



# **GROUND** WORK

## **ESKOM: POWER STATIONS DON'T AFFECT HEALTH!**

groundWork is a non-profit environmental justice service and developmental organization 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 campaign areas are: Climate Justice and Energy, Air Quality, Waste and Environmental Health.

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Eskom has recently made this statement, despite global research showing the severe health impacts of coal combustion.



# From the Smoke Stack



by groundWork Director, Bobby Peek

Dear Friends

I returned to the office after a couple of months off over the last quarter as part of a sabbatical that is granted to groundWork staff every five years. It was good to have some time off to deal with the admin of life and spend some time with our three young ones. It went all too quickly.

I came back to a buzzing office, having to deal with the onslaught of coal in all its forms and especially focusing on Eskom and its rhetoric and green-washing, as you will read later.

There is no doubt that, between the political elite, the old boys club of the corporates – barring a few gals such as Carroll, former CEO at Anglo, and Nyembezi-Heita of ArcelorMittal – and the emerging business (aka broad-based black economic empowerment – BBBEE), coal is king, despite the fact that evidence abounds in South Africa that coal is killing us, faster than we think or want to admit. Early mortality and elevated respiratory problems in the Mpumalanga Highveld can be attributed to pollution from coal. Fish kills and many farmers can bear testimony to the impacts of acid mine drainage.

Those who do not have access to drinking water, both in the Highveld and the Vaal, can rest assured that the coal-fired facilities are not suffering from a lack of water, because these facilities are taking the water that people would need and should have. Also, let us not forget a small island in the middle of South Africa, where South Africa and the World Bank will continue to dam to meet the water demands of Eskom and big business. The island analogy might be contrary to what Lesotho

may finally become: one big dam or reservoir, with Basotho's living on boats and exporting fish to South Africa. Rising water levels might reach them faster than climate change as we know it.

Independent power producers have all crept out of the woodwork over the last few years to make a quick buck. The most advanced of these are the Anglo American- and Vedanta Zinc-proposed coal-fired facility in Lephalale, on the border of Botswana, and KiPower's proposed plant just outside Delmas, in the Highveld, which is one of the three most polluted areas in the country and already home to twelve of Eskom's coal-fired power stations. Earthlife Africa and groundWork, with local community people, are challenging these proposals. Black and Veatch, which brags that, with Eskom, they "provide reliable, clean energy to tens of thousands of South Africans" through the construction of the Kusile coal-fired power station, is now working just down the road, on the KiPower plant. Since when is coal-fired power clean energy? After calling Kusile clean energy, I guess KiPower will also be termed a clean energy project.

Remaining with coal, in August our coastline was once again impacted upon as MV Smart, carrying 147 650 tons of coal, left Richards Bay and literally snapped outside the harbour. After losing ten thousand tons as it snapped, the DEA gave the company permission to drop another fifty thousand tons. Eventually, the ship sank and to date there is no information as to how much of its coal now lies at the bottom of the sea bed. This catastrophe is just the tip of the iceberg as the Richards Bay coal terminal is planning to up its export from seventy to ninety million tons per annum, and to



soon take this to over 100 million tons per annum. With the demand for coal growing – despite the price – Richards Bay is one of the global hotspots for movement of coal. So these eventualities are going to grow as traffic increases, similar to the trucking challenge we have on South African roads at present. Sadly, nearly two months after the incident, both the South African Maritime Safety and the DEA has allowed the vessel to be dumped at sea. Maritime Safety indicated that “they had to ensure that there was no pollution during the long process”. Who are they kidding?

Staying on the dangers of fossil fuels, we are all preparing for the global day of action – the Global Frackdown – on fracking in October. As you will read in the newsletter, there is no doubt that government is going to bend over backwards to make sure that fracking is allowed in South Africa. This challenge, like the coal challenge, needs a new broad front of challenge. As indicated in the last newsletter, it cannot be done without dealing with the real issues people face on the ground: a denial of basic services and rights such as nutrition, and a lack of land to develop a subsistence economy in difficult places such as the Karoo. Fracking is not the development plan for the Karoo. It has never been a development plan anywhere else. It is a plan of mal-development, where corporates and the political elites expand their wealth while poverty increases at the point of extraction.

The Rupert family, who own a farm in the fracking belt and who are so important that their farm is marked on Google Earth, as well as Princess Irene of The Netherlands, whose family owns shares in Shell and land in the fracking area, need to stand up and be vocal about saying no to fracking. They also need to speak up to make sure that there is an equitable sharing of resources and land in the Karoo with the people who are from there: the landless, the unemployed and the labourers on the farms whose blood and sweat make the Karoo-wealthy comfortable.

One of the main issues with fracking is that the industry does not want to reveal what it is pumping into the ground. This is not unusual for big corporates who pollute the world, just ask ArcelorMittal.

After a legal tussle between the Vaal Environmental Justice Alliance (VEJA) and ArcelorMittal South Africa (Amsa), the South Gauteng High Court ruled that Amsa has to hand over their illusive Master Plan, which documents their pollution at, and rehabilitation of, their Vanderbijlpark works. groundWork has been supporting the VEJA for many years to get the documents from Amsa, but in vain. The decision was then taken to ask for the documents through the Promotion of Access to Information Act (PAIA), but even then Amsa was belligerent, refusing the information: thus the legal action by the Centre for Environmental Rights (CER). Will Amsa take this further and appeal? I am sure of it. I am sure the likes of Business Unity South Africa, the Chemical Allied Industrial Association and the very many other business fraternities will not want Amsa to roll over. So we can probably count on the fight continuing.

While I write this, Thermopower, the controversial toxic waste facility just east of Johannesburg has burnt to the ground. With this probably disappears much of the evidence about the toxic waste that was stored on site and which made workers ill. For years, the local community and business in the area complained regularly to the DEA about the impacts of the facility on their lives. To the Department's credit, Thermopower was taken to court, but the company found it in their power to continue to delay the legal process. As one of the local community people said, “Justice delayed is justice denied”. So despite the community feeling at one level at ease, now that the plant does not operate anymore, the reality is that, because of the fire, the evidence is now also lost. Let us hope that the Department, which was quick to act in getting to the fire and gathering evidence, will act speedily in getting to understand what the situation is, and, if evidence is found of illegal activity, that the directors of Thermopower are brought to book. Let us now wait to see if the Department's files also now burn up.

On this note, I want to say it is good to be back in the thick of things, although it has been a bit harder to get into the groove than I expected.

Till next time! ☺



# Emissions are not bad for health!

by Rico Euripidou

*Latest news from Eskom:  
emissions from coal-fired power stations are not dangerous  
to your health*

"Power station emissions do not harm human health"....

*"Previous modelling studies and air quality monitoring shows that, in most cases, power station emissions contribute very little to ambient pollution levels, or there is compliance with ambient air quality limits, especially in areas where people live. An exemption or postponement of the Minimum Emission Standards will thus not result in harm to human health" (Eskom's Background Information Document (BID), June 2013).*

In 2004, the National Environmental Management: Air Quality Act (AQA) (Act No 39 of 2004) was promulgated to herald a new approach to air quality management in South Africa. By December 2009, national ambient air (the air that we breathe and that affects the quality of public health) quality standards were gazetted; my recollection of the negotiating process leading up to this was Eskom and Sasol participating as key stakeholders around the table and trying, at every opportunity, to deter us from globally accepted World Health Organization air quality guideline values. In the end, we made some small compromises, but big dirty industry had signaled its intent.

The promulgation of the ambient air quality standards was followed by negotiations to determine minimum emission standards (MES), eventually gazetted in April 2010 (published in terms of section 21 of the AQA). Once again, big industry, often led by Eskom and Sasol, constantly fought for weaker standards (not in line with the global norms of similar industrial processes in similar developmental jurisdictions) and for provisions of exemptions within these standards. Eskom even went as far as forcing the Department of Environmental Affairs (DEA) to revise the environmental limits that were relevant to their sector behind our backs.

In hindsight we now know why – they never intended to comply with any of these environmental norms and standards and clearly participated in the process of determining air quality standards in bad faith, knowing full well that they would bide their time and then, at the last minute, hold the country to ransom. Their ransom note? That if they have to abide by environmental air quality standards they will have to switch off the lights!

So now we have a situation in the Highveld where Eskom is applying for postponement of, and/or exemption from, the compliance time-frames for the MES, justifying this application by stating that "Eskom will need to modify its existing power stations to comply with the MES with



Summary listing of projected compliance of Eskom's coal and gas-fired power stations with the 2015 and 2020 MES.  
 Note that WC=Will Comply, MNC=Might Not Comply, and WNC= Will Not Comply.

Power station	Pollutant					
	2015 Compliance			2020 Compliance		
	PM	NO <sub>x</sub>	SO <sub>2</sub>	PM	NO <sub>x</sub>	SO <sub>2</sub>
Kusile	WC	WC	WC	WC	WC	WC
Medupi	WC	WC	MNC	WC	WC	WNC
Majuba	WC	WNC	WC	WC	WNC	WNC
Matimba	WC	WC	MNC	WNC	WC	WNC
Kendal	WC	WC	WC	WNC	WC	WNC
Lethabo	MNC	WC	WC	WNC	WNC	WNC
Duvha U1-3	WC	WC	WC	WC	WNC	WNC
Duvha U4-6	WC	WC	WC	WNC	WNC	WNC
Matla	WNC	WNC	WC	WNC	WNC	WNC
Tutuka	WNC	MNC	WC	WNC	WNC	WNC
Kriel	WNC	WNC	WC	WNC	WNC	WNC
Arnot	WC	WC	WC	WC	WNC	WNC
Hendrina	WC	WNC	WC	WC	WNC	WNC
Camden	WC	WNC	MNC	WNC	WNC	WNC
Grootvlei	WNC	MNC	MNC	WNC	WNC	WNC
Komati	WC	WNC	WC	WNC	WNC	WNC
Ankerlig - all units	WC	WC	WC	WC	WC	WC
Gourikwa - all units	WC	WC	WC	WC	WC	WC
Port Rex - all units	WC	WC	WC	WC	WNC	WC
Acacia - all units	WC	WC	WC	WC	WNC	WC

different technologies being used for the different pollutants".

Eskom go on to state that "preliminary calculations indicate that the capital costs for full compliance with the MES are some R210 billion, with significant increases also in operating costs. These costs will impact significantly on the electricity tariff, and the affordability of the tariff increase by the consumer is questionable". So the crux of their argument is that

compliance is too costly and involves modifications to their coal-fired power stations!

The table above summarizes Eskom's BID for postponement of and/or exemption from the compliance time-frames for the minimum emission standards (MES) for each of its power stations.

Incredibly, Eskom then goes on to state that "power station emissions do not harm human health", this in the context of the Highveld Priority Area (HPA)



being in almost constant non-compliance with the South African ambient air quality standards for the most basic parameters ( $PM_{10}$  and  $PM_{2.5}$ ) and a growing body of global peer reviewed scientific literature demonstrating the opposite.

Each step in the coal life cycle generates pollution. Mining coal produces hazardous substances in excess soil and slurry, which contaminate water supplies. The transport of coal results in significant cancer-causing diesel emissions and local air pollution. Coal ash landfills leak fly-ash waste and pollute water sources.

Most importantly, coal combustion releases numerous air-borne pollutants, including particulate matter, sulphur dioxide, carbon dioxide, mercury, arsenic, chromium, nickel, uranium and thorium. These pollutants can have profound effects on the health of local communities, especially children, the elderly, pregnant women, and those suffering from asthma and lung disease in urban areas. Coal emissions can travel long distances and affect even people living far away from power plants.

In 2007, *The Lancet*, one of the world's leading medical journals, summarized the disease burden of generating electricity from coal. It was estimated that 24.5 deaths, 225 serious illnesses, and 13 288 minor illnesses were associated with every Terawatt-hour of electricity from coal in Europe. Using these figures, the worldwide health toll from air pollution alone, owing to coal combustion, may be up to 210 000 deaths, almost two million serious illnesses, and more than 151 million minor illnesses a year. In South Africa and similar developing countries, where pollution standards are not as protective, the health toll is likely to be even greater.

Greenpeace's coal campaign recently released a report highlighting loss of life from  $PM_{2.5}$  air pollution in China; coal combustion is a major contributor to  $PM_{2.5}$  and accounts for about 40% of the annual exposure in major cities like Beijing and Guangzhou. Together with a Beijing university research team, they released a study comparing mortality figures and air quality in four major Chinese cities and estimated that more than 8 500 acute annual deaths are caused by  $PM_{2.5}$  pollution. This comes on top of deaths from chronic health problems caused by  $PM_{2.5}$  and non-lethal illnesses, which are many times higher than the acute number

of deaths. All of these contribute huge costs for the society. See <http://www.greenpeace.org/eastasia/pmhealth/> for more information on this.

Eskom's applications, if granted, will only serve to exacerbate the already poor air quality in these priority areas. Eskom does not deny this. Dealing with the deterioration of air quality is clearly not what is envisaged by the declaration of priority areas. When the Highveld was declared a priority area in 2007, twelve of Eskom's power stations which fall within this priority area would have to have demonstrated how they would make improvements to pollution emissions in order to meet the stated goal of the priority area, which is to bring the area into compliance with ambient standards. Eskom would have had a number of obligations in order to meet that goal, which will be in contradiction to what they are proposing now.

Industrial sources are by far the biggest contributor of emissions in the Highveld Priority Area. Furthermore, in South Africa Eskom accounts for some 75% of the total mercury emissions – forty tonnes per annum – with power generation in the Highveld making a significant contribution. Mercury has been the elephant in the room which still needs to be tackled.

It is clear that scientific research has shown that the pollutants generated by coal combustion can have profound effects on the health of local communities, especially on vulnerable individuals. In South Africa, the twin burden of HIV/AIDS and TB, alongside the disgrace of poor service delivery, will be exacerbated by Eskom's BID to postpone and be exempt from compliance.

Instead of negatively fighting compliance, Eskom should instead take a bold step into the future and map out a clear and reasonable plan of decommissioning its oldest and worst-performing coal-fired power stations, and start investing the R210 billion it would cost to comply in decentralised renewable technologies that will cost very little beyond the initial investment. It would mean no costs for coal, no costs for pollution control, no costs to health and society, no legacy costs of coal ash, no contributions and costs to humankind through climate change.... Imagine a different future, Eskom! ☺



# Fracking: Devastation knows no race

by Siziwe Khanyile

*It doesn't matter who you are, there will be no way to hide from the side-effects of fracking*

One of the arguments against shale gas hydraulic fracturing (fracking) in South Africa, in addition to the environmental and health concerns, has been the lack of a legal framework that would regulate the fracking industry. A year ago, when the decision was taken to lift the government moratorium on fracking, an Interdepartmental Monitoring Committee (which was made up of the departments of mineral resources, water and environmental affairs, science and technology, energy, and the council for geoscience, and the Petroleum Agency of South Africa), was formed to review and augment the regulatory framework by developing regulations and guidelines for fracking. Notably, no civil society was represented on this committee!

With water being such a huge challenge for the hydraulic fracturing process, Cabinet, at the end of August, approved the gazetting of the National Water Policy Review, which seeks to fill in the existing gaps in water policy and to facilitate the necessary amendments for the regulation of fracking. The Minister of Water Affairs has gazetted a notice of intention to declare fracking a controlled activity in terms of section 38 of the National Water Act. The notice includes the exploration for, or production of, onshore, unconventional oil or gas resources. This means that fracking becomes a water use, thus requiring a water use licence.

Subsequently, Cabinet has approved the gazetting of technical regulations on petroleum exploration and exploitation. These will prescribe petroleum industry standards and practices for exploration and production of all petroleum, including shale gas.

During winter, groundWork, together with the Southern Cape Land Committee (SCLC), Friends

of the Earth Europe, and Friends of the Earth Netherlands, participated in a seven-day mission to the Karoo. One of our meetings included a conversation with Niall Kramer, Shell's Stakeholder Manager for the Karoo. Niall clearly expressed that Shell did not have a licence to explore, but that they are anticipating it being issued. He understands that the reason for delay is to weigh what is being said on every side and fix the regulatory framework but, ultimately, Shell wants to get the licence to explore.

Exploration will be scheduled over a period of nine years and Shell is already making some assurances. They claim they will disclose all chemicals at every site and will also contract companies who will disclose; they will not compete with Karoo water usage; and jobs will be available at exploration phase and during the production phase. They made assurances concerning the casings for the well – that they will use multiple levels of steel and cement, especially through the aquifer – and will continuously do pressure tests. Kramer informed us that Shell's intention is to make the Karoo project a 'beacon' for the industry.

The problem with these promises and assurances is that Shell is not being this vigilant anywhere else that they operate, nor is any other fracking company operating in the US or in Europe. Yet, in South Africa, where mining companies have traditionally operated above the law, Shell will suddenly have a model project in the Karoo – highly unlikely. This is the same company that will not frack in The Netherlands, where it is headquartered and where almost one hundred municipalities have rejected or placed a moratorium on the process! Other concerns are that it is unknown where water will come from and if they will not inevitably compete with drinking water – although they are



suggesting that desalinated water will be piped or trucked to the Karoo. It is also unclear what will happen to the gas emissions when they explore, because the moment they drill they will encounter gas: will they use it onsite to generate electricity, or will they flare it? And where is the infrastructure? And what will the cost of it being developed be?

What happens when methane gas and toxic chemicals leach out from the system and contaminate groundwater? What of the waste fluid that is left in open-air pits to evaporate, releasing harmful volatile organic compounds? What is the price on the fragile ecosystems and livelihoods in the Karoo? Who is going to pay for the impacts on society and the environment? Most certainly not Shell. Ultimately, gas, like coal in South Africa, will end up being an expense to society – ask the people in Mpumalanga who do not have clean water and air. There is a possibility that, like coal, the market for gas is mainly abroad, not in South Africa. If this is the case, South Africa will once again be the place where resources are extracted for the world, while local communities are left with the externalities. This is all in line with how the World Bank and the corporate and political elite in South Africa view Africa.

During our mission to the Karoo, it was heartening to see that, despite Shell's aggressive campaigning, there are communities, organized groups and individuals who see beyond the Corporate Social Responsibility, green-wash and false promises of jobs and contracts. We met with concerned residents, commercial and small scale farmers, writers, artists, church leaders, the Khoi community representatives and their chief and a lawyer representing farmers, who all expressed their proactive contribution to the opposition to fracking in the Karoo. A meeting with the Department of Minerals and Energy in Pretoria shed some light on government's thinking on the issue.

The European visitors also shared perspectives from Europe and cautioned against rushing into a process that is destructive to health, environment and livelihoods. In Europe, the focus of the campaign has moved from science and environmental impacts toward presenting economic arguments that shale gas will not be profitable. The fact is, in this industry, you have to cut corners to make a viable profit.

In discussion with the Treasure the Karoo Action Group, we recognised that one of the most important things to happen if the campaign is to achieve the no-fracking goal is to mobilise across all the Karoo and de-racialise the issue. It's an environmental issue, and devastation knows no race. We recognised the importance of simplifying information around fracking, which is a new thing to many people, but also simplifying this into local languages. Linking with other civil society players, such as trade unions, is imperative, as is nationalising and internationalising the struggle through collaborations that will assist the struggle.

The South African struggle is unique in that it is linked to issues of poverty, which is different to the US or Europe. In South Africa, of great concern is that the poor are once again being used as pawns in this process, with promises of hundreds of thousands of jobs based on "independent" research commissioned by Royal Dutch Shell. The unskilled poor, in whose name many such developments take place, will neither receive the jobs nor will they be able to afford the electricity once it is produced. Socio-economic inequalities will continue to widen.

We will not be acting responsibly as one of the largest greenhouse gas (GHG) emitters in the world if we allow fracking. Methane gas is a far more powerful GHG than carbon dioxide (CO<sub>2</sub>). The Intergovernmental Panel on Climate Change says methane is eighty-six times more damaging than CO<sub>2</sub> over a twenty-year period. Coal has devastated our land, and water resources and shale gas fracking will do the same. South Africa has places like the Karoo which have the potential to produce alternative energy sources, tourism and agriculture, and yet these are the areas earmarked for an environmentally destructive process like fracking.

We left the Karoo feeling confident that, although people wanted jobs for themselves and their children, they could see through the false promises made by Shell and they would prefer more sustainable methods of development in the Karoo.

For now, we wait and see. ☺



# Tyres added to bag of recyclables

by Musa Chamane

As the Recycling and Economic Development Initiative of South Africa (REDISA) plan was recently given the go ahead by government, waste pickers are optimistic because it means that the collection and recycling of old tyres will be undertaken by waste pickers and small businesses. This is in direct contrast to the opposing plan provided by the South African Tyre Recycling Plan (SATRP), which would have seen tyres ending up in cement kilns, therefore mainly benefiting big industry and creating pollution at the same time.

**SATRP** has been trying to convince government that tyres can be "treated" in cement kilns, selling them the idea that the energy recovered from the process will outweigh the costs of pollution. It has tried to disproportionately emphasise the benefits whilst ignoring the negatives that come with industrial combustion processes. This is a plan that was developed mainly for the benefit of cement companies, and we have seen five of them applying to government to burn waste tyres in their cement kilns. Some of these cement plants have received positive Records of Decision, but have no budget to retrofit their kilns; they were hoping that the proposed green tyre levy would be accessed by them and they would be able to use that to finance the retrofit of their kilns.

Another plan on tyres, called the Recycling and Economic Development Initiative of South Africa (**REDISA**), has been developed. Like SATRP's, the REDISA plan also looks at the disposal of tyres. This plan has a great emphasis on recovering the rubber crumb and metals, and the development of other products from the rubber. A small number of tyres will go for incineration in the cement kilns, especially those tyres that have been left lying in open veld.

The REDISA plan has been approved by the minister as an environmentally friendly plan. A show-down ensued in court between the two plans, but REDISA came out victorious. The REDISA plan integrates the work of waste pickers and small recyclers. The collection and removal of the tyres from stockpiles at landfill sites will benefit people who are currently self-employed as recyclers.

The South African Waste Pickers' Association (SAWPA) has embraced what REDISA intends doing. Tyres were previously not recycled and they have been the major cause of fires on landfills so the removal of tyres from the landfills means less waste, a longer life span for landfill sites and more materials for waste pickers to recycle and earn an income from.

Waste pickers will benefit from this plan by identifying and collecting tyres on the landfills or anywhere where they have been stockpiled. They also stand to benefit if they have transport to take tyres to the recycling depots that will be located in major towns. This new waste recycling stream means more money in the pockets of recyclers. It also means fewer emissions from tyres being burnt at landfills or at cement kilns. Importantly, it also means an increased number of jobs for self-employed people.

When tyres are recycled, rubber crumb is recovered and this is a valuable material for re-use in various other products, such as tiles and tile adhesives; and it can be mixed with asphalt for roads, and used in sports surfaces, carpet underlay, noise and vibration insulation, playgrounds and matting.

There are already pilot projects involving waste pickers in progress in the provinces of the Western Cape, KwaZulu-Natal and Gauteng. A solution for waste tyres has been found, and we feel positive that the majority of waste tyres will be recycled. ☺



# SAWPA strides ahead

by Musa Chamane

*The South African Waste Pickers' Association has matured into a well-organized national movement*

In June 2013, the South African Waste Pickers' Association (SAWPA) once again convened their two-day national meeting in Johannesburg. A total of eighty representatives from forty-six landfill sites, coming from all provinces except the Northern Cape, were present at the conference. There were various critical objectives that this meeting aimed to achieve. These were to plan for the future of the association in terms of the movement's formal registration, to plan for future leadership change, to check on SAWPA projects taking place on the ground and lastly, in terms of administrative requirements, work on the collection of data – names, contact details, numbers of registered cooperatives – about waste pickers who have joined since the formation of SAWPA.

## **The status and benefits of cooperatives**

The participants brought their certificates of registration and database of members who are operating at various landfills. The reports presented show that there are twelve cooperatives that have been registered so far, with five of them having received financial assistance from government. The majority of waste pickers are still negotiating with their local government for the right to collect recyclables as a respected and secure livelihood. The Department of Trade and Industry (DTI) highlighted one of the advantages of registering cooperatives, as this then qualifies them to receive financial assistance from the department.

## **Registering SAWPA as a formal entity**

Members of SAWPA also discussed the matter of registering the Association as a formal, legal entity. The road leading up to this point has been through the democratic development of a constitution, a document that was discussed at great length during this meeting and is now being drafted by our attorneys at the Centre for Environmental Rights.

At the same time, some points of the constitution continue to be discussed on the ground by waste pickers. There are principles that the leadership have already agreed upon during this meeting, but these principles need to be taken down to waste pickers at the different landfills and on the streets.

## **New PACSA recycling pilot project in Vaal Park**

The Packaging Council of South Africa (PACSA) presented the new pilot project that they, along with various other stakeholders, are implementing in Vaal Park near Sasolburg, which will be an investment of R1.5 million. The storage and sorting area has been given to the cooperative of waste pickers already operating on site. The provincial Department of Environmental Affairs (DEA) has donated two containers to be used as offices by the waste pickers and the DEA will also pave the recycling area. It has been encouraging to see different stakeholders coming together on this in order to make sure recycling happens at Vaal Park. It is important to note that there are a number of other cooperatives already established and in the process of formalisation across the country.

## **Electing the SAWPA leadership**

The leadership election did not take place during this year's national conference. It was, however, agreed that the change of leadership would happen at the next national meeting when the current leadership would have carried out their five-year term of office. The current leadership was democratically elected during the first meeting of waste pickers in 2009 as an interim leadership.

SAWPA is striding ahead with confidence and direction. Looking back from the early days until now, one is struck by how well-organized this national movement is, despite some challenges. ☺



# Lead: Dumbing down the population

by Rico Euripidou

In times gone by lead poisoning was associated with the wealthier classes who used it for plumbing (plumbing is derived from the Latin word *plumbum* meaning "lead"), cooking utensils and also food containers (before tin cans became available). In fact, many modern-day historians attribute the slow and eventual decline and fall of the ancient Roman empire to lead poisoning, the leaders of which acted in irrational and sometimes insane ways because of lead poisoning. A case in point is the emperor Nero who is credited with the murder of his mother, the horrendous persecution of Christians and even some of his siblings, to say nothing of fiddling while Rome burned.

Lead is an element and as such cannot be created or destroyed – only transformed. It occurs as a trace component of the earth's crust, and occurs naturally in biota such as soil, plants and water. As a natural element, lead is environmentally immobile. However, once it has been transformed through human activities and dispersed in the environment, lead becomes a very different beast, which is extremely toxic to humans. In fact, because of human activities (mining, use in products such as paints, electronics and lead in petrol) lead is now one of the most widespread and persistent environmental toxic metals in the world which, unfortunately for us, never loses its toxic potential when ingested by humans.

## How does lead affect people?

Lead is a metal with no known biological benefit to humans. Lead poisoning causes permanent brain damage. In children, lead interferes with the normal development of a child's brain and can result in a lower IQ, learning disabilities, and behaviour problems like aggression and hyperactivity. Childhood lead poisoning is a powerful predictor of school disciplinary problems, juvenile delinquency and adult criminality. Scientific studies show that most violent crimes committed by adults are strongly associated with the perpetrators' earlier lead poisoning as children.

Too much lead can damage various systems of the body, including the nervous and reproductive

systems and the kidneys, and it can cause high blood pressure and anaemia. Lead accumulates in the bones and lead poisoning may be diagnosed from a blue line around the gums. Lead is especially harmful to the developing brains of foetuses and young children, and to pregnant women, and interferes with the metabolism of calcium and Vitamin D.

Although lead poisoning is an environmental disease, it is also one associated with socio-economic class and life style. The health problems associated with and caused by lead are well documented in a variety of settings globally. In modern times, lead poisoning is most closely associated with poorer communities who are exposed through legacy contamination (old peeling paint), and living in close proximity to busy roads and industry.

In South Africa, lead was widely used in leaded fuel, and although a phase-out is nearly complete, it is still found in many products such as household and industrial paint, electronic products, sometimes toys and cosmetics, as well as from industrial sources such as smelters and lead manufacturing and recycling industries, from cottage industry uses and waste sites (for example, contaminated landfills). Legacy lead can be found in old paint, dust, soil and water.

Since lead poisons people and is especially bad for children we must do everything we can to prevent exposure.

## What are we doing about this problem?

To raise awareness within industry, and especially vulnerable communities (such as subsistence fishermen who smelt their own lead sinkers), we are participating in a Joint Lead Poisoning Awareness Drive with the national departments of Health and Labour, as well as the Medical Research Council – as part of global Lead Awareness Week during the week of the 26<sup>th</sup> of October 2013.

Currently, the South African lead in paint limit is 600ppm (parts per million). Globally, however, this standard has been revised to 90ppm. In 2009, groundWork participated in a global survey of



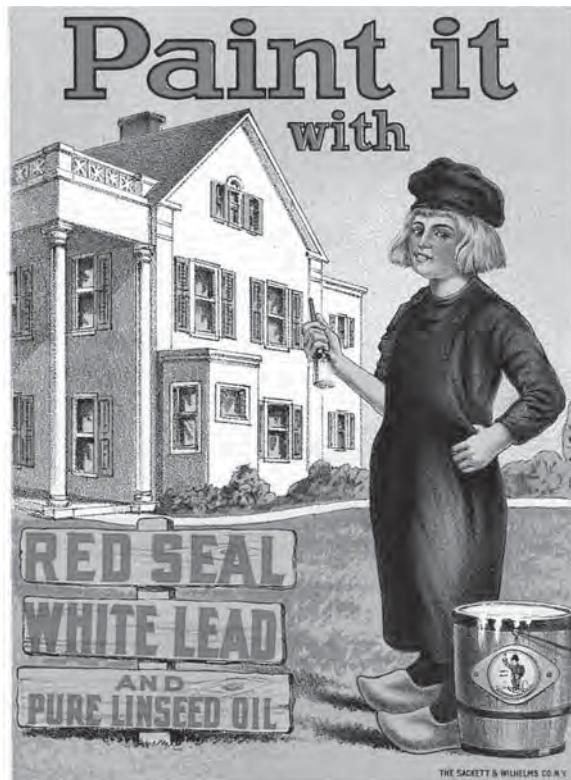
### What causes lead poisoning in children?

The most common cause is dust from old lead-based paint. If floors have dust from old painted walls, or paint chips, a baby could suck on lead-dusted hands or toys or breathe in lead dust. Some toddlers eat paint chips and soil, or chew on lead-painted window sills and stair rails.

There are steps parents can take to prevent children from being poisoned by lead:

- Keep children away from peeling paint and broken plaster.
- Wash their hands often, to rinse off any lead dust or dirt.
- Wash your child's toys often, especially teething toys.
- If you have old plumbing in your house, use cold water – not hot – for infant formula or cooking. Let the cold water tap run for at least a minute before using in order to flush out lead picked up from pipes.
- Store food from open cans in glass or plastic containers.
- Use lead-free dishes. Some dishes may have lead in their glazes. Don't use chipped or cracked dishes to store or serve food.
- Be careful with hobbies. Some crafts call for the use of paints, glazes and solder. Many of these may contain lead.
- Don't bring lead home with you from work. People who work at construction, plumbing, painting, auto repair and certain other jobs can be exposed to lead.
- Wash work clothes separately.
- Keep children away from remodelling and renovation sites. Old paint can have lead in it.
- Avoid letting children play in soil, especially around the foundations of older buildings and near roadways. Use a sandbox instead.
- When windows are open in warm weather, wash the sills and window wells any time you see dust, but at least once a month.

new household enamel paints sold in many retail outlets (we sampled twenty-nine enamel paint samples from five brands) and found that many paints contained high levels of lead. The survey found lead concentrations exceeding the global



Huge gains have been made in getting lead out of paint since this advert, but awareness raising still needs to continue with the public and paint companies.

Credit: <http://vintageprintable.com.wordpresswp-contentuploads201008Art-Poster-Advertisement-Lead-Paint-pre-Dutchboy.jpg>

benchmark of 90ppm in 65% of the South African enamel paint sampled. Additionally, 62% had lead concentrations more than the interim South African standard of 600ppm (0.1%). The survey also found safer paints with identical colours that did not contain lead. On-going paint sampling by the Medical Research Council still found elevated levels of lead in household paint (see <http://www.mrc.ac.za/>). Planned activities include the development of awareness-raising and information material, outreach to vulnerable and affected fishing communities such as are in Saldanha Bay, as well as an "eliminate lead in paint training seminar", aimed mainly at the South African paint industry.

Lead is an easily identifiable environmental toxin that can easily be substituted by safer alternatives in products and processes – especially the lead that is found in common household paints. This is a great opportunity to make greater efforts for a push to eliminate lead in paint and protect vulnerable children who are mostly affected. We call on the paint industry to make this commitment! We do not want a dumbing down of our population because of corporate greed. ☺



# Who's making the news?

by Megan Lewis

*Only good news might not be good news for civil society*

In a recent address to a group of journalism students from the University of Tshwane, President Zuma called on them, and the media in general, in the name of patriotism, to report positively on South Africa. He questioned why the media focused on negative story-telling, accusing them of sabotaging the ANC's attempts at nation building. One brave, fresh-faced student offered up the old journalistic adage that "We don't make the news, we simply report it". This is in itself debatable, as choosing what news to report, and how to report it, is by no means impartial or subjective, and to some degree the President has a point in that media houses choose to report predominantly on news that may be "unpleasant". However, what the President was clearly trying to swiftly erase from the minds of these students was the media's role as a watch-dog body to hold those accountable, whether it be government or private entities, and to expose any action or inaction that is in contravention of the country's Constitution.

The victory won over ArcelorMittal South Africa in court by the Vaal Environmental Justice Alliance and the Centre for Environmental Rights (for more, read page 17) was based on the acting judge's understanding that:

*"The participation in environmental governance, the assessment of compliance, the motivation of the public, the mobilisation of the public, the dissemination of information does not usurp the role of the State but constitutes a vital collaboration between the State and private entities in order to ensure achievement of constitutional objectives"*  
(Para. 18).

People often say to me nothing will change because the problems are too big and too many. Without civil society playing this role, however, the injustices would be even greater and critical wins like the one mentioned above would be non-existent. And the media too has traditionally fallen within this grouping of civil society, although the lines between private and government funding often blur between whose interests some media houses serve – but that will be discussed at a later stage. They too, to a certain extent, function within the role of ensuring that the Constitution is not ignored.

Organizations like ourselves and our partner community-based organizations, rely on the media to cover the stories that may have a more direct and immediate impact on the majority of people's daily lives than what happens behind the doors of the ruling party and in parliament. And the relationship is reciprocal, as our work enriches the stories of journalists, who, often under heavy time constraints and unable to do the kind of research necessary, rely on us for the on-the-ground angles and facts to feed their writing.

At the time of writing, President Zuma has decided to hold off on passing the Protection of State Information Bill, or "Secrecy Bill", on the basis of two clauses being unconstitutional. Some say, however, that the President's statement on this is vague and are raising questions about whether more clauses may not be unconstitutional. If the Bill were passed, it could enable government agencies and enterprises to hide from the public material they deem sensitive and would criminalise the role of whistle blowers in society.



In the months before the country's next general election, one cannot help but be suspicious that it may be a ploy by the ANC to tally a higher vote count as they are not blind to the great numbers vehemently against the Bill. For now, however, it can be recognised as a victory and potentially gives those groups fighting the Bill more time to strengthen their strategy if it pokes up its nasty head once again. In general, the South African State is no different: it is forever trying to quell any alternate voices that look to shake the status quo. Luckily, in South Africa these voices are not easily quietened.

On the matter of ownership and funding, private and government mouthpieces abound, whether it be in newspapers, or on radio or television stations. One of the newest kids on the block is a television station called African News Network 7 (ANN7). It is funded by the Guptas and one of President Zuma's sons under the Infinity Media Consortium. In other words, it is the audio-visual version of the national newspaper, The New Age, owned by the Guptas. The link between the Gupta family and the ruling party is not news, and it is fairly clear that The New Age and now ANN7 are both ANC mouthpieces. It has been reported that the ANC has stipulated that 70% of the news on this channel must show the country in a positive light, while the other 30% can be critical; under such a conservative approach to news reporting, the extent of this criticism is, however, dubious.

Independent News and Media South Africa (INMSA), more colloquially known as Independent Newspapers, and Africa's largest newspaper group, has recently been taken over by Sekunjalo Independent Media Consortium. It has been placed in the hands of a South African company, after being formerly owned by an Irish media house, the chairman of Sekunjalo being anti-apartheid struggle hero, Iqbal Survé. There has been suspicion linked to him and his connections to the ruling party, which he vehemently denies. His unwillingness to sell three of Independent Newspapers major

titles to the Mail and Guardian had them issuing statements alluding to Sekunjalo's dubious links to two Chinese consortia and others, raising questions about the media house's independence. The proof will be in the pudding!

Despite this, there are nevertheless triumphs to be celebrated. Radio 786, a community-based and independent radio station, serving mainly the Muslim population in Cape Town, has had its broadcast license extended by the Independent Communications Authority of South Africa (ICASA) for another five years and it will be on air all day, every day, instead of its previously limited hours. Whether they call on us to speak to issues important to their community of listeners, or we highlight the need for discussion around particular important topics, this is a radio station that has always made space for discussion driven by civil society organizations.

As with the Turkish protestors who rose and continue to rise up against the destruction of Gezi Park and the oppression of certain freedoms by the State, and who used online social media to tell the world about what was happening in their country, we too can integrate this into our work, alongside the use of traditional media. During the Global Power Shift hosted by 350.org in Istanbul, Turkey, in June, the need for digital campaigning to be a part of the work we do became clear, not in isolation to offline campaigning, but as an important enhancing tool for mobilisation and awareness-raising. SMS might be of greater use to communities in South Africa than say Twitter or Flickr, which are used by many groups across the Northern hemisphere. Nevertheless, in South Africa we still have a fairly wide variety of communication tools available to us now, which means that people are able to determine their awareness-raising and mobilisation strategies through greater communication. So, when the State and traditional media fail us, we have avenues to become citizen journalists, to write our own stories and to build the movement this way. ☺



# Way out in front with Eskom

by Greenfly

Eskom is way ahead of the curve. Like every other corporate, it used to have a boring old Annual Report. Now it does an Integrated Report. And it is one of just eighty corporations globally who are participating in the International Integrated Reporting Council's (IIRC) pilot programme. Not only that, but it was one of the first corporations to sign up with a slate of United Nations initiatives: the Global Compact, Caring for Climate, Sustainable Energy for All and the CEO Water Mandate. And, as readers will appreciate, it's long been part of the South African delegation to the climate negotiations. In its own words, it helps "ensure the appropriate development of the climate regime".

So, what does Integrated Reporting do? Well, it locates the corporation in its context and it weaves all the reporting strands together. Pretty cool. And when things get weaving, there's nothing better than a key performance indicator to show what you're about. With Eskom's Integrated Report you get whole sets of indicators starting with "*Becoming a high performance organization*" with nineteen indicators divided into four sub-sets. Next up is "*Leading and partnering to keep the lights on*". (So it's not just about Eskom. It's also your fault if you didn't switch the geyser off.) This has seven indicators, including "*generation capacity installed*", by which they mean actually getting Medupi built.

With all that caring for the climate and stuff, the next set is "*Reducing Eskom's environmental footprint and pursuing low carbon growth opportunities*" with all of three indicators: Relative particulate emissions – and they are not doing too well on that; Specific water consumption – and they are not doing too well on that; and the number of environmental legal contraventions – and they are pleased to report that they only broke the law forty-seven times. And carbon? The word "carbon" comes up thirty-seven times and the report is liberally sprinkled with references to climate change and the environment. But there's no indicator for "*pursuing low carbon growth opportunities*" – perhaps because the answer would be "not much"

– and that phrase itself is careful to say nothing about actual greenhouse gas emissions.

But they are getting there, right? Constantly improving and all that? Last year, under this headline there were eight indicators: the three above plus relative CO<sub>2</sub> emissions (kg per kWh), total CO<sub>2</sub> emissions (million tonnes), and total sulphur dioxide, nitrogen oxide and nitrous oxide emissions. And before that, with the boring old Annual Report? That had twenty-eight environmental indicators – all of the above plus coal burnt, ash produced, radioactive waste disposed, customer satisfaction and many others.

OK, let's be fair here. "Customer satisfaction" is still there but under the heading "*Being customer centric*", a sub-set to "*Becoming a high performance organization*" with six indicators of its own. In case you wonder what "*customer centric*" means, four of the six indicators are about whether their customers are paying their bills on time.

But back to carbon. Eskom is not alone in its priorities. Its selection of key performance indicators was informed by "stakeholder concerns". And the stakeholders of concern to Eskom are government (starting with Malusi Gigaba, who represents "the shareholder"), business ("especially energy intensive industries like mining"), and lenders (starting with the World Bank). Amongst their high-ranking concerns is "the impact of carbon tax". Well down the rankings are: "increased renewables to reduce emissions", "energy efficiency" and "environmental contraventions and water licences". Actually reducing emissions doesn't make it even as a low-ranking concern.

Nothing's perfect, but Integrated Reporting is certainly the next step on the path of constantly improving greenwash. It's a great vehicle for keeping up the appearance of concern while fading out information of concern. And Eskom is joined in the IIRC's "business network" by some great South African companies: Sasol, Transnet, AngloGold Ashanti and Gold Fields. The other part of the IIRC's pilot programme is the "investor network", there to make sure they know what is wanted. ☺



# New rules in the pollution game?

by Victor Munnik

## ArcelorMittal Master Plan ruling shows rules of pollution game are changing

Environmental managers should pay close attention to the South Gauteng High Court's judgment instructing ArcelorMittal to hand over a ten-year-old document to an environmental justice organization interested in the Steel Valley pollution. The judgment shows that the rules of the pollution game are changing in South Africa. Among the lessons are:

- The right of communities and activists to monitor, access and use information about corporate activities in the constitution has been confirmed;
- Polluted communities on the fencelines of big, polluting industries can remain tenacious over decades;
- Technical information about pollution will come into the light, and be open to public scrutiny the decisions of environmental managers and their boards;
- Encounters with polluted communities test, in public, the sincerity of corporations' environmental commitments across public relations, corporate responsibility and legal strategies.

Last week's judgment in the Gauteng South High Court, that ArcelorMittal needs to hand over its Master Plan to the Vaal Environmental Justice Alliance (VEJA), followed a long history of struggles by polluted communities against the steel factory. The factory started operations in 1952, and the first documented complaints about pollution date from the 1960s. Under apartheid, sporadic challenges from neighbours resulted in out-of-court settlements to buy up smallholdings on condition of the silence of the complainants.

When, after 1994, the new constitution promised the right to live in an environment not harmful to our health and wellbeing, polluted smallholders tackled Iscor via local government, a forum called into being by the Department of Water Affairs (DWA), and two court cases. These engagements did not result in admissions of liability or compensation, but they did bring onto the negotiating table detailed documentation about a long pollution history.

In the period 2000 to 2003, Iscor (then in the process of being taken over by what was to become ArcelorMittal), drew up an environmental Master Plan, spanning a reputed eight thousand pages. It was used in its negotiations with the DWA which, to their credit, was ratcheting up pressure for cleaner production. The pressure resulted in a new water treatment plant and other upgrades at Vanderbijlpark. However, the state did not insist on compensation or the expected health fund for residents' ongoing health problems.

The Master Plan was never made public. Even in 2003, when access to the Master Plan was required for public participation in a water use license process, the Master Plan could only be read in the Vanderbijlpark public library, but not taken out or copied.

The reason? The Master Plan described in detail what pollution had emanated from the factory, which, in its court battles, the steel giant had denied had ever taken place.

In 2001, to dampen negative publicity, Iscor took out a gagging order against sixteen complainants in a case against it. The children of the complainants formed an organization to speak on their parents' behalf: the Steel Valley Crisis Committee. This organization proceeded to involve other polluted



communities in the Vaal in a regional alliance (VEJA), and networked with national and international organizations – helped along by the World Summit on Sustainable Development in 2002 which brought together thousands of international activists – and became part of an international watchdog alliance: Global Action on Arcelor Mittal. It brought together evidence of ArcelorMittal's environmental justice abuses from across the world. Even though the Steel Valley community had been bought out, physically dispersed and their houses demolished, they remained interested and able to engage the steel giant.

ArcelorMittal argued in court that to give the Master Plan to community activists would be tantamount to giving them a monitoring role that usurps that of the State. It revealed the bottom line for ArcelorMittal's managers: that they would like to deny their neighbouring communities the right to monitor them, including how they deal with their pollution legacy.

This argument lost in court, because the constitution clearly gives communities the right to monitor the

environment. The court's decision signals that the rules of the game are changing as the constitutional right to a healthy environment works its way into the battles between corporate polluters and the communities resisting them, and communities start to realize their rights in practice. As the public becomes more aware of the impact of pollution, and starts to pay for toxic legacies such as acid mine drainage, this pressure will only increase.

Environmental managers need to take this history into account in all decisions that they make. Pollution histories, and the role of professionals in them, will long outlive the pressure of production or budget at a given moment. ☺

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*Amsa, a long-time polluter in Vanderbijlpark and beyond, has been brought to book by local community-based organization, VEJA.*

*Credit: <http://www.ohiocitizen.org/globalaction/>*



# Fisherfolk allowed back on beaches

by Priya Pillay and Simitha Bechan

Durban is the largest city in KwaZulu-Natal (KZN) and is said to have one of the busiest ports in Africa. Durban's harbour is an important fish nursery within the Indian Ocean and is home to various species of migratory fish. It is at the Durban harbour that many fisherfolk can be found. These are people who fish for a living and who, due to the high unemployment rates, have for decades practised fishing as a sustainable livelihood in the Durban harbour. Unfortunately, subsistence and recreational fisherman have been banned from fishing at the Durban harbour as well as the North and South piers.

Since 2009, these fishing spots were made off limits to fishermen, as the Transnet Port Authority had adopted the International Ship Port Facility Security Code (ISPFSC). The ISPFSC was put in place to ensure protection to ships and ports following the 9/11 bombings in the US. The ban was challenged by the fisherfolk in the forms of petitions, demonstrations and creating media awareness. Sadly, many fisherfolk had to join soup kitchens as they had no formal employment or any form of income.

It needed to be made known that fishing in these areas was not only for recreational purposes but mainly for subsistence fishing. The ban had infringed on their right to food and freedom of movement.

Last year, the KZN Subsistence Fishers Forum appealed this ban and, after much struggle, the ban was lifted by Transnet in May 2013. There was speculation, however, that these fishing permits were limited. Nevertheless, the Chairperson of the KZN Subsistence Fishers Forum and Coordinator of the South Durban Community Environmental Alliance (SDCEA), Desmond D'Sa, had been assured that everyone would be granted the fishing permit, regardless of whether it was for subsistence or recreational fishing.

With the ban lifted, more than 4 000 fishermen excitedly queued outside the Clairwood Tamil

Institute from 5 o'clock in the morning, eagerly waiting to fill in applications for their fishing permits that would allow them to resume their fishing at the Durban Harbour, and the two piers. Once the application forms were filled in, copies were made and they were sent to Transnet to be processed. In addition, all applicants had to sign a pledge to clean up after themselves at the harbour and to ensure that they adhere to all fishing quotas.

After much struggle and anticipation, the first set of permits were issued on the 17<sup>th</sup> and 18<sup>th</sup> of August. It is only after several battles, protest marches and dedicated unity between fisherfolk across communities in KZN, and solidarity by other peoples' organizations, that they have now been granted permission and fishing permits to peacefully fish, without having to worry about security or harassment from various authorities in these designated fishing spots. Their families now have increased food security and a better chance of getting out of a situation of extreme poverty.

*Priya Pillay is SDCEA Environmental Projects Officer and Simitha Bechan is an intern at SDCEA.*



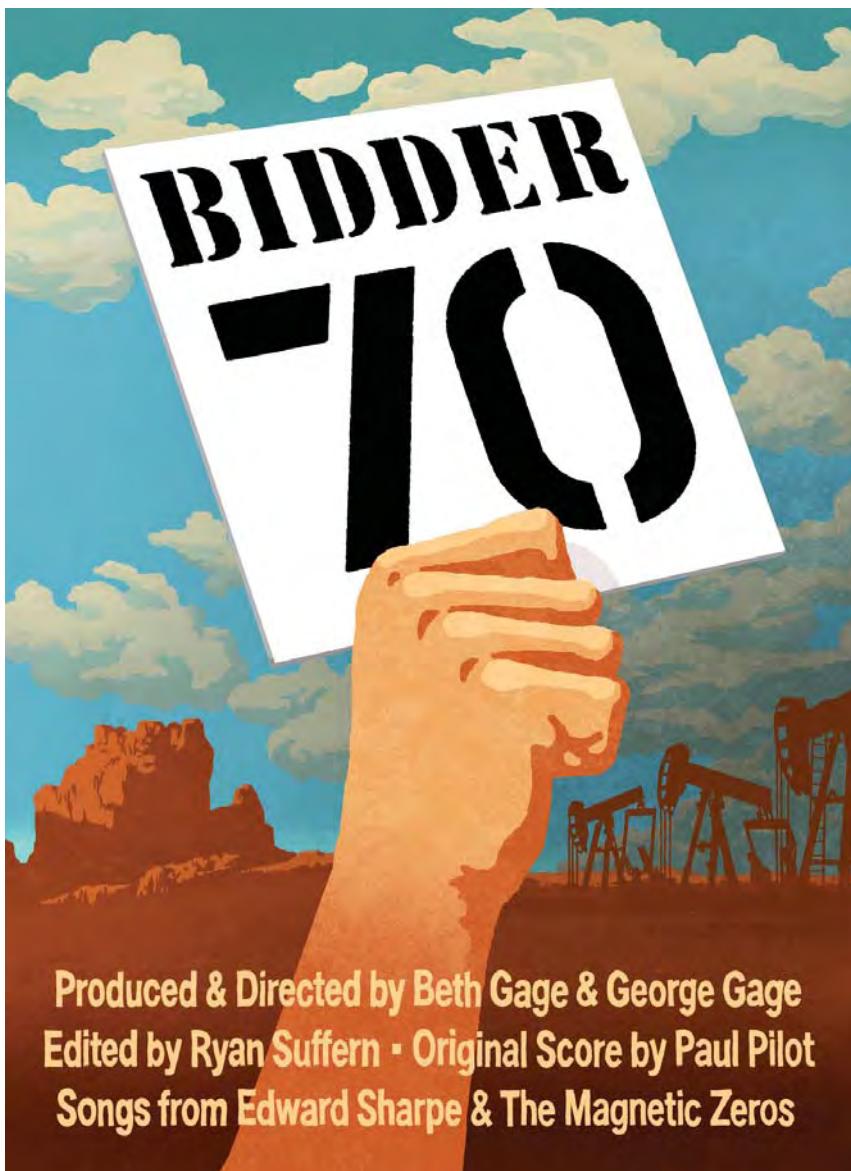
Authorities open the north and south piers in the Durban harbour for local fisherfolk to return to their livelihood.

Credit: SDCEA



# Bidder 70

*"The way the environmental movement has been, it's like a football game. You know, our team is getting slaughtered. The refs have been paid off. And then the other side are playing with dirty tricks. And so it's no longer acceptable for us to stay in the stands. It's time for us to rush the field" – Tim de Christopher.*



In 2008, the Bush administration fully supported the action taken by Utah BLM Oil and Gas to sell off to the highest bidder leases for a large area of pristine wilderness, rich in fossil fuel reserves, at an auction. Entering the auction, Tim de Christopher, an economics student from the local university, picked up paddle 70 and became just that – bidder 70. His mission was simple: he was determined to offer whatever it took in order to gain the rights to the land and save the environment and the people from the devastating effects of big US energy industry. He out-bid huge industry corporates, winning 22 000 acres of land worth \$1.7 million, but was subsequently charged with two federal felonies.

He did not let this deter his spirit and joined the global climate movement by starting Peaceful Uprising, a grassroots movement that seeks revolutionary change to the system in order to bring about a healthy and just world for all. In July 2011, he was found guilty and sentenced to two years in prison. The film illustrates a perfect case of the little man standing up to the giants, and in fact winning, as today the land he fought for in Utah remains untouched by oil and gas rigs.

You can read more about the film and how you can organize a local screening at: <http://www.bidder70film.com/#!screenings/cjg9>

You can find out more about Peaceful Uprising at: <http://www.peacefuluprising.org/>

