

12 AUGUST 2020

ENVIRONMENTAL ALERT

IN THIS ISSUE

Draft notice declaring printing industry activities as controlled emitters published for comment

On 7 August 2020, the Minister of Forestry, Fisheries and the Environment published for comment a notice whereby she announced her intention to declare certain printing industry activities to be controlled emitters (Notice), in terms of section 23 of the National Environmental Management: Air Quality Act 39 of 2004 (the Act).

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Failure of a controlled emitter to comply with the set emission standards is an offence under the Act, which may on first conviction result in a fine of up to R5 million or five years' imprisonment, or both.

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Section 23(1) of the Act grants the Minister the authority to declare, as a controlled emitter, an appliance or activity that results in atmospheric emissions that present a threat to health or the environment or that the Minister reasonably believes poses such a threat. Such declaration must be accompanied by emission standards setting the permissible amount, volume, emission rate or concentration of any specified substance or mixture of substances that may be emitted. Failure of a controlled emitter to comply with the set emission standards is an offence under the Act, which may on first conviction result in a fine of up to R5 million or five years' imprisonment, or both. In the case of a second and subsequent conviction, a fine not exceeding R10 million or imprisonment of up to 10 years, or both, may be imposed.

Regulation of the printing industry under the Act has been in the works since 2009, when it was first proposed by way of a draft notice that "Printing Works" be listed under section 21 of the Act as an activity requiring an air emission licence (AEL). Following objections from industry, it was excluded from the final promulgated list of activities requiring AELs. This was followed

by a draft notice in November 2016 (2016 Notice) in terms of which the Minister first requested public comments on declaring industry printing activities as controlled emitters. This was a welcome change seeing that the AEL needs to be preceded by an environmental authorisation and is subject to a far more onerous and stringent application process. The Notice is similar to the 2016 Notice, save for:

- providing new printing industry activities using appliances installed after the commencement of the Notice with a transitional period for compliance, where they were previously required to comply on date of publication of the final 2016 Notice;
- excluding batch processes from minimum sampling periods, noting that they may require sampling over an entire cycle or sufficient samples to characterise a gas stream; and
- requiring registration on the National Atmospheric Emission Inventory System (NAEIS) and reporting in terms of the National Atmospheric Emission Reporting Regulations, 2015 (Emission Reporting Regulations).

In terms of the Notice, a "printing industry activity" includes the printing, coating and lamination processes using gravure, flexography, rotary screen printing, heat set lithography, varnishing and any printing systems that incorporate elements of these technologies. The application of the Notice will be limited to regulating the total volatile organic compounds (VOC) and nitrogen oxides emissions (NOx) from new and existing printing facilities that annually consume 25 tonnes or more of

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Comments on the Notice are due by 7 September 2020.

organic solvent. Members of the printing industry who engage in large scale printing operations – such as in print media, marketing, branding and packaging – will thus be affected.

Entities conducting a printing industry activity with appliances installed before the commencement of the notice will have to comply with the set VOC and NOx emission standards under the Notice as from 1 April 2021, whereas appliances which are installed after the commencement of the notice must comply with emission standards within 5 years from 1 April 2026. As with the 2016 Notice, special arrangements apply to the replacement of printing appliances for existing printing activities and the expansion of existing printing activities.

Affected entities will further be required to:

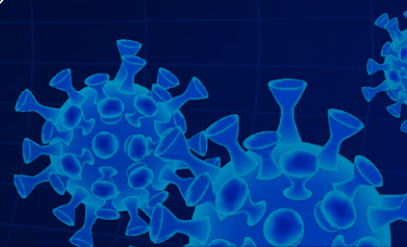
- submit an annual emissions report to the National Air Quality Officer documenting the emission measurements produced by their printing appliances. The measurements must use one of the methods listed in the Notice or a different method approved in writing by National Air Quality Officer;
- prepare annual solvent consumption plans; and
- register on NAEIS and comply with the Emission Reporting Regulations

Comments on the Notice are due by 7 September 2020.

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CDH'S COVID-19 RESOURCE HUB

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BBBEE STATUS: LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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