



**SUBMISSION TO THE PORTFOLIO COMMITTEE ON
ENVIRONMENTAL AFFAIRS AND TOURISM
On the
NATIONAL ENVIRONMENTAL MANAGEMENT:
WASTE BILL (B39-2007)**

This submission is made by the Wildlife and Environment Society of South Africa (WESSA)

Submitted by:
Andy Gubb
Regional Manager: WESSA Western Cape
P.O. Box 30145
TOKAI
7966

16 November 2007

This comment on the proposed National Environmental Management: Waste Bill 39-2007, (the Bill) is by WESSA, a national, membership-based, environmental NGO whose mission is, "To promote public participation in caring for the Earth".

1. INTRODUCTION

Thank you for the opportunity to comment on this Bill. WESSA commends the Department of Environmental Affairs and Tourism for spearheading this much-needed initiative. WESSA is concerned that the Bill, in its current form, will not sufficiently address the extensive waste-related problems threatening human health, the biophysical environment and sustainability in South Africa. In our view these problems, which increasingly affect air and water quality, terrestrial, aquatic and marine ecosystems and, consequently, human health and economic well being, are symptomatic of greater ills related to development that does not observe or adequately mitigate the true costs of economic growth. Climate change and environmental degradation pose far-reaching threats to life on Earth. The issue of waste and its causes deserves urgent attention that is not always made explicit in the Bill.

2. GENERAL COMMENT

WESSA requests that the Bill explicitly exclude the incineration of waste as an acceptable means of waste disposal, other than cremation. The risks to people's health and the environment far outweigh any potential benefits of incineration.

3. SPECIFIC COMMENTS

Section 2 (Objects of the Act): WESSA suggests that the Objects of the Act be articulated more strongly to include the concept of zero waste and cradle to cradle management of waste. Reference should be made to establishing targets for waste reduction and time-frames for meeting these targets. With very little effort and minimal change in patterns of consumption and waste discharge, South Africans could meet the objects of the Bill as it is currently written. The objects should express the ideal to which we aspire and should not be watered down to accommodate current patterns of consumption and the economic growth imperative.

Section 2(a): WESSA suggests that the following wording be used (and that the same/similar words be used again in 2(b):

To protect the health and well-being of people and the environment

This recommendation applies elsewhere in the Bill where the same words are used.

Section 4 (Applications of the Act): WESSA does not support the list of exclusions from the provisions of the proposed Act. The Minister of environmental affairs is charged with a duty of care in terms of the environment of South Africa. This responsibility should not be diverted or abrogated. At the very least, there should be an explicit co-operative arrangement between the relevant Ministers in terms of the waste included in this section.

Section 6 (1) (a) (Establishment of a national waste management strategy): WESSA considers it unfortunate that the wording of this clause draws attention to the **generation** of waste, rather than the reduction and elimination of waste. WESSA suggests that the word "generation" be replaced.

Section 6 (1) (d): This is a particularly weakly worded clause, especially in view of the constitutional right that South Africans have to an environment that is not harmful to their health. The clause should go beyond "guidance on raising awareness" to proactive promotion of an environment that is not harmful to human health.

Section 6 (2): The national waste management strategy **must** include targets for waste reduction. Unless such targets are included and are obligatory, with consequences for their not being met, it is unlikely that the legislation will be effective. Likewise in Sections 6 (5) (a) and (b) the word "may" should be replaced with the word "must". It is difficult to imagine an effective waste management strategy that does not differentiate between different geographical areas and that does not differentiate between classes or categories of waste.

Section 6 (7): WESSA is concerned that it is left to the Minister's discretion to decide if the amendment to the national waste management strategy is substantive. At the very least, any changes to the strategy should be subject to written comment from the public. This comment applies to other such clauses elsewhere in the Bill.

Section 7 (National norms and standards): This is a critical aspect of the proposed legislation and the development of norms and standards should be the outcome of comprehensive public participation. WESSA suggests that, in developing the norms and standards, the Minister be required to adhere to the most comprehensive and stringent public participation procedures articulated in Section 73, including the requirement that interested and affected parties be allowed to make oral submissions.

Section 8 (Provincial norms and standards): Should an MEC set provincial norms and standards, the development of these norms and standards should be subject to the same stringent public participation requirements as the national norms and standards.

Section 9 (2) (b) (Waste service standards): The Bill states that municipalities are required to provide waste services "at an affordable price". Given the current levels of unemployment and poverty in South Africa, it is doubtful whether any waste service tariff is "affordable" to a vast number of South African households. The Bill should encourage more creative approaches to financing waste services such as the sorting of waste at source being "rewarded" with tariff-free waste collection. Throughout this section of the Bill, the emphasis should be on sorting at source rather than at municipal waste disposal facilities.

Chapter 3 (Institutional and Planning matters): A notable defect in this chapter is the lack of participatory structures and the reliance on "waste management officers". WESSA strongly recommends the formation of

a National Waste Management Committee, Provincial Waste Management Committees and, in the case of metropolitan municipalities at least, Municipal Waste Management Committees. As the Bill currently stands, too much power is vested in the Minister and MECs, who are politicians, and senior officials within departments, who are likely to be political appointees. This implies that integrated waste management plans are susceptible to political changes in government and thus the implementation of such plans could be hindered.

WESSA believes that the concept of "zero waste" should be firmly entrenched in this section of the Bill at local government level.

Section 12 (Reporting on implementation of waste management plans): Reporting must include the extent to which predetermined waste reduction/elimination targets have or have not been met.

Section 14 (Priority wastes): WESSA is uncertain as to the meaning of "priority wastes". Is this another term for "hazardous wastes"? If so, then WESSA considers it unacceptable to use an unfamiliar euphemism for the internationally acceptable and commonly understood term, "hazardous waste".

Section 14 (3): WESSA considers it entirely unacceptable that the potential impact to the national economy should have any bearing on the declaration of waste as "priority waste" when such waste poses a threat to the health and well-being of South African people and the South African environment.

Section 19 (1) (Listed waste management activities): This clause should be reworded to include the word "must", so compelling the Minister to publish a list of waste management activities that may have a detrimental effect on the environment **and/or on people's health.**

Section 29 (Preparation of industry waste management plans by organs of state): Certain industries should, as a consequence of the waste that they generate, be subject to industry waste management plans. WESSA recommends that the Bill oblige the Minister to develop regulations that contain a list of such industries. The relevant organ of state would thus be obliged to develop industry waste management plans for these industries, who would, in turn, be obliged to comply with these plans.

Section 36 (Identification contaminated land): WESSA is of the opinion that the identification of contaminated land is essential to the health of people and the environment. WESSA welcomes the inclusion of this section in the Bill and suggests that it be strengthened by making the investigation and identification of such areas obligatory.

4. CONCLUSION

Despite any shortcoming, WESSA is supportive of a number of key elements of the Bill that represent a positive move in terms of waste management in South Africa. These include the proposed Norms and Standards, the National Waste Management Strategy, the Waste Information System, the identification of Priority (Hazardous) Waste and the identification of contaminated lands.

Thank you, once again, for affording us the opportunity to comment on this Bill.

Forward to a healthy environment.



Andy Gubb