



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Ref:02/1/5/2

MINISTER

QUESTION NO. 200 FOR ORAL REPLY: NATIONAL ASSEMBLY

A draft reply to Ms E N Louw (EFF) to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA
DIRECTOR-GENERAL**

DATE:

DRAFT REPLY APPROVED/AMENDED

**MRS B E E MOLEWA, MP
MINISTER OF ENVIRONMENTAL AFFAIRS**

DATE:

NATIONAL ASSEMBLY

(For oral reply)

QUESTION NO. 200 {NO2018E}

INTERNAL QUESTION PAPER NO. 24 of 2016

DATE OF PUBLICATION: 30 August 2016

Ms E N Louw (EFF) to ask the Minister of Environmental Affairs:

In view of air pollution reportedly being responsible for the deaths of at least 50 000 people in South Africa every year, mainly as a result of lack of adherence to air pollution regulations by big companies, such as Eskom (details furnished), what steps are being taken by her Department to hold major industrial companies responsible for the pollution they are causing to the environment?

200. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:

The Department views any non-compliance with environmental legislation in a serious light, and maintains a consistent compliance and enforcement approach, irrespective of the entity involved. In relation to ensuring that companies comply with the requirements of the National Environmental Management: Air Quality Act (NEMAQA), the Department conducts regular joint strategic compliance inspections together with other spheres of government and relevant affected departments. Progress is also being made to closely monitor the commitments made by various facilities to whom I have granted postponements. The Green Scorpions at various levels of government, together with my technical advisors in the air quality space, sporadically conduct compliance and enforcement campaigns to ensure that the facilities in issue are on track to meet their commitments within the timeframe I have allowed for compliance to be achieved.

Detailed information pertaining to these inspections and subsequent enforcement actions can be found in the annual National Environmental Compliance Reports (NECER) which are available on the Department's website. The 2015/2016 NECER is in the final stages of review and should be released soon. This report reflects the status of relevant enforcement actions as at the end of that financial year, and specifically provides information related to large companies. The statistics related to complaints received by the *National Environmental Crimes and Incidents Hotline* (0800 205 005) are also reflected

in the NECER, and it is encouraging to see that there is a steady decline in complaints related to air pollution over the three year period (from 77 in 2013/14; to 63 in 2014/15 and 40 in 2015/16).

The Department's focus currently, from a compliance and enforcement perspective, is on the targeting of industrial sources operating in areas which have been declared as air quality priority areas. In the current financial year the Department has conducted a number of air quality targeted investigations aimed at ensuring that companies in these priority areas comply with air quality legislation. Where non-compliance is detected, the Department follows an administrative enforcement process (through the issuing of compliance notices or directives) to bring companies back into compliance and/or a criminal investigation process (in the event of serious contraventions resulting from intentional criminal actions). In one particular case, namely AEL mining, the Director of Public Prosecutions has decided, based on the strength of the evidence collected during the investigation by the Green Scorpions, to prosecute this matter.

It is, however, important to note that, in addition to industrial processes, there are other air pollution sources that contribute to air pollution, such as motor vehicles and burning of coal for domestic purposes, which also impacts on human health and wellbeing. For this reason, and even though the regulation of air pollution falls within the mandate of local authorities, the Department is taking a holistic and integrated approach in dealing with air pollution. For this reason the Department is in the process of developing a strategy to address air pollution in dense low income settlements.

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