



# GREEN GAIN CONSULTING

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## Presidential Mining Health and Safety Audit, 2008

News headlines have been littered with reports of mining accidents in the past year, hundreds of mine workers get killed and thousands injured each year due to insufficient health and safety precautions. This prompted the Presidential audit, in terms of the Mine Health and Safety Act of 1996, to assess what is being done and to what extent in the mining industry to ensure acceptable standards.



Injuries and deaths related to the mining industry have decreased in the past year, but the audit report released in February 2009 indicated that there is only an overall compliance of 66% in the mining industry. Critical management issues which were identified are shaft installation, communication, back-up power, risk assessment and control as well as training of all involved persons.

The Chamber of Mines has agreed to work towards implementing all recommendations making for a more health and safe environment for the people feeding the foundation of our country.

## Heritage VS Power

A grave knock for environmentalists has taken place in the planning of an open cast coal mine and power station on the outskirts of Mapungubwe World Heritage Site. The planning is already at an advanced stage for the Vele Mine and Mulilo Power Station, which will create about 600 much needed jobs in the area. The planning team admits that there may be potential disruption to 33 red data listed and legally protected species and noise disruptions may occur, but that the advantages of the development will far exceed the disadvantages. According to an article in The Sunday Times, 12 April 2009, there is much debate in government departments over how the decisions were made to mine and build a power station in the same locality as a world heritage site. Unfortunately there are few answers to be found at this stage.

South Africa is in the midst of a power crisis and job creation should be a priority but are we convinced that this should take priority over our much loved and treasured heritage site? Maybe it is time to really wake up and smell the coffee, air pollution and reality.

## New Legislation

### Environmental:

- **Environmental Conservation Act 73 of 1989: Waste Tyre Regulations, 2008:** The purpose of these Regulations is to regulate the manner in which used tyres are managed. These regulations prescribe a time frame and method of storage. No persons may recycle, recover or dispose of tyres unless they are authorized to do so.
- **Foodstuffs, Cosmetics and Disinfectants Amendment Act 39 of 2007.**
- **National Road Traffic Amendment Act 64 of 2008:** Amends the National Road Traffic Act of 1996 by amending and adding definitions.
- **National Radioactive Waste Disposal Institute Act 53 of 2008:** To provide for the establishment of a National Radioactive Waste Disposal Institute in order to manage radioactive waste disposal on a national basis; to provide for its functions and for the manner in which it is to be managed; to regulate its staff matters; and to provide for matters connected therewith.
- **Tobacco Products Control Amendment Act 63 of 2008:** New regulations are given for advertising, sponsorship and promotions.
- **National Environmental Management Amendment Act 62 of 2008:** To amend the National Environmental Management Act, 1998, so as to insert certain definitions and to substitute others; to further regulate environmental authorisations and to empower the Minister of Minerals and Energy to implement environmental matters in terms of the National Environmental Management Act, 1998.



- **Astronomy Geographic Advantage Act 21 of 2007:** This Act was passed on 17 June 2008. It is probably not what would usually be labelled environmental legislation, but it does have some environmental significance. It deals with the promotion of astronomy in South Africa in terms of reduction of light pollution.
- **National Energy Act 38 of 2008:** This Act is to ensure that diverse energy resources are available, in sustainable quantities and at affordable prices, to the South African economy in support of economic growth and poverty alleviation.
- **National Forest Act - Declaration of a List of National Forest Types as National Forests:** The Minister of Water Affairs and Forestry has declared that certain natural forest types, as set out in schedule A of NN 762, as natural forests.

## Health and Safety:

- **National Road Traffic Act 93 of 1996: Approved Dangerous Goods Training Bodies in terms of Regulation 280 (1) of the National Road Traffic Regulation, 2002:** Schedule 1 lists the approved service providers as Dangerous Goods Training Bodies.
- **Railway Safety Regulator Act 16 of 2002- Safety Permit Fee Notice:** This notice is applicable to all train operators and states the new permit fee.
- **Skills Development Amendment Act 37 of 2008:** Functions and composition of the National Skills Authority is stated in this amendment.
- **Labour Relations Act 66 of 1995:** A list of CCMA accredited bargaining Councils is given.
- **Standards Act 8 of 2008:** South African standards previously published by South African Bureau of Standards (SABS) are now published by Standards South Africa (SANS).
- **Incorporation of Standards into the Electricity Regulations of the Occupational Health and Safety Act 85 of 1993:** New SANS standards have been added.
- **Environmental Conservation Act 73 of 1989 - Regulations for the Prohibition of the Use, Manufacturing, Import, and Export of Asbestos Containing Materials:** If an organisation is involved in the acquisition, processing or repackaging of asbestos; manufacturing of asbestos containing materials, or distribution of asbestos or asbestos containing materials, a one year phase out plan must be submitted to DEAT.
- **Standards Act, 2008 Standards Matters:** New SANS standards in Schedule 1 and amendments to standards in Schedule 2.
- **Occupational Health and Safety Act 85 of 1993: Occupational Exposure Control Limit for Silica in Table: Amendment.** The above amendment amends the Occupational Exposure control limit in Table 1 of the Hazardous Chemical Substances Regulations from 0.4 mg/m<sup>3</sup> to 0.1 mg/m<sup>3</sup>.
- **National Building Regulations and Building Standards Act 103 of 1977 - National Building Regulations:** The Minister of trade and industry has under section 17(3) of the National Building Regulations and Building Standards Act declared these regulations, effective from 1 October 2008.
- **Compensation for Occupational Injuries and Diseases Act 130 of 1993:** The Minister of Labour has amended Schedule 4 of the Act with effect from 1 April 2008.

## Loud and Proud

### Welcome to New Clients

We would like to welcome our new clients and congratulate them on making the "green" choice!

A warm welcome to CSIR, NECSA, Department of Defence, Grinaker LTA, Vereeniging Refineries, Kaefer, BHP Billiton Khutala Colliery, G W Base, Zimco Group and Deutz Diesel!





## ISO 22 000 – The Healthy Option

ISO 22 000:2005 is the international food safety management standard and can add value to any organisation in the food chain by ensuring the delivery of safe food products. This standard requires the drawing up and implementation of a food safety management system

which then leads to the successful product of safe, quality foods.

GGC is currently examining the possibility of adding a Food Safety Suite on Digilex, dealing with ISO 22 000, to compliment the Environmental, Health and Safety and Quality Suites. For further information please contact us.



## A Greener Future for One and All

Here are some helpful hints from Eskom to minimise electricity usage, more handy hints can be found on [www.eskom.co.za](http://www.eskom.co.za).

- Do not overload your fridge, excessive products uses more electricity.
- Clean your refrigerator and freezer regularly to prevent build-up of frost as this increases energy consumption.
- Foods should be placed slightly apart on refrigerator shelves to allow the cooling air to circulate.
- Allow free circulation of heat within an oven. Place pans and containers so that they do not touch each other, or the sides of the oven.
- Use your microwave oven to cook small to medium quantities of food.
- A faulty appliance will not work efficiently and can waste energy, repair or replace them promptly.
- Keep your cooking equipment clean, it will last longer and use less electricity if well maintained.
- Dimming switches on lights allow you to regulate the light level and reduce electricity consumption to some extent.
- Set air conditioning units to re-circulate cool air instead of drawing in warmer outside air.
- Insulate the ceiling of your home.
- Seal air gaps in your home to prevent losing your expensive climate control.



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[www.digilex.co.za](http://www.digilex.co.za)

## **An Interesting Case - S v Mazibuko (Case no. 06/13865)**

“Water is life, sanitation is dignity” - The Department of Water Affairs

As part of the ‘privileged’ community in South Africa we often do not appreciate the constant flow of clean water which we have at our disposal. In this case the applicants, residents of Phiri, a township of Soweto, approached the Court to have certain provisions regarding their water supply set aside, declared unlawful and unconstitutional. This case was decided on 18 April 2008 in the Witwatersrand Local Division of the High Court and deals with the fundamental right to have access to sufficient water supply and human dignity.

### **Facts of the Case:**

Residents of Phiri are mainly poor, uneducated, unemployed with a high rate of HIV/AIDS infection and a higher number of people per household than average. These residents have 25 litres of free water per person per month or,

6 kilolitres of water per household per month supplied through a prepaid meter system. Once consumed, water supply is automatically cut off until credits are loaded on the prepayment meter. The prescribed minimum of free water supply, on average, does not last the applicants more than two weeks, which left them without water for half of each month. The prepaid water meter

system was compulsory in the fact that if a household did not allow for it to be installed, it would simply have to go without water. The alleged reason for the credit system was as a credit control measure as residents in Phiri often did not pay outstanding water accounts. These facts are played off against the Constitution in which section 27(1) guarantees everyone a right to water, although not unlimited water.

The applicants applied to the Court to have the amount of free water provided to them as well as the compulsory prepaid meter system declared unconstitutional and unlawful.

### **Judgment:**

Internationally it is accepted that the State is obliged to provide free basic water to the poor. The Water Services Act in South Africa stipulates minimum free water to be supplied, each Water Services Authority depending on its resources and needs may increase the minimum limit. It has to be taken into account that South Africa has a limited supply of water given that we live in a relatively arid country. Mogale City and Volksrust have increased their minimum supply of free water as they have the resources to do so; Water Services Authorities are obliged to do so if they are able.

The Court found that compulsory instalment of prepayment meters which automatically discontinues water supply when free water is finished, is unconstitutional and unlawful. Prepayment meters forced on these residents discriminates against their economic status, colour as well as sex as many of the households are headed by women. It also has to be kept in mind that HIV/AIDS infected persons and their care givers require more water for health and sanitation than average. Basic water services can not be denied to a person if they can prove to Water Services Authority that cannot afford to pay for such.

The Judge ordered that the Water Services Authority in question has the capacity and resources to increase the minimum water supply to residents to 50 litres per person per day and to supply in these quantities as well as option of installing prepayment meters or a credit option.



## Just For Interest Sake

### Job Creation in South Africa

In South Africa, as with most of Africa, littering is a HUGE problem! People don't seem to realise the environmental and health and safety consequences of littering and as sad as it seems, they think they are playing an important role in job creation. Money spent on cleaning up our towns and cities can be put to much better use in building and funding schools, hospitals and even libraries. Do your bit to stop littering and help build a nation of educated and healthy future leaders.

#### Quoting...

Man is a complex being: he makes deserts bloom - and lakes die. ~Gil Stern

Tomorrow - your reward for working safely today. ~Author Unknown

When one tugs at a single thing in nature, he finds it attached to the rest of the world. ~John Muir

Fresh air impoverishes the doctor. ~Danish Proverb

Nature, to be commanded, must be obeyed. ~Francis Bacon, *Novum Organum*, 1620

We have met the enemy and they are us! ~Walt Kelly, *Pogo*, 1971

### Sea Levels Creep Up

Two years ago the UN Intergovernmental Panel on Climate Change predicted a worst case scenario of a 59 cm rise in sea levels by the end of this century, now we are looking at a 1.2 m worst case scenario. Clearly the message of global warming is not shocking the world into submission, seems like our favourite holiday destinations are heading for extinction.

### Green Peace

Green Peace opened its first office in Africa in November 2008, Johannesburg can feel proud! This office will concentrate on environmental issues in South

Africa and will soon be followed by others all over Africa. Although research shows that Africa contributes very little to global warming, the region will be one of the hardest hit by its effects. This can make us all a little bit more proud but it means that Green Peace needs all the support it can get, lets send a little ubuntu their way!

### Water Concerns

In November 2008 the CSIR suspended Dr Turton after he wanted to do a presentation on the looming water crisis in South Africa, which seemed a bit rough for their taste. Dr Turton wanted to highlight the poor water quality in South Africa and how it is threatening our economic growth.

The law firm Werksmans has now published a legal brief further drawing our attention to the fact that water laws in SA, although stern, are not being implemented as they should. It is their opinion that water issues have to be dealt with NOW, as a crisis similar to the electricity crisis is awaiting our water supply. Werksmans suggests that the government needs to start fulfilling its Constitutional responsibility to ensure equitable access and sustainable use of water.

The Director General of the Department of Water Affairs and Forestry admitted last week that the department doesn't have the "capacity to meet its challenges". Maybe its time to make a stand to save the little water we have to our use instead of passing the buck?

### Renewable Energy Feed-In Tariffs

NERSA has announced its renewable energy feed-in tariffs in March serving as an incentive to big multinational companies to use more renewable energy. South Africa has an abundance of resources for wind, solar and hydro power and use of these renewable sources will take the weight off coal power stations and our precious environment – see "Heritage VS Power". Tariffs will be reviewed every year for the first 5 years and thereafter every 3 years.

### Some interesting links:

[www.urbansprout.co.za](http://www.urbansprout.co.za)  
Blog-styled site dealing with environmental and social responsibility issues.

[www.treevolution.co.za](http://www.treevolution.co.za)  
Environmental news and earth saving tips.

[www.thegreenconnection.org.za](http://www.thegreenconnection.org.za)  
Organisation supporting sustainable development.

[www.nationalgeographic.com](http://www.nationalgeographic.com)  
The ultimate for earth and nature lovers.

## German Genius

A solar energy system installed in June 2008 on the roof of the Deutsche Internationale School in Johannesburg, will see the school save more than 22 000 kWh of electricity a year. At about R30 000 the system should set a good example for other educational facilities in South Africa.

## Earn Your Reward

Section 34B of the National Environmental Management Act, 1998 states that if you help in bringing an environmental crime to justice, you may receive a quarter of the fine imposed as a reward. That is what we call community policing with a purpose!

## Responsible Retailers

Environmentally responsible companies in South Africa are making us all proud; ranging from the very small to international they are doing their bit to save our precious earth and all of its inhabitants.

2009 has seen the launch of Woolworth's Earth-Friendly range and Pick n Pay has installed a small urban wind farm at its regional office in Port Elizabeth for energy supply. Low-cost air carrier Kulula became South Africa's greenest airline for 2008 with the launch of their Project Green initiative which spreads carbon foot print awareness. Many Companies in South Africa are doing their bit with sustainable environmental practices such as reducing electricity use, waste, fuel and water consumption. Viva South Africa!



## Delegated Air Quality Functions

The National Environmental Management: Air Quality Act has begun its reign and will be fully in force by September 2009, basically it means:

- Air pollution control used to be an executive function; this responsibility now falls on Municipalities.
- Municipalities will have to issue atmospheric emissions licences (AEL) and ensure compliance and enforcement, this will in part be accomplished by Municipalities implementing air quality By-laws.
- Provinces have to implement Provincial Standards for air quality.
- High priority areas are the Vaal and Highveld.
- Ekurhuleni, Johannesburg and Cape Town are the first to jump on the band wagon with procedures for issuing AEL.
- The new AEL has a 20 page application compared to the 2 pages it used to be!
- For more information visit the SA Air Quality Info System at: [www.saaqis.org.za](http://www.saaqis.org.za).

## Greenhouse Cows!

Researchers at Dublin University College have found that increasing content of omega 3 fatty acids in the diets of cows decreases the amount of methane emissions as well as various other health benefits. Apparently farm animal 'emissions' are a major contributor to greenhouse gasses.

## Earth Hour – The World Takes a Stand

1858 cities and towns in 81 countries took their stand on 28 March 2009 to show support of Mother Earth by switching off their lights for an hour.



South Africans who participated in Earth Hour 2009 saved about 400 MW of electricity, 400 t of carbon dioxide, 224 t of coal and about 576 000 litres of water as reported by Eskom. For more information visit [www.earthhour.org](http://www.earthhour.org).

## Mercury Rising

Energy efficient light bulbs have done their bit to save electricity and in turn the environment but what we fail to realise is that the mercury contained in these light bulbs are poisoning our environment and posing a serious health risk if disposed of with regular waste. Look out for special boxes at Pick n Pay where you can dispose of your energy saving light bulbs without disposing of our environment.

## Environmental Heroes

The Green Scorpions, or more precisely Environmental Management Inspectors (EMIs), have made a name for themselves by being the heroes to our environment. Since their first arrest in January 2004 they have grown in number and force ensuring compliance and enforcement of environmental laws in South Africa. The National Environmental Laws Amendment Bill empowers the Minister to designate EMIs and they receive their training, which now includes forensic training, through UNISA and the University of Pretoria.

You can do your bit to support their message to environmental criminals by reporting any crimes or incidents to 0800 205 205.

## Reminder to Miners

Urgent reminder to all clients in the mining industry: All applications to the DME to have old order mining rights converted to new order mining rights close at the end of April 2009.

## New in DigiLex - Incident Management System

DigiLex now has a comprehensive incident management system configurable to your needs. Create your own incident types and locations. Log incidents, create corrective actions, automatic email notification when an incident is created, or when an update is closed or overdue, easy search facility based on status (closed, open overdue, location, incident type, time period and time of day). Full reports can also be printed – convenience and productivity at its best!

Please let us know if you require DigiLex training, updates or any additional information.

Regards,

GGC Team