

Comments on proposed amendments to the listed activities and associated minimum emission standards, 2026 (Department of Forestry, Fisheries & the Environment)

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Dear Ms Molokwane

Just Share's comments on the 28 August amendments proposed to the List of 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 28 August. Since these proposed amendments are substantially a re-publication of the proposed amendments made in August 2025, we also stand by our 13 October 2025 submissions made on the amendments proposed on 29 August 2025.
2. We reiterate our requests for the comments-and-response report (CRR) for submissions made on the 2025 proposed amendments. We also look forward to seeing the CRR for the current proposed amendments.
3. We also refer to the email correspondence addressed to the Department of Forestry, Fisheries and the Environment (DFFE) in September 2026 about what appear to be significant typographical/transcriptions errors in sub-category 8.1 of the List of Activities. As a result of these errors, far more lenient minimum emission standards (MES) than approved





are incorrectly stated in the Government Gazette for: hydrogen fluoride; the sum of lead, arsenic, antimony, chromium, cobalt, copper, manganese, nickel, vanadium; and cadmium thallium. These errors should be remedied on an urgent basis and published in the Government Gazette.¹

4. Upfront, we would like to acknowledge and express our very strong support for two proposed amendments highlighted by the Minister:
 - 4.1. that paragraph 12A be amended to include a time-bound clause (although, as set out below, we disagree that this leniency should be available until 31 March 2030); and
 - 4.2. that compliance timeframes for the proposed stricter hydrogen sulphide (H₂S) new plant MES be shortened to 12 months.
5. We reiterate our view that paragraph 12A undermines the air quality regime to the extent that it provides yet another opportunity to postpone legal compliance. Should it remain part of the legislative framework, the Department should ensure **that its use is as circumscribed as possible**. The fact that Sasol has obtained paragraph 12A sulphur dioxide (SO₂) leniency until 31 March 2030 **should not mean that other polluting facilities can also be granted an additional 5 years of MES non-compliance**. Paragraph 12A should be clearly limited to a single pollutant, a single application – to be made no later than 31 March 2027, and for a period not exceeding 31 March 2028. Even if this case, it would mean that facilities that did not qualify for once-off suspensions and were not granted exemptions (which we argue are unconstitutional), are provided **8 extra years to meet new plant MES**, in circumstances where these facilities were aware, since 2005, that MES would be implemented.²
6. We urge the Department to implement: a time-bound clause for paragraph 12A (including for applications); and the proposed H₂S MES and compliance timeframe, despite the likely continued vigorous industry lobbying against them. In this regard, in its latest reporting suite, Sasol has stated that:
 - 6.1. it is likely to apply for further SO₂ leniency after 31 March 2030³ - beyond the paragraph 12A and other leniency already granted to it (which was summarised in our October 2025 submissions); and

¹ On 14 September, Mr Krishnanund indicated to the writer by email that the Department would look into this and “respond in due course”.

² The MES were set in a multi-year, multi-stakeholder consultative process in which polluting facilities were active and vocal participants. The National Environmental Management: Air Quality Act, 2004 was published in the Government Gazette in February 2005. Section 21 of the Act prescribes a list of activities for which MES must be set and which require an atmospheric emission licence. The List of Activities was published on 31 March 2010 and section 21 commenced on 1 April 2010.

³ Sasol Form 20-F p 43.



- 6.2. the proposed H₂S limit change in subcategory 3.6 for Rectisol off-gas from 3500 mg/Nm³ to 600 mg/Nm³ is “not currently achievable with available technology, posing a compliance risk for the Secunda Operations if the standard is adopted”.⁴ We understand that Sasol’s Form 20-F Report in which this comment was made was published *before* the latest proposed amendments – in other words, when the compliance timeframe of three years was proposed. As a result, the Department should expect significant pushback from Sasol here, especially given the Department’s updated proposal to limit the compliance timeframe to one year.
7. Given the severe health impacts and externalised costs of Sasol’s emissions – addressed in paragraph 11 below - we reiterate our strong support for Sasol not to obtain any further MES leniency beyond what has already been granted to it, and for the stricter H₂S limit and compliance timeframe.
8. We also reiterate our view that allowing section 59 (of the National Environmental Management: Air Quality Act, 2004 (AQA)) MES exemptions – as was done for Eskom – is unconstitutional. We again ask the Department to **amend the List of Activities to prohibit exemptions**. It was never the intention of the legislation to allow exemptions from *minimum* standards, as former Minister Molewa herself made clear.⁵ If polluters seeking further leniency beyond paragraph 12A are simply instead granted exemptions from MES compliance, the entire air quality architecture is rendered redundant.
9. Below, we draw Department’s attention to a recent health impact assessment by the Centre for Research on Energy and Clean Air (CREA), which demonstrates that emissions from Sasol’s Secunda Operations, although reported to be in compliance with its atmospheric emission licence (AEL), have deadly consequences and result in significant costs. We reiterate our position that the SO₂ leniency should not have been granted to Sasol and that it should be brought into compliance with new plant SO₂ MES as soon as possible.
10. From paragraph 14, we address specific amendments proposed to the List of Activities.
11. **Sasol Secunda emissions: 1000 premature deaths at cost of R18,7 billion a year**
- 11.1. A 2016 report found that Sasol Secunda, together with then 12 Eskom coal-fired plants, and the Natref refinery (then a joint venture between Sasol and TotalEnergies) together account for the vast majority of air pollution in the heavily-polluted area. Emissions from these facilities resulted in between 305 and 650 early deaths in and around the area in 2016.⁶
- 11.2. As is recorded in 2026 research by CREA, ambient air quality studies conducted in Secunda and its surrounding regions have reported elevated concentrations of SO₂, oxides of nitrogen (NO_x), particulate matter (PM_{2.5} and PM₁₀), and H₂S, “demonstrating that

⁴ Sasol Form 20-F p 30.

⁵ <https://www.gov.za/news/media-statements/minister-edna-molewa-welcomes-sasol-decision-withdraw-litigation-against>

⁶ [Dr Andy Gray, 2019](#); [Dr Peter Orris, 2019](#).



emissions from the [Sasol Secunda] facility influence both local and regional air quality”. CREA points out that:

Hydrogen sulphide is also an important pollutant because it readily oxidises in the atmosphere to form sulphur dioxide and subsequently PM_{2.5}, contributing to the regional sulphur burden that also causes local odour nuisance episodes and potential health impacts at elevated concentrations.

Strong sulphurous odours were reported across Johannesburg and other parts of Gauteng in January and March 2026, continuing a pattern of recurring episodes reported since at least 2021. Media coverage documented complaints from residents of headaches, burning eyes, chest tightness, fatigue, and respiratory discomfort, while also drawing attention to the more persistent air-pollution burden experienced by communities in the Highveld Priority Area.⁷

- 11.3. Earlier this year, following a recurrence of reports of the regular “rotten egg odour” in Gauteng, the Department published a media statement⁸ which confirmed that: the stench experienced by residents was likely H₂S; H₂S levels were elevated - especially in Secunda, Springs, Irene, Midstream and Buccleuch air quality monitoring stations; and these levels “were all significantly higher than the World Health Organisation recommended threshold”.
- 11.4. DFFE stated that its 2022 investigations, following similar “sulphurous odour episodes”, had focused on Sasol’s Secunda Operations as a “significant contributor” to H₂S and SO₂. Although Sasol was reported to be in compliance with its H₂S legislated limit, DFFE found that “the existing limits were not enough to properly protect public health, particularly for communities around Secunda”. The statement also references the Department’s intention to **tighten the permitted MES for H₂S from coal gasification processes** and to **establish National Ambient Air Quality Standards (NAAQS) for H₂S**, “aligned with international health protection guidelines” (our emphasis).
- 11.5. In September 2026, CREA found that air pollution from **Sasol Secunda is estimated to contribute to approximately 1,000 premature deaths every year**.⁹ It also contributes to chronic disease, respiratory illness, adverse birth outcomes and reduced quality of life across exposed communities. The facility’s emissions are estimated to cause nearly half a million lost workdays each year, affecting workers, households and the wider economy. Children are among those most affected, with the facility’s emissions increasing the burden of childhood asthma and harming health before birth through increased risks of low birthweight and preterm birth. The cumulative health impacts of the pollution are estimated to **cost the South African economy USD 1.03 billion, equivalent to R18.7 billion, each year**. The table below summarises these costs and impacts:

⁷ CREA (2026), *The hidden cost of coal-to-liquids in South Africa: Health impacts of air pollution from Sasol Secunda*.

⁸ https://www.dffe.gov.za/mediarelease/response_sulphurousodor.

⁹ CREA (2026), *The hidden cost of coal-to-liquids in South Africa: Health impacts of air pollution from Sasol Secunda*.



Table 1 — Estimated annual health impacts from Sasol Secunda over the 2024/2025 financial year

Health outcome	Annual impacts
	(95% confidence interval)
Deaths	1,000 (600–1,500)
Years of life lost	23,800 (14,100–37,500)
Years lived with disability due to COPD	600 (300–1,000)
Years lived with disability due to diabetes	1,600 (600–3,000)
Years lived with disability due to stroke	400 (200–800)
Asthma emergency room visits	2,030 (1,190–2,870)
New cases of asthma in children	260 (50–620)
Number of children suffering from asthma	1,300 (300–2,800)
Low birthweight births	820 (260–1,420)
Preterm births	1,100 (500–1,100)
Work absences	468,000 (398,000–537,000)
Economic costs (billion USD)	1.0 (0.6–3.0)
Economic costs (billion ZAR)	19 (12–57)

- 11.6. CREA states that the H₂S “odour episodes and their health impacts are **additional** to the modelled PM_{2.5} and NO₂ health impacts quantified in this health impact assessment. They provide important local evidence of reported recurring pollution concerns, community exposure, and regulatory gaps around sulphur-bearing emissions” (our emphasis).
- 11.7. These costs are externalised. Sasol is not currently held accountable for the medical bills, missed workdays, decreased quality of life and premature deaths that result from the



pollution from its operations. These medical, financial, and social costs of the illnesses and deaths are shifted onto individual families, public healthcare systems, and taxpayers.

- 11.8. Media reports on CREA's report have recorded Sasol warning against the attribution of health outcomes to a single emission source,¹⁰ but CREA's analysis **isolated the emissions from Sasol Secunda** and modelled how those emissions disperse and undergo chemical transformation in the atmosphere. CREA then **estimated the health impacts associated specifically with that additional Sasol pollution**. In other words, the **research distinguishes Sasol Secunda's contribution from the substantial background pollution** from Eskom, transport, residential fuel burning and other sources in the Highveld Priority Area. This source-attribution approach is widely used in air pollution research to understand the contribution of individual facilities, sectors or emission sources.
- 11.9. As set out above, Sasol continues to report that it intends to seek further SO₂ leniency after 31 March 2030. This year, its **emissions of sulphur oxides have increased** overall, and for Secunda Operations. Sasol reports that the 19% increase was the result of higher coal throughput and increased sulphur content in coal.¹¹
- 11.10. In these circumstances, we support the recommendations made in CREA's report:
- 11.10.1 review Sasol Secunda's alternative SO₂ limits, taking into account their impacts on air quality, population exposure and health;
 - 11.10.2 require binding annual emissions reductions across the entire Sasol Secunda complex, covering SO₂, NO_x, PM and H₂S;
 - 11.10.3 strengthen emissions reporting and independent monitoring, with data made publicly available;
 - 11.10.4 strengthen South Africa's air-quality regulations to better protect human health; and
 - 11.10.5 put affected communities at the centre of emissions enforcement and Highveld air-quality planning.
12. Given the conditions attached to the SO₂ leniency, the Department must withdraw it if Sasol does not achieve all of the emissions reductions it has undertaken – not only of toxic air pollutants but also of greenhouse gases.
13. We also urge the Department to set health-protective NAAQS for H₂S on an urgent basis.

¹⁰ Daily Maverick, 8 September 2026.

¹¹ Sasol Performance Data 2026 p 5; Sasol 2026 IR p 91, 103.



14. Comments on proposed amendments

Part 1: Definitions and Part 3: new small boiler categories (1.7-1.11)

- 14.1. The 1 November 2013 *Declaration of a small boiler as a controlled emitter* (Declaration) governs boilers with a design capacity equal to 10MW but less than 50MW net heat input per unit, based on the lower calorific value used. It distinguishes between existing small boilers (manufactured before the 1 November 2013 Declaration came into effect) and new small (manufactured after this date). The existing and new small boilers have different compliance timeframes according to the Declaration.
- 14.2. The current List of Activities does not include any boiler-related definitions, but sub-category 2.1 includes “boilers with a design capacity equal to or greater than 50 MW heat input”.
- 14.3. The proposed amendments include the insertion of definitions for “existing small boiler” and “new small boiler”. However, both¹² refer to boilers manufactured **after** 1 November 2013 – presumably the “existing small boiler” definition should be “before” 1 November 2013. However, since neither of these terms is used again in the draft.
- 14.4. The proposed amendments introduce 5 new subcategories (1.7-1.11) dealing with small boilers, but in none of these is there any reference to existing or new small boilers. This inconsistency should be remedied.
- 14.5. The new categories give facilities a year to apply for, or to vary, an AEL.¹³ For the sake of clarity, the transitional arrangements for each new subcategory must make clear that the new/varied AEL must require compliance with at least the new plant MES. The timeframe for compliance with existing plant MES has passed, except for those plants which have been granted suspensions of compliance or exemptions (which we argue are unconstitutional).
- 14.6. For subcategory 1.7 (*Solid fuel-fired small boiler*) - comparable with subcategory 1.1 - PM and SO₂ new plant emission limits should be consistent with subcategory 1.1 values of 50 mg/Nm³ (PM) and 1000 mg/Nm³ (SO₂) respectively. These plants can be retrofitted with the appropriate abatement equipment.
- 14.7. For subcategory 1.8 (*Liquid fuel-fired small boiler*) - comparable with subcategory 1.2 - the new plant PM limit value should be 50 mg/Nm³, consistent with the subcategory 1.2 value.
- 14.8. For subcategory 1.10 (*Gaseous fuel-fired small boiler (using process gas)*) - comparable with subcategory 1.4 - the new plant PM limit values should be 10 mg/Nm³ and 400 mg/Nm³ (SO₂) respectively.

¹² They also both contain a typo – “less that” rather than “less than”.

¹³ The proposed amendments misspell “licence”.



- 14.9. For subcategory 1.11 (*Solid biomass fuel-fired small boiler*) - comparable with subcategory 1.3 - the new plant PM standard is more lax than the subcategory 1.3 value of 50 mg/m³, and the new plant SO₂ standard is more lax compared with the subcategory 1.3 value of 500 mg/Nm³. The PM and SO₂ new plant standards should be consistent with those in subcategory 1.3.

Part 2: General – paragraph 12A deletion of emission load & introduction of deadline

- 14.10. We repeat our view that paragraph 12A undermines the air quality regime and should be as circumscribed as possible if it is not going to be removed from the legislation. We strongly support the deletion of reference to an alternative emission *load*, and the introduction of a sunset date for paragraph 12A applications. However, the fact that Sasol has obtained paragraph 12A leniency until 31 March 2030 should not entitle new applicants for this leniency to delay compliance as long as Sasol has been able to. No facility should be permitted to apply more than once for paragraph 12A leniency. Any new applications must be made by 31 March 2027 and no new applications for paragraph 12A leniency should be granted beyond 31 March 2028.
- 14.11. In addition, paragraph 12A should also not be permitted for more than one pollutant – in this regard, we argue that the references “or pollutants” should be deleted from paragraph 12A(a), 12A(b), 12A(c)(i).
- 14.12. In the circumstances, we propose a redrafting of paragraph 12A as follows (the Department’s proposed amendments are indicated in red):

(12A)

(a) An existing plant **[that has not previously applied]** may**[, before 31 March 2027,]** submit an **[once-off]** application regarding a new plant standard to the National Air Quality Officer for consideration if the plant is in compliance with other emission standards but cannot comply with a particular pollutant ~~or pollutants~~.

(b) An application must demonstrate a previous reduction in emissions of the said pollutant ~~or pollutants~~, measures and direct investments implemented towards compliance with the relevant new plant standards.

(c) The National Air Quality Officer, after consultation with the Licensing Authority, may grant an alternative emission limit ~~or emission load~~ if:

(i) there is material compliance with the national ambient air quality standards in the area for pollutant ~~or pollutants~~ applied for; or

(ii) the Atmospheric Impact Report does not show a material increased health risk where there is no ambient air quality standard.

(d) No ~~[further]~~ alternative limits may be granted beyond 31 March 20~~[28]~~**30.**



- 14.13. We reiterate, in addition, that no MES exemptions are permitted, including in terms of section 59 of the AQA. The List of Activities should be amended to make this clear.

Part 3: Synthetic gas production and clean-up (3.6)

- 14.14. For the reasons set out above, we reiterate our strong support for the strengthened H₂S MES proposed and the proposed shorter compliance period. To avoid ambiguity, we proposed that the special arrangement be clarified as follows:

“a All the new and existing facilities must, within 12 months of promulgation of this Notice, comply with the new **[plant]** hydrogen sulphide limit **[of 600 mg/Nm³]**”.

Part 3: Combustion Installations (6.1)

- 14.15. The Description and Application descriptions of subcategory 6.1 should be aligned. A reactor is not necessarily a combustion installation. This inconsistency should be corrected.
- 14.16. The devices described are similar to the combustion devices regulated under subcategories 1.1, 1.2, 1.3 and 1.4, except that the fuel is not specified. For consistency, this subcategory should be disaggregated by fuel type, for example, as subcategories 6.1.1 to 6.1.4, corresponding to each fuel type, and the corresponding emission limit values should be identical to those in subcategories 1.1 to 1.4.

Part 3: subcategories 6.2-6.34

- 14.17. The total organic compounds emission limit values for processes using ‘non-thermal’ abatement methods are far too high, more than 250 times higher than for ‘thermal’ abatement processes.
- 14.18. This discrepancy undermines environmental protection, public health, and regulatory consistency and credibility. These comments apply to both the current Section 6 and the proposed replacements, subcategories 6.2 to 6.34.
- 14.19. The special arrangements in paragraph (d) of each of the substituted subcategories 6.2-6.34 must make clear that the new/varied AEL must require compliance with at least the new plant MES. The timeframe for compliance with existing plant MES has passed, except for those plants which have been granted suspensions of compliance or exemptions (which we argue are unconstitutional).

Part 3: Animal Matter Processing (10.1)

- 14.20. Under transitional arrangements, it should be clarified that (b)(i) refers to dust emission control.
- 14.21. The location of the points of compliance for Dust Fallout measurements and opacity should be specified.



Conclusion

15. We agree strongly that DFFE should “address regulatory shortfalls identified in the implementation” of the List of Activities and associated MES as per the notice published for comment. 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.
16. Whilst we are pleased to see a sunset clause proposed for paragraph 12A and the changes proposed to subcategory 3.6, the DFFE should also make clear that section 59 of AQA exemptions cannot be applied to *minimum* standards. As set out above, paragraph 12A should be further circumscribed.
17. We look forward to the CRR from the August 2025 proposed amendments and to confirmation that the transcription errors in subcategory 8.1 have been rectified. We also call on DFFE to fast-track the declaration of H₂S as a criteria pollutant and to set health-protective H₂S NAAQS.
18. 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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