

# Environmental & Sustainability Studies (ESS) 122

## Lecture 5 Air Pollution

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WESTERN CAPE

A place of quality, a place to grow, from hope to action through knowledge

- Air pollution is the main cause of respiratory diseases among children and along with fresh water are the greatest contributors to child illness. Children exposed to Air pollution get sick more frequently and take longer to recover (Case study done in Soweto proves this in SA).
- Main contributor to air pollution is the energy sector compounded by climactic conditions eg. Mpumalanga highveld – burning of fossil fuels.

# Atmospheric Pollution Prevention Act 45 of 1965

- APPA set controls for atmospheric pollution.
- Standard of proof is the 'best practicable means' to reduce or prevent to minimum the escape of pollution into the atmosphere (determined by an air pollution control officer).
- It did NOT incorporate environmental considerations.
- Standard subjectively applied by Air pollution control officer. Flexibility allowed for differing circumstances and technology advancements.

- However resulted in lack of uniformity.
- Sanction for non-compliance was R 500 fine or 6 months in prison and for repeat offenders a R 2000 fine or 1 year in prison.
- Sanctions usually abandoned - relied on interdict to enforce compliance.
- Until recently, there was only 1 inspector for KZN and Free State.
- Therefore APPA had to be replaced

# National Environmental Management: Air Quality Act 39 of 2004

- Repealed the APPA
- Rational for new Act: Old Act outdated and inadequate.
- Need to address the shortcomings of the old Act

# NEMAQA

- Objectives of new Act: Protect environment by providing reasonable measures for....
  - Protection & enhancement of air quality in SA
  - Prevent ecological degradation.
  - Secure ecologically sustainable development and generally provide for section 24 of the Constitution

- NEMAQA to be enforced by both national and provincial legislature: Co-operative governance
- Minister is required to **chap 2** to adopt national monitoring and information management standards – plans and procedures
- National Ambient Air Quality standards were set for CO<sub>2</sub>, sulphur dioxide, lead etc.
- Compared to WHO guidelines they are equivalent.

- Standards:
- - Minister must identify substances or mixture of substances in the air that present a threat to the health and/or well being of the environment
- - Minister must establish national standards for air quality (in respect of those substances and mixtures)
- Minister must make such declarations in GG.



- Act provides for establishment of National Air Quality Advisory Committee and the appointment of air quality control officers.
- They are responsible for preparing air quality management plans.
- They must also include Municipalities in the development of these plans.

- Emissions:
- Act requires the listing of activities that result in atmospheric pollution which may have a detrimental effect.
- APPA did not have standards – had to be determined on a case-by-case basis.
- Company/entity must apply for a license if production process releases emissions into the atmosphere.

- The Licensing Authority must take into account:
  - - Any applicable standards set for air emissions
  - - The pollution being caused and its effects on health and social and economic conditions
  - - The best practicable environmental options that could be taken to prevent pollution and protect the environment
- Contravention results in 5 million Rand fine or 5 years in prison or both.

- Chap 6: Trans-boundary pollution matters
- Responsibility of Minister to address.
  
- Chap 7: Penalties
- Maximum penalty of 10 years imprisonment or fine of R10 million.