

# New air quality rules may curb Eskom's 'head-in-the-sand strategy'

Eskom has thus far been let off the hook by government, says the Life After Coal/Impilo Ngaphandle Kwamalahle campaign, by not only allowing it to postpone its compliance with air pollution standards, but failing to take enforcement action against it for its pollution.



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This is despite many of Eskom's ageing coal power stations [causing severe air pollution, contributing to the ill-health and deaths of thousands of South Africans every year](#).

## Closing the loopholes

The Department of Environmental Affairs, however, has now finally proposed closing some of these loopholes. Proposed amendments to law published under the Air Quality Act will only permit one postponement of compliance – for five years – with standards which should be met by April 2020 (called “new plant” standards).

The new provisions would allow industrial facilities, by 31 March 2019, to apply for a once-off suspension of compliance timeframes with new plant standards if they provide a clear schedule for decommissioning by 2030.

The new rules would mean that all of Eskom's stations must make the necessary investments in time to comply with new

plant standards by 1 April 2025, unless they have been granted the suspension, and will decommission by not later than 2030. If they cannot meet the standards by this date and have not been granted a suspension, they can no longer operate.

Robby Mokgalaka, coal campaign manager for environmental justice organisation groundWork, says: “Finally, the Department of Environmental Affairs seems to be listening to the pleas of communities who breathe these toxic fumes every day. Health research shows that just one type of pollution from Eskom’s stations causes the death of more than 2200 people every year.”

## **'Rolling postponements'**

Robyn Hugo, head of the Centre for Environmental Rights' Pollution and Climate Change Programme, welcomed the proposed amendments, saying that the Life After Coal Campaign has been advocating for stricter pollution rules for coal power plants for many years. “So far, Eskom’s strategy has simply been to apply for what it terms ‘rolling postponements’ of compliance with pollution standards: re-applying for postponements of compliance every five years until the plants are eventually decommissioned. That head-in-the-sand strategy must now come to an end.”

However, Hugo points out that concerns remain: facilities granted this suspension will, on the current proposed wording of the legislation, be permitted to comply with the very weak old plant standards until their decommissioning. “This would mean that government would simply allow Eskom to keep polluting and causing ill-health and death of South Africans. This is an ongoing violation of human rights which the Life After Coal Campaign, together with communities living with Eskom’s pollution, will take to the Constitutional Court, if necessary.”

The Life After Coal/Impilo Ngaphandle Kwamalahle is a joint campaign by Earthlife Africa, groundWork, and the Centre for Environmental Rights.

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