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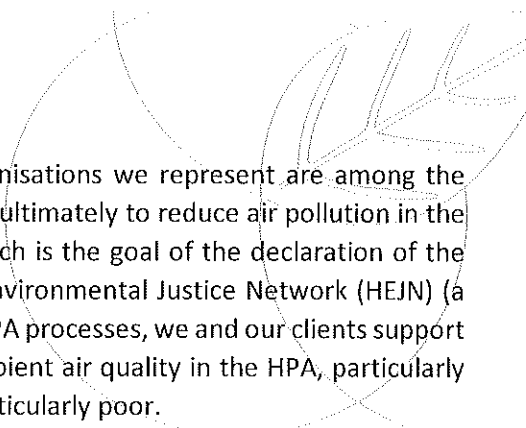
Our ref: CER/MF/RH/SK
Date: 8 September 2016

Dear Minister Motsoaledi

REQUEST FOR THE DEPARTMENT OF HEALTH TO PARTICIPATE AS A STAKEHOLDER IN THE HIGHVELD PRIORITY AREA MULTI-STAKEHOLDER REFERENCE GROUP MEETINGS

1. The Centre for Environmental Rights (CER) is a non-profit organisation that works to advance environmental rights as guaranteed in section 24 of the Constitution. We help communities defend their right to an environment that is not harmful to their health or well-being and we represent various non-governmental organisations (NGOs) and community-based organisations (CBOs) - mostly environmental organisations affected by pollution in their respective residential areas. One of our focus areas is to promote environmental justice and strengthen civil society participation in decisions on industrial pollution, waste and land use.
2. groundWork is a non-profit environmental justice service and developmental organisation aimed at improving the quality of life of vulnerable people in South Africa, through assisting civil society to have a greater impact on environmental governance. One of groundWork's campaigns relates to air quality and it works with community people to monitor the implementation of the National Environmental Management: Air Quality Act, 2005 (AQA).
3. Together with groundWork, we represent these non-government and community organisations interested in and concerned with the implementation of Air Quality Management Plans (AQMPs) in the three priority areas declared in terms of section 18 of AQA: the Vaal Triangle Airshed Priority Area (VTAPA); the Highveld Priority Area (HPA); and the Waterberg Bojanala Priority Area (WBPA). For each of these priority areas, an air quality management plan (AQMP) has been developed in order to guide as an implementation tool achieve and maintain compliance in the ambient air quality standards in the priority areas.

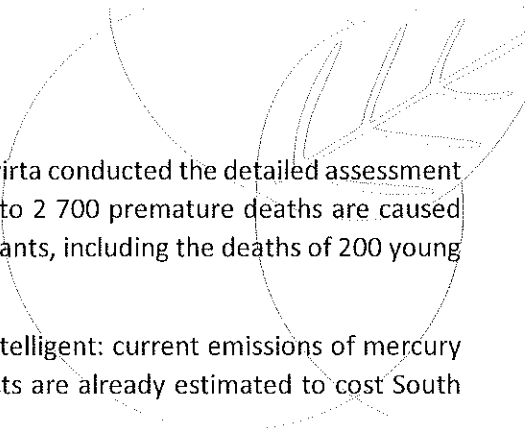
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4. Our focus has been in the HPA, which was declared in 2007. The organisations we represent are among the relevant role-players seeking the implementation of the HPA AQMP; and ultimately to reduce air pollution in the area so that it no longer exceeds the ambient air quality standards (which is the goal of the declaration of the priority areas). One of the organisations we represent is the Highveld Environmental Justice Network (HEJN) (a network of 14 community-based organisations)¹. As stakeholders in the HPA processes, we and our clients support finding the most suitable solutions to reduce emissions and improve ambient air quality in the HPA, particularly the area surrounding eMalahleni and Middelburg, where air quality is particularly poor.
 5. We and our clients are regular attendees of Implementation Task Team (ITT) and Multi-Stakeholder Reference Group (MSRG) meetings for the HPA. The terms of reference for these meetings recognise that it is important that the group of members attending the meetings fairly represents the relevant stakeholders and issues, in order to promote open, transparent, and informed decision making. They also recognise that in order for air quality in the declared priority area to be efficiently and effectively brought into compliance with the proposed ambient air quality standards within agreed timeframes, a cooperative and participatory approach involving a diversity of stakeholders for common air quality solutions needs to be adopted.
 6. There are many sources of poor air quality in South Africa. Domestic coal burning is also a contributor. In this regard, government has now published the long-awaited draft Strategy for Addressing Pollution in Dense Low Income Settlements. The Department of Health is recognised as one of the role-players that will be implementing the strategy. We and our clients have various concerns about this draft strategy, and we have made submissions on it. These submissions can be accessed here: <http://cer.org.za/virtual-library/policy/draft-strategy-to-address-air-pollution-in-dense-low-income-settlements>
 7. Despite the declaration of the HPA some 9 years ago in 2007, air quality in the area remains extremely poor, with numerous exceedances of the health-based ambient air quality standards. This appears from the Department of Environmental Affairs' own reports.² Whilst there are numerous sources of poor air quality in the HPA, Eskom's twelve (including Kusile, once it is operational) coal-fired power stations are the biggest contributor.
 8. As we are sure you are aware, in 2010 the Minister published standards in terms of the AQA for industrial emissions, called the 'minimum emissions standards' (MES). In terms of those emissions standards, Eskom's power stations were supposed to meet existing plant standards by 1 April 2015, and stricter new plant standards by 1 April 2020. Eskom was aware that they had to meet stricter emissions standards since the AQA came into effect in 2005, and they were in fact party to a 5 year consultation on the standards. Despite knowing all of this, Eskom applied for postponement from the MES for 14 of its coal-fired power stations in December 2013, to the Department of Environmental Affairs (DEA).
 9. A majority of the postponements applications were granted by the DEA and although these are not prohibited by AQA, it means that a majority of emissions from Eskom's power stations continue to exceed the MES, and therefore violate the Constitutional right to an environment not harmful to health or well-being.
 10. Coal has very serious impacts on human health, and communities in the HPA have suffered its unrelenting effects for a long time. There have been several publications on the health impacts of coal on human health. In 2014, we and our clients commissioned a report on the health impacts that would result if Eskom were granted all of its applications to postpone compliance with the above mentioned MES.³

¹ Includes as affiliates the Movement Environmental Defence; Earthnogenesis; Greater Middleburg Residents Association; Guqa Environmental Community Service; Mpumalanga Youth Against Climate Change; Outrageous Courage Youth; Ekurhuleni Environmental Organisation; SANCO Tokologo; SANCO Emalahleni; Khutala Environmental Care; Schoongesicht Residents Committee; Caroline Environmental Crisis Committee; Guide the People and Wonderfontein Resettlement Forum.

² AQ Monitoring Overview May 2015 to April 2016 dated 26 May 2016, presented at MSRG meeting on 26 May 2016. (available on request)

³ http://cer.org.za/wp-content/uploads/2014/02/Annexure-5_Health-impacts-of-Eskom-applications-2014-_final.pdf

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11. Greenpeace International energy campaigner and coal expert Lauri Myllyvirta conducted the detailed assessment of Eskom's current health impacts. He estimates that as many as 2 200 to 2 700 premature deaths are caused each year by the air-pollution emissions from Eskom's coal-fired power plants, including the deaths of 200 young children.
 12. He found that Eskom's emissions are also continuously making us less intelligent: current emissions of mercury are associated with the loss of 45 000 IQ points each year. These impacts are already estimated to cost South Africa R30-billion each year.
 13. Turning to the health impacts of Eskom's "emissions reduction plan", Myllyvirta estimates that the excess emissions are projected to cause, over the life of the power plants, approximately 20 000 premature deaths, including the deaths of about 16 000 young children and a projected loss of 280 000 IQ points to mercury exposure. The economic cost associated with the premature deaths and the neurotoxic effects of mercury exposure is conservatively estimated to be at least R220-billion. It is therefore evident that the ill health from coal places an unnecessary burden on the fiscus, and this should be of great concern to the Department of Health as the government department responsible for public-sector healthcare.
 14. groundWork also published a report on the health effects of coal in a 2014 publication which established that:

*"Local studies on health impacts of pollution indicate that poor communities reliant on burning coal or other fuels in their homes, experience increased disease burden with 24% of childhood (under five years old) deaths due to acute respiratory infections were estimated to be from indoor air pollution (Norman 2007b). However, more recently, with an increase in industrial activity, mining, coal-fired power stations returning to service and new ones being built and the related increase in transport vehicles (emitting various pollutants into the air) the health of people living in the Mpumalanga Highveld has significantly deteriorated (Scorgie 2012, Myllyvirta 2014, Burt et al 2013). Environmental health studies in urban areas of South Africa have estimated that outdoor or ambient air pollution caused 1.1% of child (under five years old) mortality due to acute lower respiratory infections (Norman et al 2007a)."*⁴

*"According to the Mpumalanga health budget of 2012, although HIV/AIDS still remains the major cause of death, with 770 deaths per day during the 2010/2011 financial year, one of the causes of a decline in life expectancy was cardiovascular disease."*⁵

15. These cardiovascular diseases are attributed to outdoor pollution in the Mpumalanga area. The report further stated that:

*"Because our particulate levels are higher than the WHO guideline of 10 µg/m³ ... we can estimate that for every 10 µg/m³ reduction in PM_{2.5} levels, eight to 18% of lives lost due to cardiovascular deaths could be saved, in other words, an estimated 14 to 33 people (derived from Burt 2013). These people should have lived if the WHO PM_{2.5} air quality standard was applied in South Africa."*⁶

16. Furthermore, Eskom also commissioned their own health impact reports as long ago as 2006 (at a time when it only operated 8 stations).⁷ In these reports, it was found that:

⁴ The Health Impact of Coal: The responsibility that coal-fired power stations bear for ambient air quality associated health impacts an article by groundWork dated 20 May 2014 at p3.

⁵ Ibid at p17

⁶ Ibid p16

⁷ <http://cer.org.za/virtual-library/letters/eskoms-health-studies>

"The 8 power stations were cumulatively calculated to be responsible for 17 deaths and 661 respiratory hospital admissions per year, representing 3.0% and 0.6% of the total deaths and respiratory hospital admissions projected across all sources."⁸

17. In addition, there are numerous international reports that highlights the harmful impacts of air pollution.⁹
18. Against this background, we are mindful of the need to take urgent steps in the reduction of harmful air quality emissions in the HPA, and to do this, we recognise that all relevant stakeholders need to support the HPA processes and to collaborate with the goal of finding solutions for the improvement of ambient air quality in the HPA.
19. We and our clients believe that it is vital for the Department of Health, which has an overall responsibility for healthcare in the country, with a specific responsibility for public-sector healthcare, to be involved as one of the stakeholders in the HPA meetings. Their participation will enable health officials to understand the effects, impacts, and true cost of air pollution on the health of the people in the HPA, and enable other stakeholders to learn from the expertise of those in the Department of Health.
20. In this circumstances, we and our clients urge the Department to attend at least the MSRG meetings, to participate and present at these meetings, and liaise with all the other relevant Departments (including the Department of Environmental Affairs and the Department of Mineral Resources) to find ways of resolving the impending health burden that is borne by the most vulnerable and poor in the HPA.
21. Please contact us if you have any questions for clarification.
22. We look forward to hearing from you.

⁸ Eskom Mpumalanga Highveld Cumulative Scenario Planning Study: Air Pollution Compliance Assessment and Health Risk Analysis of Cumulative Operations of Current, RTS and Proposed Eskom Power Station Located within Mpumalanga and Gauteng Provinces. Prepared by Infotox Pty Ltd dated 2006 at p136.

⁹ For example: OECD Report on the the Economic Consequences of Outdoor Pollution: <http://www.oecd.org/environment/the-economic-consequences-of-outdoor-air-pollution-9789264257474-en.htm>; Health and climate change: Policy Responses to Protect Public Health June 2015 : [http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(15\)60854-6.pdf](http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(15)60854-6.pdf)

Yours faithfully
CENTRE FOR ENVIRONMENTAL RIGHTS

per: 

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