

ENVIRONMENTAL

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NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004: DECLARATION OF OZONE-DEPLETING SUBSTANCE AS PRIORITY AIR POLLUTANTS

The Minister of Environmental Affairs has proposed that ozone-depleting substances be declared priority air pollutants under the National Environmental Management: Air Quality Act No 39 of 2004 (the "**Declaration**"). These gases include chlorofluorocarbons; bromochlorofluorocarbons; halons; carbon tetrachloride; 1, 1, 1 trichloroethane; hydrobromofluorocarbons; and bromochloromethane.

In regulations the phasing out of these substances is required. This includes producing, importing, exporting, using or placing on the market. Use of the substances is however allowed for critical use (being necessary for health, safety or critical functioning of society, and where there are no available technically and economically feasible alternative substitutes that are acceptable).

A person who is in possession of a stockpile of such ozone-depleting substances must submit within 12 months to the Director-General a stockpile abatement plan.

Failure to submit such a plan is an offence and, on conviction, a party could be liable to a maximum fine or imprisonment of R5 million and 5 years respectively.

Sandra Gore and Ernst Müller

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