



Thursday, 9 August 2007

Mazwi Lushaba
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DEAT

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Dear Mazwi

Civil Society Response on the NEM: Air Quality Act National Framework

These comments attached derive from an engagement with civil society representatives from the following areas and organisations:

- groundWork (National NGO)
- South Durban Community Environmental Alliance (SDCEA) (KwaZulu-Natal)
- The Vaal Environmental Justice Alliance (VEJA) (Gauteng and Free State)
- Let's Share Youth Movement (Gauteng)
- The Voice of the Voiceless (Mpumalanga)
- Luka Environmental (North West)
- The Benchmarks Foundation of Southern Africa (National)
- Samancor Retrenched Workers Association (Gauteng)
- Vaal Working Class Coordinating Committee (Gauteng)
- TSEBO (Gauteng)
- Justice and Peace (National)
- African Genesis Heritage Club (Gauteng)
- Steel Valley crisis Committee (Gauteng)
- Sasolburg Air Quality Monitoring Committee (Free State)

These organisations met on the 1-2 August to interrogate the NEM: Air Quality Act National Framework (the NF) and to develop a consultative response, which includes a set of indicators which recommend that the success of this programme needs to be understood not as a set of bureaucratic deliverables, but as meaningful and real change in the state of air, health and quality of life for people on the ground, in areas such as the Vaal Triangle, south Durban and other pollution hotspots.

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Part of these comments have also been guided by advice from the Legal Resource Centre's, Environmental Justice Project.

Has DEAT Delivered?

While the civil society meeting welcomed the fact that the DEAT has started the process towards the NF as required, there was general disappointment at the fact that DEAT have far from completed the process, and have developed a poorly consulted 1st Generation National Framework which does not nearly fulfil their duties as set out in Chapter 2 of the National Environmental Management: Air Quality Act (AQA). This failure to deliver as per requirement is a reality that has affected DEAT for some time. It must be noted that in November 2000 the then Minister Valli Moosa, promised that there will be ambient air standards by 2001. He and the DEAT failed to deliver on this. Seven years later we still do not have standards and this NF process which promised standards by September 2007, has failed civil society once again.

In our workshop the following two statements were made which reflects critically as to how civil society views the management of air quality in general, and in particular this process:

“The NF must close gaps on flaws in the air quality management process,” and “We have not had this before we must accept it!”

The general position is that we need DEAT to deliver on the promises it has made, and that the NF must ensure that we strengthen air quality management rather than weaken it. The present NF does not deliver on the above.

Priority

Attempting to suggest priority in responding to issues we believe is a meaningless exercise. Priority should be ideally discussed between all stakeholders in an open and transparent forum

International Reference

Often reference is made to international process sources. It would be useful that these references are documented within the document. An example of such is on pg 56 where there is reference is made to ‘international trends’ with regard to meeting compliance of existing facilities.

Time frames

Time frames are too broad and not specific enough. Most of the time frames are given over a 24 month period.

Health

Health has been a serious issue which civil society has continually called DEAT to consider in the delivery of a good air quality management system. The original AQ Bill was actually vetoed by the Portfolio Committee on Environment and Tourism in February 2004, because of its lack of focus on health. DEAT is repeating this mistake in the NF. Health is only mentioned twice in the framework and once in relation to dust not posing a health problem. This later reference [section 5.4.3.7] is scientifically wrong – for dust does pose a problem.

Other key policy processes and challenges

It is critical that the debate on incineration and domestic household pollution is concluded urgently in order that it feeds into the finalisation of the NF.

Way Forward

As mentioned we are disappointed with the manner in which DEAT has failed to deliver on this very critical process. Considering the fact that the DEAT has 12 months to remedy the situation, to expedite the process, we suggest that DEAT establishes a stakeholder steering committee or stakeholder reference group to guide the process towards finalising the NF as per chapter 2 of the AQA. This process should start as early as October 2007, and will allow for a more meaningful participation.

We look forward to DEAT incorporation of our concerns and that they realise that this 1st Generation NF fails to deliver what the AQA calls for and that we look forward to assisting DEAT in delivering a functional NF within the next twelve months.

Sincerely yours



S. (Bobby) Peek
Director