the results of dust monitoring, which were carried out in three discreet weeks, did not vary significantly from week to week. And since the first week was prior to the start of demolition work, the demolition work clearly did not add to the amount of dust falling on the two monitoring stations at the Morris St gate and on the fence line. However, when we got to discussing the actual dates of testing, it turned out that the "background level" (pre-demolition level) was determined in the week of 26th March to 2nd April, more than a month after the residents claim the demolition work began (14th February). The EPA contact person argued that on the day he inspected the site, 15th March, he "noticed no demolition or at least no significant demolition [had occurred]". We then discussed whether there was an action level to which the dust monitoring results could be compared. He said "the particular test used was designed to provide a long term comparison of total suspended particulates (TSP) and the method was acceptable to the EPA, it gives results in grams per square metre per month, but the EPA does not have a number [an action level] to compare the results to." He said he would suggest to the consultant that they use a method which uses a high volume sampler to suck the air in and calculates the amount of dust trapped by the air sucked in over 4 or 8 hours. The result is in grams per cubic metre and can be compared to a standard which the EPA has some jurisdiction over. We lamented that the demolition work was over.

Another resident looked for the "water spray equipment" promised in the RAP, and found nothing but a broken water main washing grey dust down the street in the gutter. Would this not be in contravention of the Clean Waters Act administered by the EPA? In mid April the demolition workers were still wearing shorts even though the RAP said: "Long trousers and long-sleeve shirts will be worn by all workers at all times."

The Demolition Conditions determined by Council did not stipulate that the work had to be done by a licensed demolition company even though all demolition companies in NSW were supposed to have had a Workcover licence, as of August 1996. Even a company which has applied for a licence is not permitted to undertake demolition work until the licence is approved. On 22nd April the Workcover

Authority was notified of the name of the demolition company, and promised to attend the site as the company was not licensed. Workcover had apparently publicised the need for licences amongst demolition companies and their professional association, but the EPA officer who advised Council on the appropriateness of the RAP did not know, as Council apparently did not, that the demolition contractor had to be licensed. The Council officer said she would have expected to have been informed by Workcover Authority when it reviewed the RAP, if the demolition company required a licence. Workcover later told CLAS that under the new regulations, Workcover is not required to review work plans.

The day after the Workcover visit, when the building had already been levelled, residents noticed for the first time two signs saying: "Danger - Demolition in Progress" and "Hard hats to be worn in this area". Water spray equipment had materialised - a man was holding a hose. When CLAS called Workcover we were informed that although the demolition company which had been given the demolition permit by the Council was not licensed (the company had applied for a demolition licence) the company was nevertheless permitted to carry out the work because it had recently changed its name (why?) and there were competent persons in the previous company who were licensed to do demolition work and were apparently still with the new company.

We were also advised that the demolition of an industrial building which is less than 10 metres tall, and in which the work will be done by hand, ie without machinery, does not require a demolition licence. Also, the removal of up to 200 square metres of bonded asbestos material (eg fibro cement) does not require an asbestos abatement licence.

The lead plant demolition case is obviously continuing, but this article was put together at this time to help other community groups gear up for the "demolition conditions" process in their area, notably the Royal Alexandra Children's Hospital with its two declared contaminated sites and 13 asbestos sites will have demolition works being put out for tender (by the Department of Public Works) this year. Also in Leichhardt Council area, an ex-iron foundry site has had a housing development approved, and presumably the lead, zinc and copper contaminated site will require some demolition first. Residents have been refused the results of the consultant's site assessment because they are owned by the developer. Two of the directors of the developer company are councillors on Leichhardt Council but only one of

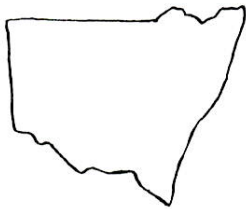
them abstained from the voting on the development application.

LATE NEWS: On April 23rd The LEAD Group Inc asked Ashfield Council's Manager of Planning and Building for a complete copy of the RAP, after being told by Council staff that we could only view and take notes from the document at the Council, it would not be permissible to take a copy away. The Manager organised that a copy of the full approximately 120 page report be placed in Ashfield Library and one in The LEAD Group's library and that a relevant 22 page extract be distributed to interested persons. The Manager also committed Council to organising a small consultative group by the end of the week, of residents, the developer, consultants, Council, SHLEG and The LEAD Group Inc. We are most gratified that the community's concerns will be heard. By 9th May no further news was available on this matter, but The LEAD Group's library had received a complete copy of the RAP.

The LEAD Group has a vision that **people will reduce their use of toxic substances** when they realise that toxic substances don't just disappear off the edge of the earth, because the earth is not flat; that toxic particulates put into the air by industry, medical incinerators and motor vehicles, etc, stick around in building dusts and soils **until contained and continuously managed**. So while taxpayers and ratepayers are paying for several government departments and the Council to manage the lead plant demolition, and actually having to do the surveillance work themselves, the industry which made the profits from selling lead for more than a century pays nothing, and developers can refuse residents important information on the basis of owning copyright.

Consumers should continuously ask themselves: Which toxic consumer product can I **not buy**? Residents should continuously ask their politicians: When is Polluter Pays legislation coming to NSW? When will lead production be taxed federally and when will the federal lead petrol tax be distributed to help the states cover the costs of lead's cradle-to-grave management? When will we have Toxics Use Reduction Legislation and Community-Right-To-Know? When will government departments coordinate their responses to the vast array of legislation which impacts on the management of lead?

The NSW Community Lead Advisory Service is looking forward to working with the NSW EPA's Lead Reference Centre in order to achieve as much of the above as possible, as soon as possible.



Point Source Community Reports

by Robin Mosman, NSW Community Lead Advisory Service (CLAS)

A significant part of the charter of the NSW Community Lead Advisory Service (CLAS) is to provide support, in response to a request for help, to residents and community organisations in the major point source communities of Boolaroo, Port Kembla and Broken Hill.

- In Boolaroo, a suburb 20 km south-west of Newcastle, lead contamination has been caused by Pasmenco Metals Sulphide's lead-zinc smelter.
- At Port Kembla, a southern suburb of Wollongong, lead contamination has come largely from a copper smelter previously owned by Southern Copper Pty Ltd, an Australian/Japanese partnership, now owned by Port Kembla Copper, a wholly Japanese consortium.
- Broken Hill is an historic lead mining and smelting town, where the line of lode runs straight through the centre of the town. Skimp dumps and tailings ponds are a feature of the landscape. The mine is currently operated by Pasmenco.

Boolaroo

The community action group NO LEAD was formed in Boolaroo in 1990 when a Public Health pilot study revealed a significant lead contamination problem in the area, at the same time as 2 major accidents which were widely felt in the community occurred at the plant.

The main focus of the group is on child health and the environment. They realised early that they would need to be proactive far beyond their own small community to be successful. They have acted locally, State-wide, nation-wide and internationally to achieve their aims of:

- rapid reduction of Pasmenco emissions;
- lowering of the National Health and Medical Research Council acceptable blood lead level in 1993 from 25 µg/dL to 10 µg/dL;
- remediation of the Boolaroo community;
- recognition by the OECD countries of the effects of lead on workers, and highlighting of Australia's poor record in dealing with lead issues.

They have always attempted to look at the total picture of lead - including petrol, paint and the need for education (see article entitled "Lead - from the Boolaroo Smelter to Your Car Battery" by Theresa Gordon of NO LEAD, commissioned by CLAS and published in LEAD Action News V5N1). They acknowledge that there have been major improvements at the Pasmenco plant; however, they think the industry still has a long way to go in order to operate really safely and responsibly within the community.

A great deal of NO LEAD's work is currently with some of the most lead-affected people in Boolaroo. Although Pasmenco purchased properties closest to the plant to create a buffer zone, those whose properties were not inside the buffer zone include lead-poisoned children and their desperately concerned parents, and elderly people whose homes constitute their only asset. For many of these people, the devaluation of their properties by the lead contamination has made relocation virtually an economic impossibility.

Also, recent remediation of the homes of some lead-poisoned children has actually resulted in their lead levels going up, after months of painstaking, time-consuming housework and care by parents had previously brought their levels down somewhat. NO LEAD spokesperson Theresa Gordon has spoken of "the unimaginable distress" this has caused parents already stretched to the limit.

NO LEAD are particularly concerned that a zonal approach should be taken to remediation. At the moment, the focus of remediation by the North Lake Macquarie Remediation Committee (with representatives from the Environment Protection Authority, the Health Department, Council, Pasmenco and the community) is on the homes of individual lead-poisoned children.

NO LEAD's view is that children don't just live in a house, they live in a community. These children live in a community that is contaminated. There is no point in just remediating a particular child's home when that child may spend a lot of time visiting a grandparent, neighbour or friend whose home may be as badly contaminated. They see the policy of individual remediation as an attempt by government and Pasmenco to

keep the problem focused on individual families, instead of genuinely accepting their joint responsibilities for the contamination of the whole community.

NO LEAD have recently resigned from the Remediation Committee in protest at the individuation of the remediation process. They continue to lobby outside the Committee for zonal remediation, and to question the remediation protocols which have caused the elevated blood lead levels.

They also have concerns about the procedure currently being used to test soil at the homes of lead-poisoned children. A spokesperson stated that it was a procedure that was discredited years ago at Port Pirie, the smelter town in South Australia. The unknown rationale for the recent Remediation Committee decision to do lead testing of houses where children do not have elevated blood lead levels has also caused concern. NO LEAD have not been successful in requiring this decision to go before an ethics committee before being implemented.

NO LEAD approached CLAS recently for assistance with research on the problem of elevated blood lead levels after remediation. As a result of research supplied by CLAS showing overseas blood lead levels not elevating after remediation, NO LEAD have been able to request the Remediation Committee to justify their claim that **a rise in levels** after remediation was a "normal" overseas experience. They have also challenged the continued use of a protocol for remediation that causes elevation of blood lead levels. CLAS has established that the soil-sampling procedure being used involves taking five soil samples from the top 50 mm of soil on a residential property, specifically excluding soil under downpipes and soil near painted buildings or fences. All the five samples are mixed into one sample which is analysed for lead. The procedure is specifically designed for Boolaroo properties, according to Joe Kostiv of Newcastle EPA, in order to determine the soil lead contamination which could be attributable to fall-out of lead from the point source - the smelter. It is not designed to give parents answers as to where in their yard it is safe for their kids to play, nor to determine which areas of soil in the yard need remediation.

For NO LEAD, the ability of CLAS as an information service to assist them by the provision of relevant and accurate information is proving critical to their ability to make informed decisions and take appropriate action. Throughout their 6 years of activity on behalf of their community, they have been

hindered by the difficulty of obtaining essential information, on occasions being actually denied access to such basic documents as Pasmenco's Development Application and Feasibility Study. This has resulted in them becoming strong advocates for Community Right to Know legislation.

NO LEAD sees another great benefit in access to CLAS for its troubled community. Theresa Gordon said recently: "Because of the way things have gone here, you have to be either for Pasmenco or for NO LEAD. But whichever side they support, people in Boolaroo have a lot they need to talk about. They need access to someone else, someone independent. They need to know there's somewhere to go on an individual level to ask their own questions."

Port Kembla

CLAS was recently contacted by a representative of the Port Kembla Public School Relocation Committee, who is also a member of IRATE (Illawarra Residents Against Toxic Environments)

In 1996 the Department of School Education funded an Environmental Lead Assessment Report of lead levels in soil at the local public primary school. Half the 26 samples of soil tested contained greater than 300 parts per million (ppm) lead, ranging up to 1581 ppm, 5 times the NSW level requiring further investigation.

Parents and staff at the school, concerned at the proximity of the currently closed Southern Copper smelter, have been lobbying the NSW government to have the school moved. At the time of contact with CLAS, the Premier had already said that if the smelter breached its licensed emission levels during the first twelve months after the smelter re-opened, the school would be moved. The Relocation Committee were not satisfied with this, claiming that the children and staff would be being used as guinea pigs, and that there was already adequate historical evidence to justify their mistrust of future safe operation.

CLAS supplied the Relocation Committee with a considerable amount of information about lead, particularly its effects on children's learning ability; and examples of campaigning handouts used by another group to successfully raise public awareness and lobby.

A month later, CLAS was informed of the success of the Committee's representations. The NSW Department of School Education has agreed to relocate the school. The cost of relocation will come from

\$2,000,000 the company has agreed to pay to purchase the school site. The Committee hopes to continue to have an important role in the school, possibly through representation on the School Council.

In mid April 1997, IRATE published its first newsletter. The chairman of IRATE has also regularly liaised with CLAS, and says, "It's great that the school is being re-located." IRATE argues that this will cut children's exposure to fall-out from the stack and protect them from accidental releases of toxic fumes, but school children only spend 13% of the year at school. To truly protect all the young children who live in the shadow of the smelter, the smelter would have to remain closed and children would need to be protected from chronic exposure to historical contamination of roof dusts and soil, et cetera. "Continuous community education and remediation programs are essential for the area."

Broken Hill

In late November 1996 CLAS was contacted by a Broken Hill resident, mother of 3 lead-affected children, with a desperate problem. The rail line from Broken Hill to Port Pirie, the smelter town in South Australia, runs right behind her street, a street with "about 70 children under 12" living in it. Uncovered rail trucks loaded with lead and zinc ore concentrate travel this line. As they gather speed, clouds of lead concentrate dust billow from the trucks across the homes of these children. "Last week it was like an atom bomb going off, a great big purple black balloon of dust."

"There are children in the street with blood lead levels of 34 and 36 $\mu\text{g}/\text{dL}$. A little boy in the next block had a blood lead so high he had to be chelated. Three years ago my kids were 27 and 29 $\mu\text{g}/\text{dL}$."

"I've been complaining for 5 years. Every time they say they'll spray with water. They do it for a few weeks and then stop. Lately it's been worse because they're drying out the loads. Dampened loads were causing problems with the machinery at Port Pirie so they've started drying them out at Broken Hill first, and the dust problem has been much worse."

The mother is desperately concerned about the effects of the lead and zinc on her children. "I'm at my wits' end. My 3 kids have got low IQs, headaches, nausea, vomiting, aggressive mood swings. They have all the classic symptoms of lead poisoning." The parents have done everything possible to remove the lead from their children's environment. "We've ripped up all our

carpets, \$4 to \$5 thousand worth of nearly new carpets, and replaced them with tiles; we've grassed, paved, replaced wooden windows with aluminium." The dust from the railway trucks makes a mockery of all their efforts.

Totally frustrated after 5 years of trying to get something done, she finally took some photos which graphically depict the extent of the problem - "When I showed the photos to the Broken Hill Environmental Lead Centre, they were appalled, but said they don't have the authority to do anything about it. The Environment Protection Authority said the train is on Pasmenco land and they can't do anything about it." She went to the Department of Mineral Resources - "He said 'O God I didn't realise it was this bad' and said he would speak to the mine manager; to Broken Hill City Council; to the Health Department. She went to the local paper - "The Barrier News is owned by the mine, they can only print what the mine will let them print. They said they would talk to Pasmenco."

"The mine people say I'm just an hysterical woman complaining. It was only because I stormed their offices and showed them the photos that Pasmenco were prepared to start talking to me. No-one helps. It's so bloody frustrating. The government just lets them go."

In the course of talking with this woman, CLAS discovered that many other children in the street had serious health problems, and that "The street are ready to organise. At least 36 families I've spoken to have had it." An earlier group which had organised and lobbied and were "getting a lot done" had received death threats by phone in the middle of the night; however, she said she was prepared to start rallying other residents. CLAS suggested to her that the most important things to do were to get a small support group together and to document a health profile of the street. When this information was available, CLAS promised referrals to media contacts who might be interested in the issue.

Before their survey was received, a media release from Broken Hill alerted the press to the fact that new-born babies born there have higher than expected blood lead levels and that more than half the babies blood lead levels nearly triple in the first 6-7 months of life. CLAS was able to refer this gallant woman to the Sydney Morning Herald (SMH) journalist who was flying to Broken Hill to cover the story. Her story appeared in the SMH on Saturday, 12.4.97. [See an article about the study, on the following page.]

Study Reveals Lead Risk to Broken Hill Babies

By Mark Riley, as printed in the Sydney Morning Herald, 8/4/97. Reprinted with kind permission.

Blood lead levels remain dangerously high among children in Broken Hill three years after a \$13 million Health Department Program began to tackle the problem a new report has found.

The Broken Hill Environmental Lead Centre Study has found that blood lead levels are rising much faster in babies in the first months of life than experts had believed.

Lead poisoning has been blamed for low IQ levels among some of the area's children and, in extreme cases, is suspected of causing bowel and bladder damage.

The report found that blood lead levels were between 15 and 20 per cent higher in newborn babies in Broken Hill than those in the world's largest lead-smelting city Trail in Canada.

The Study, conducted over the past year, found the levels almost trebled in the first six months of Broken Hill infants' lives - a far greater rate of increase than previously, research had suggested.

Earlier reports had suggested the levels would not climb until the infants had reached crawling and walking age and were exposed to greater sources of lead outside their homes.

A spokesman for the Health Dept said last night: "The long term effects of exposure to high lead levels are of the greatest concern to the department. But we are confident that our program is having a positive effect and a real impact on the health of those children."

The former coalition Government allocated \$3m in 1994 to help clean up the known sources of lead contamination in the mining city and to produce new research, such as the Environmental Lead Centre report.

Most NSW taxpayers don't even know that they are paying \$13mil to "fix" Broken Hill. If the NSW government were to recoup this loss by taxing the production of lead and the cost were passed on to consumers of lead, people could make a real choice about how "cheap" lead is.

Elizabeth O'Brien, CLAS

The Minister for Health Dr Refshauge last year allocated a further \$10 million to be spent over the next five years.

The Health Department spokesman said the program had already produced positive results in reducing the risk of lead exposure for young children. However a large proportion of houses in the city have walls still covered in lead based paint.

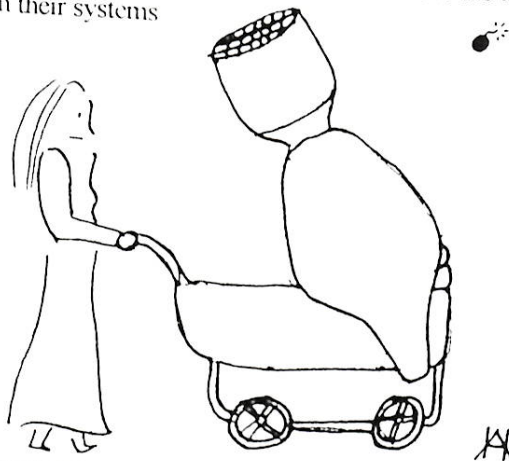
Part of the funding is being spent stripping the paints and replacing them with water-based products. The level of lead dust that has been emitted from the city's mining industries over the past few decades remains another serious problem.

The Environmental Lead Centre was established to provide resources to fight contamination, including the development of education programs and the distribution of information on the most effective ways to clean lead from houses.

A study in 1993 found that 75 percent of preschool children in Broken Hill had unsafe levels of lead in their blood.

The report recommended that the level of lead contamination in some homes was so high that the families should be relocated. At least four children were found to have blood lead levels almost three times higher than the recommended safe level.

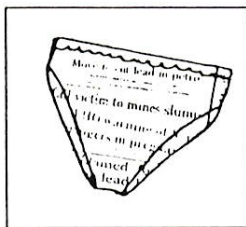
The children had lead concentrations above 60 micrograms per 100 millilitres of blood [60 µg/dL] and had to have chemical treatment to remove the lead from their systems.



News Briefs

Pollution Audit

A NSW pollution audit found 204 companies and organisations failed to return their certificates before the deadline. It is said surprise audits of about 80 enterprises may occur in the 18 months from Oct '96.



Victorian Toxic Dump

In the past decade the rise in solid prescribed waste in Victoria was a disastrous 784%, say Werribee Residents of Toxic Dump in Victoria. They are calling for a toxic dump proposed by CSR to be blocked.

Victorian EPA Failing on Air Quality

The Victorian EPA has been criticised for not having updated standards for measuring air quality in the past 16 years, not routinely measuring pollutants on busy roads, not releasing full results from air testing since 1992 and for having a limited network of monitoring stations for air quality.

Manipulating Students

American corporations such as Hoover and Exxon are sending their own "educational" materials to U.S. schools. The materials encourage students to write reports which reflect well on those corporations as apart of the school curriculum.

PVC-Free Cables for Olympics

The manufacturer of cables for the Olympic site, Olex Cables, will be supplying new cables which it claims are free of both PVC and therefore lead. Many other cables in general use contain leaded PVC.

Alternative Property Inspections

A new service called "Geomancy" is available which "[assesses] sites by both ancient and modern methods, on both the physical and the energy levels.... in order to help people develop a greater sense of harmony with their surroundings" It includes a check for toxic materials in the home.

Lead Linked to Birth Defects

A study in the N.W. of England found that lead in drinking water could mean a higher risk of birth defects, including spina bifida and anencephaly, a lack of brain development. They claimed that the risk of such defects rose by 25% for every 10% rise in the lead level in drinking water over 10µg/L. The study was conducted by Dr. John Bound of the Dept. of

Paediatrics at the Victoria Hospital in Blackpool.

Lead Survey in U.S.

A study in the U.S.A. from 1991-94 (published Feb '97) found 5.9% of 1-2 year olds had 10µg/dL or more of lead in their blood, while the average for all 1-2 year olds was 3.1µg/dL. 10µg/dL is the national goal in the U.S. and Australia. The study also found at particular risk were children living in older housing who were also either non-Hispanic black, poor or living in a large population centre.

Product Recall in U.S.

Lead has been found in the paint on some press-studs in children's clothing produced by Wear Me Apparel Corp. The product is the Little Miracles TM romper, sold by Kmart in the U.S.

"NO" to Mayor's Car Park Tax

A request by Leichhardt Mayor Kris Cruden has been knocked back by the Minister for Urban Affairs and Planning and Minister for Housing, the Hon. Craig Knowles, M.P. The Mayor wanted to tax future residential car parking spaces to pay for tree planting to absorb carbon emissions from future motor vehicles.

RTA in a Jam?

The credibility of the RTA suffered a setback recently, with criticisms that its environmental impact statement (EIS) for the proposed M5 eastern distributor was seriously flawed. The EIS appeared to overstate benefits to easing traffic on surrounding roads and failed to take into account cumulative effects of pollution plumes and road emissions. The RTA also appears to have overstated likely revenue from the tollway.

Childhood Lead Hospitalisation

Hospitalisation rates due to lead poisoning in the US did not change significantly during the 1980's, according to Alfredo Vergara PhD. A survey from 1988 to 1992 showed similar statistics to one done from 1979 to 1983. From 1988 to 1992, a total of 53,400 childhood lead poisoning hospitalisation days resulted in estimated direct charges of US\$41 million.

Apology

In the previous LEAD Action News a study by Dr. Bruce Lanphear was quoted as claiming that household cleaning alone was not enough to reduce children's blood lead levels. NSW CLAS would like to distance themselves from this study and point out that families in the control group had already participated in an earlier lead-in-dust study conducted by the same researchers.

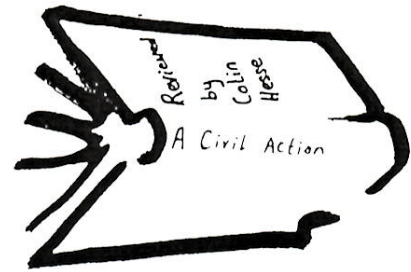
Book Review: A Civil Action

Reviewed by Colin Hesse

A Civil Action, by Jonathan Harr.
Arrow Books, 1997 rrp \$14.95

The subtitle of this glossy looking paperback says, "A True Story". It also contains a list of notes and sources at the end. In every other way though it reads just like the thriller it looks like. But where *A Civil Action* differs from most of the pulp fiction that you can find at the local newsagency, is that the story it tells is one which raises a great many questions about pollution, government environmental regulation, scientific research, law and power.

Author Jonathan Harr tells the story of a small industrial town in USA. During the late 60's and into the 70's an alarming number of childhood leukemia cases develop over a short period of time in a small area of town. As one distressed parent after another discover that their personal tragedies are not isolated cases, the locals get the smell of something wrong; namely the water they drink. The water that supplies their part of the town is from an aquifer sourced from an area which, it turns out, is heavily contaminated with che-



micals, particularly a solvent called Trichloroethylene.

The bulk of the book is, however, taken up with the legal case, and with the scientific investigation which ensues when the affected families sue the companies they believe are responsible for the damage to their health. It came as a revelation to me that so much scientific research is generated by the legal process. One may also observe from the book that the adversarial processes of the legal system are not the best way to investigate pollution and consequent health problems.

All up, the book, which is just on five hundred pages long, had the television turned off early and this reader up past midnight for the couple of days it took me to finish it. The author has structured his story well and the suspense is kept up to the end. Most recommended to the activist who wants a good read, needs a reason to stay vigilant, and wants to understand why you can never trust self regulation of industry. ●

Battery Acid Spill On Board Ship

By Elizabeth O'Brien and Adrian Hill, NSW Community Lead Advisory Service (CLAS)

During the night of May 9th a ship carrying used car batteries hit stormy weather. The storm was so violent that a container of 40 tonnes of batteries smashed, disgorging a tonne of sulphuric acid into the hull of the ship, which also carried containers of foodstuffs. Much of the acid ran into the bilgewater and it is to be hoped that the ship's captain complies with a request not to dump the bilgewater at sea until it can be established how much lead was in the sulphuric acid.

The mining and smelting of lead for car batteries are a major source of environmental lead contamination. This story highlights the hidden costs and environmental impacts of re-cycling of lead acid batteries.

NSW Fire Brigade Hazardous Materials Response Unit was sent to investigate and decided there was no immediate danger to the environment or personnel. The ship then sailed into Darling Harbour. Questions remain as to why the ship was allowed to dock so close to the city centre. Had a fire broken out, there

could have been a disaster - toxic fumes would spread in a cloud from the ship. Although the wet weather made this unlikely, what if the weather had been fine?

The Fire Brigades from 8 fire stations spent around eleven and a half hours in total, coping with the spill. They used one hundred and thirty air cylinders and as well as regular fire trucks, they used three emergency services and breathing apparatus trucks. The EPA Pollution Incidents duty officer who attended the scene was concerned to know what would have happened had another emergency occurred during the storm, there being such a significant proportion of the city's fire response crews tied up on this clean-up. A Police escort was required to escort the thirty tonnes of debris to Alexandria for disposal.

The duty officer said the shipping company would probably be charged for cleanup costs. NSW CLAS hope that the shipping company will be paying all of the costs, with none being passed on to taxpayers. ●

Cradle to Grave Impacts of Cars - Spreading the Message

By Adrian Hill, NSW Community Lead Advisory Service (CLAS)

After having blown the whistle in the previous LEAD Action News (V5N1) about the Cradle to Grave Impacts of Lead in Cars, we thought we should tell you what the Community Lead Advisory Service have been doing about it in terms of supporting affected communities.

Apart from staffing our phone lines and running workshops and homeshows (and producing LEAD Action News!) we have been networking with communities on the following issues:-

Vehicle Emissions In The Harbour Tunnel

We have investigated whether there are lead filters inside the harbour tunnel vents - the answer is "no". The levels of ambient lead in the air in the tunnel are unacceptably high, but the EPA says more testing is required. Meanwhile a CSIRO study states benzene (and therefore probably lead) builds up inside cars in traffic

MacDonald's Takeaway Drive Throughs

As well as sending information to the [Blue] Mountains against MacDonald's group of concerned residents who live near a proposed drive-through in Katoomba, Elizabeth O'Brien has written to MacDonald's asking them for a vehicle emissions policy and has been on radio station 2BL to inform the general public about the drive-through emissions, extractor fans (worth \$1m) which are required on all MacDonald's built in the US, the idea of "roll-throughs" rather than "drive-throughs", and other possible solutions.

Other Issues We've Been Working On

We have also been liaising with the Eastern Distributor Taskforce and have joined the Save Sydney Coalition, running a stall at their launch and distributing information. On the 28th March Elizabeth was interviewed by Radio 2UE on the cradle to grave impacts of lead in cars.



Roach and his Companions stealing a Leaden Coffin.

Illustration from *The Newgate Calendar*, 1932, p.924, by Wilkinson. Good faith notice: the copyright for the above graphic is owned by Little, Brown and Co. Despite repeated attempts, they have failed to respond to our requests for permission. Any reasonable claims in respect of the above will be settled by NSW CLAS.

Lead in Literature

Fishing in the Styx

“The brothers struck West into the drought country, boarding a train illegally to do so.



“We were the greenest pair of rattle jumpers in the business”, wrote D’Arcy. “We travelled down to Port Pirie in a truck of lead-ore concentrate. We were so frozen we couldn’t get out of the truck when the guard saw us. But he was a lovely fella. First he kicked our backsides and then he brought along a billy of hot tea. We looked like red-headed Fijians with the rust and the dust.””

[“Fishing in the Styx” by Ruth Park, published by Penguin Books Australia Ltd. Reprinted with kind permission].

Sent in by Warwick Mosman, Ourimbah.

Unreliable Memoirs

“Toys were scarce. A few crude lead soldiers were still produced so that children could go on poisoning themselves, but otherwise there was almost nothing”

[“Unreliable Memoirs” by Clive James, published by Pan Books.]

Sent in by Noela Whitton, Glebe.

Body-Centered Psychotherapy

“Nobel laureate George Wald said during the Vietnam War, we can evaluate our actions simply by asking “Is it good for children?” Is the war good for children? Are atomic weapons good for children?”

[pp 21-2. “Body-Centered Psychotherapy” by Ron Kurtz, published by Life Rhythm. Reprinted with kind permission.]

Sent in by Adrian Hill, Petersham.

The Herbal Bed

“(He goes to the dispensary and returns with a polished chest, the size of a deep pistol case and very heavy. He places it on the bench.)

JOHN And this?

JACK The lead box.

(HALL takes out two sheets of lead from the top of the box. They are slightly shaped to the profile of the lower back area of a patient and have numerous perforations.)

JOHN Lead...perforated...used in this form for what?

JACK That we cannot mention, doctor.

JOHN Mention it we have to ...

JACK The Italian disease. Señor Gonorrhoea.

JOHN And?

(JACK thinks)

JACK Strangury...ulcer in the bladder...women with the whites...pissing blood...

JOHN How is the lead applied?

JACK To the reins...kidneys...so it takes out the heat.

JOHN And the perforations?

JACK To let the air through.

JOHN What is the sign of gonorrhoea?

JACK Yellow puss...

JOHN What potion shall the patient have?

JACK Venetian turpentine.

JOHN What else?

JACK Er...erm...sarsaparilla...bark of guaiacum ... and...

JOHN Yes?

JACK A lead pipe up your yard for as long as you can stand it.

[Pp 23-4. “The Herbal Bed” by Peter Whelan, published by Warner Chappell Plays Ltd, London in 1966. Reprinted by kind permission. All performance rights are strictly reserved.]

Sent in by Geoff Ward, Osteopath, Annandale. ♀

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The Lead Education and Abatement Design Group
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ERRATA

For "NSW CLAS", read "The LEAD Group Inc." in the following 3 paragraphs: 1) Page 19, final paragraph; 2) Page 20, final paragraph; and 3) Page 21, Good faith notice.

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