



# Fresh Air for Hout Bay

*Working together for a cleaner,  
fresher Hout Bay*

**Helen Zille**

Premier of the Western Cape  
Western Cape Government

**Dr Joy Leaner**

Director: Air Quality Management  
Environmental Affairs and Development Planning  
Western Cape Government

**Patricia De Lille**

Executive Mayor  
City of Cape Town

**Councillor Siyabulela Mamkeli**

Mayoral Committee Member: Health  
City of Cape Town

**Minister Alan Winde**

Provincial Minister of Economic Opportunities  
Ministry of Agriculture, Economic Development  
and Tourism  
Western Cape Government

**Ian Gildenhuys**

Head: Specialised Environmental Health  
City of Cape Town

14 April 2016

## **FINDING SOLUTIONS TO THE ODOUR POLLUTION CAUSED BY THE OCEANA FISHMEAL FACTORY IN HOUT BAY**

Dear Dignitaries,

As you are aware, there is a serious and on-going problem in Hout Bay regarding odour pollution from the Oceana fishmeal factory that the community is forced to endure on a regular basis. For years residents have been raising concerns and communicating with government to find some kind of resolution, but this has been to no avail.

### **Background to the situation**

In 2013, concerned residents of Hout Bay formed a community interest group [Fresh Air for Hout Bay](#) (FAHB) that is committed to eliminating the odour from our community. We have been monitoring the situation, engaging with both government and Oceana, and mobilising the community to demonstrate the severity of this issue.

While the situation has been on-going for more than 20 years, towards the end of 2015 the issue culminated with the proposed closure of the factory, where Oceana claimed the 240% increase of community complaints as the main reason. After a tense three-month period, that swiftly turned into both a race and class 'war', the decision was made to not only keep the factory open but to triple production to 180 days per year.

This decision was made solely through discussions between labour and Oceana and at no point did the City of Cape Town (City) make any effort to acknowledge or consider the concerns raised by affected residents. The City did not issue any public statements, conduct any community meetings, or engage with affected residents to understand concerns. Instead, the City quite successfully washed their hands of the issue completely, denying any involvement or responsibility.

As a result, Oceana secured a new five-year lease with the National Department of Public Works and maintained their Atmospheric Emissions License (AEL) with the City. Production began in February 2016 and residents welcomed in the new year under the bombardment of odour pollution, trapped in their homes to escape the debilitating odour, and left feeling completely disenfranchised with the City and their ability to manage the situation.

### **'Monitoring' by the City of Cape Town**

At various points, the City of Cape Town and the Western Cape Government have tried to placate the concerns of residents through random letters issued to random individuals that contain no information other than 'no abnormal working conditions were observed' and the City is doing its best to 'manage' and 'monitor' the situation.

For example, Dr Leaner from the Western Cape Government issued a statement on [13 March 2016](#) regarding a 'monitoring exercise' conducted by the Air Quality Management Unit on 23 February 2016. The details of this report, dated [25 February 2016](#), from Councillor Mamkeli, can be summarised as follows:

Members of the Air Quality Management Unit spent one and a half hours in Hout Bay and detected a strong odour at a range of 300m from the plant which was "barely detectable" in areas beyond this distance. The odour was typical of fishmeal production and no abnormal working conditions were observed. With maximum Hydrogen Sulphide readings at 8.2 micrograms, the odour was in a 'nuisance' range and did not pose a health hazard. The report concludes that new scrubbing technology is in the process of being introduced, but emphasised that this would not have a significant impact on the odour.

This report is not satisfactory for a number of reasons.

First, one and a half hours is not a reasonable amount of time to determine the extent or impact of the odour pollution - there was no effort to validate the initial observations or to determine if these conditions changed over the course of even a few hours. There was no follow up monitoring exercise and there was no commitment to re-examine the situation.

Second, by following this approach, the findings are seriously flawed. The report claims the odour is 'barely detectable' more than 300m from the plant, yet FAHB has collected data through its [social media sites](#) that state otherwise. We have documented reports of the odour as far away as Longkloof, Oakhurst, Meadows, Hughenden and even Llandudno.

The inaccuracy of the report, coupled with the infrequency of these 'monitoring' exercises, gives little faith to the community that our concerns are being addressed and reports such as these are simply viewed as another way for the City to ignore the issue.

Another 'monitoring' exercise was only conducted again on 11 April 2016 where much of the same information was supplied. In an unsigned report sent by Mr Gildenhuys on [12 April 2016](#) it was noted that "no abnormal working conditions had been reported" and again the City maintained they were "continuing to engage with both Lucky Star Management and our Provincial Authorities" to assess the situation. In fact, the only difference between these reports is the conflicting information supplied by the City: the 25 February 2016 report states that Oceana is in the process of upgrading the chemical scrubber but notes that this "will not eliminate fishmeal odours" yet the 12 April 2016 report states that these scrubbers

will “ultimately see a decrease in the odour intensity”. On the one hand the City warns that the scrubber will not significantly change the odour, yet on the other says this will offer some solution. These reports, infrequent and inconsistent, are causing residents to lose faith in the City’s ability to adequately deal with the situation.

This feeling is succinctly reflected in one of the comments posted on a FAHB discussion site:

[redacted] Suggest Mr Gildenhuis reconsider his "report" . I live along the Main Road next to the Kitima Restaurant, surely well in excess of the 300 metres from the source of the pungent smell he quotes. We have had two afternoons of suffering this stench, from approximately 1.00pm until gone 5.00pm. I hope he will consider buying a more reliable measuring device and a notebook to gather more first hand evidence from a wider geographical radius. His report is nothing short of a joke, he is merely fobbing off the local populace with a poorly constructed report short on helpful and supportive evidence.

While the findings of these reports clearly do not do justice to the severity of the issue, this comment raises a much deeper concern: the distinct lack of effort on the part of the City to engage with concerned residents.

### **City’s refusal to engage with concerned residents**

Despite receiving a barrage of complaints emails on a regular basis, the City has made no effort to discuss, investigate or validate the matter with residents and has instead ‘fobbed off’ their concerns through menial reports.

Residents of Hout Bay have invited City representatives to witness the odour first hand, even offering accommodation for overnight stays to experience being woken up at 2am to the rancid odour, and at no stage has the City engaged. Again, there have been no public meetings or gatherings, no information sharing or communication, no investigations taken into documenting or addressing concerns. Instead, residents have received intermittent reports containing inaccurate information, and copy and pasted email replies that maintain everything is operating normally.

Representatives of FAHB even met with Councillor Mamkeli in 2015 to discuss concerns about the health implications of the odour, submitting a list of concerns and comments collected from our social media sites. After the meeting there was no follow up, no further investigation, no indication that our concerns had been taken seriously at all.

### **A question of ethics**

It is important for FAHB to clarify their understanding of the issue. We recognise that Oceana is a private company and as such they enjoy certain rights to their production. We understand the conditions laid out in the National Environmental Management Act (NEMA) and the Air Quality Act (NEM:AQA) and we appreciate that from a legal perspective, Oceana is operating within those rights; recognised as a Category 10 Listed Activity, they have an AEL outlining their production parameters, which they are compliant with.

But the City is the arbiter of those rights and they have not followed due process to determine the impact of this industry on the community. We have been told countless times that if a fishmeal factory was proposed in a community similar to Hout Bay, the required

environmental impact assessment (EIA) would render it an unfit industry for a residential area.

Mr Gildenhuys's 12 April 2016 report even explains that "Hout Bay has a very complex terrain which when coupled with stable atmospheric conditions... the odours can become trapped in the valley until some atmospheric instability returns, compounding the nuisance conditions". Despite this understanding, the City has still not attempted to conduct an EIA and instead maintains this should be an accepted industry in Hout Bay.

This is not only unsatisfactory, it is highly unethical, and the City's lack of engagement is an obstacle to the democratic processes that define our system of governance and threatens the protection of our constitutional rights.

### **Lack of centralisation**

The problem is exacerbated by the absence of a centralised unit to deal with the situation. The lease is managed by the National Department of Public Works, the AEL is managed by the Air Quality Unit, and effluent and waste is managed by yet another. Every time a complaint is raised, one department points to the other, or explains how Oceana is within its legal rights, and so begins the cyclical and systematic avoidance of the issue.

The City's attempt to exonerate themselves of any responsibility is seen most clearly in the lack of a complaints mechanism, a concern which residents have also been raising for years.

Prior to 2014, complaints were recorded relatively informally. Through examining C3 Registers obtained through the Access to Information Process, it is clear that phone calls and emails were loosely kept track of but there were serious gaps in the reporting and documenting of complaints. In 2014, again after numerous complaints from the community, Oceana launched its [fishmeal factory website](#) which includes a complaints form. Residents are directed to register complaints through the website, which Oceana then records and, theoretically, submits to the City as one of the conditions of their AEL.

Residents have serious doubts that these complaints are actually submitted in a timely manner to the City, if at all. In Mr Gildenhuys's 12 April 2016 report, he emphasises the importance of providing a physical address when lodging complaints but this information is detailed on the Oceana complaints registry. Does the City use this registry to inform their monitoring activities? The only certainty is that no resident has ever been contacted by the City based on information contained in Oceana's registry and we have no faith that the newly proposed 'night time observations' will be any different.

While we welcome the effort to have some form of documenting available, we firmly believe that the complaints register should be maintained by the City and not by Oceana. The perpetrator of a complaint cannot maintain a complaints register against themselves - this is a blatant conflict of interest. It is as ludicrous as suggesting that a woman who suffers from domestic violence can only formally register a complaint about her abuse with the man who beats her.

If the City is the licensing authority for Oceana's fishmeal factory, then they need to play a more active role in both understanding and addressing the concerns felt by the impacted community.

## **Misinformation perpetuates social unrest**

The lack of City's involvement with the community has led to two main outcomes: the perpetuation of misinformation and growing community tension and division.

Regarding information, the extent and range of rumours is impressive. Some people still believe that Oceana is using out-dated technology and equipment, while others believe they are processing rotten fish. Some believe the odour comes from the stacks while others think it comes from the effluent. Even more people suggest the City is receiving pay-offs to avoid the issue entirely and that Oceana is funding groups within the community to solidify support.

Regarding community tension and division, you need only look at the [extensive media coverage](#) to see how this situation has been manipulated to foster discontent. The narrative is very clear - the "champagne and caviar crowd of Hout Bay" are systematically pushing out the working class and the "white community" is conspiring to "attack the interest of the black community." This entire situation has been reduced to a "class-war driven by a white minority" and "the first step of battle" has been taken.

This kind of language, fuelled by misinformation and anger from local communities, is very troubling and FAHB is extremely concerned about the divisions being caused in our community.

## **Health, well-being and socio-economic impacts being ignored**

While this destructive and dis-unifying narrative continues, the very real impacts of the odour pollution are being ignored. FAHB has collected hundreds of comments to this effect.

From a health perspective, residents have recorded symptoms including burning eyes, sore throat, nose irritation, headache, nausea, cough, nose congestion and short breath. Mental effects such as depression, fatigue and sleeplessness, mood disturbance and a decrease in working efficiency have also been recorded. One particular comment from a resident shows the extent of these impacts:

I have never in my life smelt anything quite as putrid and gut-wrenchingly disgusting in my entire life as I did THROUGHOUT the night last night. I literally couldn't sleep. Not even putting Vicks under my nose or the fan on helped. I'm 4 months pregnant and this stench made me end up in hospital a few weeks ago as the smell made me throw up non-stop! I'm starting legal action against these idiots today as my health comes first and I cannot take this one day longer. If anyone else's health has been affected and would like to join in on a class action suit, please contact me.

The UN World Health Organisation (WHO) defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." The WHO provides guidelines about the safety of Hydrogen Sulphide emissions, yet these are based on research conducted on short-term exposure – there is no recognised research on chronic, low-level exposure and certainly no research has been conducted specific to the situation in Hout Bay.

From an economic perspective, local businesses have documented their concerns as well, citing a direct loss of income as a result of the odour pollution. Guesthouses, restaurants and other tourism ventures have lost business because of the stench and the impacts of this have the potential to be far reaching across the community. In addition, the odour pollution paints a very negative perception of Hout Bay and deters people from considering this community as a location of choice. This is reflected in another comment collected by FAHB:

I have a real affection for Hout Bay after being a regular visitor for many years but had this been my first visit here I would have NEVER returned because of this foul putrid smell which permeates every part of the village. It's awful and tragic that such a lovely community can be so polluted and I appreciate that many people are employed by Oceana but what about all the people who have employment because of the tourist industry, what happens when the tourists stop coming because the place "stinks" it breaks my heart and my heart belongs to Hout Bay xx

Despite the persistent nature of these comments, the City insists that there are no significant impacts of the odour pollution and refuses to even acknowledge, never mind address, the concerns of residents.

### **Finding Solutions**

We recognise that this is not an easy situation and there is no easy answer.

On the one hand, the factory plays an important socio-economic role in terms of jobs, social contributions and cultural heritage, and it cannot simply be 'shut down' without serious socio-economic consequences. There is also no apparent technological solution that can be used to eliminate the smell. On the other hand, all South Africans share a Constitutional right to live in an environment that is not harmful to their health or well-being, and one that they can enjoy. Many believe the odour pollution infringes on that right and contributes to a series of health, socio-economic and well-being ills.

To move forward, we are requesting that the City of Town develop a long-term strategy for harbour operations in Hout Bay and identify new activities within the harbour that are better suited to the social and environmental dynamics of the community.

To achieve this, we request that the City of Cape Town undertake the following:

- Establish an odour pollution community complaints mechanism directly with the City of Cape Town.
- Conduct a comprehensive health study to determine the health and well-being impacts of short and long-term exposure to Hydrogen Sulphide, as emitted by the Oceana fishmeal factory.
- Conduct a social and environmental impact assessment of Oceana's operations to determine the impact of the industry on the broader community.
- Conduct a socio-economic analysis of the community to determine needs and opportunities of the local community, and the impact of the Oceana factory on these.

- Conduct an independent investigation, in partnership with the Western Cape Government, to determine the most appropriate activities for the harbour and develop a strategy for how to achieve this.
- Consider FAHB as a central point of contact and include us as a key stakeholder in discussions concerning the viability of our community.

We recognise this is not an easy task and FAHB would like to fully offer its support to help achieve these objectives. We currently have more than 350 people officially registered in our group and have more than 1,000 signatories on our [petition](#) calling for action. These numbers increase daily and indicate the severity of the issue. Using these networks, we have already undertaken the following:

- Maintain the FAHB website that aims to share truthful and factual information about the situation.
- Collect official air pollution affidavits to document the health, well-being and socio-economic impacts experienced by the community.
- Organise a variety of social activities to share information and gather support.
- Promote collaborative and constructive discussions that seek to find solutions and not simply antagonise.

We undertake to distribute all communication through our registered network in an effort to increase awareness and contribute to a constructive discussion. We are also more than happy to discuss this further with you and set out a clear path for how we can collaborate on achieving our objectives.

We kindly ask that the City respond to this letter by the end of April 2016, outlining a clear plan of action that we can share with our constituency. While we recognise that our requests will take more time, it is important for us to know that the City plans on being proactive in addressing our concerns and that action will be taken. We also request that we have a single liaison within the City to communicate with further. We expect this will be Mr Gildenhuis from City Health, but please confirm if this is the case.

We have no doubt that the City has the capability to respond positively to this situation and we welcome your thoughts and inputs into this process.

We look forward to hearing from you soon.



**Kiara Worth**

Facilitator: Fresh Air for Hout Bay

[kiara.worth@gmail.com](mailto:kiara.worth@gmail.com)

072-283-7590

[www.smellsfishy.co.za](http://www.smellsfishy.co.za)