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Dear Mr Molokwane

Just Share's comments on the 29 August amendments proposed to the Listed Activities and associated Minimum Emission Standards

Introduction

1. Just Share appreciates the opportunity to provide comment on the latest amendments proposed to the *List of activities which result in atmospheric emissions which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage* (List of Activities), published in the Government Gazette on 29 August. We align with the submissions of the Life After Coal (LAC) Campaign submitted by the Centre for Environmental Rights (CER).

2. The List of Activities and its associated minimum emission standards (MES) aim to protect the environment and human health from toxic pollutants by limiting industrial emissions.

3. According to the Gazette, the purpose of the proposed amendments is to "address regulatory shortfalls identified in the implementation" of the existing List of Activities. This includes to "improve the implementation of the currently regulated activities by… strengthening the pollution prevention and minimizing the emissions from the listed activities …" and "providing clarity for improvement of interpretation".

4. To date, South Africa's air quality and climate policy have been significantly undermined by persistent lobbying by vested interests - particularly by the fossil fuel industry and its representatives - seeking to weaken and delay regulation. Just Share has repeatedly warned against succumbing to this lobbying, which has been and continues to be to the detriment of the country's long-term environmental and economic sustainability. In the air quality context, in particular, this also has severely negative impacts on human health and wellbeing.

5. Since its inception (and despite extensive industry participation, over many years, in setting the MES), the List of Activities and associated MES has been significantly weakened and, we argue, incorrectly interpreted, for the benefit of industry. Additional amendments should

aim to rectify this position so that the List of Activities can meet its purpose. **These amendments should be published for comment**.

6. Unless proposed amendments to the List of Activities **address and correct recent extremely worrying interpretations of paragraph 12A of the Listed Activities and section 59 of the National Environmental Management: Air Quality Act, 2004 (AQA)**, they will fail to meet the aims as set out in the Gazette.

7. The proposals to include weaker MES (for proposed new/amended subcategories) than the MES in comparable subcategories in the current List of Activities also undermines the stated aims of the List of Activities and the proposed amendments. We confirm that Just Share **strongly opposes any further weakening of the already-weak MES: in fact, the MES should be significantly strengthened, particularly in priority areas**.

8. **Brief background to the undermining of the List of Activities**

8.1. The List of Activities was first published in 2010, as a compromise position, following a multi-year, multi-stakeholder process. Industry had initially sought to "grandfather" existing plants so that they would never be required to comply with MES, but this was rejected by government – the List of Activities as published, provided five years for existing plants to come into compliance with existing plant MES, and ten years for these plants to meet so-called "new plant" MES.

8.2. As DFFE is aware, although the 2020 MES are referred to as "new plant" MES, these are significantly weaker than MES even in other developing countries. For instance, South Africa's SO_2 MES for solid fuel combustion installations are now approximately 10 times weaker than the equivalent standards in India and about 28 times weaker than the standards in China. This despite the fact that air quality is exceptionally poor in various parts of the country, and results in significant adverse health impacts and consequent violations of constitutional rights.

8.3. Despite their active involvement in setting the MES, in 2013, once the MES's first compliance deadline was nearing, both Eskom and Sasol initially sought to be completely exempt from the MES. The then Minister (Edna Molewa) refused this request, **reiterating that, as Sasol was well aware, it was not legally permissible to grant MES exemptions, but that postponements were possible**.[1]

8.4. Subsequent to that failed exemption attempt, and instead of making the investments required to meet the standards, both entities have, over the years, brought multiple applications to the National Air Quality Officer (NAQO) to delay and/or be exempt from MES

[1] https://www.gov.za/news/media-statements/minister-edna-molewa-welcomes-sasol-decision-withdraw-litigation-against

compliance. Most of these applications have been granted either by the NAQO or on appeal to the Minister of Forestry, Fisheries and the Environment.

8.5. In 2013, long after its own studies had revealed severe human health impacts from its air pollution,[2] Eskom brazenly claimed that "power station emissions do not harm human health".[3] **It seems inescapable that industry never intended to comply with the bulk of these pollution standards. Its calculation that it would never be held accountable for non-compliance also appears to have been correct**.

8.6. In May 2014, whilst its first such application was pending, Sasol brought a court application seeking to set aside the majority of the MES in their entirety. The respondents were the then Minister and the then NAQO, Thuli Khumalo. The NAQO was, of course, also the decision-maker in the pending Sasol MES application.[4]

8.7. This application was vigorously opposed by Khumalo, who, in her October 2014 answering affidavit, called Sasol out for its "opportunistic" and "misleading" application. She also referenced its "apparently deliberate obfuscation of the whole concept of [MES]", and said:

> *Achieving ambient air quality standards…is not an exercise in economics nor is it a matter for negotiation with [Sasol]: the fundamental right may not be infringed … and their argument or defence, that they are infringing that environmental right because it costs too much to adapt their existing plants and bring them up to standard, must be rejected out of hand. They very idea that our fundamental rights are only valid if they are regarded as being afforded by those undermining these rights is ludicrous*.[5]

8.8. When the NAQO granted Sasol's pending application to postpone MES compliance in February 2015 – including a postponement of the SO_2 new plant MES until April 2025 - Sasol withdrew its court application.

8.9. In October 2018, then acting Minister Derek Hanekom published a standard of 1000 mg/Nm^3 for coal boilers – half as strong as the previous standard published more than eight-and-a-half years prior. He did so without inviting public comment, as required by AQA, and presumably as a result of persistent lobbying by industry. Interested and affected parties addressed correspondence to Minister Hanekom and then to Minister Nomvula Mokonyane, seeking the urgent withdrawal of this unlawful notice, to no avail.

8.10. Also in the October 2018 amendments to the List of Activities, it was made clear that, *inter alia*:

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2 https://lifeaftercoal.org.za/virtual-library/key-information/eskom-health-studies
3 https://cer.org.za/wp-content/uploads/2014/08/1_-Eskom-BID-11-June-2013.pdf
4 https://cer.org.za/programmes/pollution-climate-change/litigation/legal-challenges-in-relation-to-the-air-pollution-and-the-minimum-emission-standards/sasol-synfuels-pty-ltd-and-others-v-minister-of-environmental-affairs-and-another
5 https://cer.org.za/wp-content/uploads/2014/12/Respondents-Answering-Affidavit.pdf

8.10.1 no further postponements of 2015/existing plant MES would be granted;

8.10.2 only one postponement is permitted of 2020/"new plant" MES, and no such postponement would be valid beyond 31 March 2025; and

8.10.3 only existing plants that would be decommissioned by 31 March 2030 could apply - by 31 March 2019 - for a "once-off suspension of compliance" with new plant MES.

8.11. The same amendments introduced paragraph 12A, which makes provision for an existing plant to submit an application "regarding a new plant standard… if the plant is in compliance with other emission standards but cannot comply with a particular pollutant or pollutants". We address this provision from paragraph 9 below.

8.12. In December 2018, Mokonyane announced her intention to appoint an "SO_2 expert panel". This panel was established in September 2019 to "provide strategic and technical guidance towards effective management of SO_2 emissions from old and existing plants".

8.13. In May 2019, following unsuccessful efforts to resolve the issue of the unlawfully-doubled SO_2 MES without litigation, environmental justice group groundWork was forced to approach the court to seek aside the unlawful notice. In May 2019, Mokonyane withdrew the notice and gave the public 30 days to comment on the same proposal to make the SO_2 standard double as weak.

8.14. Despite evidence of significant health impacts of this doubled standard, then Minister Barbara Creecy published the new standard of 1000 mg/Nm^3 for implementation in March 2020.[6]

8.15. The SO_2 expert panel submitted its final report to DFFE in July 2021. Despite requests and despite the clear public interest in the panel's recommendations, these have not been made public by DFFE, nor has any public explanation been given as to whether the panel's recommendations are being followed and why.

8.16. In March 2022, the High Court recognised, in the Deadly Air decision, that the poor air quality in the Mpumalanga Highveld region breaches residents' constitutional rights to an environment that is not harmful to their health and well-being. The Court also held that the rights enshrined in section 24 of the Constitution of the Republic of South Africa, 1996, are immediately realisable. It ordered the Minister to make regulations to implement and enforce the HPA's air quality management plan (AQMP). To support this relief, the applicants in the court case – groundWork and the Vukani Environmental Movement – provided evidence that Eskom's then 12 coal-fired power plants, Sasol's Secunda Operations and Sasol and Total's Natref refinery were responsible for by far the bulk of the air pollution.[7]

6 https://cer.org.za/news/amidst-the-covid-19-pandemic-government-locks-sa-into-deadly-air-pollution
7 https://cer.org.za/wp-content/uploads/2019/06/Andy-Gray-Report.pdf

8.17. In April 2022, Creecy challenged, on appeal, the court's decision that she had a *duty* to publish the regulations to implement and enforce the AQMP. On 26 August 2024, two days before the appeal hearing, the current Minister, Dion George, published the regulations.

8.18. On 11 April 2025, the Supreme Court of Appeal (SCA) dismissed the Minister's appeal, finding that the **Minister did have a legal duty to prescribe regulations to implement and enforce the HPA AQMP**.

8.19. The SCA judgement commented, in paragraph 39, that a 2019 socio-economic impact assessment report authored by DFFE officials:

> *indicated that the main cause of the challenges related to the implementation of the Highveld Plan was the negative attitudes from major polluters* ***who did not consider the air quality management plans as binding legal documents, and that stakeholders could not be held accountable as no punitive measures could be applied.*** *Its final conclusion was that the best course of action would be to create implementation regulations because that could potentially save lives and yield better health outcomes. The Department, in its Impact Assessment Report, concluded that existing regulatory measures were insufficient to give effect to the Highveld Plan, and that implementation regulations would be a more efficient means of achieving the goals set out in the plan. These are compelling factors that ineluctably point to the need to create the regulations. The* ***very fact that high levels of pollution continue unabated in the HPA despite the dangers they pose to the community, including children, is a clear attestation that the non-binding set of goals contained in the Highveld Plan are insufficient to achieve the substantial reductions in atmospheric emissions that are required in the HPA***. (Just Share's emphasis).

8.20. Despite this order, as the DFFE will know, Sasol has recently instituted litigation in which it seeks an order:

8.20.1 that the targets referred to in regulation 4(1) of the Regulations for Implementing and Enforcing Air Quality Management Plans, 2025 (the Regulations) are non-binding goals;

8.20.2 that regulation 5(4) of the Regulations, read with the Second-Generation HPA AQMP, 2025, does not require a stakeholder to submit an emission reduction and management plan that achieves a 40% reduction of pollutants by 2030; and

8.20.3 reviewing and setting aside the HPA AQMP to the extent that paragraph 4.1 (read with tables 4.2 and 4.3) sets a 40% emission reduction goal by 2030.

8.21. In other words, in addition to, and despite the other leniency already granted to industry in relation to air quality compliance and the findings of the High Court and SCA, Sasol seeks confirmation that it **is not required to comply** with the AQMP and the regulations.

8.22. Next, we summarise why the proposed amendments should provide a clearer interpretation of paragraph 12A of the List of Activities and section 59 of AQA, based on the 2024 and 2025 Eskom and Sasol MES decisions. (We are aware that the Ministers were guided in these decisions by the National Environmental Consultative and Advisory Forum and, for the Sasol decision, a slightly differently constituted appeal panel (which also consisted of a consultant appointed by Sasol to prepare the application that was the subject of the appeal, until Just Share objected to this blatant conflict of interest)).

9. The need to clarify interpretations of paragraph 12A and section 59

9.1. The proposed amendments to the Listed Activities provide an important opportunity for DFFE to clarify the interpretation of paragraph 12A of the List of Activities and its position in relation to section 59 of AQA MES exemptions. This should be done by means of **additional proposed amendments to the List of Activities, which should be published for comment**.

9.2. We agree with the interpretation of paragraph 12A provided by the current NAQO, Patience Gwaze, in her 11 July 2023 decision refusing Sasol's application for an "alternative emission limit" for the emission of SO_2 from the 17 coal boilers at its Secunda Operations.[8] She pointed out, *inter alia*, that the **List of Activities only permits one postponement of compliance with the 2020 MES, and that Sasol had already been granted that indulgence**. Her decision states that, "**to consider any deviation from the MES, including by an alternative emission limit, after the March 2025 compliance deadline, would be contrary to the purpose of the [List of Activities] and the empowering legislation**" (Just Share's emphasis).

9.3. In the appeal of this decision by Sasol, the NAQO submitted, correctly in our view, that to allow such application post 21 March 2025 would open the doors for paragraph 12A to be used as a mechanism "for perpetual postponements in terms of which emitters circumvent their obligations under NEMA and any other specific environmental management Act, by veiling their postponement applications as alternative emission limit applications".

9.4. We agree. If paragraph 12A were intended to allow facilities "that cannot comply with [emission standards for] a particular pollutant or pollutants" to receive additional leniency beyond 31 March 2025, **then the prohibition in paragraph 11A (on new plant MES postponements post 31 March 2025) is completely superfluous**. Every single facility (except perhaps for any that do not comply with *any* emission standards) would simply instead apply in terms of paragraph 12A, so that these applications are not limited to 31 March 2025 and/or to compliance with 2020/new plant standards. This is clearly not what was intended by the legislation.

[8] https://justshare.org.za/wp-content/uploads/2024/04/Annexure-C-1.pdf-NAQO-decision.pdf

9.5. Sasol appealed the NAQO's decision to Minister Creecy, and Just Share opposed this appeal in August 2023.[9]

9.6. Also in August 2023, the CER approached the High Court to seek clarity on the correct interpretation of paragraph 12A.[10] This application remains pending.

9.7. When Just Share approached Minister Creecy in the same month, setting out our interpretation of the provision and seeking her confirmation that it was correct, she responded that the outcome of the CER litigation should be awaited.[11] (We also asked a copy of the final report submitted to DFFE by the SO_2 expert panel, or reasons for a refusal to make such report available, but Creecy did not respond to that request).

9.8. Despite the NAQO's July 2023 interpretation of paragraph 12A, and despite opposition to Sasol's appeal of Gwaze's decision which demonstrated significant adverse health impacts from emissions at Sasol's alternative limit (50-130% higher negative impacts on human health than if Sasol complied with the legislated SO_2 limit), in April 2024, Minister Creecy granted Sasol the alternative load-based limit from April 2025 until 31 March 2030, with conditions.[12] Sasol had sought ongoing leniency beyond 31 March 2030, with no proposed date at which it would eventually comply with the MES.

9.9. However, Creecy did not explicitly limit the paragraph 12A leniency to 31 March 2030. She confirmed that alternative limits are "temporary" and cannot be granted "in perpetuity". She stated that "the NAQO would need to exercise her discretion in accordance with the principles of NEMA and the NEMAQA, to bring emitters into compliance as soon as possible". In this regard, in **Sasol's latest reporting suite, it has made clear that it anticipates seeking the extension of this leniency beyond 31 March 2030**.[13]

9.10. As per one of the appeal conditions, in July 2024, Minister George provided his decision on the concentration-based limit to be applied together with the load-based limit approved by Minister Creecy in April. He decided that the limits should be 1700 mg/Nm³ for the west stack of boilers and 1400 mg/Nm³ for the east stack, incorrectly stating that this was "aligned with the recommendation" of Just Share's expert.[14]

9.11. Another of the conditions is that Sasol must send a monthly report to the NAQO analysing the data and assessing compliance with the standards. Sasol must also make this report

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9 https://justshare.org.za/media/news/just-share-opposes-sasols-appeal-against-compliance-with-air-pollution-laws/

10 https://cer.org.za/news/the-minister-of-forestry-fisheries-and-the-environment-and-national-air-quality-officer-face-legal-action-over-alleged-permitting-of-excessive-hydrogen-sulfide-pollution-by-arcelor-mittal-south-afric

11 https://justshare.org.za/wp-content/uploads/2024/04/230914_Letter-from-Minister-to-JS.pdf

12 https://justshare.org.za/media/news/climate-change/minister-grants-sasols-so%e2%82%82-appeal-carbon-majors-database-confirms-sasol-one-of-worlds-largest-carbon-emitters-since-paris-agreement-2/; https://justshare.org.za/op-eds/minimum-emission-standards-minimised-again-sasols-air-pollution-appeal-succeeds/

13 Page 42 of Sasol's Form 20-F to the US Securities and Exchange Commission.

14 https://justshare.org.za/mailpoet/new-environment-minister-imposes-stricter-sulphur-dioxide-limit-than-sasol-sought-but-company-can-still-pollute-far-above-legislated-limits/

publicly available on its website. Until recently, only the April 2024 monthly report was made available on Sasol's website.[15]

9.12. At around the same time as the Sasol appeal was granted, and despite the devastating health impacts of air pollution and the deaths attributed to Eskom emissions,[16] Minister Creecy also gifted Eskom massive air pollution indulgences.[17] These included further postponement of MES compliance for three power stations and suspension of compliance for five power stations (despite Eskom's failure to provide clear and detailed decommissioning schedules and its failure to apply by the 31 March 2019 for all applications – both of which are legally required for MES suspension applications).

9.13. Most concerningly, Creecy invited Eskom to apply to be **permanently exempt** from the MES in relation to four power stations in terms of section 59 of AQA.

9.14. In November 2024, Eskom applied for exemptions for eight of its coal-fired power stations.

9.15. Also in November 2024, Earthlife Africa Johannesburg and groundWork, represented by CER, approached the High Court to review and set aside decisions by the Minister and the NAQO granting Eskom permission to suspend or postpone compliance with the MES at 8 of its coal fired power stations.[18] This application is pending.

9.16. On 31 March 2025, Minister George, relying on section 59, granted various exemptions to all eight stations (with some conditions) – until 1 April 2030 for five stations (Kendal, Lethabo, Majuba, Matimba and Medupi), until 5 June 2030 for Tutuka; until 21 February 2034 for Duvha; and until 20 July 2034 for Matla.[19]

9.17. We dispute that the Minister should have granted the exemptions. It has always been made very clear that exemptions from *minimum* standards are simply **not** legally permissible and we dispute that section 59 of AQA is applicable to the List of Activities. The legislation did not intend to allow exemptions from the MES.

9.18. In September 2025, Vukani Environmental Movement, groundWork, and Earthlife Africa, represented by the CER, instituted review proceedings challenging Minister George's decision to exempt eight Eskom coal-fired power stations from MES compliance. The applicants seek, among other relief, a declaratory order that section 59 of AQA does not

15 https://www.sasol.com/esg/environment/air-quality/atmospheric-emissions-licences-disclaimer

16 See, for example: https://cer.org.za/wp-content/uploads/2019/06/Andy-Gray-Report.pdf; https://energyandcleanair.org/publication/health-impacts-of-eskoms-non-compliance-with-minimum-emissions-standards/

17 https://justshare.org.za/wp-content/uploads/2024/07/Eskom-Minister-appealdecision_eskom_22may2024.pdf

18 https://cer.org.za/programmes/pollution-climate-change/litigation/legal-challenges-in-relation-to-the-air-pollution-and-the-minimum-emission-standards/review-application-on-eskom-compliance-with-minimum-emissions-standards

19 https://justshare.org.za/wp-content/uploads/2025/09/Ministers-Decision-on-the-Eskom-Exemptions-Application-1.pdf; https://www.dailymaverick.co.za/article/2025-03-31-eskom-granted-air-quality-exemptions-under-strict-conditions/

empower the Minister to grant MES exemptions. In the alternative – if the court disagrees about section 59 - the applicants submit that section 59 is unconstitutional, as it unjustifiably limits the constitutional right of everyone to an environment that is not harmful to their health or well-being, as guaranteed by section 24 of the Constitution.

9.19. Part of the alternative relief sought is that, should the exemption decision not be set aside as unlawful and invalid, Eskom must be ordered to comply fully with all conditions imposed in the Minister's decision and to file regular reports demonstrating the steps taken to give effect to those conditions. Eskom must take all necessary steps to meet the MES.

9.20. **Multiple concessions have been made over the years to industry** – including: allowing industry to help set the MES; giving more than five years' notice of MES becoming applicable for the first time; providing an extra give years in the List of Activities for existing plants to meet new plant MES; then making provision for further postponements of five years to meet both existing and new plant MES; making provision for "suspension of compliance" with new plant MES to be decommissioned by 31 March 2030; ignoring the deadline of 31 March 2019 for such suspension applications to be made; and making the SO_2 new plant MES for solid fuel combustion installations twice as weak. In addition, the interpretation that the Minister has given to paragraph 12A allows yet further leniency – with no apparent limitation on such applications.

9.21. The new decision to allow industry to be exempt from the MES completely undermines the air quality architecture – not to mention constitutional rights. It renders the whole process of establishing the List of Activities and associated MES superfluous. If exemptions were always applicable, industry would never have applied for what Eskom called "rolling postponements", but would have stuck with their initial 2013 approach (rejected by Minister Molewa) of never having to meet the MES.

9.22. We dispute that these interpretations given to paragraph 12A and section 59 were ever the intention of the legislature. We call on DFFE to clarify its view on the interpretation of the provisions and publish these proposed amendments for comment.

9.23. Next we provide some specific comments on the proposed amendments. We confirm that we align with the LAC's recommendations.

10. No regression of the MES is appropriate

10.1. Some of the proposed amendments include new categories and subcategories of activities, but with weaker MES than are set out in comparable categories. This undermines the entire legislative scheme and specifically the purpose of the List of Activities. Not setting MES for these new categories at least at the current MES for comparable activities would enable, or even encourage, regulatory arbitrage. For instance, as set out in the LAC comments:

10.1.1 The proposed new subcategory 1.7 is comparable with subcategory 1.1, applicable to larger boilers. However, the proposed PM limit values of 120 (new plant) and

250 mg/Nm^3 (existing plant), and SO_2 new plant limit value of 2800 mg/Nm^3 are considerably more lax than subcategory 1.1 PM values of 50 and 100 mg/Nm^3, and new plant SO_2 value of 1000 mg/Nm^3 (previously 500, but made doubly as weak in 2020). **PM and SO_2 new plant emission limits for subcategory 1.7 should be consistent with the subcategory 1.1 new plant values; that is, they should be 50 mg/Nm^3 (PM) and 1000 mg/Nm^3 (SO_2), respectively**.

10.1.2 The proposed new subcategory 1.8 is comparable with subcategory 1.2, applicable to larger plants, but the proposed new plant PM limit value is half as strict. **The new plant PM limit value for subcategory 1.8 should be consistent with the subcategory 1.2 value of 50 mg/Nm^3**.

10.1.3 The proposed new subcategory 1.10 is comparable with subcategory 1.4, applicable to gas combustion installations, but the proposed emission limits are much more lax. **The new plant PM limit value should be 50 mg/Nm^3**.

10.1.4 The proposed new subcategory 1.11 is comparable with subcategory 1.3, applicable to solid biomass combustion installations, but the new plant PM and SO_2 limits are more lax than the subcategory 1.3 MES of 50 and 500 mg/Nm^3, respectively. Weaker limits should not apply to two or more boilers with a combined capacity greater than or equal to 50 MW compared with limits for a single unit with a capacity greater than or equal to 50 MW, else it would enable or encourage regulatory arbitrage**. The emission limits and special arrangements should be identical to existing subcategory 1.3 prescriptions for PM and SO_2:**

(3) *Subcategory 1.3: Solid Biomass Combustion Installations*

Description:	Solid biomass fuel combustion installations used primarily for steam raising or electricity generation.		
Application:	All installations with design capacity equal to or greater than 50 MW heat input per unit, based on the lower calorific value of the fuel used.		
Substance or mixture of substances		**Plant status**	**mg/Nm^3 under normal conditions of 10% O_2, 273 Kelvin and 101.3 kPa.**
Common name	**Chemical symbol**		
Particulate matter	N/A	New	50
		Existing	100
Sulphur dioxide	SO_2	New	500
		Existing	3500
Oxides of nitrogen	NO_X expressed as NO_2	New	750
		Existing	1100

(a) The following special arrangements shall apply –

(i) Continuous emission monitoring of PM, SO_2 and NO_X is required, however, installations less than 100 MW heat input per unit must adhere to periodic emission monitoring as stipulated in Part 2 of this Notice.

10.1.5 The total organic compounds emission limit values for processes using “non-thermal” abatement methods are unacceptably high: more than 250 times higher than for “thermal abatement processes. This applies both to the current category

6 and to the proposed replacement provisions. As set out in the addendum to the LAC submissions, the current category 6 emission limit of 40 000 mg/Nm^3 for volatile organic compounds (VOCs) for non-thermal abatement processes is inconsistent with international best practice and with South Africa's own standards for thermal abatement (150 mg/Nm^3). **This should be revised to a performance-based threshold of around 500 mg/Nm^3, which is aligned with global benchmarks and achievable control efficiencies**.

Conclusion

11. We agree strongly that DFFE should "address regulatory shortfalls identified in the implementation" of the List of Activities and associated MES. It is crucial and urgent that it clarify various problematic aspects of the List of Activities to ensure that its interpretation does not continue to support non-compliance, and ongoing violations of the environmental right. The DFFE should also make clear that section 59 of AQA exemptions are not applicable to *minimum* standards. Thereafter, comment should be invited on these further proposed amendments.

12. We are available to discuss any aspect of these comments in further detail and would be grateful to be included on all mailing lists regarding air quality legislation and policy.

Yours faithfully
JUST SHARE

Per: 

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