



Fresh Air for Hout Bay

*Working together for a cleaner,
fresher Hout Bay*

COMMENT ON THE RENEWAL AND VARIATION OF OCEANA'S ATMOSPHERIC LICENSE

REF: WCCT059

Attention: Ms Mische Molife

In response to the call for public participation regarding the renewal and variation of the Atmospheric Emissions Licence (AEL) for Lucky Star Ltd., as detailed in terms Section 46 & 47 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), Fresh Air for Hout Bay would like to submit this formal comment and be registered as an interested and affected party.

It is the position of Fresh Air for Hout Bay that the renewal and variation to the AEL should **not** be considered, for the reasons detailed in this report.

1. Introduction and Overview of Fresh Air for Hout Bay

There has been a long history of public discontent with Lucky Star Ltd.'s (henceforth referred to as Oceana) operations. As part of its fishmeal and fish oil production process, the plant releases a 'cocktail'¹ of emissions, the most predominant of which is Hydrogen Sulphide, and the result is a strong noxious odour. Described as a '**mixture of rotting flesh combined with raw sewage and a splash of sour fetid vomit**,'² the odour has been a contentious topic in the community for decades.

Many people feel that the odour is a public nuisance, arguing that it has a negative impact on health and well-being, and hinders the growth of economic sectors such as tourism and local business development. In 2013, concerned residents formed the community interest group [Fresh Air for Hout Bay](#) (FAHB) that is committed to eliminating the odour from our community.

FAHB currently has an **official membership of 627³ individuals** as documented through formal registration on our [website](#). We engage informally with a further **2,077 people** on our social media sites (1,452 on our official [FAHB Facebook page](#) and a 1,625 on our [FAHB discussion platform](#)). In addition, FAHB gathered the support of 2,040 people on a [petition calling for change](#).

This makes FAHB one of the larger community groups in Hout Bay and it is under this representation that we submit this comment.

¹ Personal correspondence from the City of Cape Town

² Recorded on Fresh Air for Hout Bay's social media sites

³ All figures as 16 August 2017

⁴ UN World Health Organization: <http://www.who.int/about/mission/en/>

2. Concerns about the renewal and variation of Oceana’s AEL

There are a variety of concerns regarding the impact of Oceana’s operations. While many of these concerns have been discussed anecdotally on our social media sites, FAHB conducted a community-based [Air Pollution Impact Survey](#) over a 5-month period (March – August 2017) to officially document the impacts in response to this AEL renewal application.

A total of **432 surveys were completed, representing 2,374 members of the community**. Of this, 99% of respondents recognised Oceana’s operations as being problematic for Hout Bay and 97% believed this was a violation of their constitutional right to live in an environment that is not harmful to their health and well-being.

The following impacts were documented as part of this survey.

2.1. Health Impacts

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 infirmity⁴.” 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 specific to the situation in Hout Bay and its unique geographic location.

Bearing this definition of health in mind, **90% of respondents felt that the emissions from Oceana negatively influenced the health of themselves and their families**, citing an array of health-related symptoms experienced only when the factory is in production.

The following symptoms were recorded:

Ailment	Percentage
Nausea	78%
Headache	75%
Respiratory ailments	59%
Coughing and wheezing	35%
Asthma	12%

Additional symptoms included burning eyes, sore throat, shortness of breath, bronchitis and skin irritations. 61% of respondents felt these impacts prevented them from doing their daily activities. Respondents in the survey commented the following:

“We get sick. I have a child that complains about nausea and headaches only when the factory is operating.”

“I run a medical practice from Victoria Avenue and my PA, patients and I get nauseas from the smell. One of my patients vomitted on my carpet (not due to illness)... My home is 8km away from my office and we can even smell it there.”

⁴ UN World Health Organization: <http://www.who.int/about/mission/en/>

“I suffer from asthma. Every time the factory is in production I have an attack. I had absolutely no attacks when they are closed. The doctor said it could be aggravated by the air pollution.”

2.2. Delayed Access to Health Risk Assessment

In 2016, the Housing Directorate conducted a Health Risk Assessment as part of a housing development planned for Hangberg. The then MAYCO Member for Health, Cllr. Mamkeli, stated that the Health Risk Assessment found the emissions from Oceana to be potentially harmful to health, and [housing planned in the vicinity of the factory was halted](#). FAHB requested access to the report, commissioned by the Housing Directorate, but this was denied claiming the inclusion of sensitive land information. Despite suggesting this information be redacted, the Housing Directorate continued to deny access to the report.

FAHB applied for the Health Risk Assessment through the Public Access to Information process (PAIA), but again this was denied by the City, stating the report had not even been received by the PAIA offices. FAHB then appealed to the Speakers Office to revoke this decision and on 15 August 2017 received confirmation that access is being granted to portions of the report. No documents have yet been received, and it has taken more than 10 months to get this confirmation alone.

While we have not yet had the opportunity to review the documents, we believe that the City deliberately withheld this information, respecting the interests of industry and not those of the concerned residents. This does not demonstrate the transparency, nor the democracy, that the City is supposed to embody.

2.3. Health Concerns over the Use of Formalin

While considerable health concerns already exist, the proposed variation to include the use of formalin (formaldehyde) as a raw material in the process, adds to this concern significantly.

It is known that chronic inhalation exposure to formalin can result in respiratory symptoms, and eye, nose and throat irritations. Occupational studies have noted statistically significant associations between exposure to formalin and increased incidence of lung and nasopharyngeal cancer – it is a well known carcinogen.

While we understand that a risk assessment would be conducted, we have no confidence that concerns raised would be taken into account – we have already seen the response to current health concerns, and the lack of disclosure of the health risk assessment adds to this further.

2.4. Well-being Impacts

According to Chapter IX, 26-1-c of the Air Quality Management By-Law passed in 2015:

“No person shall... cause any reasonable interference or likely interference through air pollution which may adversely affect the health or well-being of any person or living organism; or the use

and enjoyment by an owner or occupier of his or her property or environment.”

95% of respondents felt that Oceana’s operations violated this by-law and that the emissions negatively impact the well-being of themselves and their families. 98% felt the emissions impacted their ability to enjoy their own homes and social activities. Specifically, the survey recorded the following well-being impacts, as experienced by the community:

Ailment	Percentage
Frustration	88%
Anger and anxiety	70%
Embarrassment	60%
Stress	46%
Distraction	38%

Mental effects such as depression, fatigue and sleeplessness, mood disturbance and a decrease in working efficiency have also been recorded. 61% of respondents felt that Oceana’s odour pollution prevented them from doing their day-to-day activities. As respondents have commented:

“It’s astonishing what a sick dirty vomit like smell can do to ones life. Everything feels dirty. It’s repulsive. Truly. To understand it – one has to imagine there was an open sewer under your bed. Really. Imagine the rancid smell floating around. Inside the home. No escape. It’s obscene.

“It’s so revolting I get in my car and leave Hout Bay.”

“If they produce during the day it makes me feel so dizzy and nauseas that I am unable to concentrate. If they produce at night the odour either keeps you awake or actually wakes you up. So the next day you’re tired, feeling sick, and you still have to breathe the stink.”

“My children’s school is often affected badly by the smell and they struggle with it. It makes it harder to concentrate and the children don’t want to be outdoors.”

“The beauty and the night smells of the evening are stolen. You cannot escape the penetrative and vile smell. It’s revolting and it should be a crime.”

“It makes life miserable.”

In terms of property, 69% of respondents were property owners in Hout Bay and 57% felt the emissions negatively impacted on their property value. Various real estate agencies in Hout Bay have confirmed that the odour from Oceana is a major consideration when purchasing property and has often led to a decrease in value. As one respondent commented:

“I am a real estate agent. I have not had a successful viewing or resultant sale when the factory is polluting the air. Very embarrassing showing people homes when the smell is about.”

In addition, 99% of respondents felt the odour created a negative perception of the community and a further 70% stated that the odour had made them consider leaving Hout Bay.

“I tell people not to come to Hout Bay anymore. It’s just too embarrassing.”

“I am actually being driven away from my own home.”

2.5. Business and Development Impacts

Fifty-one (51) businesses participated in the survey and 82% of these commented that the emissions from Oceana negatively impacted their daily business operations. A further 74% stated they suffered a financial loss as a direct result of the odour pollution. It is important to note that **these businesses alone employ 149 local people, accounting for higher employment levels than those found at the factory itself.**

The following impacts to business were noted in the survey, with additional comments:

Impact	Percentage
Complaints received about the odour	72%
Clients leaving the business premises due to the odour	44%
Reduced productivity due to minor health irritations	56%
Reduced productivity due to embarrassment	44%

“I run a retail shop in the harbour. The number of visitors drops drastically on a smelly day. No visitors, no customers. No customers, no sales.”

“Our guests have cancelled their bookings with us because of the smell. We bought extra fans to try to dissipate the smell and had to placate angry guests in our guesthouse.”

This information supports the findings of the Economic Opportunity and Stakeholder Research report for tourism development in Hout Bay. The report, conducted by Towards Uhuru and in collaboration with the Hout Bay Partnership, notes that one of the key challenges facing tourism development is the odour from Oceana’s operations. **It is a key recommendation of this report that suitable alternative locations be found for the production of fishmeal⁵** considering the negative impact current operations have on tourism and business development. These are some comments from respondents:

“Tourism in Hout Bay would give more jobs than the factory could ever scratch up. It’s obvious. Hout Bay could be world class.”

“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. I appreciate that many people are employed by Oceana, but what about all the people who have employment because of the tourism industry? What happens when the tourists stop coming because the place ‘stinks’? It breaks my heart and my heart belongs to Hout Bay.”

⁵ Economic Opportunity & Stakeholder Research: Conclusions & Recommendations - August 2016, Hout Bay Partnership

2.6. Additional Concerns

While these immediate problems persist, the community has an additional set of concerns regarding the general situation.

Decrease in Oceana's employment and negative impact on socio-economic development

FAHB is concerned about the incredibly low rate of employment at the factory itself – the factory currently employs approximately less than 1% of the local Hangberg community. In addition, we note there has been a 10% decrease of employment at the factory over the past two years – permanent land-based staff reduced from 102 in 2014⁶ to 92 in 2016⁷. Informal correspondence with Oceana suggests the reduction was due to normal operating changes but the decline is alarming.

It is the opinion of FAHB that Oceana's contribution to employment in Hout Bay is relatively low, especially considering the number of jobs it prevents from being actualised due to the impact of their emissions. Indeed, there is a higher rate of employment from the businesses cited in this survey alone than that offered by Oceana.

Oceana's operations have a negative impact on the socio-economic development of Hout Bay and for this reason the renewal of their licence should not be considered. We further note that were Oceana to relocate operations, there would not be significant job *loss* – Oceana offered relocation packages to all staff in their proposed 2015 closure, and it is assumed this option would still be available.

Lack of Environmental Impact Assessment

Despite Oceana enjoying certain legal rights to their production, FAHB does not believe the City has followed due process to determine the impact of this industry on the community. We are aware that **no environmental impact assessment has ever been conducted** and there is no immediate intention to do so. Instead, the community is presented with an application of renewal for Oceana's licence, disregarding the countless negative impacts that have been expressed to the City. Still no formal impact assessment has been conducted for the factory and its operations.

Discrepancy over complaints database

The recording and documenting of complaints has been very questionable over the years and a formal complaints register was only introduced in 2014 on Oceana's website. The website is frequently down, sometimes for months at a time, with issues ranging from being hacked, to invisible complaints forms, to incorrect contact information.

While Oceana claims the registries are being maintained, no records have been disclosed and there is unreasonable bureaucratic procedure to access registries through the City. A review of initial registries show there are significant gaps, including that Oceana disregards complaints about odour and instead considers them as 'normal'.

⁶ Oceana Stakeholder Meeting Minutes, November 2015 available at http://smellsfishy.co.za/wp-content/uploads/2015/05/Stakeholder-Meeting-Minutes-15-August-2014_final-copy_26-November-2014-2.pdf

⁷ Oceana Stakeholder Meeting Minutes, January 2016

There is no confidence that the complaints registries are maintained appropriately, nor that they fully reflect impacts on the community. Further to this, considering that Oceana operates the complaints registries, there is a blatant conflict of interest – the perpetrator of a complaint should not maintain a complaints register against themselves. We have raised this concern with the City with no response, much like the concerns raised in the complaints registries have received no response either.

Poor institutional engagement with the community

Despite concerns being raised about Oceana for more than 20 years, the City has made no effort to discuss, investigate or validate concerns with residents. There have been no public meetings, no information sharing or communication, no investigations to address concerns. Instead, residents have received intermittent reports after random monitoring exercises⁸, containing inaccurate information that maintains the situation is perfectly acceptable.

Oceana's engagement with the community has been much the same. Despite establishing the Community Stakeholder Forum to 'facilitate more comprehensive communication and understanding between the factory and the community', it has been largely defunct, with only two meetings conducted since its establishment in 2015 and no further communication since. Minutes from the meetings have taken upwards of six months to finalise and the forum in no way serves to aid communication between the residents and the factory.

Despite committing to 'ensure that all stakeholders receive accurate information regarding the factory, its operations, systems as well as changes that are made due to strategic and operational requirements'⁹, we note that no notification went out to residents, nor even to the members of the Community Stakeholder Forum, regarding the application for this licence renewal, despite the information being posted on their site on 18 July 2017. This poor communication is indicative of the attitude towards transparency that Oceana has demonstrated over the years.

3. Conclusion

FAHB firmly believes that current practices at the Oceana fishmeal factory negatively influence life in Hout Bay and additionally prevents the positive growth and development of the community.

A summary of our concerns is as follows:

- The current emissions from Oceana already pose a health concern, with symptoms such as nausea, headaches, and respiratory ailments clearly documented.
- The City of Cape Town has delayed access to the Health Risk Assessment, containing pertinent information about Oceana's emissions, and after 10 months we are still waiting for the documents.
- The introduction of formalin as a raw material raises further health concerns, including increasing respiratory ailments and being a known carcinogen.
- The noxious odour emitted by Oceana has significant negative impacts on well-being and is a violation of the Air Quality Management By-Law.

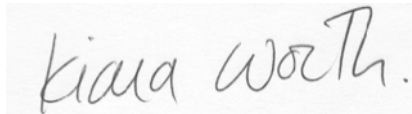
⁸ For further information on the randomness of the monitoring exercises, please see the official FAHB letter to the City: http://smellfishy.co.za/wp-content/uploads/2016/04/FAHB_Letter-to-Government_April-2016_final.pdf

⁹ Oceana communication: <http://fishmealfactory.co.za/2016-fishmeal-factory-stakeholder-meeting/>

- The noxious odour negatively impacts businesses in Hout Bay and prevents growth and development in the tourism and business sector.
- Oceana's employment numbers are low relative to their significant negative impact on job creation and socio-economic development as a result of their emissions.
- No environmental impact assessment has been conducted for the factory and there is no consideration for the impact the factory has on the community.
- The complaints register is largely faulty and inaccurate and the concerns raised by the community are not taken into account.
- Thus far, both the City of Cape Town and Oceana have not demonstrated transparency in their actions, failing to acknowledge, respond to, or rectify the concerns raised by residents.

FAHB strongly objects to the renewal and variation of Oceana's licence.

Please feel free to contact us should you require further information.

A handwritten signature in black ink on a light-colored background. The signature reads "kiara worth." in a cursive, lowercase font.

Kiara Worth

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