

Australia: Second inquiry whitewashes Orica's toxic leak

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Chemical corporation Orica was permitted to resume production last month at its Kooragang Island ammonium-nitrate plant, near Newcastle in New South Wales (NSW). The start up began a few days before the release of a NSW parliamentary committee report into the leak of carcinogenic hexavalent chromium (chromium VI) at the facility on August 8, 2011.

The toxic spill occurred after a regular five-year overhaul of the ammonia plant, including replacement of a high temperature shift catalyst. Chromium VI was sprayed over maintenance workers and a residue was deposited over the nearby suburb of Stockton.

The parliamentary inquiry was part of an official cover-up of the leak and its aftermath. Staffed by Labor, Liberal, Greens and cross-bench MPs, it followed last year's investigation commissioned by NSW Liberal Premier Barry O'Farrell and headed by former senior public servant Brendan O'Reilly. Both inquiries were damage-control exercises to contain the public anger over the incident.

Like the O'Reilly inquiry, the terms of reference of the parliamentary investigation were narrowly focused. There was to be no serious examination of Orica's safety record, either at Kooragang Island or more broadly, or the role of successive state governments in allowing it to repeatedly breach its operating licenses.

The upper house committee report, released on February 23, admitted that it "received a number of submissions that raised concerns about the impact of Orica's site at Botany in Sydney" but ruled out any investigation, stating that Botany fell "outside the Committee's terms of reference".

Orica's Sydney site is notorious for its pollution of the surrounding suburb. The local ground water is contaminated with mercury and has the potential to create an environmental disaster in Botany Bay. Last

September, the Botany plant emitted mercury vapour into the atmosphere, exceeding permissible limits over a nine-hour period, the second such incident in two months.

Also ruled out was any probing of the numerous incidents at the Kooragang Island plant following the August 8 leak, including the release of effluent containing arsenic into the Hunter River and an ammonia release that affected two workers in a nearby suburb.

The inquiry focused almost exclusively on Orica's delays in alerting Stockton residents and authorities about the August 8 incident, in particular the Office of Environment and Heritage (OEH), the state's environmental agency.

Stockton residents were not informed by the company or the government until nearly 54 hours after the incident. The company had not deployed teams to inspect the suburb until well after midday on August 10, despite receiving a phone call from a concerned resident at 9.45 a.m. on August 9 about fallout on her property.

Orica did not notify OEH and WorkCover, the body responsible for workplace health and safety in NSW, until nearly 17 hours after the incident. The company initially claimed that the chemical leak had been contained on site. Orica downplayed the dangerous nature of the substance released, describing it as chromium rather than chromium VI, a cancer-causing agent.

NSW Health was not informed by Orica for 42 hours, despite requests by OEH for Orica to do so. This delay, the report admitted, prevented authorities making a timely assessment of the health impact on hundreds of people.

Orica insisted that urine tests of workers exposed to

the fallout “gave no cause for concern.” WorkCover toxicologist Dr Max McEwan told the inquiry that the delay in testing rendered the results “almost useless”. The earliest urine sample was collected about three days after exposure, and some not for an entire week.

Despite this evidence, the report accepted Orica’s assertions that the delays were caused by management “confusion” over who was responsible for informing the various authorities.

To claim that management was “confused” is absurd. The plant manufactures highly volatile chemicals and explosives. The company failed to follow basic safety protocols. But the report’s 24 findings and 7 recommendations did not require Orica to implement significant changes to its operating procedures.

The report revealed that company personnel observed a chromium solution “being ejected three metres into the air from the top of a 54-metre high vent stack” until mid-morning of the day following the first emission. Yet, Orica “believed the emission was unlikely to have travelled beyond the site.”

While describing the company’s approach as “grossly inadequate”, the report did not probe further. Last year’s O’Reilly inquiry expressed a similar “bewilderment” over the company’s delays in notifying authorities and residents. Both inquiries carefully avoided examining the most obvious possibility: that the delays occurred because Orica was attempting a cover-up, but its plan fell apart once Stockton residents became aware of the yellow residue settling on their homes.

NSW Environment Minister Robyn Parker was also implicated. OEH told Parker about the leak at 4.23 p.m. on August 10 but made no public statement until almost 24 hours later.

Labor MPs on the upper house inquiry, with the support of the cross-bench members, laid blame for the government’s delay exclusively at Parker’s door. This approach meant there was no examination of the responsibility of previous state administrations. Orica has breached its operating licences in nine of the past ten years, with 131 violations in all—the vast majority under the previous state Labor government.

The whitewash by both inquiries of the underlying causes of the August 8 leak means that further incidents are all but inevitable.

Orica is currently under investigation in Queensland

after it secretly released waste water containing cyanide at double the legal level into Gladstone harbour in January and February this year. Like, its NSW counterparts, the Queensland Labor government will likely feign concern and then turn a blind eye to the corporation’s operations.



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