

**EMPOWERING THE BLUE SCORPIONS UNDER  
THE NATIONAL ENVIRONMENTAL  
MANAGEMENT ACT 107 OF 1998**

**Department of Environmental Affairs and Tourism**



**environment & tourism**

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Environment and Tourism  
REPUBLIC OF SOUTH AFRICA

# WHAT IS THE EMI?

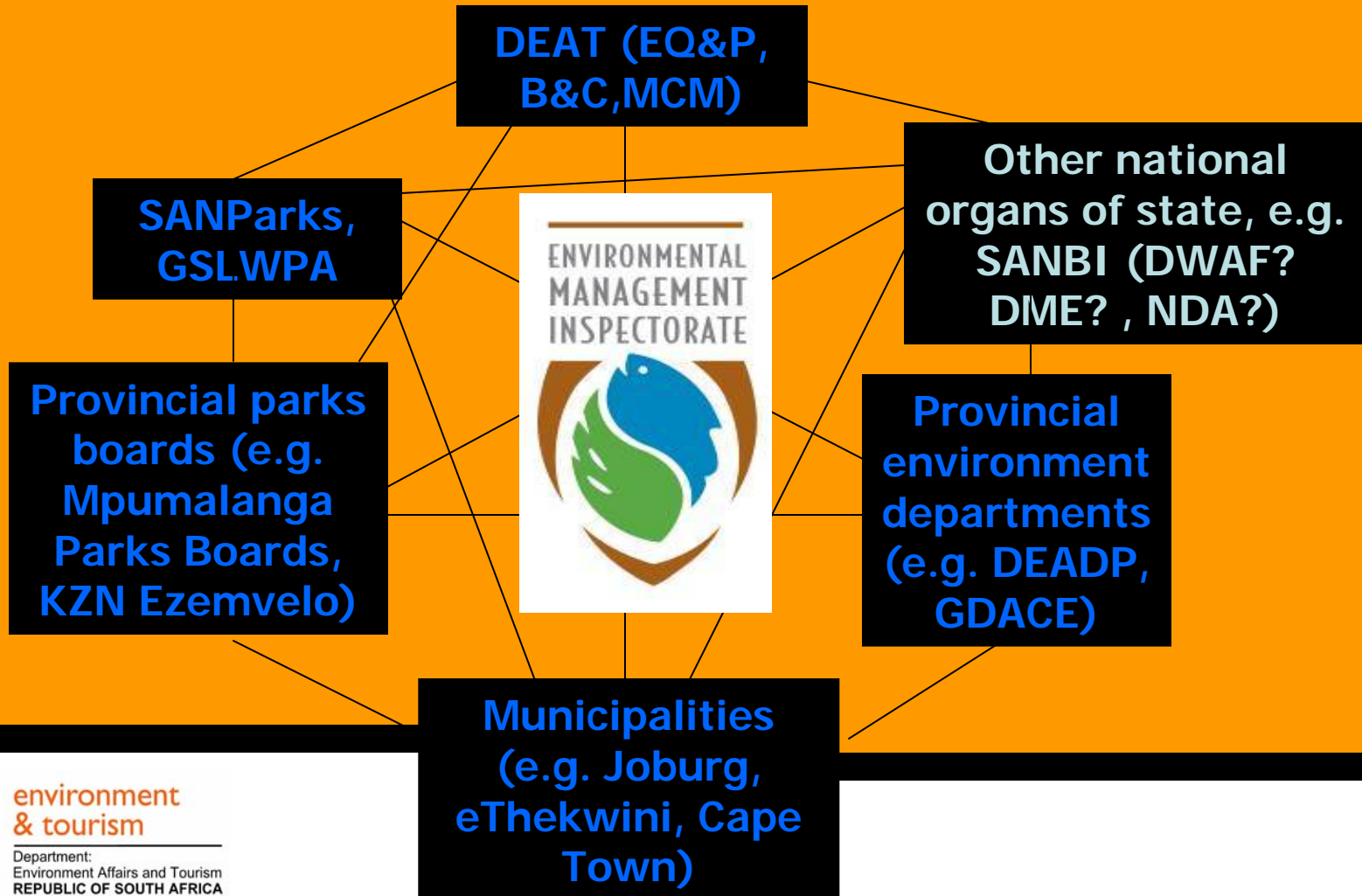
- **Not a new** national law enforcement unit under the NPA or the SAPS;
- Created by an amendment to NEMA that came into effect in May 2005 and empowered the **Minister and MEC** to designate **Environmental Management Inspectors (aka The Green Scorpions)**
- Existing and newly recruited **environmental enforcement officials**: biodiversity, protected areas, environmental impact assessments, air quality, waste and coastal issues.



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# THE EMI NETWORK



# NUMBER of TRAINED/DESIGNATED EMIS

- Designated at **all three spheres of government** (national, provincial and local) but remain accountable to individual institutions
- Undergo **rigorous basic training** in order to qualify to be designated;
- Right now, there are about **940 designated EMIs**, of which about **140** are dedicated to industrial issues





**DEAT**



**Western Cape**



**Gauteng**



**SANParks**

# EMI SUCCESSES – 2007/08

1. Reports to hotline increased by 19.4% (from 237 to 283)
2. Investigating more than 1756 criminal dockets or case files
3. Reported arrests 2612
4. Convictions 746
5. Notices / directives 269 (increase by 14,5%)
6. Strategic C&E projects: Operation Ferro, Operation Clean Cement; Refineries, Paper and pulp



# EMI POWERS AND MANDATE

- **Routine inspections; Investigations; Enforcement; Administrative powers**
- **NEMA** (Principles, S28, EIA, and 4x4 Regulations)
- **Biodiversity Act** (Regulations on threatened and protected species)
- **Protected Areas Act** (Regulations relating to World Heritage Sites, National Parks and Special Nature Reserves)
- **Awaiting enactment (in Parliament):**
  - Integrated Coastal Management Bill
  - Waste Bill

## National Environmental Laws Amendment Bill:

➤ **ECA**

➤ **APPA**

➤ **NEM:AQA**

➤ **National Water Act**



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# INCLUSION OF THE NWA AS A SEMA

- Currently, the **National Water Act does not** provide for the designation of DWAF compliance and enforcement officials with **EMI-type powers**;
- DEAT, DWAF and provincial and local environmental authorities are **increasingly collaborating** in compliance and enforcement activities (both strategic compliance inspections e.g. Operation Ferro; as well as ongoing criminal investigations)
- Non-compliances with environmental and water legislation are often **inter-related** (e.g. landfill sites contaminating water resources)



# INCLUSION OF THE NWA AS A SEMA

The proposed amendment seeks to:

- **Increase** the legislative powers of **DWAF** officials to undertake inspections and investigations into non-compliances with the **National Water Act**;
- Promote **consistency** in the manner in which environmental and water-related non-compliances are responded to;
- Promote a **collaborative** response to water and environmental issues on cases of common interest to both sectors;
- Promote shared resources, training, expertise, knowledge etc. leading to more **effective** enforcement.



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# INCLUSION OF THE NWA AS A SEMA

## Minister of DWAF empowered to designate EMIs:

- To introduce a new clause 31BA in NEMA to give **Minister of Water Affairs and Forestry** powers to **designate** staff of DWAF as Environmental Managers Inspectors.
- To give DWAF Minister powers to **withdraw** designation.
- DWAF Minister will only be able to designate an official from “**any other organ of state**” by **agreement**.



# IMPLEMENTATION CHALLENGES TO BE ADDRESSED - NWA

- Roles and responsibilities across different EMI institutions
- EMI training required prior to designation of DWAF officials
- Integration into the EMI – branding, SOP's, systems
- Assess need for legislative review – potential gaps / overlaps



# EMI'S IN LOCAL AUTHORITIES

- Increase in the overall environmental C&E capacity
- Enable municipal officials to undertake existing functions and mandate more effectively
- EMI powers are only in relation to NEMA and “specific environmental legislation”
- Focus on designation of EMIs for air and waste issues
- Municipal EMI – “wearing two hats” – approvals required at different levels of government
- Non-compliances by local authorities - ~~contravention of legislation~~ (water and environmental)



# Environmental Crimes and Incidents Hotline:

0800205005

THANK YOU!



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