
Our reference: 2015/2561

Records retention notice:

Records relating to Aqueous Film Forming Foam (AFFF) fire suppressants containing per- and poly- fluoroalkyl substances (PFAS) including, but not limited to, Perfluorooctane Sulphonate (PFOS) and Perfluorooctanoic Acid (PFOA). Specifically, records relating to:

- the acquisition or procurement of AFFF
- the testing and distribution of AFFF
- laboratory and scientific reports in relation to the components of AFFF
- the discharge of AFFF including during training activities, accidental discharges and responses to accidents and incidents
- awareness of emerging science on the effects of PFAS on the natural environment
- the Stockholm Convention and the 2002 OECD hazard assessment
- environmental management of AFFF and substances contaminated with AFFF e.g. water, soil, concrete etc
- environmental or planning approvals for activities involving the use of AFFF e.g. fire-fighting training activities
- investigation of potential contamination of the natural environment and infrastructure or equipment by AFFF
- remediation endeavours in relation to AFFF contamination
- research and development activities in relation to the management of AFFF contamination
- awareness of potential health impacts relating to exposure to AFFF
- occupational or work health and safety records relating to exposure to AFFF
- claims for personal injury by persons exposed to AFFF
- claims in relation to environmental damage/health impacts or economic loss in relation to PFAS

Purpose

This document is to notify relevant Australian Government agencies and other agents or people in possession of Commonwealth records that any relevant Commonwealth records must be retained for the purposes of possible litigation in relation to claims for personal injury and environmental damage potentially linked to the use of products containing PFOS and PFOA and other AFFF compounds. Your agency is currently responsible for some potentially relevant records.

It is likely that some of the relevant records have been authorised for destruction under general and agency-specific records authorities issued by the National Archives or using a normal administrative practice (NAP). The purpose of this notice is to prevent any such destruction and

to ensure that all relevant existing and future records are available for current and future actions.

This notice suspends the National Archives of Australia's permission to destroy any relevant records. Relevant records and any associated drafts and working papers cannot be destroyed using any agency-specific or general records authorities or through a normal administrative practice (NAP).

It is a legal requirement that you apply this notice by protecting any relevant records and conveying this to the relevant people in your organisation as a matter of urgency. Penalties for the unauthorised destruction of documents and records are specified in various Commonwealth laws, including the *Archives Act 1983*.

Authority

This action is taken pursuant to paragraphs 24(2)(b) and 24(2)(c) of the *Archives Act 1983*.

Duration

This notice will take effect immediately **and will be in force until further notice by the National Archives.**

Background

1. PFAS are a class of manufactured chemicals that have been used since the 1950s to make products that resist heat, stains, grease and water. Until recently, this group of chemicals was known as 'perfluorinated chemicals,' or 'PFCs.' However, as the term 'PFCs' is more commonly used to mean perfluorocarbons, which are greenhouse gases, the preferred term of use is now 'PFAS.'
2. PFAS are generally present in AFFF. AFFF is a type of fire-fighting foam that has been used extensively worldwide, and within Australia, from about the 1970s by both civilian and military authorities, due to its effectiveness in extinguishing liquid fuel fires.
3. The release of PFAS into the environment is an emerging concern globally, because the chemicals are highly persistent.
4. On 6 October 2015, the National Archives of Australia issued records retention notice number 2015/2561 relating to AFFF fire suppressants.
5. Since that time, a more detailed understanding of the types of documents that need to be retained for the purposes of current or anticipated litigation has been developed.

Action required

Agencies and other agents or people in possession of relevant Commonwealth records should:

1. Ensure that all relevant personnel are informed of the records retention notice.
2. Conduct a risk assessment to:
 - a. determine if employees, agents, individuals, contractors or records service providers have any records due for destruction that come within the scope of the records retention notice; and
 - b. identify and retain relevant existing and future records subject to this notice.

Impact

The processing, reviewing and storage costs arising from the implementation of this notice will be borne by the agencies or other agents or people concerned.

Inquiries

For inquiries about this notice, please contact the Agency Service Centre at recordkeeping@naa.gov.au or Kerry Moir on 02 6212 3639.

Issued by

A handwritten signature in black ink, appearing to read 'David Fricker', with a stylized flourish at the end.

David Fricker
Director-General
National Archives of Australia
21 February 2017