



Director-General
Department of Environmental Affairs
Attn: Mr MA Makwarela
By email: mamakwarela@environment.gov.za

Our ref: CER/RH/SK
Date: 10 April 2014

Dear Mr Makwarela

Comments regarding the declaration of greenhouse gases as priority air pollutants

1. In making these submissions on the Declaration of Greenhouse Gases (GHGs) as Priority Air Pollutants ("the Declaration"), we address you on behalf of groundWork, the South Durban Community Environmental Alliance, the Vaal Environmental Justice Alliance,¹ and the following community groups: Greater Middelburg Residents' Association; Guqa Environmental Community Service; Highveld Environmental Network; Association for Environmental Defence; Mpumalanga Youth Against Climate Change and Wonderfontein Resettlement Forum.
2. We only deal with those aspects of the declaration in relation to which we have comments.

¹ groundWork is a non-profit environmental justice service and developmental organisation aimed at improving the quality of life of vulnerable people in South Africa (and increasingly 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. ELA is a non-profit organisation, founded in Johannesburg, South Africa, in 1988. SDCEA is an environmental justice organisation based in south Durban. It is made up of 16 affiliate organisations, and it has been active since its formation in 1996. It is considered successful for many reasons, one of which is that it is a vocal and vigilant grouping in terms of lobbying, reporting and researching industrial incidents and accidents in this area. It contributes to the struggle against environmental racism for environmental justice and environmental health. VEJA is a democratic alliance of empowered civil society organisations in the Vaal Triangle, who have the knowledge, expertise and mandate to represent the determination of the communities in the area to control and eliminate emissions to air and water that are harmful to these communities and to the environment. Among other things, it aims to promote a culture of environmental awareness and sustainable development.

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3. Regulation 3 and Annexure 1: Persons required to submit pollution prevention plans

3.1. Regulation 3 provides that “(a) person conducting an activity set out in Annexure I to this Notice which involves the emission of greenhouses (sic) declared as priority air pollutant in paragraph 2 in excess of 0.1 Megatonnes (10^9 kg) or more annually or measured as CO_{2eq} is required to submit a pollution prevention plan.”

3.2. As appears from the table below, Annexure 1 includes “agriculture, forestry and other land use” as emission sources and various types of “land” as activities – including “forest land”, “cropland”, “grassland”, “wetlands”, settlements”, and “other land”.

EMISSION SOURCES	ACTIVITIES
Agriculture, forestry and other land use	<p>Livestock</p> <ul style="list-style-type: none"> • Enteric fermentation • Manure management <p>Land</p> <ul style="list-style-type: none"> • Forest land • Cropland • Grassland • Wetlands • Settlements • Other land <p>Aggregate sources and non-CO₂ emissions on land</p> <ul style="list-style-type: none"> • Biomass burning • Liming • Urea application • Direct N₂O emission from managed soils • Indirect N₂O emission from managed soils • Indirect N₂O emission from manure management

3.3. It is submitted that natural areas such as “wetlands”, “grasslands” and “forest land” are not land use “activities”. It is possible that, if large enough an area, these systems could emit levels of some GHGs high enough to qualify to require a pollution prevention plan. However, the value of these ecosystems (e.g. forests, grasslands, and wetlands) as carbon dioxide equivalent (CO_{2eq}) sinks in their natural state² is immense, and the roles these natural systems play as ecological infrastructure in safeguarding life-support systems, livelihoods and delivering valuable ecosystem goods and services cannot be overemphasised. In fact, established forests are among the largest CO_{2eq} sinks of all biomes, taking up 2.4 billion metric tons (Pg) per year of carbon.³

² Pan, Y et al. (2011). A large and persistent carbon sink in the world’s forests. *Science*, 333(6045), 988-993; Scurlock, J. M. O., & Hall, D. O. (1998). The global carbon sink: a grassland perspective. *Global Change Biology*, 4(2), 229-233; Whiting, G. J., & Chanton, J. P. (2001). Greenhouse carbon balance of wetlands: methane emission versus carbon sequestration. *Tellus B*, 53(5), 521-528. Copies of these publications can be made available.

³ Pay, Y et al note 2 989.

3.4. Forests, grasslands and wetlands in South Africa therefore take up more CO_{2eq} than they release, if they are maintained in a natural state. It is not clear whether the intention of the Declaration is that someone who owns such natural areas is required to submit a pollution prevention plan for reducing CO_{2eq} emissions from these natural ecosystems if they are maintained in the natural state. It is submitted that this should not be the case.

3.5. In the circumstances, it is submitted that the Declaration should be amended to make clear that natural ecosystems are excluded from its application.

4. Please let us know should you require more information regarding any aspect of our submissions.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per:



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