23 April 2020

Dear Sirs,

RECOMMENDATION FOR AMENDMENTS TO THE COVID19 REGULATIONS AND DIRECTIONS

1. The Socio-Economic Rights Institute of South Africa (SERI) is a non-profit human rights organisation based in Johannesburg. We work with communities, social...
movements and individuals in and around the inner city of Johannesburg and beyond, by providing legal advice and representation, research services and advocacy support.

2. We represent the African Reclaimers Organisation ("ARO") and its members who are informal reclaimers. Our clients are concerned that informal reclaimers have not be listed as essential service providers, this is despite the fact that waste removal has been declared an essential service.

3. We also form part of C19 People’s which has made various submissions to your offices regarding amendments to COVID-19 regulations and directions already: https://c19peoplescoalition.org.za/coalition-submissions/. We have worked with members of the Coalition in the drafting of the below suggested amendments.

4. We recognise the difficult task that has confronted government in responding to the pandemic and the urgency under which measures have had to be introduced. However, the exclusion of informal reclaimers as essential service providers has disadvantaged our clients as they do not have access to recyclable materials and therefore are unable to make a living to sustain themselves and their families during this difficult time.

5. Drawing from the issues faced directly by reclaimers and an ongoing analysis of the COVID-19 regulations and directions, we have identified certain provisions thereof that we believe require amendment, clarification and/or further detail. Reclaimers are having great difficulty making a living and their work is widely estimated to save government up to almost 750 million rand annually in potential landfill costs by diverting recyclable materials out of the waste streams.

6. In the circumstances, we recommend that the Disaster Management Act Regulations (as amended) be amended to specifically include informal reclaimers in the definition of essential services in Schedule B, section B(15):
“cleaning, sanitation, sewerage, waste and refuse removal services, including informal waste reclamation by individuals and waste buy-back centres.”

7. We also recommend the insertion of section (3A) in Regulation 11B stipulating the following:

7.1. “informal waste reclaimers must carry a completed form substantially similar to Form 1 in Annexure C. The form must be signed by a representative of one of the buy-back centres at which the waste reclaimer has previously deposited or intends to deposit the waste he or she has collected.”

7.2. “informal reclaimers may use the permit contemplated in subsection (b) to collect waste on the day refuse is collected in the area where the reclaimer normally operates and to sell the collected recyclable waste to any buy back centre that is closer to the reclaimer’s place of residence”

8. Alternatively, we recommend that the above provisions should be set out in a separate Directive, issued by the Minister of Environment, Forestry and Fisheries.

9. We also recommend the insertion of section 11B(1)(f) which stipulates that:

9.1. “Waste reclamation or buy-back centres may continue to operate with the written permission to do so by the department of Environment, Forestry and Fisheries. Such centres may receive deposits of waste from individual waster reclaimers, who visit their premises.”

10. We note with encouragement that there have been ongoing revisions to relevant regulations and directions, and we trust that our input will be given urgent
consideration in the same spirit. Should you require any clarification, please do not hesitate to contact us.

Yours faithfully.

Nomzamo Zondo
Executive Director

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