

Court bid to halt environment minister's doubling of sulphur dioxide emission

By Melanie Gosling • 7 May 2019



Then Communications Minister Nomvula Mokonyane briefs the media on the outcomes of a Cabinet Meeting, dated 19 September 2018. (Photos: GCIS)

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Environmental Affairs Minister Nomvula Mokonyane is facing court action after her department doubled the amount of toxic sulphur dioxide that industry can pump into the air from coal boilers.

The Centre for Environmental Rights (CER) said its client, groundWork, had launched high court proceedings against the Environmental Affairs Minister in a bid to have the government's plan to weaken legislation controlling SO₂ emissions set aside.

The CER said on Monday that the weakened standards for SO₂ that government had introduced in October were about 10 times weaker than those in India and about 28 times weaker than those in China.

The minimum emission standards for SO₂ applies to all large-scale coal-fired installations, including Sasol's coal boilers, Eskom's coal-fired power stations and other industries such as Mondi and Sappi.

At the heart of groundWork's legal challenge is that Environmental Affairs made the changes to the air pollution legislation without first publishing them for comment, as the law requires.

Robyn Hugo of CER said the new minimum emission standards would come into effect in April next year.

"We need these changes set aside. Any changes to minimum emission standards have to be published for public comment. DEA proposed changes to the legislation in May last year, but they didn't say they were going to change the minimum emission standards for coal-fired boilers," Hugo said.

Bobby Peek, director of groundWork, said for years civil society, particularly in Durban South, had had to do its own sampling to show government the extent of air pollution.

"We were doing what government should have been doing. This led to the Air Quality Act, and we fought for minimum emissions standards and we got them. Now the DEA decided behind closed doors to double the standards, and not to speak to the public to get input," Peek said.

Sulphur dioxide is a colourless, stinky gas emitted by burning fossil fuels. Its effect on health depends on the concentration of the gas in the air, and ranges from irritating the skin, eyes, nose, throat and lungs to exacerbating asthma and affecting lung function.

Peek said air pollution from coal mining and power generation was "already killing thousands of people every year in places like the Mpumalanga Highveld".

"Instead of enforcing compliance with our already weak standards, government now wants to weaken standards even further. If government doesn't defend the right to a healthy environment, we have no option but to ask the court to do so," Peek said.

Eskom said in a submission to Parliament last year that it estimated that air pollution from its coal power stations was likely to cause 330 deaths a year.

Industries have argued that the high cost of fitting new equipment on plants to reduce SO₂ emissions does not result in sufficient benefits to warrant the expense.

Several of Eskom's coal power stations are reaching the end of their lifespans and are facing decommissioning.

Sasol and Eskom applied to the DEA for exemption from the minimum emission standards but these were not granted, so they applied for postponements for complying with the legislation.

CER said with groundWork, the Life After Coal Campaign and Earthlife Africa, they had opposed industry efforts to "delay and avoid" meeting air pollution standards.

The state attorney has said Minister Mokonyane will reply to CER's papers by the end of May.

He did not indicate whether the minister would oppose the action. **DM**

<https://www.dailymaverick.co.za/article/2019-05-07-court-bid-to-halt-environment-ministers-doubling-of-sulphur-dioxide-emission/>