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To:

Dundee Precious Metals

SLR Consulting

Ministry of Environment and Tourism of Namibia

Tsumeb Municipality

EBRD

Re: Final Environmental and Social Impact Assessment Report

ESIA amendment process for the proposed Tsumeb expansion project

We welcome the results and amendments presented in the Final ESIA report. Our opinion is that the ESIA procedure has fulfilled to large extend its meaningful purpose.

We will underline the following most important achievements:

- The initial reports and studies were well elaborated and gave much better description and explanation not only for the general public, but also to the responsible Namibian authorities, European Bank for Reconstruction and Development and the Company itself;
- Interested and affected parties were registered, informed and consulted according to clear and transparent process;
- As result of proper identification of the issues connected to the current and previous operation of the Tsumeb smelter and the initial round of comments there were conducted additional assessments and amendments in the documents, but also number of industrial and behavioral measures were undertaken by the Company as the Health and Hygiene Plan, Arsenic Exposure Reduction Plan or the closure of the Arsenic Plant and the introduction of a pilot Arsenic Vitrification Facility.

However, despite the positive development, many of the issues from our statement in 2016 are still valid. We will not repeat all of them here, but will focus on the crucial issues related to the work which should be done after the submission of the Report for a decision by the responsible EIA department of the Ministry of Environment and Tourism. Therefore, our comments from 2016 should be considered as integral part of our statement in the EIA procedure.

1. Although the Company is improving the emitters of harmful substances, the studies shows that the emissions after the upgrade will increase significantly, for example



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“Simulations showed that ground level ambient arsenic levels could potentially increase by approximately 54% due to the proposed increased throughput capacity of the smelter.” Or “Simulated arsenic levels at the smelter boundary and at sensitive air quality receptors at Ondundu and Endombo are predicted to be above the EU annual exposure criteria for the expansion scenario.”

Other subject of concern is the existing level of hazardous contamination within and out of the smelter borders: *“Preliminary results of a follow-up soil sampling programme confirmed that there are numerous historic mine dump sites, exposed reefs and ongoing small scale mining sites surrounding Ondundu which showed elevated soil arsenic levels, further indicating soil as an arsenic exposure pathway.”*

“There are currently significant contamination levels at the smelter property and surrounds mainly due to historic mining and smelter operations and legacy waste stockpiles.”

“Although it is acknowledged that the current DPMT operations, since DPMT purchased the facility in 2010, has contributed to and continue to contribute to the overall contamination load, the majority of the measured contamination levels and related impacts (i.e. groundwater and community health) are attributable to historic operation prior DPMT taking control of operations.”

“The Contaminants of Concern (CoC) identified on and off site, with surface concentrations of orders of magnitude greater than local geochemical backgrounds (i.e. primarily from mined ores and smelting) include: sulphur (S), arsenic (As), copper (Cu), chromium (Cr), cadmium (Cd), lead (Pb), antimony (Sb), vanadium (V) and zinc (Zn). Additional contaminants, of lesser or low concern, are cobalt (Co), iron (Fe), manganese (Mn), molybdenum (Mo), nickel (Ni), selenium (Se) and tin (Sn).”

“Significant contamination of Tsumeb is localised to the northern section and appears to have emanated from the historical smelter and mining operations, overlain by the modern smelter impact. The main dispersion area of significant contamination from the DPMT property is off-site to the west, northwest and southwest, and appears to extend off-site at medium to severe levels (depending upon CoC).”

Our position is that these harmful conditions in Tsumeb existed for too long period and should not be tolerated anymore. It is not acceptable from social and environmental point of view to allow further, even slight, contamination without undertaking serious measures for improvement of the contaminated soil, dust coming from it and the contaminant pathway to agricultural products and human body.

If the increase of the smelter capacity is approved, **one of the conditions should be the prompt implementation of soil rehabilitation project which will allow the establishment of acceptable basic environmental conditions for the affected population.** Any restriction of the land use contradicts to the EBRD PR 5 and can be only a temporarily measure for year or two, but not a solution.



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The results of the studies shows limited area and shallow soil layer of the contamination which means that both technically and financially the implementation of such rehabilitation project is viable and achievable.

Of course, the whole financial burden for such rehabilitation should not be responsibility of DPMT. The Company is helping already with some measures, expertise, eventually with the increase of the environmental allocation of the Tsumeb Community Trust which now is 7,5%. But the initiative should come from the Namibian Government, respectively the responsible Ministry of Environment and Tourism.

We see the additional benefits of employment and experience which will be extremely useful further as Republic of Namibia has large number of old and operating mining sites which requires certain level of land rehabilitation.

Namibian Government and DPMT have to develop an integrated project to deal with this heritage and this should not be further postponed in time.

2. Arsenic hazardous waste disposal site

As mentioned above, some important measures have been undertaken already and other solutions are recommended by the ESIA, **but to become a real engagement these measures**, namely the vitrification of the arsenic waste, disposal on a potential regional hazardous waste site, the transport to sites in South Africa or combination of these **should be set as obligatory conditions at the EIA decision and the Environmental Clearance Certificate.**

Our position is to consider the vitrification solution to be the first option as important steps for his introduction are implemented already, but also the storage of the vitrified residues will be much more harmless. The other options are insecure as the regional site is just an idea and the transport of hazardous materials to hundreds of kilometers is always subject of serious concern. Further relocation of arsenic by-products should not be allowed unless it is aiming long term safe disposal. Just moving the problem from one place to another is no solution.

3. EBRD Performance requirements

The assessment of the ESIA report towards the EBRD PR's is useful exercise bringing the document to the highest standards. But from theoretical recommendations and options, **these high standards will become real goals only if they are set as conditions at the EIA decision and the Environmental Clearance Certificate.**

These obligatory conditions should refer at least to the following:



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- Vitrification of the arsenic waste **as most advanced safe disposal method to date**;
- No further transportation and relocation of arsenic and its byproducts for further disposal or for use in agriculture (like use of arsenic trioxide as pesticide or for wood treatment which is a harmful practice and is being phased out globally) unless they are being sent there for vitrification and long term safe disposal.
- Rehabilitation of the contaminated land and enabling of healthy basic conditions for the workers and the citizens in the region (as a broader area)
- Water balance and water abstraction from public sources which may lead to water scarcity if not planned accordingly;
- Transport of the concentrate only by railway;
- Strict implementation, monitoring and regular reporting of all DPMT plans and programmes.

We will add here a request for a deployment of a renewable energy park which will reduce the financial burden of the Company and the national energy system which imports nearly 60% of the electricity, but also will coincide with the EBRD requirements for resource efficiency and the UN Sustainable Development Goals, basis of the EBRD Mining Strategy.

4. Occupational, health and safety of workers and community health issues

Managing health, safety and security risks to workers as well as to project-affected communities – as underlined in EBRD Environmental and Social Policy, PR2,3 and 4 – in this particular case should consist of preventing the exposure to the hazardous substances and introducing the engineering control to protect the workers and communities collectively. DPMT has the primary responsibility to provide safe and healthy conditions for their workers (also these employed indirectly) and informing, instructing, training, supervising and consulting workers on health and safety. There are about 700 people employed in the Tsumeb smelter by DPM, but 900 more in contractor firms. Contract workers often have to do the dirtiest work with the worst health impacts. In line with PR2, p.22 of EBRD ESP, non—employee workers should be treated equivalently as employee workers when it comes to contracts, non-discrimination, access to worker’s organisations, OHS measures including Personal Protective Equipment (PPE), monitoring the health and wellbeing and preventing the situations of imminent danger (PR4, p.11-15). They should also have access to the effective grievance mechanism for workers (PR2, p.21).

According to the Workers Union representative interviewed by Za Zemiata, Bankwatch and Earthlife Namibia during the FFM in 2019: “The Company Policy allows for the medical scheme/insurance to be valid only 3 months after the worker is dismissed or retired. After that the ex-workers do not have medical insurance and cover of medical expenses.”. His testimony also indicated that workers are not aware of the symptoms of As exposure. According to him, if the arsenic level in urine of a worker exceeds 100µg, the worker is transferred to another less exposed position till the urine level is down (normally after 3–4 weeks). If a worker’s urine level is very high, e.g. 600µg, he might be fired. It is also not clear, if workers have access to their medical records. Mineworkers Union of Namibia (MUN) representatives interviewed by Za Zemiata and CEE Bankwatch Network and EarthLife Namibia in 2019, complained that “Often 3-4 years after retirement workers pass away. There is no investigation on this.”

According to the Health and Hygiene Plan (2017-2021) a number of measures are undertaken to protect the workers, but the testimonies collected indicate that workers with high arsenic



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content in urine during the regular medical checks are either forced to take a rest for some weeks, or are moved to another, not so exposed, work. These kind of measures don't solve the arsenic exposure issue.

International Agency for Research on Cancer (IARC), a part of the World Health Organization (WHO), whose of a major goals is to identify causes of cancer, classifies arsenic and inorganic arsenic compounds as "carcinogenic to humans." There is sufficient evidence in humans for the carcinogenicity of mixed exposure to inorganic arsenic compounds, including arsenic trioxide. They cause cancer of the lung, urinary bladder, and skin. Also, a positive association has been observed between exposure to arsenic and inorganic arsenic compounds and cancer of the kidney, liver, and prostate.

1 In line with EBRD ESP, PR 2, p.8-10, DPMT should provide workers and project affected communities with relevant information, instruction and training relating to health and safety hazards, risks, protective and preventive measures and emergency arrangements that are necessary for their health and safety. Where any accidents, injury and ill-health occurs in the course of works associated with the project, DPMT should ensure appropriate financial compensation for any persons suffering injury or ill-health that is caused by project activities. DPMT should create the working conditions, which will allow the full control over the workers health and safety. It should also make sure, they as well as the communities living in the vicinity are fully aware of the measures, they have to take in order to avoid the negative impact on their health and wellbeing and they know the potential impact of the arsenic on their health. They workers should be monitored, undergone relevant medical checks, be effectively and appropriately informed about their health conditions. They should also receive the medical help in case of any ill-health occur.

Additionally, we hope that the Arsenic exposure reduction plan and Health and hygiene plan will improve the situation to certain level and we will propose some measures for even better controlpropose additional elements of it:

- Elaboration of an understandable materials describing the arsenic toxicity, possible paths for contamination and health reactions due to arsenic contamination. The brochure should be widely disseminated among workers and Tsumeb residents, particularly the most affected communities like the one in Ondundu;
- Training of the doctors in Tsumeb on arsenic toxicity, possible paths for contamination, symptoms and health reactions due to arsenic contamination. The necessary medicaments should be available;
- Once or twice per year doctors from other parts of the country should come for examinations and alternative opinion;
- DPMT Grievance mechanism should contain a very clear description of who and what is eligible for grievance. From the text in the SEP we have the impression that the mechanism is referred only to DPMT personnel. If so, it should be extended and adjusted to any potentially affected party, with the special attention put to the most polluted areas of Tsumeb, Ondundu, Kuvukiland and Endomdo..



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5. Access to information on the Environmental Clearance Certificates

Despite the list of ECC and the approved project components available in the final ESIA report and his Appendixes, these still do not provide essential information on the conditions attached to the ECC, how they are monitored and how the Company is conform to these conditions. We will give this simple example – the last ECC is from 2016, but the decommissioning of the Arsenic plant was implemented in 2017 and we, as interested party, cannot identify what will be the benefits, but also the challenges of this action, or if it is permitted at all!

The lack of this information seems a systematic issue for the responsible Ministry of Environment and Tourism and **do not allow any affected or interested party to have evidence about the permitted industrial facilities, the conditions and mitigation measures under which these facilities are permitted, what type of control is held by the responsible authorities and what are the results of the control.**

With particular letter from 2015 addressed to the Minister of MET and the Environmental Commissioner and under this procedure again **we recommend to the responsible authorities to overcome this problematic issue through the simple and well know good administrative practice to publish such information to the website of the Ministry or other appropriate web based platform.** The easy for the public approach will be to publish the ECC, but also the implemented control and the results of the monitoring by an annual reports.

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