

# **Civil Society Statement: National Exchange on Struggles against Hazardous Waste in South Africa**

**December 2021**

## **Introduction**

We the affected communities of:

- Sobantu, Pietermaritzburg; Dolphin Coast, KwaDukuza; Richards Bay; Cato Ridge and South Durban in KwaZulu Natal;
- Midrand, Gauteng;
- Vaal Triangle, Gauteng and Free State;
- Aloes, Gqeberha, Eastern Cape; and
- Mining communities, Gauteng

gathered in solidarity from the 1-2 December 2021 in Durban, to call for a drastic reduction in the production and storage of toxic waste in South Africa and to halt the import of toxic waste into our country.

We, as representatives of millions of affected people, have gathered to share, understand and find equitable solutions to our common fight for the right to live in an environment that does not compromise our health and well-being. We believe that our people are entitled to environmental justice.

Poorly managed industries and toxic dumpsites throughout South Africa, that produce or handle highly hazardous material, are emitting toxic stench which cause chronic health complications for the affected communities.

The 2008 National Waste Act is being poorly implemented and often ignored by industry and inadequate or poorly trained compliance officers appointed by local authorities and government. As a consequence our communities face worsening environmental degradation and other negative impacts on their health and livelihoods.

## **Government is failing to protect its communities**

The communities are witnessing and experiencing the direct effects of the government's environmental negligence, dereliction and failures. Communities have raised serious concerns about the government's commitment to monitoring, assisting, and prosecution of polluters, and are demanding an open democracy based upon transparency and right to proper information.

South Africa does not have a clear national toxic waste master plan which will lead to the reduction in the production of toxic waste. This has allowed unscrupulous corporations to cut corners and inflict unspeakable injustices on the most vulnerable communities.

Toxic waste is more than an environmental problem. There is a direct link between the environment, pollution, workers and social justice issues. Affected communities deserve better, more than 3 decades after being exposed for importing mercury contaminated toxic waste and operating an environmentally hazardous recycling plant, the multinational Thor Chemicals is finally addressing the rehabilitation and removal of toxic hazardous waste from the site and returning it to Europe. The Department of Forestry, Fisheries and the Environment has started

the clean-up which will be completed by June 2022. Unfortunately the issue of the underpaid, exploited ex-workers with health complications due to mercurial poisoning has not been fully addressed.

### **Mining waste should be seen as a serious environmental crime**

In the heartland of our country there are hundreds of millions of tonnes of mining waste contaminated with heavy metals and uranium under the stewardship of the Department of Mineral Resources and Energy. These “mountains” pose present and future health risks to their surrounding communities.

Hazardous toxins are everywhere, the list is unbelievably long, from asbestos mining waste, to Sasol’s tar pits, ArcelorMittal’s unlined metallurgical waste dumpsites, Eskom’s unlined coal ash dumps, the uranium laced dumpsites, and the burning of toxic waste in incinerators and cement kilns. The Department of Forestry, Fisheries and the Environment has confirmed that there are 470 contaminated and rehabilitation sites in the pipeline. Each of these sites is a ticking time bomb with the affected communities having to live with the toxic waste legacy. These problems need to be urgently addressed.

### **Toxic landfill sites**

Toxic waste dumping is fuelled by dirty industries due to their poor circular economy implementation policies and failure to promote a regenerative economy.

When communities raise their united voices against toxic waste management companies who run toxic landfill sites, battles can be won, as happened at Enviroserve’s Hazardous dumpsite in Shongweni. Unfortunately this is an ongoing onslaught by unscrupulous polluters and the proverbial “bad smell” appears in another community in a site often operated by the same polluting company as is happening in the Midrand, Holfontein, Aloes, Umlazi, and Dolphin Coast. By standing together communities will prevail against these repeat perpetrators.

### **Burning landfills**

Poor landfill sites management and weak oversight of the licence conditions by authorities lead to environmental disasters with their corresponding health issues. This was recently witnessed at the Msunduzi (Previously Pietermaritzburg) landfill site where fires burned out of control for 5 days poisoning the locals and a massive negative impact on the environment. Community activism with the help of South African Human Rights Commission (SAHRC) led the high court to reach the decision which ordered the Msunduzi council to submit an action plan which would address the injustice, caused by the burning landfill, to the surrounding communities and to the environment.

### **Toxic Waste Trade**

groundWork is actively monitoring the Multilateral Environmental Agreements (MEAs) on toxics and waste trading (Stockholm, Basel and Rotterdam) and the Strategic Approach to International Chemicals Management coordinated by UNEP. groundWork is concerned that the MEA’s may be being used unscrupulously to trade in toxic waste. South Africa is importing 431,000 tons of toxic waste for treatment and recycling from Southern African Development Communities (SADC). It is aware of the tonnage but the Department of Forestry, Fisheries and the Environment is yet to confirm the categorisation of the imported waste. The communities

believe that there should be complete transparency on what and why South Africa is treating and storing other SADC countries' toxic waste.

### **Demands and recommendations**

After debate, discussion and due consideration we, the affected communities, demand that the government :

- publish a national Toxics Waste Reduction Plan;
- fully implement the National Waste Management Strategy, with clearly defined targets and milestones for the reduction of toxic waste towards a Zero Toxic Waste Policy;
- must properly consult with communities before approving, extending or renewing any toxic waste facilities. It must not merely go through the motions as has been witnessed by some of the communities;
- ensure that all important documents relating to toxic waste sites must be available to the public, especially lists of what has been dumped and the health risks associated with such waste. Landfills are forever and their legacies remain long after it has toxic waste has been buried;
- take legislative by-law compliance and enforcement more seriously, municipalities need to be properly capacitated to perform the duties;
- fully implement the Extended Producer Responsibility (EPR), which requires that those who produce toxics shall be responsible to ensure that such toxics return to site of production for proper reduction and disposal and to ensure that they do not end up in the environment.
- implement circular economy requirements on pollution producing industries with proper consultation with civil society.

Statement from the following affected communities;

Aloes Community, Amaphisi Enviro Group PTY (LTD), Durban Outer-West Environmental Committee, Dolphin Coast Air Pollution, Federation for a Sustainable Movement, Greater Midstream Forum, Isolemvelo Enviro Group, Sobantu Ratepayers, South Durban Community Environmental Alliance and the Vaal Environmental Justice Alliance.