



# Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Mr Terence Goodlace  
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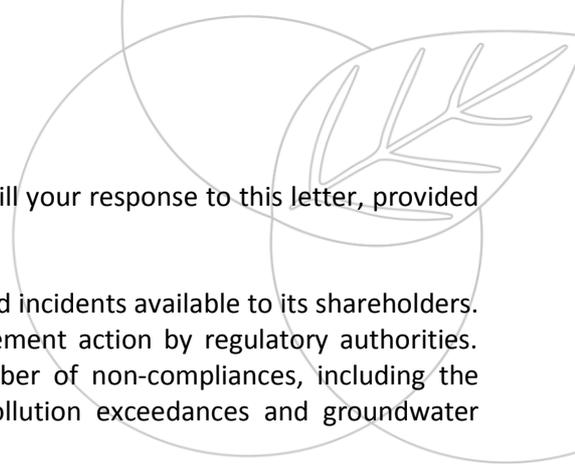
22 July 2015

Dear Mr Goodlace

## **Centre for Environmental Rights' baseline assessment of corporate environmental compliance**

1. The Centre for Environmental Rights (CER) is a non-profit company and law clinic based in Cape Town. The CER's vision is a South Africa where every person's Constitutional right to an environment that is not harmful to health or well-being, and to have the environment protected for future generations, is fully realised. Our mission is to advance the realisation of environmental rights as guaranteed in the South African Constitution by providing support and legal representation to civil society organisations and communities who wish to protect their environmental rights, and by engaging in legal research, advocacy and litigation to achieve strategic change.
2. The CER has conducted a baseline assessment of listed South African companies with significant environmental impacts that have regularly appeared on the JSE's Socially Responsible Investment Index (SRI Index). The purpose of the assessment was to ascertain the extent of compliance by those companies with environmental laws, and the extent to which non-compliance with environmental laws is disclosed by those companies to their shareholders. Impala Platinum Holdings (Implats) appeared on the SRI Index every year from 2004 to 2014 (featuring in the "Best Performer" category in 2006, 2008, 2010 and 2011), and is one of the companies that we assessed.
3. All of the information used to conduct the assessment is publicly available. We studied, where applicable, the Department of Environmental Affairs' National Environmental Compliance and Enforcement Reports (NECERS) for the period 2008 – 2014, Implats' integrated, annual and sustainable development reports for that period, as well as various other sources of publicly available information.
4. We will publish the results of our assessment online. Before we do so, we write to you to afford you an opportunity to respond to our findings (attached to this letter), and to provide us with additional information should you deem this relevant.

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5. This letter will be published together with our research results, as will your response to this letter, provided we receive your response before Wednesday 19 August 2015.
  6. Implats makes very little data on environmental non-compliances and incidents available to its shareholders. No information is provided on compliance monitoring and enforcement action by regulatory authorities. However, our research has revealed an apparent significant number of non-compliances, including the operation of facilities without the required authorisations, air pollution exceedances and groundwater contamination.
  7. The lack of information provided makes it impossible to verify the accuracy of following statement, published in Implats' Environmental Policy: *"Implats is a PGE-focused mining company that undertakes its activities in a manner that strives to minimise or eliminate negative impacts and maximise positive impacts of an environmental nature. The Company is committed to responsible stewardship of natural resources and the ecological environment in a sustainable manner."*<sup>1</sup> However, what little information we have been able to find about Implats' approach to its environmental impacts casts doubt on this claim.

We look forward to hearing from you.

Yours faithfully

**CENTRE FOR ENVIRONMENTAL RIGHTS**

per:



**Tracey Davies**

**Programme Head: Corporate Accountability & Transparency**

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<sup>1</sup> [http://www.implats.co.za/implats/downloads/2013/environmental\\_policy\\_statement.pdf](http://www.implats.co.za/implats/downloads/2013/environmental_policy_statement.pdf)