

# Eskom, Sasol rebuffed, Creecy says as she fights pollution suit.

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BY: [BLOOMBERG](#)

Environmental Affairs Minister **Barbara Creecy** said she rejected pleas for leniency from senior executives at the country's two biggest air polluters as she responded to a lawsuit that says her office has breached constitutional rights to clean air.

In a 260-page answering affidavit to a lawsuit filed against her by environmental non-profits she argued that while the country's developmental needs must be balanced against environmental concerns, she had nevertheless acted to try and improve air quality.

Creecy said on Nov. 13 she told **Andre de Ruyter**, the chief executive officer of Eskom Holdings SOC that she would not allow the power utility to operate its plants at current emission levels indefinitely. In June she said she told **Bernard Klingenberg**, executive vice president of energy operations at Sasol, that the company wouldn't be allowed to postpone installation of pollution abatement equipment at an oil refinery beyond March 2025. Together the companies account for over half the greenhouse gases emitted in South Africa.

Still, she said, industrial activities ranging from coal-fired power plants and mines to petrochemical factories provide jobs and account for much of South Africa's economic activity, and the need to preserve that must be balanced against environmental concerns.

## 'FIND A BALANCE'

"In a developing country such as South Africa, for example, human dignity and equality can only be achieved through sustainable development, which inevitably will have an impact on the environment," Creecy said in court documents that had to be submitted by Jan. 29. "Sustainable development, in turn, requires that I find a balance between the need for the protection of the environment and the need for socio-economic development."

The case was filed in the Pretoria High Court by groundWork, an environmental-rights organization, and the Vukani Environmental Justice Movement in Action, in 2019. It's due to be heard from May 17 to 19.

The lawsuit is emblematic of growing pressure on South Africa to act to curb pollution as it emits the same amount of greenhouse gases as the UK, which has an economy eight times the size. The country produces almost all of its electricity from coal, and Sasol operates a single plant that produces more greenhouse gases than Norway.

Spokesmen for Eskom and Sasol couldn't immediately comment.

Creecy said she and her predecessors were constrained by laws that mean air pollution enforcement is largely in the hands of municipalities. She also dismissed evidence in the form of modelling studies included by the non profits that said in 2016 as many as 650 people died prematurely in the so-called Highveld Priority Area because of air pollution.

The area is the site of 12 coal-fired Eskom power plants, a Sasol oil refinery and a coal-to-fuel plant owned by the company. It's also where almost all of South Africa's coal is mined.

“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,” the groups said in a 2019 statement.

The plants also emit sulphur dioxide, mercury and fine particulate matter that cause illnesses ranging from asthma to lung cancer and contributes to birth defects, strokes and heart attacks. ■

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