

GREEN SCORPIONS

Protecting South Africa's future

The Environmental Management Inspectorate (EMI) or the Green Scorpions, as they are known to the public, are government officials from national, provincial and local government, including the parks authorities, who are responsible for compliance and enforcement activities with environmental legislation.

They have a broad legal mandate that covers the green (biodiversity/protected areas), brown (pollution, waste, impact assessment) and blue (integrated coastal management) sub-sectors. Each of these subsectors in turn, is regulated by different pieces of national legislation, the provisions of which are monitored and enforced by the Green Scorpions.

The Green Scorpions represent the environmental compliance and enforcement capacity in respect of the National Environmental Management Act (NEMA) and the Specific

Environmental Management Acts (SEMAS). In addition, officials from provinces and local authorities are also designated to carry out compliance and enforcement functions with national legislation.

In many instances, officials may carry both the EMI designation in terms of national environmental legislation; as well as a separate provincial or municipal designation in respect of ordinances or by-laws.

As at 31 March 2017, the national EMI Register, kept by the Department of Environmental Affairs (DEA) in terms of the regulations, had 2 880 EMIs, comprising 2 577 from national and provincial authorities and 303 from municipalities. There was an increase of 6.8% in the total number of EMIs on the national register in respect of national and provincial EMIs from 2411 in 2015/16 to 2577 in 2016/17.

Of the 2 577 EMIs on the national register (national and provincial authorities), 1 726 (67%) are Grade 5 EMIs (field rangers employed at national and provincial parks authorities). There has been a general increase in the number of Grade 5 EMI field rangers from 1 300 in 2014/15 to 1 639 in 2015/16 and 1 726 in 2016/17.

Monitoring improves compliance

There were 4 379 facilities inspected in 2016/17, which reflects a 18.76% increase from the 3 687 facilities inspected in 2015/16. Of the facilities inspected 46.76% (2 058) were in respect of brown legislative requirements, 45.20% (1 980) were in the green subsector and 7.82% (341) were about blue issues. There has been an increase in the total number of proactive inspections conducted from 2 474 in 2015/16 to 2 874 in 2016/17, which shows the 16.16% increase. The total number of reactive inspections conducted in 2016/17 amounted to 1 486, which reflects a 21.4% increase from the 1 224 conducted in 2015/16.

The total number of non-compliances detected during inspections has been recorded as 1 462 and the Department of Water and Sanitation (DWS), which uses percentages to record the ratio of non-compliances, reported an average of 38.87% for both blue and brown issues. There were 3 725 inspection reports finalised in 2016/17 compared to the 2 341

inspection reports finalised in the 2015/16 financial year.

The Inspectorate has a national, distinctive identity with a national profile. Its corporate logo includes blue, green and brown, to reflect the different sectors in which it operates and a shield to indicate the constitutional imperative of these officials to protect the environment, in order to give effect to every citizen's right to an environment that is not harmful to their health and wellbeing.

Environmental laws help to protect our environment by rendering illegal any conduct that harms the environment. Environmental crimes are generally treated in the same manner and with the same seriousness as any other crime but specialised units are required to monitor and enforce the laws, as scientific and legal skills must be developed to combat such crime effectively.

As the green crime-fighting force is a first for South Africa, the DEA is still developing and improving its training programmes. The training is already bringing people from different environmental fields together to learn from each other's experiences.

The main function of the Green Scorpions is to enforce legislation required by

section 24 of the Constitution, which guarantees that every individual enjoys the right to an environment that is not harmful to their health and wellbeing.

They have the powers to:

- Investigate:** question witnesses, inspect and remove articles, take photographs and audiovisual recordings, take samples and remove waste

- Inspect:** enter premises to ascertain whether legislation is being followed.

- Enforce:** search premises, containers, vessels, vehicles, aircraft and pack animals; seize evidence and contraband; establish road blocks and make arrests.

- Administrate:** issue compliance notices and directives. The EMIs are not empowered to prosecute cases in court. All cases continue to be handed over to the National Prosecuting Authority (NPA) for prosecution. The EMIs

therefore work closely with prosecutors country wide to ensure the successful prosecution of offenders.

Their ultimate function is to ensure environmental laws are being complied with and that there is no damage to, loss of, or deterioration of the environment.

Compliance
The biggest exposure most



EMIs have a broad legal mandate that covers the "green", "brown", and "blue" sub-sectors.

companies have is from technical non-compliances with conditions imposed in an Environmental Authorisation, issued in terms of NEMA or similar permit conditions, such as the conditions contained in a Waste Management License issued in terms of the National Environmental Management, Waste Act and others. For this reason, it is important to carefully design an environmental management programme to ensure awareness and ongoing compliance with each of the conditions in any authorisation that the company has. Further

exposure is undertaking a listed activity without environmental authorisation.

There have been a number of changes to the activities which are listed over the years and it is important for companies to keep up to date with these changes and re-examine their operations from time to time, especially when undertaking any sort of expansion at an existing activity.

Offenders disregard Green Scorpions at their own peril - the Act that brought the EMIs into our statute books also makes it a criminal offence to give false information to them or to hinder them in their duties. On the other hand, if a

person gives a Green Scorpion evidence that leads to an offender being fined, the whistleblower can be awarded up to a quarter of the value of the fine by a court of law.

To help ensure that any green criminals that the EMIs bring to book are properly dealt with, the enforcement branch of the DEA has collaborated with the Justice College to train prosecutors on the ins and outs of the new environmental laws.

It has also collaborated with the South African Judicial Education Institute to raise the awareness amongst magistrates on the nature, scope and impact of environmental crime.



EMIs undertaking sampling for presence of potentially illegally dumped hazardous substances.

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They have a mandate that covers the following sub sectors:



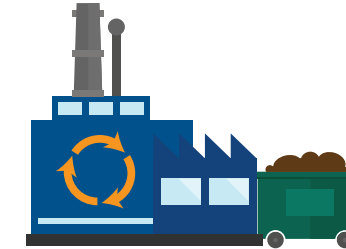
GREEN

(BIODIVERSITY/PROTECTED AREAS)



BLUE

(INTEGRATED COASTAL MANAGEMENT)



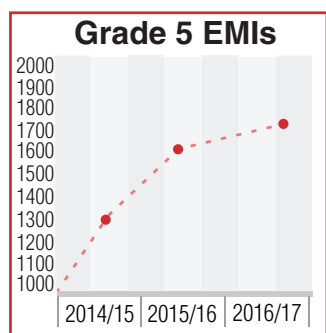
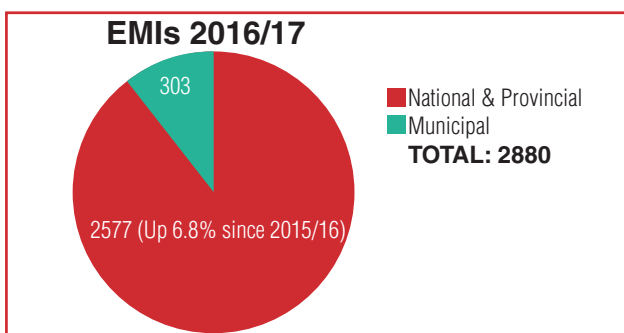
BROWN

(POLLUTION, WASTE, IMPACT ASSESSMENT)

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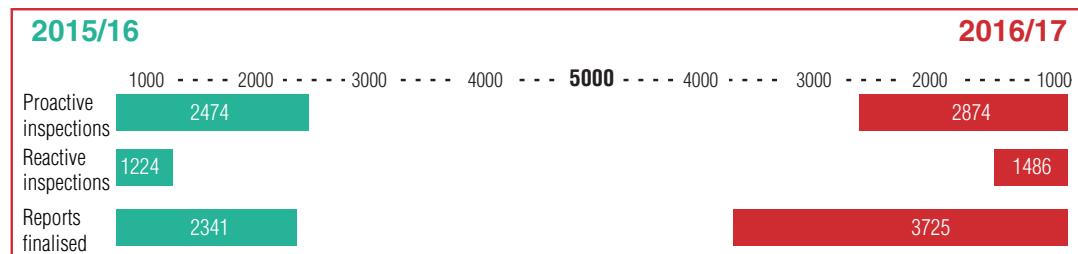
National EMI Register

More officials are becoming EMIs and the Green Scorpions' capacity is increasing



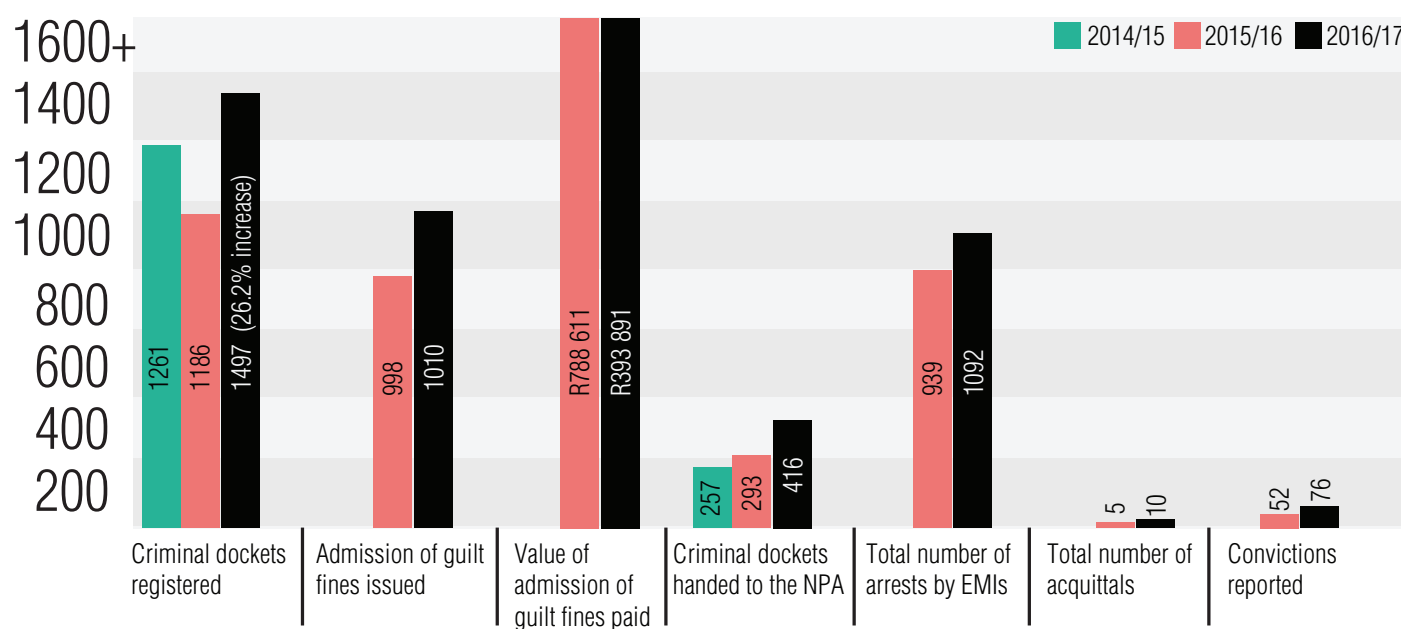
Monitoring improves compliance

Facilities inspected	Brown	Green	Blue	Total
Up 18.76% from 2015/16	2 058 (46.76% of total)	1 980 (45.2% of total)	341 (7.82%)	4 379
Noncompliance	1 462	average of 38.87%	38.87%	



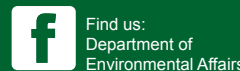
Conviction rates up

Since the creation of the EMI, much compliance monitoring and enforcement work has been undertaken and some important successes have been recorded in terms of strategic prosecutions and administrative enforcement action.



Environmental Crimes Hotline: 0800 205 005

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