

Environmental group groundWork has launched court proceedings in terms of the Air Quality Act, specifically fingering Eskom and Sasol

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Sasol power Station in Secunda, Mpumalanga. Picture: SOWETAN/ANTONIO MUCHAVE

Environmental lobby group groundWork has launched court proceedings against plans by the government to double the allowed quota of harmful sulphur dioxide (SO₂) emitted into the atmosphere.

The changes to the minimum emissions standards double the amount of SO₂ — from 500mg/Nm³ to 1000mg/Nm³. But environmental justice group groundWork, which is represented by the Centre for Environmental Rights (CER), is calling on the court to set aside the government's plan, saying these levels will threaten already heavily polluted areas where coal pollution kills thousands of people every year.

SO₂ is a notorious pollutant that can affect the respiratory system and lung function. Studies have found that SO₂ is linked to low birth weight in infants and other pregnancy complications. Hospital admissions for cardiac disease and mortality increase on days with higher SO₂ levels. SO₂ also forms the main component of acid rain, sulphuric acid.

“This is particularly dire for people living in those areas already burdened by extremely poor air quality and its accompanying impacts on health and well-being, including on the Mpumalanga Highveld, home to 12 Eskom stations, as well as Sasol’s Secunda complex, hundreds of mines, and many other polluting facilities,” says Robyn Hugo, attorney and head of the pollution and climate change programme at CER.

The group is contesting the lack of public participation, given that the proposed amendments to the MES were not published for public comment as lawfully required by the Air Quality Act.

“Had this change been included in the draft amendment for comment, the Life After Coal campaign, and multiple other impacted communities and organisations would have strenuously objected to this attempt to weaken our already poor MES,” says Hugo.

If the court agrees with groundWork, large emitters of SO₂ will have to act immediately to reduce pollution or they could face both criminal and civil action for violating the law. When pressed on their motivation to weaken emission standards, the department of environmental affairs said it is not yet ready to comment.

The MES, which was first passed in March 2010, gave air pollution facilities five years to meet certain emission standards and 10 years to meet stricter conditions by 2020. But Africa’s two biggest polluters, Eskom and Sasol, have consistently evaded the stringent air pollution standards with repeated requests for postponements for compliance.

In 2015, both companies were granted a five-year postponement from compliance to the MES, allowing them to continue emitting toxic pollutants that exceed SA’s MES. And this year, Eskom has applied — for a fourth time — for yet another set of postponements, as well as some complete suspensions.

“For some time, Eskom and Sasol in particular have been arguing that the cost of ensuring compliance with the MES is not worth the benefit. And this resistance to MES compliance has been concerted and ongoing, despite clear evidence — from various reports — of devastating health impacts from air pollution from coal-fired boilers and stations,” says Hugo.

This compliance evasion is leading to a critical air pollution problem in SA and data has revealed that Mpumalanga province is a global air pollution hot-spot, with Witbank having some of the world’s dirtiest air.

“Instead of enforcing compliance with our already weak standards, government now wants to weaken the standards even further. If the government will not defend the right to a healthy environment, we have no option but to ask the court to do so,” says Bobby Peek,

director of groundWork, who claims the government is kowtowing to undemocratic pressure from Eskom and Sasol.

The environmental affairs minister Nomvula Mokonyane has stated her intention to oppose groundWork's case with an answering affidavit by the end of the month.

<https://www.businesslive.co.za/bd/national/health/2019-05-09-lobby-group-to-fight-state-on-doubling-allowed-emissions-of-sulphur-dioxide/>