

FACT SHEET: ESKOM'S APPLICATION FOR POSTPONEMENT OF AIR POLLUTION STANDARDS

Air quality in South Africa: In 2010, the Minister of Water and Environmental Affairs published air pollution standards for industrial emissions, in accordance with the Air Quality Act, 2004. In terms of those emissions standards, Eskom's power stations must meet "existing plant" standards by 1 April 2015, and stricter "new plant" standards by 1 April 2010. This delayed implementation is specifically to allow older plants more time to come into compliance.

Eskom has been aware that they would have to meet stricter emissions standards since 2004. It was party to 5 years of elaborate consultation on the standards, and had certainty of the standards since 2010.

Eskom first indicated its intention to apply for exemptions from the standards for 16 of its power plants, 14 of which are coal-fired, in June 2013. In December 2013, Eskom decided to replace those with applications for postponement of the standards ("rolling postponements", which would effectively be exemptions) coupled with applications for variations of the conditions of its licences to allow it to emit more than the licences currently allow.

Public health: Eskom has refused to assess the health impacts of its proposed exemptions. Government granting Eskom postponement on air pollution standards would result in:

- **Increased respiratory disease and heart attacks** from an estimated 28,000,000 tons of excess sulphur; 2,900,000 tons of excess nitrogen oxide; and 560,000 tons of excess particulate matter.
- **Increased deaths.** The European Environmental Agency estimates that each 1,000 tons of emissions from industrial facilities in Europe causes 2 to 12 preliminary deaths.
- **Negative effects on child development** from an estimated 210 excess tons of toxic mercury resulting from coal combustion.
- **Increased cost to society.** Similarly, the European Environmental Agency estimates that each 1,000 tons of emissions from industrial facilities in Europe costs 30 to 150 million Rands of external costs.

Legal: Our constitutional right to an environment not harmful to health is given effect through the Air Quality Act. Legal opposition to Eskom's application is based on:

- **Errors and inconsistencies in Eskom's projected assessment,** which are evidence that the National Air Quality Officer will make a decision on inadequate and incomplete information.
- **Eskom admitting to exacerbating already poor air quality.** Despite its flawed projected assessment, Eskom seeks to increase its emissions rates to more than the present levels in the Priority Areas – deemed such for already being so heavily polluted – particularly the Highveld Priority Area.

- **Eskom not meeting the requirements for postponements.** Contrary to the intentions of air quality management laws and policy in South Africa, postponements will have health and environmental impacts for communities around the coal power stations and beyond.
- **The undermining of the objective of the Air Quality Act,** to improve ambient air quality.
- **Violation of section 24 of the Constitution** that guarantees an environment that is not harmful to health and wellbeing for all South Africans.

Off-setting: The Department of Environmental Affairs is currently developing a framework for an air quality offset policy which will aim to improve air quality in highly polluted areas by allowing polluters to counterbalance their emissions through taking other steps to reduce air pollution. Taking seriously Eskom's claim that it cannot meet the minimum air pollution standards or retrofit stations with pollution-abating technology means:

- **Enabling Eskom to pollute more,** but selectively softening the impacts by reducing other causes of air pollution, such as domestic coal burning.
- **Providing services for some communities and not others.** Those that are worst affected by Eskom would likely receive more free electricity and cleaner stoves, whilst those who are deemed by Eskom as 'not as polluted' will go without.
- **Distracting the public from the real polluter and taking the responsibility off government** to effectively regulate pollution as set out in the Air Quality Act.

All of Eskom's coal-fired power stations fall within air pollution Priority Areas, at least a portion of the pollution in which can be attributed to Eskom's emissions. 12 of these fall within the Highveld Priority Area. If government grants Eskom postponement on these air quality pollution standards, thinking that off-setting will solve the problem, it is fooling itself. More people will die due to air pollution-related illnesses, more industries will make such applications, and, legally, this is contrary to the Constitution, the benchmark on which we base a people's democracy.

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