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## SOUTH AFRICA: Community takes on big polluters



Photo: Bill Corcoran/IRIN

Looking for a solution

DURBAN, 26 September 2008 (IRIN) - After years of calling on the owners of South Africa's oil refineries in Durban to upgrade their facilities to reduce pollution, local residents of the eastern port city have decided to take their case to the courts to secure a legal remedy.

For more than a decade concerned citizens and environmental groups have complained that Durban's two refineries spew out dangerous noxious chemicals, despite pleas to clean up their act. Activists have been gathering scientific data since 2000 to prove their claims that the pollutants released are linked to high levels of cancer and asthma in the communities.

The South Durban Community

Environmental Alliance (SDCEA) chairperson, Desmond D'sa, told IRIN they were in the process of preparing a class action lawsuit against the refinery owners - Engen, and Shell and British Petroleum (BP) - in a bid to make the companies accountable.

"At this stage we are looking at bringing together various lawyers who, when assembled, will put together our case and launch a class action [a legal action taken by a group of people] suit on our behalf," he said.

"Over the past few years a number of scientific studies have been commissioned to check the emissions levels and their affects on people; we believe results show the oil companies have been negligent when it comes to the safety of their refineries.

"So what we will ask the court to do is force the major polluters to provide a free health clinic in the area that is open 24 hours a day. Also, we want them to provide reparation where it is proved someone's ill health has been caused by a company's pollution," he said.

Although the oil companies say they are upgrading their safety systems every year and reducing their emissions levels, D'sa argues that the SDCEA's latest tests show the refineries are still releasing toxic chemicals.

"In August we took our own sample of soil from the Engen refinery's fence perimeter and sent it for testing in the US. The results show the sample contained 26 different pollutants, some of which are carcinogenic," he said.

It is results like these, residents maintain, which strengthen their belief that despite claims of renewed environmental responsibility by the oil companies, the two plants - built in the 1950s and '60s - are too old to ensure the necessary standards can be achieved.

"In reality the plants should be decommissioned and new facilities should be constructed in a sparsely populated location," said D'sa. "We want to stay here because we are close to amenities like schools and shops - it should be the oil companies that move."

When entering the south Durban township of Wentworth, one of the first things that hits you is the noxious smell - the by-product of the estimated 300 local manufacturers, 150 of which are smoke-stack industries, and the refineries.

The area's toxic environment can be traced back to 1938, when Durban's white-run council decided to place dirty industries next to black communities south of the city.

A major problem is flaring - burning excess gas generated by refineries not operating properly - which releases chemicals into the atmosphere. Refinery fires and oil spills, which contaminate soil and water supplies, are also commonplace.

The SDCEA has recorded more than 120 accidents and pollution incidents at the two installations since 1998,

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ranging from large oil spills and work-related employee deaths to accidental fires and explosions in the refineries' compounds.

In November 2007, one of the storage tanks in Engen's refinery, a 180,000 barrel-a-day operation, caught fire in a lightning storm and burned for five days before it was brought under control by fire fighters, causing the evacuation of thousands of residents.

**Cleaning up**

Local and provincial government in KwaZulu-Natal Province have responded to the community's grievances and established a multipoint plan that has set up an Air Quality Management System for the South Durban Basin.

The system has 14 monitoring stations using sensors to regularly test air quality. However, while there have been reductions in the chemicals the system tests for, D'sa says it is extremely limited in its scope.

"The system only measures five chemicals, which are not the most dangerous ones used. We recorded 26 ... and the refineries use dozens of different chemicals to refine oil. There is no indication of their levels in the local atmosphere at present," he said.

Engen and Shell-BP say they have been cleaning up their act. According to Engen, over the past decade R60-million (US\$7.34m) a year has been spent on environmental improvements at its refinery and Island View fuel supply facility, which has led to a 60 percent cut in emissions.

As further proof of its commitment to ensuring that the area's environment integrity is kept intact, the petroleum company also points out that it was recently awarded certification for environmental management systems.

The refinery's General Manager, Willem Oosthuizen, said in a statement in April that winning the sought-after ISO 14001 certification was a milestone that was part of a journey that had begun in 1999, when the refinery started voluntarily reducing emissions.

"Administered and enforced by the South African Bureau of Standards in South Africa, ISO 14001 entails a lengthy initial site audit and numerous subsequent site audits, which occur at annual or six-monthly intervals.

"The decision to become ISO compliant was taken two years ago as part of Engen's sustainability strategy. To achieve certification, the refinery needed systems for every activity that could have an environmental impact," he said.

While these measures may well be reducing the amount of pollution the refineries are emitting, a health study by the University of KwaZulu-Natal and the University of Michigan in the United States for the local Ethekewini Municipality concluded that the risks to local residents remain high.

"A key finding is that the estimated lifetime cancer risk from the inhalation of all carcinogens measured at the three sites were all above guideline levels ... A small number of pollutants contributed to the bulk of the total estimated cancer risk," said the report, published in February 2007.

These pollutants included chlorine-based dioxins as well as benzene, which is carcinogenic, and the metals nickel and chromium.

Rajen and Roshila Marimuthu, who live with their two sons in Wentworth, say no scientific evidence is needed to prove their environment is polluted. All they have to do is chart the deterioration of their sons' health.

"Our boys used to be very good at sports and they have lots of medals to prove it, but that has come to an end because of the pollution," said Rajen as he pointed to a cabinet full of awards.

"They can't play well anymore because of their asthma. When the refinery expels the chemicals we stop them from going outside because of the difficulties they have with breathing. I think their lives will be far shorter than they should be because of living here."

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