The Report notes that the focus of Environmental Management Inspectors (EMIs) over the past year has been on the cement, refinery and ferroalloy, iron and steel sectors. In previous years, EMIs have concentrated on the mining, energy-producing, and paper and pulp manufacturing sectors.

It concludes that the prevalence of activities commencing without the required environmental authorisation remains an 'ongoing concern'.

The number of EMIs has doubled over the past seven years.

The increased capacity of the EMIs is evident from the increasing enforcement of environmental laws over the years.

A recent amendment to NEMA has seen the introduction of Environmental Mineral Resource Inspectors (EMRIs). EMRIs will act in tandem with EMIs, as the Department of Mineral Resources' environmental enforcement wing. Amidst recent media reports that 103 mines are operating without the required water use licences, with approximately half of these not even having submitted an application for such licence, the appointment of the EMRIs will likely lead to increased enforcement in the mining sector.

Non-compliance with South African environmental law may result in maximum fines and imprisonment of R10 million and/or 10 years respectively. Companies breaching environmental law also run the risk of their operations being shut down by the authorities. Recent amendments to NEMA further aim to hold company directors or close corporation members jointly and severally liable for any negative environmental impacts. Companies should therefore ensure their compliance with environmental law, which is becoming increasingly challenging, given the fact that the environmental law system is subject to continuous amendments. In addition, companies must safeguard against potential environmental enforcement by being properly prepared for an unexpected inspection by the Green Scorpions.

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