

GROUNDWORK

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groundwork

***“Lousy air should not
be legal air”***



environmental justice action in Southern Africa

groundWork is a non-profit environmental justice service and developmental organisation working primarily in South Africa but increasingly in Southern Africa.

groundWork seeks to improve the quality of life of vulnerable people in Southern Africa through assisting civil society to have a greater impact on environmental governance. groundWork places particular emphasis on assisting vulnerable and previously disadvantaged people who are most affected by environmental injustices.

groundWork's current project areas are: air quality, waste (including health care waste, industrial landfill waste and incineration) and corporate accountability.

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groundWork is affiliated to the following international organisations:

Health Care Without Harm

International POPs Elimination Network

Basel Action Network

Oilwatch International

Global Anti-Incineration Alliance

groundWork is the South African member of Friends of the Earth International

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Cover photo: Engen viewed over the rooftops of the fence-line community in South Durban.



From the smoke stack



Photo by FofE

by groundWork Director, Bobby Peek

Air quality standards were the big issue over the last quarter. After many false promises and starts by government in delivering air quality standards, government has finally gazetted standards for public comment in June. groundWork, together with various civil society organisations, responded to these standards and clearly stated that, while we welcomed this next victory in the community struggle for clean air, it is far short from what is needed to deliver environmental justice.

These standards need to be expanded to further pollutants. If these standards go ahead in the present format it will do nothing more than support the Deputy Director General of the Department of Environmental Affairs and Tourism, Joanne Yawitch's statement that: "Lousy air is not illegal air."

There is no doubt pressure coming from industry to keep standards as low as possible. In a well publicised process in August, the petrochemical giant Engen, which is owned by Petronas, the Malaysian state oil company, called for a weakening of the standards within their permit conditions. Engen has broken the standard for sulphur dioxide on 111 times in 2005. I have some sympathy for Engen because their competitors, Sasol, Shell, BP, Total and Caltex are not facing the same scrutiny from government because of a lack of government resources to deal with all industry in an equitable manner. Engen is the public face of the big struggle behind closed doors where industry is placing much pressure to keep "lousy air legal"!

Witnessing lousy air in its prime evil state was an opportunity offered to groundWork and the Vaal Environmental Justice Alliance by the Bateleurs. The Bateleurs, a national volunteer network of pilots with planes, took us up into the skies over the Vaal Triangle to witness the pollution from above so that people could get a spatial understanding of it. All the reports I have heard

from people who went on the trip included – "WOW".

On another note, I must give a special mention to Bonke Dumisa, CEO of Durban Chamber of Commerce and Industry. In an opinion piece in The Mercury (Durban's morning newspaper) he attacked and whined about NGOs stating that we should not contest for environmental justice – the closure of things such as the Umlazi toxic landfill site – but rather just play a passive educating role within civil society. It is unfortunate that a senior business leader has such a narrow view on the role of civil society within environmental justice. But the problem lies in just this - for Dumisa, environment is not about justice; it is a colonial construct of the "birds and the bees". It is a construct where the abuses of corporate power are never challenged. Not surprising – he is representing industry. Dumisa should rather stop his members from dumping their toxic ash in the residential area of Umlazi, a toxic landfill site which still remains open today despite government closing it in February 1997.

On a sad note, I must report back that Tata Steel has been allowed to develop next to the community of Richard Bay and expose them to chrome and other pollutants, something Anglo American did not want next to their plant just outside Richards Bay. The power of industry was evident when the press announcement was made by the provincial MEC Ndabandaba about this in June. A Tata Steel representative was invited to the press conference, but groundWork was barred from attending - and kicked out!

Finally, and with a particular deep sadness, I say goodbye to Linda Ambler who will no longer be coordinating our publications at groundWork. I have worked with Linda for 8 years now and at times we shared one big desk! Linda, I will miss you.

Till next time, Bobby 



Health Study Proves that Communities in South Durban Face Increased Health Problems Due to Industrial Pollution

By Rico Euripidou

A recently released new health study shows a 250 times greater risk of cancer for residents of South Durban

After 10 years of post-apartheid struggle by south Durban's largely low income residents to convince industry and the environmental regulators that air pollution was a major health concern in south Durban, the eThekweni Municipality recently released the findings of its R7 million, three-year South Durban Health Study on the 4th of August 2006. This study confirmed an increased rate of respiratory problems and cancer risk in south Durban, South Africa. The study was largely motivated by years of civil society mobilisation against industrial pollution in the south Durban residential areas, which have a legacy of heavy industrial development on their doorstep [1].

Undertaken by a consortium of researchers from the University of KwaZulu-Natal Centre for Occupational and Environmental Health, the University of Michigan, the Durban University of Technology and the National Institute for Occupational Health, the study measured air pollution and compared respiratory diseases in school children at four South Durban schools (Durban Assegai Primary in Austerville, Dirkie Uys Primary in Bluff/Wentworth, Nizam Road Primary in Merebank and Enthuthukweni Primary in Lamontville), and three schools in north Durban (Briardale Primary in Briardene, Ferndale Primary in Newlands and Nagazana Primary in KwaMashu). All of the South Durban schools are within sight of the major industries in the south Durban Basin, including two major oil refineries (Engen and Sapref) and a large paper mill (Mondi). Participants in the study included 423 children from seven primary schools and 379 of their direct caregivers as well as a survey of more than 1 000 adults

The study had two components to it:

- 1) Exposure Assessment and Health Risk Assessment and
- 2) an Epidemiological Study.

The epidemiological study shows strong evidence that school children (and their families) in the south Durban area are substantially more likely to develop and to have increased

persistent asthma and bronchial hyper reactivity (BHR) when compared with the reference (comparison) study groups in north Durban [2].

The exposure assessment and health risk assessment study also found that air quality in south Durban was generally poorer and more heavily polluted than air in the comparison population locality. Approximately four hundred chemicals were routinely measured in the air by the study's air quality monitoring system. In addition, air quality in Durban City [Warwick Triangle] was found to be dangerously elevated due to the existence of Durban's main public transport node and high traffic volumes within the area.

The researchers also tested whether specific periods with higher air pollution levels in South Durban impacted on the health of children with respiratory problems and found that adverse effects on pulmonary function were statistically significant when associated with increased ambient levels of Nitrogen Dioxides (NO₂), Nitrogen Oxide (NO), Particulate Matter of the size 10 µg (PM₁₀) and Sulphur Dioxide (SO₂). Of particular concern are the high levels of particulate matter, the smallest particles of emissions and impurities which can penetrate the deepest into the lungs. Worryingly, the study also found that even when pollution levels were lower than the World Health Organisation and South African standards, people were still being affected, perhaps because residents have been exposed for so long that their health is now being affected by much lower levels.

The research findings support that the major sources of pollution are arising from the petrochemical and associated industries as well as other significant fossil fuel energy user, such as motor vehicles. Of particular concern is the routine detection of several banned pesticides in the air including lindane and DDT. Outrageously, no major industries have received any significant fines for air pollution exceedances in South Durban, the one exception being a paltry R10 000 fine for the Engen refinery in October 2005, a penalty which reflects how seriously the regulator is able to monitor and effectively regulate large, multibillion, multinational corporations who all have a dismal track record of emissions

[1] The health study was proposed by government in November 2000, after air samples taken by groundWork and SDCEA on 20 May 2000 indicated elevated levels of industrial pollutants such as methylene chloride, carbon disulphide, 2-butanone, benzene, toluene, ethylbenzene and x-ylenes. Subsequent media investigations indicated leukaemia levels in the area being 24 times the national average, and the Settlers School Study undertaken by Michigan University indicated respiratory problems in the learners at Settlers School as being at 52% of the population.

[2] The reference group with the same social economic standings as the south Durban community were drawn from Newlands East, Newlands West and KwaMashu. These communities do not have the extensive industrial pollution that is found in south Durban.





Children play in the midst of industry in Wentworth

compliance. In Engen's first environmental annual report they indicate that the refinery exceeded its SO₂ emission's target over 100 times, although the fact that they were potentially poisoning the surrounding community on each occasion was not pointed out!

The research also estimated what the probable lifetime risk (of an adult) contracting cancer would be following exposure to the cumulative cancer-causing chemical pollutants (mainly from furans, dioxins, benzene and naphthalene) routinely measured in the South Durban air. Using this methodology they estimate this risk to be 25 in 100 000 people, well above acceptable international guideline levels. What is of particular concern is that this cancer risk is estimated for healthy 70kg adults and that the estimate used averaged data, which means that this might not reflect a worst case scenario and that in children this risk might be even higher!

In light of these findings we strongly encourage the eThekweni Municipality to attend to the variety of actions which are recommended by the report in order to ensure the protection of people's health in south Durban. SDCEA and groundWork believe that the following should become the cornerstone to achieving safe ambient levels of pollution that are not detrimental to public health:

- These findings should be accepted and endorsed, and the urgent necessary action be taken before more studies are undertaken;
- The urgent need to get a more systematic understanding of what cancers affect people living in the south Durban area must be addressed. A baseline of cancers in the area needs to be understood in order that the eThekweni Municipality can improve its monitoring of governance by comparing present data with long term trends. A cancer registry is one example of this, while a systematic review of health providers servicing south Durban community is another;
- The concern that ambient concentrations of metals such as cadmium, chrome and manganese, which are found in the area, present a further risk means that the eThekweni Municipality needs to undertake urgent action to find these emission sources in order to better regulate and stop these emissions;
- The present standards proposed by the Department of Environmental Affairs and Tourism [3] need to be made more stringent in south Durban because of the reality that "relatively modest" increases in concentrations of NO₂, NO, PM₁₀ and SO₂ adversely affect pulmonary





Mandla Cele, ex-deputy chairperson of SDCEA, protests bad air in south Durban.

function of people living in this area;

- The clear evidence that air pollution affects the community in south Durban should result in a government review of all permits for the industries in the area which emit these identified problematic chemicals. In addition, a process of reducing the sources of these chemicals should be undertaken in conjunction with increased enforcement and monitoring;
- A permanent monitoring station around the SAPREF refinery should be put in place;
- Free and local access to comprehensive medical treatment by November 2007 for all the people affected by toxic chemicals in South Durban should be set in place;
- Compensation of the families of all those who have died and those who are sickly due to the impact of toxic chemicals should be made;
- Air pollution legal limits need to be reviewed regularly and the city should also enforce the existing laws in the light of the latest findings;
- This should include ongoing and extensive monitoring, scheduled emission reduction targets and more effective early warning of elevated exposure;
- The National Environmental Management Act/Air

[3] See <http://www.info.gov.za/gazette/notices/2006/28899a.pdf>

[4] (Justice on the South African Constitutional Court.)

Quality Act in this area should be more stringently enforced and the permits for industries in the area which emit problematic chemicals be reviewed;

- An early warning system and action plan should be effected at some schools in the south Durban area to reduce the health risks from sudden large-scale exposure to sulphur dioxide;
- The city should also develop strategies and timeframes to ensure that the city's pollution levels from industry, traffic and other sources are reduced.

Desmond D'Sa, the Chairperson of SDCEA stated: "The results support community concerns that have been expressed over the last 30 years that an air pollution problem exists in the south Durban area and that it affects the health of local residents. This is a victory for community campaigning for environmental justice in the south Durban area and the eThekweni Municipality must be commended for taking such a bold step in supporting and undertaking this research. We now have proof validating community struggles." The community has also called on the eThekweni Municipality to place a moratorium on new industrial developments, especially related to expanding the current airport site into a petrochemical's hub as suggested by the DTI.

The report was predictably not well received by industry which highlighted minor concerns, making comments such as they were "disappointed the study was not peer reviewed in the way which had been expected" and "The peer reviewers commented only on the interim report and not the final one. It is regrettable that the credibility of the study has been undermined by this omission". Apart from being quite meaningless, such comments make no acknowledgement that it is their negligent and sometimes deliberate activities that have a direct negative impact on the air that we breathe! While the polluter pays principle is part of South Africa's legal framework, the difficulty in making industry accountable for its transgressions in a locality like South Durban is that it is hard to identify and directly link emissions to a specific industry, and this is further exacerbated by a lack of meaningful regulation, routine monitoring and consistent data collection.

However, this evidence provides government with a unique opportunity to act to protect the citizens of south Durban. The question that now remains to be answered is whether the city will take meaningful legal action against those industries that routinely exceed the safe emissions limits and poison their neighbours. After all, Judge Albie Sachs summed it up most succinctly when he said:

"When we breathe the air of freedom, we do not wish to choke on hidden fumes." 4



Standards – A lengthy road

By Siziwe Khanyile and Bobby Peek

Civil society input to DEAT is clear that the proposed standards are not sufficiently strict to adequately protect public health.

The process of setting air quality standards has been a long and arduous road, and the fact that we have gazetted standards for public comment is a victory for civil society and in particular for communities who have been campaigning with groundWork for seven years to get these standards.

The campaigning for standards for air pollution dates, however, back to even before the birth of groundWork. It dates back to the early nineties when people in south Durban started organising against industrial pollution. The community finally got the thin side of the wedge in, when the residents of south Durban protested against Engen's pollution when ex-president Nelson Mandela visited the oil refinery on the 25th of March 1995. Madiba stopped, as he always did, and shook hands with the crowd and met the community that evening to discuss their concerns. This set in place a series of events that a decade later delivered the Air Quality Act and the proposed standards.

But we cannot fail Madiba. He gave us an opportunity to fight for environmental justice and clean air, and we must make sure that the present government and their officials do not dishonour this legacy by giving into corporate power by pushing weak standards down upon us. We must make "lousy air, illegal air."

Over the last decade, and in particular the last seven years, groundWork has worked actively at ensuring that communities throughout the country call for standards. So the call for new laws and strict standards has been heard from Cape Town to Durban, from Sasolburg to Secunda,

from Richards Bay to Boipatong. It has been a united call for standards.

On various occasions the likes of senior government people such as Valli Moosa, Alec Irwin, Rejoice Mabudafhasi, Bantu Holomisa, Peter Mokaba, Pallo Jordan and many others all, in one way or another, promised standards. How slowly the wheels of government turn, while people are being poisoned by industrial pollution.

Finally, as required by National Environmental Management: Air Quality Act, 2004, South Africa's ambient air national standards were gazetted for comment on 9 June 2006. We were given 90 days in which to comment, and in the period civil society acquired the necessary advice and organisations pulled together to make a joint submission

Chemicals gazetted

The minister gazetted seven substances which present a threat to people's health and the environment. These were: sulphur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), particulate matter (PM₁₀), Ozone (O₃), Lead (Pb) and Benzene (C₆H₆).

Hazardous Chemicals not in the mix

Our concerns were that several hazardous chemicals were not included in the list, and therefore we did not consider the proposed standards to be sufficient in meaningfully protecting public health.





The Shell and BP refinery flaring in October 2002

These chemicals include mercury for which a standard is crucial in the context of South Africa's developing economy and the increased need for energy from coal fired power stations. The bioaccumulation of mercury in the food chain is extremely harmful to not only people living in the area of mercury emission sources but to the entire population.

There was also no proposed standard for particulate matter (PM2.5) emissions which are the smallest particles of emissions comprised of the finer particles of dust and heavy metals and can penetrate the deepest into the lungs, and which are shown in scientific literature to contribute more to adverse health effects than the larger PM10 particles.

Furthermore we proposed that the DEAT expand the list of standards for toxic chemicals and include (in the first instance) 1,3 Butadiene, Vinyl Chloride, Hydrogen Sulphide, EDC, MTBE and the rest of the BTEX suite in addition to Benzene (Toluene, Ethylbenzene and Xylene) to standards applicable for all the priority hot spots identified by the DEAT in South Africa. groundWork and various other community organisations have, over the past seven years, undertaken grab sampling in Sasolburg, Secunda, Vereeniging, Richards Bay, Pietermaritzburg, South Durban and Cape Town using the bucket brigade and have detected some of these in consistently significant quantities.

In addition, our submission called for the inclusion of other chemicals identified by the South Durban Health Study, such as Vanadium and Manganese and semi-volatile organic compounds (SVOCs), including dioxins, furans, and polycyclic aromatic hydrocarbons.

Some of the chemicals have proposed values which fall short of the World Health Organisation's guidelines, and are therefore insufficiently protective of health.

In making these comments, our requirement was that government, as custodians of our health, make meaningful the constitutional imperative that "everyone has the right to an environment that is not harmful to their health or wellbeing".

Enforcement

Naturally, the standards, once established, cannot be exceeded without resulting in enforcement, and we look forward to a day when industry and industry managers are taken to task for gassing our communities. They must not be allowed to exceed the "speed limit" for pollution even once. After all, if we were caught speeding we would be fined. The operative word here is being caught, and government needs to ensure that there are sufficient, properly trained personnel to ensure that violators are both caught and punished. ♣



Flying high with the Bateleurs

By Siziwe Khanyile

Activists get a bird's eye view of pollution in the Vaal Triangle.

Waking up early in the morning in the middle of a Vaal winter is not everyone's idea of a good time, but six determined activists from groundWork and Vaal Environmental Justice Alliance (VEJA) thought nothing of it. We arrived at the Vanderbijlpark Airport at 06:30 in the morning, eager to board the Bateleurs flight which would take us on a bird's eye view of South Africa's first pollution priority area – the Vaal Triangle.

The Bateleurs is an organisation primarily made up of pilots interested in protecting the environment by using their flying skills and aircraft to fly interested parties over areas considered to be under threat.

Our very friendly and obliging pilot, Tony Kent, ensured we were safely strapped in and, after final safety instructions, we took off.

The flight was indeed an eye-opener. We all knew how polluted the Vaal triangle was, but the view demonstrated the magnitude of it. We flew over Samancor Works near Meyerton and caught sight of a very dirty plant which appears to be covered in black dust. We proceeded towards the Lethaba coal fired power station with its dark cloud of smoke bellowing from its stacks. Nearby, we caught sight of ash heaps and brick making operations from ash dumps. Also visible was the New Vaal open cast mining.

As we headed south towards Sasolburg we could clearly see a red layer of pollution trapped on the horizon. What was most striking was the vastness of the Sasol plant in Sasolburg. It is a mechanical giant. Most obvious and disturbing for Caroline, who lives in Zamdela, was the extremely close proximity of the plant to people's residences.

After this, we then headed back towards Vanderbijlpark and caught sight of Mittal Steel works also bellowing various shades of emissions, from black smoke to white steam, and a regular flare for good measure.



We then studied the housing development patterns of Bophelong, Sharpville, Boipatong and Sebokeng, and most fascinating were the identically designed hostels in Sebokeng.

Our flight companion Setjele, from Boipatong, found it somewhat difficult to make out his house in the sea of almost identical houses.

It was indeed an experience which demonstrated the starkness of the reality of poverty and pollution that people in the Vaal Triangle are faced with. Our group was indignant about what appeared to be the business as usual attitude of the industries which seem oblivious to the impact of their operations on their neighbours.

We are indeed grateful to our pilot, Tony Kent, and the Bateleurs for making the experience possible. 🌱

Open cast mining, ash heaps and the Vaal River in Maccauvlei, Vaal Triangle, as seen from the Bateleurs plane



Mittal Steel in line with South Africa's economic development paradigm?

By Siziwe Khanyile

Mittal, an already unacceptably 'dirty' corporation, seeks to expand

South Africa's economic development policies are based upon the myth that global corporate capital will be the answer to the problems we face. Yet it is this same global capital that seeks to undermine the very democracy that we have, and this is no better articulated than by one of President Mbeki's international advisors, Percy Barnevik: "...globalisation is the freedom for my group to invest where it pleases, when it pleases, in order to produce what it wants ... supporting as few constraints as possible regarding workers' rights and social convention." This simply put means that they want to extract, extract, extract!

In line with this principle, Mittal Steel in Vanderbijlpark (MSVS) is expanding.

Mittal has made a number of applications under the Environmental Impact Assessment (EIA) regulations for approval.

We see in the media that Mittal has plans to increase the coke production at the MSVS plant as well. On the whole it appears that Mittal plans to increase the overall production of the MSVS plant and there may well be additional projects planned, of which we are not currently aware, that will result in an increase in emissions. In 2005 Mr Chugh from Mittal was reported in the media as saying that an R 8 billion expansion is planned for MSVS.

Of interest to us are two current EIA processes that Mittal is embarking upon; a proposed addition of two kilns for the increase of production of direct reduced iron (DRI) as well as a proposed expansion of the sinter plant by adding a third sinter strand and emission reduction technology to the plant.

Our concerns

An air quality situation analysis done by Yvonne Scorgie in 2004, on instructions from the LRC, concluded that, on available emission data, Mittal emitted 8990 tons in particulates per year and 23 203 tons of Sulphur

dioxide(SO₂) per year. This placed Mittal Vanderbijlpark as the largest emitter of particulates amongst industries in the Vaal Triangle and the third largest emitter of SO₂ in the industrial sector. Mittal was estimated to be responsible for 20.89% of the particulate emissions from the industrial, mining and energy generation sector in the Vaal Triangle. Mittal Steel's plant at Vereeniging was estimated to be responsible for a further 18.69% of particulate emissions for this sector. This means that Mittal Steel is estimated to be responsible for a staggering 39.58% of the particulate emissions for this sector in the region.

The EIA for the DRI kiln project shows that the existing operations at Mittal emit 9 786 tons per annum of PM₁₀. This is 796 tons per annum more than the 2004 assessment estimate. A proper consideration of the emissions of MSVS shows that MSVS is a second-class facility that releases substantially more pollution on a per capacity basis than comparable facilities elsewhere in the world. To put this in perspective, MSVS's emissions of 9 786 tons per annum of PM₁₀ would make it the third worst source of PM₁₀ emissions in the United States and its emissions of 7 768 tons SO₂ would make it the single worst source of SO₂ emissions in the State of California. The main sources of PM₁₀ and SO₂ are the sinter and coke plants.

The result of these staggering emissions of pollutants from MSVS has seriously deteriorated air quality in the area surrounding the plant

Short-term exposure to PM₁₀ can irritate the lungs and cause lung constriction, producing shortness of breath and coughing. The materials dissolving from the particles can also damage cells. Larger particles deposit in the upper respiratory tract, while smaller, inhalable particulates travel deeper into the lungs and are retained for longer periods of time. Long-term, lower level PM₁₀ exposure may cause cancer and premature deaths. Those with a known history of asthma or chronic lung disease are especially sensitive to these effects. The elderly or those with pre-existing heart





Mittal, an already unacceptably 'dirty' corporation, seeks to expand

conditions may also have severe reactions, since the resulting lack of oxygen may strain the heart.

SO₂ contributes to respiratory illness, particularly in children and the elderly, and aggravates existing heart and lung diseases. High levels of SO₂ emitted over a short period can be particularly problematic for people with asthma.


No more expansion!

It would be unreasonable and unjustifiable to allow MSVS to increase its overall emissions of criteria pollutants. In fact, MSVS must be required to first reduce its emissions drastically by way of an overall emission reduction plan for the entire plant before any more expansions take place.

As such, it is our position that any further projects MSVS plans to apply for authorisation for should be deferred until an overall emission reduction plan has been negotiated with MSVS. At the very least, no further permits in terms of APPA or the Air Quality Act should be issued for emissions from MSVS.

We are advised by our expert that for MSVS to be considered a first class facility with respect to PM₁₀ and SO₂ emissions, it must achieve the following reductions to its overall emissions:

- A reduction of the PM₁₀ emissions from its sinter plant by 80%;
- A reduction of the SO₂ emissions from its sinter plant by 92%;
- A reduction of the PM₁₀ emissions from its coke plant by 93%;
- A reduction of the SO₂ emissions from its coke plant by 96%.

Without commitment to a comprehensive emission abatement plan that indicates the impact of planned future expansions as well, no expansions of the MSVS operations, including the proposed expansion of the DRI plant, that will involve an increase in overall emissions can be authorised without seriously jeopardising the aims of the Department of Environmental Affairs and Tourism in declaring the area a pollution priority area in terms of the Air Quality Act. 



Obsolete Pesticide Stockpiles In Africa: The Urgent Need For Action

By Ben Mazibuko

groundWork to be the NGO focal point and coordinator in the African Stock Pile programme.

It is an undisputable fact that every African country has stockpiles of obsolete pesticides that have accumulated over the past four to five decades. Across the African continent it is estimated that as much as 50 000 tonnes of obsolete pesticides are leaking into the environment and, in the process, are contaminating soil, water, air and food sources. The unwanted buildup of such products has occurred due to inadequate management, non-distribution to farmers, bans on several pesticides, uncoordinated or inappropriate supply from donor agencies and unsuitable packaging.

It is sad to say that these hazardous chemicals pose serious threats to the health of both rural and urban populations, especially the poorest of the poor. Today, the majority of the poor people live and work in rural areas where they are crucially dependent on the environment for their livelihoods. What makes it worse is the fact that these chemicals are normally stored in leaky containers in the

shacks closest to the villages of the poorest and most vulnerable African people. With their frayed and illegible labels, it is not easy for one to tell what is stored in these containers. However, when one takes a closer look at them, one will realise that the usage dates of these chemicals have long expired.

It is unfortunate that the poor have little say regarding the location of these stockpiles and are not informed of the dangers. Illiteracy is another factor that hinders people's ability to learn about the hazards of these pesticides and other chemicals to which they are exposed. Children often face heightened exposures from putting dirt and other objects in their mouths, and playing in contaminated areas. Therefore, an urgent cleanup of stockpiles of obsolete pesticides and the prevention of further accumulation in African countries is a crucial issue which requires a well coordinated, multi-stakeholder approach.





African Stockpiles Programme

African governments have always called for assistance from the international community to help address this urgent problem. It is for this reason that several development donors or agencies, which include WWF, The World Bank, United Nations Food and Agricultural Organisation (FAO), The United Nations Environmental Programme (UNEP), Pesticides Action Network and others, have introduced the African Stockpiles Programme. This is a continental programme which aims at safely disposing of 50,000 tonnes of obsolete pesticides and associated wastes throughout Africa, and also preventing their future reaccumulation. This programme should be country driven, and it recognises the fact that dealing with obsolete pesticides is technically and logistically complex.

¹ National Union of Mineworkers

Therefore, a multi-stakeholder approach is being used which encourages the involvement of several government authorities, international agencies, NGOs, private sector organisations and others.

Delegates at the ASP meeting in August 2006

South Africa, African Stockpiles Programme NGOs Meeting

On the 1st of September 2006, groundWork, in collaboration with AGENDA for Environment and Responsible Development, based in Dar es Salaam, Tanzania, organised the South Africa, African Stockpiles Programme NGOs Meeting. This meeting took place at Nazareth House, Cape Town. The African Stockpiles Programme has a strong commitment to NGO



participation because it wants country ownership. Full participation of the NGOs and CSOs on the ASP can play a significant role in providing information and raising awareness to prevent further accumulation of obsolete pesticides. In order for NGOs and CBOs to be fully involved in this process, their capacity has to be developed. This event was attended by eleven NGO representatives from different parts of the country and also from other parts of the globe which have an interest in the ongoing ASP. Among those who attended the meeting were four representatives from National African Farmers Union (NAFU), a health professional and an academic from UCT. The invitation was also extended to the Department of Environmental Affairs and Tourism and to the National Department of Agriculture, but unfortunately they were unable to make it to the meeting.

The main objectives of this meeting were to:

- i) Share experiences and expertise in so far as ASP is concerned.
- ii) Update civil society organisations in South Africa on the progress that has been made in the country as far as ASP is concerned.
- iii) Create a civil society network in South Africa (community organisations, unions, both labour and farmers', NGOs, health professionals and academics)
- iv) Provoke a discussion on the role that South African civil society organisations can play in terms of dealing with the stockpiles.

Each and every organisation represented in the meeting outlined its expectations from the meeting and also shared its experiences in terms of dealing with obsolete pesticides stockpiles. Various presentations were given by AGENDA, WWF, Pan UK, Livaningo, UCT and others in an attempt to give background information on the ASP. AGENDA was of great help in giving general information on ASP, outlining

NGO roles in the ASP, giving guidance on establishing and running South Africa NGO Networks and selecting the NGO Coordinator. Livaningo, a Mozambiquean NGO, shared with the group its experiences on being involved as an NGO on the ASP and lessons learnt from those experiences. Dr. Abou Thiam, who works for Pan UK, shared with us his ASP experiences in working with the Francophone countries. WWF was also very helpful in discussing communication and public awareness strategies. Angela Mwandia focused on how to design communication strategies by looking at core ASP messages and resources available to the NGO networks. Pan UK, represented by Barbara Dinha, discussed resources available from Pan UK that are aimed at assisting NGO networks in terms of capacity building. Towards the end of the meeting, the South African NGO focal point on ASP was elected and all organisations represented in the meeting agreed unanimously that:

- groundWork should continue indefinitely as NGO's focal point and coordinator on the ASP, and if there is any other NGO that might be interested in taking a lead or working together with groundWork on ASP, it should express interest within 30 days from the date of the meeting;
- groundWork needs to set up a listserve for the South Africa NGO network which will be utilised for communication and the exchange of information;
- More NGOs should be encouraged to be part of the network.

Conclusion

Seeing that there is an enormous task ahead, a coordinated, multi-stakeholder approach to the ASP is of vital importance. NGOs, in particular, should be encouraged to join hands with other stakeholders on this matter and together we can rid our continent of the unwanted, hazardous, and health threatening stockpiles of obsolete pesticides. 



Towards Environmental Justice in India and South Africa

By Sunita Dubey

*Sunita Dubey, the new member of staff at groundWork USA,
explains her take on environmental justice*

Environmental Justice is not just an issue of environmental risks not being shared equally across populations, but encompasses a wider perspective on the whole issue of development and industrialisation. It is an acknowledged fact that all development has some adverse impact on the environment. Depending on the degree of this environmental degradation, local communities in the vicinity and across time are exposed to, and bear the cost of, this degradation. Environmental Justice in this sense tackles the problem of development for whom, at what cost and at whose cost? In the Indian context, one invariably finds development projects occurring in resource rich areas occupied mainly by tribal or indigenous people. Not only is it a case of unfair distribution of environmental degradation and toxicity, but also an unjust accumulation of resources for a privileged few.

After Independence, India has attempted to fulfil her aspirations and dreams through rapid industrialisation and self-sufficiency in food grains. The big dams and heavy industries became the “temples” of modern India. But all this was done without any concern for the environment and

through the abusive use of natural resources - and this indiscriminate industrialisation led to polluted rivers, noxious air and toxic industries. According to a World Bank study done in 1995 the conservative estimates of India's annual environmental damage was at \$9.7 billion, and of this \$7 billion was due to air and water pollution.¹

But, when it comes to either establishing an industry or locating a landfill, it is invariably in the backyard of poor and underprivileged people. This has been the trend through many centuries, but the scale and speed of exploitation has increased in the last few decades where people in power have been driven only by maximisation of profits at the cost of peoples' lives and livelihoods. One example which stands out is the “Bhopal gas tragedy”, a heinous crime committed by an industry and met with a complacent response by the government, which has turned a blind eye towards the peoples' plight. Even 20 years after this tragedy, with thousands dead, people are fighting for the basic rights to get clean and safe drinking water. Should a tragedy of this scale, which will touch and affect generations to come in Bhopal, be allowed to pass without people being held

[1] Reducing the Urban and Industrial Pollution India-USAID, August 2001





Bhopal
Memorial

responsible for it, then there is no justice in today's world. With the coming of multinational corporations (MNCs), the fight against them has also become very global in nature and therefore there is a need for communities and groups across the continents to join hands and fight against the growing hegemony of these MNCs.

Indian judiciary has been credited with being the most innovative and active judiciary in the world. However, there is no denying the fact that the courts, by their very nature, are incapable of dealing with complex environmental issues, especially when it comes to tackling the technical aspects in controlling environmental pollutants. This means that the pollution continues unchecked because of negligent enforcement agencies, lack of budgetary support and political will. And once a pollution problem attains huge proportions, there is no single agency capable of tackling all the aspects of environmental

mitigation. This poses a question as to how long the Courts can play the role of the "Super Agency" to tackle the Indian's environmental problems.

The Indian experience of environmental justice is similar to that of South Africa. Whether it is Thor chemicals in South Africa or Hindustan Liver Ltd. in India, the issues surrounding mercury poisoning are similar; the suffering and pain of people affected the are same. Be it Johannesburg or New Delhi, the air pollution has affected the poor most by compromising their health. Irrespective of where we live today, people are sharing the same pain, suffering and anger towards the polluting industries, discriminatory policies and subjugated peoples' voices.

We at the groundWork US office, along with our other members, plan to work towards closing the gap between environmental and human rights groups, thereby making connections between environmental and social issues. We also aim to provide an opportunity for building broad-based coalitions in order to enhance the quality of life for people, while at the same time exploring the various facets of environmental justice in the context of the global south. Environmental justice is not only about the effective enforcement of environmental rights, but is also about proper training of communities, activists and voluntary groups to take part in the environmental decisions which impact on their lives. Keeping this in mind, the U.S. office will bring out some manuals and factsheets on issues like "EIA's and their role in public participation and decision making". The experiences from U.S. and from developing countries like India will be helpful for communities and groups working in South Africa. A factsheet on SASOL's "coal to oil" technology will provide an effective tool in the hands of activists, who are fighting this corporation in SA as well as in other countries.

The effort in the coming year would be to facilitate ongoing work in groundWork South Africa office through providing crucial information and expertise available in the U.S. It is not poverty which makes people poor, but the lack of power, and thus our endeavour would be to carve out ways and means of providing the power, which has been denied for so long, to marginalised people so that they can control their own lives and their environment. ♣



Challenging Corporate Power

By Bobby Peek

“Corps Awards” and FoEI Legal Campaign aim to highlight the ills of corporations and call into question both the morality and legality of their operations

This newsletter update reflects on two key issues in the groundWork corporate campaign calendar in 2006. One works at exposing the makers of environmental injustices, the corporations, and the other seeks to challenge the power of the corporation from a legal perspective.

Corporate Power – “The Corps Awards”

It is that time of the year again. On the 10th of November groundWork, together with the Centre for Civil Society of the University of KwaZulu-Natal, will be hosting the “Corps Awards” honouring industry and governments for their poor practice and the environmental injustices that they inflict on the community.

The Corps Awards are part of the groundWork Corporate Campaign which is designed to work with communities challenging the behaviour of corporations, supporting their capacity to campaign on their particular issues, linking them with other organisations and communities, nationally and internationally, collating information generated by local or issue specific campaigns, and to provide a broader analysis of corporate behaviour based on this information.

Worst Corporate Practice or “Corps” Awards provides the common focus necessary to inspire participation and link diverse campaigns to a common purpose. The awards will also serve to highlight the way in which 'best practice' is used to conceal normal business practice.

The reality is that Transnational Corporations (TNCs) are the leading agents of globalisation. 51 of the world's top 100 economies are corporations and their growing scale has consolidated their power and influence – effectively creating monopoly powers in smaller economies – while greatly increasing the distance between corporate leadership and the communities and lives that their activities affect. They have profoundly influenced state

policies at global and national levels to reflect their own interests while the impact of their activities on people and environments has been severe. In legal terms, however, they are accountable only to their shareholders and only for returning a profit.

This year the awards will focus on corporations and governments operating in Southern Africa. Some key interesting corporations are emerging from Malawi, the Democratic Republic of Congo (DRC) and Namibia as well as the usual suspects from South Africa, such as Engen, Eskom, Sasol etc. They must not think that they are immune from further criticism because they were the focus of attention in 2005. It is surprising how they continue to present enough evidence for allowing the judges to consider their cases once more.

Government departments will also not go unmentioned in this year's awards. Failure to deliver on promises, being complicit in fostering environmental injustice and being active in flouting their own laws is something that is not too uncommon.

The awards are also part of building the strength for communities to resist. The Netherlands institute for Southern Africa (NiZA) is supporting the awards as well as a research programme, also supported by the Southern Africa Trust. groundWork is working with the Centre for Adult Education in Pietermaritzburg and the Centre for Multinational Research (SOMO) based in the Netherlands to develop corporate research pieces on corporate abuses with various NGO's from Zambia, South Africa and the DRC.

Building a legal case

To build upon the corporate work within groundWork, groundwork hosted the Friends of the Earth International (FoEI) legal meeting in June. This meeting was part of the





Delegates to the
FoEI Legal
Meeting, June
2006, at
Treasure Beach

FoEI corporate campaign which groundWork coordinates with Miliuedefensie (Friends of the Earth, The Netherlands). This programme seeks to assist community groups through the 71 Friends of the Earth Chapters globally.

This gathering was attended by FoEI campaigners from all regions – Latin America, North Americans, Europeans, African, Asians and Austral-Asians. Many of these campaigners were lawyers who are working with FoEI organisations on legal issues and on facilitating legal approaches with local community people.

The gathering was also attended by key international lawyers and environmental justice groups working on environmental and community rights. Climate Justice, Earthrights International, Sherpa and the Legal Resources Centre of South Africa and Richard Spoor, the South African legal expert who is at the forefront of community rights challenges.

The main objectives of the meeting were:

- To help communities resolve their challenges with corporations while reducing the chance of such injustices re-emerging locally or elsewhere in the future;
- To identify a number of legal precedent setting cases that qualify to bring to court;
- To assess key global opportunities, such as challenging around climate change, or issues such as mass claims or what could be referred to as “collective environmental


justice” claims;

- To develop a strategy on how FoEI and invited organisations give meaning to the above; and
- To challenge companies in their home countries.

The first key theme to emerge from the workshop, which was held over three days, was the issue of corporate power and how the long term legal project is about dismantling this power through legal means.

The second key process in the workshop was to understand where all the different potential cases are to challenge corporate power. Friends of the Earth Chapters all had the opportunity to speak to the cases that they are dealing with and to seek guidance from the legal people who were present at the meeting.

The outcomes of this three day meeting were to develop a data base of legal cases in order that these could be tracked and that FoE organisations could learn from these cases, to develop a detailed enquiry system to identify potentially significant cases, to focus on two key cases that could have broader impact and to ensure that there is an increased learning from the cases that FoEI presently is undertaking.

Finally linking strong community capacity, advocacy and legal challenges will, I believe, be the basis of an effective campaign to dismantle the power of corporations. 



Connecting to the World Social Forum

By Mark Butler

groundWork have engaged Mark Butler to co-ordinate the WSF project


The seventh World Social Forum (WSF) will take place in January 2007, in Nairobi, Kenya. The WSF has been an important, and a contested, space for activists and organisations committed to struggles for justice around the world. groundWork is talking to some civil society partners and comrades in the Pietermaritzburg area, where we have our main office, about ways to connect grassroots structures with the issues and debates of the WSF. The focus is not on getting locals to the event itself. Instead, we want first to explore, with ordinary people who are engaged in local struggles, whether or not the kinds of issues and themes that the WSF addresses are at all interesting and relevant to their struggles, and secondly, what they/we might have to say about those globalised struggles and issues from our local contexts.

In the past, connections with the WSF have tended to be dominated by a sort of 'activist elite', drawn largely from NGOs. On the one hand, this has meant that the WSF remains actually exotic, largely unknown and effectively irrelevant to the lives and struggles of most poor here. It has also meant that there has been very little in the way of concrete mechanisms for accountability, reporting back, and integrating the possible benefits of participation in the WSF with actually existing structures and struggles on the ground. So we're going to make a small, open-ended intervention in our region to see if we can democratise things a little bit. In this modest project we hope to work in ways that:

- (a) avoid - and challenge - some of the least helpful practices that have bedevilled local civil society interaction with WSF; and
- (b) explore, encourage and build on better practice.

The idea at the moment is to use existing civil society structures to get beyond them and connect with grassroots spaces. There we will share some information about the WSF and then focus on facilitating processes of critical reflection connecting local struggles with some of the overarching themes that make up the agenda of the global justice movement. Environmental justice will be a key theme to explore, but we'll also be working around other areas like land, agrarian and related struggles; ecumenical activism, liberation theology and faith-based organisations; economic justice (including trade issues); and housing and local settlement issues (both in shack settlements and 'non-shack' poor settlements). Two additional themes we would like to include, but need further consultation on, are education and gender.

The resultant output of all of this grassroots intellectual work will be written up and checked back with constituencies to provide a snap-shot hint at what 'ordinary people' make of their current contexts, what sorts of analysis they make of why things are as they are, and what sorts of changes and action are required to achieve justice and democracy. The hope is that these outputs become a useful resource for building local capacities for ongoing struggles and also give input and a basis for accountability to those from our region who may be going to the WSF and speaking in the name of the poor.

We also want to aim to have a 'post-WSF' event in Pietermaritzburg during January 2007. Everyone who has participated in the project, as well as the broader interested public and civil society, will be encouraged to join in a 'mini-forum' in the period immediately after the WSF itself. At this stage, we envisage at least a day or two of vibrant and critical participation with key activists who will be in Africa already for the WSF. 



groundWork news

Welcome to Sunita

Sunita Dubey, who has recently joined the groundWork's team in the US, was born and raised in India. Growing up in India exposed her to different people, cultures and socio-economic disparities in the society, which played a formative role in her choosing the world of activism. She has her Master's degree in environmental sciences and also did a course in environmental management with the University of Manchester, UK on Chevening fellowship. Before moving to the US in 2004 she was working as an Associate Director of Environmental Justice Initiative, an organization based in New Delhi, where she played an instrumental role in setting up this group to bring together various people working on environmental issues under the collective forum. The main purpose of the group was to join hands and strengthen opposition against the growing hegemony of government and industries in India and the marginalisation of communities.



She has a working experience of over ten years in India and has worked with organisations like Toxics Link, Gujarat Ecology Commission etc. She has been driven by the three basic principles of access to information, people's participation and access to justice for people who have always been sacrificed in the name of development. She brings an expansive experience both at the grassroots organising and policy intervention to groundWork, where she plans to build upon the foundation already laid by Bobby Peek and Heeten Kalan. She also sees this as a learning opportunity to understand the environmental justice issues in South Africa, its uniqueness, and similarities with other countries like Unites States, India etc. She currently lives in Massachusetts with her husband and son.

Thanks to Bobby

At the last Board of Trustees' meeting, the Board asked that all the staff of groundWork be thanked for their work and dedication. When this was communicated to us, it struck us that we never really have had the opportunity to thank Bobby, fondly known as our "Fearless Leader", for all that he brings to groundWork and our work within it. So Bobby – thanks. Thanks for your energy, your insight and your enthusiasm. Thanks for your support and focus, and for your trust in our ideas, beliefs and feelings. Thanks for all the years of hard work, long hours, days and nights away which have helped to place us in the forefront of environmental justice. And thanks, most of all, for remaining, through everything, you.



And... Goodbye, Linda

Linda is well known to most of our readers as a founder member of groundWork and the person responsible for putting together our groundWork publications. Her clear-sighted and sensitive editing and writing has gone a long way towards making them what they are.

For the past three years, Linda has been doing this on a contract basis. Recently she has been instrumental in setting up a small NGO, the Hope Trust, which seeks to

partner with the poor living in Sweetwaters, Pietermaritzburg, assisting with both welfare and empowerment projects. This project has now grown and is taking up more and more of Linda's time. In addition, a more exciting reality has occurred. She has adopted a young son, Aphiwe, and with this new responsibility can not longer do justice to her commitments at groundWork. So Linda will no longer be coordinating our publications and this will now be done 'in-house', but she will always be part of the groundWork family and we look forward to working with her in the future and wish her every success and happiness. Thank you, Linda, for your patience and determination to make the groundWork publications the success that they are.

