

Minister plans new ways to help people breathe easier

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June 16, 2019



This photo was taken by local resident, Ms Julia de Beer. It shows the dirty air hanging over the city of coal

Yes, Emalaheni has the dirtiest air in the country.

Yes, back in 2018 data from Greenpeace revealed that the Mpumalanga province is the global number one hotspot for NO2 emissions.

Yes, In November 2007, the Minister of Environmental Affairs declared the heavily-polluted Mpumalanga Highveld a 'priority area' in terms of the Air Quality Act.

No, nobody has done something about this yet until now.

On Monday, June 10, environmental justice groups, groundWork and Mpumalanga community organisation Vukani Environmental Justice Movement in Action (Vukani) launched landmark litigation demanding that government clean up the air in the Mpumalanga Highveld.

The two entities represented by the Centre for Environmental Rights claim that the government has violated the constitutional right to a healthy environment for the people calling the Highveld their home.

They are now taking steps because, according to them, government failed to improve the deadly levels of air pollution in the area.

“Living in eMalahleni, one of the most polluted areas in the country, has hugely affected our health and lives. Both government and industry have continuously failed to deal with the problem, irrespective of our efforts to engage with them to ensure they take steps to protect human health. Together with groundWork, Vukani has decided to use litigation to push government to take urgent steps to deal with the high air pollution and in the interest of our health and to protect our right to clean air,” said Vusi Mabaso, chairperson of Vukani.

In 2007, the then Minister of Environmental Affairs designated the Highveld Priority Area (HPA) because of its poor air quality.

At the time, the Department of Environmental Affairs (DEA) acknowledged that it was an air pollution hotspot of extremely poor air quality.

Nearly five years later, in 2012, the minister published an air quality management plan to clean up the area’s air pollution, but since then, little has changed.

Mpumalanga accounts for about 83 percent of South Africa’s coal production, and Eskom owns the 12 coal-fired power plants located in the area in and around the HPA.

The area has been plagued with deadly air quality for decades, with the high concentration of coal-fired power plants in the province, Sasol’s coal-to-liquids plant located in Secunda, and the NatRef refinery, contributing large amounts of pollution.

In a new independent study attached to the court papers, Dr Andy Gray, an expert in air and health risk modelling, found that these 14 facilities were responsible for the lion’s share of air pollution in 2016.

Human exposure to toxic chemical compounds emitted by the coal plants, such as sulphur dioxide, heavy metals like mercury and fine particulate matter, results in chronic respiratory illnesses such as asthma, bronchitis, lung cancer and contributes to strokes, heart attacks, birth defects and premature death.

Dr Gray estimates in court papers that emissions from the 14 facilities mentioned above caused between 305 and 650 early deaths in and around the HPA in 2016.

“The high levels of air pollution in and around the Highveld Priority Area constitute an immediate and significant public health hazard that should be remedied to save lives and allow current and future generations of South Africans to live longer and healthier,” said Professor Peter Orris, Head of Occupational and Environmental Medicine at the University of Illinois, who is quoted in the court papers

.The environmental justice groups are asking the court to declare the current levels of air pollution on the Highveld a violation of people’s constitutional rights, and to force government to take meaningful action to implement and enforce the HPA AQMP.

The groups were forced to launch this case because of the repeated failure of government to enforce air quality laws.

“groundWork and the communities we represent have consistently been highlighting the issue of air pollution and its negative impacts on human health, and our lived experience is that government is not holding the big polluters to account. This is a public health crisis that can no longer be ignored,” said Bobby Peek, Director of groundWork

.Newly-appointed Minister of Environment, Forestry and Fisheries, Ms Barbara Creecy noted the application and agrees there are air quality challenges in the Mpumalanga Highveld Area.

“The minister notes that there was extensive engagement on this matter during the Fifth Administration which resulted in the current review of the Air Quality Management Plan for the area. Air Quality Management Plan is a tool used in managing the quality of air, as it spells out specific activities/interventions to be undertaken by individual polluters and includes commitments by industry,” said Albi Modise from the Department of Environmental Affairs.

“The aim of the review is to find sustainable and practical ways to improve the quality of air, in line with our constitutional obligations. Accordingly, it would be her preference that there is further engagement outside of a court process to find ways to satisfy the needs of citizens living in these areas for better quality air.”

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