Multi Stakeholder Forum - UPL

Minute Note of meeting held at 12:30 on Thursday 14 May 2026 at Grace Family Church, 400 Umhlanga Rocks Dr

Present (as per the attendance register)

Mr Masiphula Babalo (MB)	Resident
Mr Luke Bodmann (LB)	Kinvig & Associates
Mr Norman Brautesth (NB)	NBA Law
Mr Thabani Gambu (TG)	EDTEA
Mr Dewet Geldenhuys (DG)	Urban Mgt
Dr Mark Graham (MG)	GroundTruth
Dr Strimie Govender (SG)	DWS
Ms Vicky King (VK)	Metamorphosis
Mr Bongani Mthembu (BM)	SDCEA
Mr Gerhard Mulder (GM)	Resolve Communications
Mr Sanele Ndawonde (SNd)	KZN EDTEA
Mr Allimuthu Parumal (AP)	WESSA
Mr Ricky Rajkaran (RR)	UPL Ltd
Ms Prisha Sukdeo (PS)	EWS: Pollution & Environment
Mr Celokuhle Zondi (CS)	SDCEA
Mr Nombulelo Zungu (NZ)	EDTEA

Secretariat

Ms Rose Owen (RO)	Phelamanga

Apologies

Ms Jo Barnard (JB)	Urban Mgt
Mr Des D'Sa (DD)	SDCEA
Ms Joyce Hammond (JHa)	eThekwini
Ms Yugeshni Naicker (YN)	KZN EDTEA
Mr Jeremy Ridl (JR)	MSF

KEY TO INITIALS – ALL MEMBERS			
AA	Antony Arbuthnot	MP	Mandisa Poswa
AB	Abednego Baker	NB	Norman Brautesth
AM	Andrew Mather	NL	Neo Leburu
AMp	Ayanda Mpofu	NZ	Nombulelo Zungu
AMpu	Azile Mpukwana	OP	Omar Parak
AP	Allimuthu Perumal	PM	Philile Mwandla
AX	Anele Xulu	PS	Prisha Sukdeo
BD	Bhavisthra Dukhea	PSt	Philip Steenstra
BDl	Bonginkosi Dlamini	PV	Phumzile Vezi
BM	Bongani Mthembu	RE	Rico Euripidou
CG	Cameron Gqaleni	RN	Rajen Naidoo
CL	Colin Levin	RO	Rose Owen
CM	Colleen Moonsammy	RR	Ricky Rajkaran
CZ	Celokuhle Zondi	RS	Rupert Sebire
DD	Des D'Sa	SA	Sumaiya Arabi
DG	Dewet Geldenhuys	SBa	Santosh Bachoo
DR	Divhani Ramovha	SB	Siyabonga Buthelezi
FE	Fadeya Ebrahim	SC	Sean Chester
FH	Francine Hattingh	SG	Strimie Govender
GM	Gerhard Mulder	SH	Stefan Heimstad
GMu	Greg Mullins	SN	Shaun Naidoo
GR	G Ragusammy	SNd	Sanele Ndawonde
JB	Jo Barnad	TB	Tandi Breetzke
JBa	Jacky Barrington	TC	Tony Carnie
JE	Jarrod Evans	TG	Thabani Gambu
JHa	Joyce Hammond	TM	Terri Maclarty
JHe	Jacqueline Herbst	TMo	Tshidiso Moya
JR	J Ramnarand	TP	Trafford Peterson
KY	Kirsten Youens	TR	T Reddy
LB	Luke Bodmann	VP	Vernon Pillay
LS	Londiwe Satimburwa	VK	Vicky King
MB	Masiphula Babalo	YN	Yugeshni Naicker
MG	Mark Graham	ZH	Zameer Harichand
MN	Munsami Naicker	ZM	Zanele Msimang
MNo	Mcebisi Nozimakhwe		

	ACTION
1. WELCOME, INTRODUCTION & APOLOGIES 1. RO welcomed everyone and thanked them for attending the meeting. RO informed the meeting that there is a Dictaphone to record the meeting for minute purposes. 2. RO asked all to ensure they signed the attendance register and checked their details. RO confirmed that all I&AP details are kept on a computer and not in the cloud. She would not share any stakeholder information with anyone. If she is aware of any processes that are relevant to any stakeholders, she will share information with them. 3. RO asked for any apologies, these are noted above.	
2. ACCEPTANCE OF DRAFT AGENDA 1. RO reminded the meeting that she drafts the Agenda as per request from JR to assist, the Agenda is prepared based on information from stakeholders. 2. NB proposed the follow addition at 10.1 DFFE / EDTEA Section 30 dispensation change. 3. The meeting agreed and the agenda was accepted and adopted.	
3. PURPOSE AND FORMAT 1. RO noted that a placeholder was created on the agenda for "Purpose and Format" to focus	

discussions.
2. The Terms of Reference are currently under review and so the purpose and format is not available.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 2 FEBRUARY 2026

1. RO reminded the meeting that the minutes are provided as per the request from JR, to support the meeting. JR is still listed as the convenor and the Terms of Reference update will be provided.
2. Minutes of the previous meeting were accepted and signed.

5. MATTERS ARISING FROM THE PREVIOUS MEETING NOT COVERED BELOW

1. No matters arising.

6. MSF TERMS OF REFERENCE

6.1. Update

1. NB gave feedback that he had attended an online meeting with JR and Dr Dlamini to discuss the ToR.
2. NB noted that Dr Dlamini had indicated he was not disposed to make any changes to the ToR. Dr Dlamini noted that the whole section 30 was in the process of being reviewed and as a result he felt that the MSF should continue on an informal basis, provided there was adequate notification and involvement with the community. Dr Dlmini indicated that was enough, so it was left on that basis.
3. RO thanked NB for the update – she summarised that the MSF was being held on an informal basis, the Terms of Reference would be held for review until the section 30 dispensation changes had been addressed and at that point there could be an update or change. RO noted she had been requested to assist JR from an administrative perspective in terms of, obtaining Agenda items, distributing meeting notices, securing a venue and providing a minute note. She was not able to action or undertake any other tasks beyond this.

7. REPORTS

7.1. Health Survey

1. RO noted that at a previous meeting JR had suggested the idea of a health colloquium to look at the different health reports surveys etc and find some alignment.
2. JR had responded to RO that he did not have capacity to and had not indicated he could drive this.
3. RO asked the meeting if anyone in the meeting would be able to take this idea up.
4. NB suggested this item be held over as his update on the section 30 dispensation change may have some bearing on this item.
5. BM further suggested that this item be held until such time as Rico Euripido and Prof RN were able to attend.
6. The meeting agreed.

7.2. Report Review

1. No reports required review.

7.3. Cornubia Clinic Update

1. JH had sent an update to RO regarding the clinic as per email received:
   "Cornubia Clinic Update:
   The Facility is still under construction with additional compliance requirements that were identified to be added. These additions required financial output and have thus pushed the project completion date to August 2026."
2. AP noted that the MSF does not have powers to push for a clinic, this should be done through community structures including the MPs and ward councillors and civic institutions.

8. CRIMINAL CASE – UPDATE REQUEST

1. RO noted she was not in a position to provide any feedback on this item. She had sent a

request to the Department (DFFE), they had asked for the meeting date and time which she had provided.

9. ANY OTHER BUSINESS

9.1. DFFE / EDTEA Section 30 Dispensation change

1. NB provided some background noting that the spill response was been mandated under section 30 of NEMA – emergency incidents. This incident is can no longer be considered an emergency incident, it has been 5 years. The conditions of the section 30 notices have increasingly become more inappropriate to what is a longer term process for the cleanup. The emergency cleanup has effectively happened, and now there's a longer term rollout and monitoring type operation. With this in mind there was engagement early in April with DFF, EDT, UPL and some of the specialists to consider how to take that process further. Should the section 30 directive still remain in place or should there be some other mechanism used?
2. NB noted there had been various options considered, one that was proposed was that the slab of the UPL site should now be brought under part eight of the Waste Act which is a declaration of contaminated land and that provides a whole mechanism for sorting out the site.
3. If this approach is taken it would take it out of EDTEAs control and put it into the ambit of the DFFE. Then the question is how would one deal with the incident impacts on the estuary and on the tributary? Could those be signed off? and if they couldn't be signed off yet, how would they be finalised as that couldn't be under a contaminated land process or maybe it could? NB noted there was a big debate about that or whether section 30 notice could be modified to just deal with those items while the Waste Act would deal with the slab. Following on from this it was also clear that the JOC which was set up to manage the section 30 actions has ceased to exist, that for a year the JOC has not functioned.
4. In summary NB noted that we ended up with a very confusing set of regulatory controls where EDTEA in some instances is giving UPL directions. The Durban health has been involved in some of the health issues but they have no mandate because they were part of a JOC but they aren't anymore part of a JOC. And of course municipality has been working to ensure that that UPL complies with its bylaws in addition to complying with section 30. There's been a regulatory mess for the last year and a half, it's been very confusing.
5. UPL have engaged with EDTEA and the DFFE. The outcome of those meetings was that UPL were to put together some proposals, which has just been done in the last week. The proposals have been sent to the DFFE for consideration. UPL have suggested that there are a number of ways going forward to deal with the ongoing work on the site. But there's some aspects that don't neatly fit into a section 30 box. Similarly they don't fit into a Waste Act box.
6. In particular the item that is not clearly a section 30 or Waste Act item, is health. The question is how does one take forward the management of health impacts?
7. Part of concerns that have been expressed here is that to some extent the health investigations and monitoring have finished, the immediate impacts on health were measured at that time. There were a lot of interventions in the first year, to year and a half after this incident. Then it was intended that there would be a cohort study in Blackburn and the surrounding area with a control group to try and identify what the medium to long-term health impacts if any arising from this spill were.
8. NB expressed concern that UKZN through Professor Naidoo had set up a study for which they got NRF funding and that's been rolling out and that has really confused the whole health impact monitoring study proposal that UPL were to follow. Subsequently (and unsuccessfully) UPL have been in discussions with UKZN.
9. NB went on to inform the meeting that UPL have engaged experts who have indicated that there is no clear reason now, 5 years later, of doing another study. Further to this it is also the opinion that there would be no ethical approval for another study in the Blackburn community as they have already been subjected to one. So UPL has been talking about maybe extending the study but there is no conclusion to that discussion.
10. NB summarised that at the moment that whole health issue is being looked at quite intensively to determine, first of all what would be the future regulatory regime under which it

should be managed? And secondly who would be in charge of it and oversee it?

11. It was noted that obviously Joyce Hammond of the city has been involved. Provincial Health has been involved and National Health. They've all on the JOC but since the JOC has been disbanded, they have been involved in an ad hoc basis. No one really knowing what their mandate is and UPL don't know what their mandate is.
12. NB highlighted that their expert (Professor Nelson) has indicated that with her academic load she has no further capacity to help. UPL are in the process of looking at employing an independent medical specialist to look at this whole scenario and to provide them with some advice going forward as to what should be done and then UPL will review this against the regulatory requirements. Currently there's an engagement with DFFE and EDTEA and the other authorities involved in all the aspects of the cleanup and the spill response to say “how do we manage this on a sustainable basis?” – either to take it out of Section 30 and put it into the Waste Act, or as a section 28 of NEMA (which is a bit broader) and which could give a longer term framework and inclusive of health. UPL want to try and simplify and give clarity on the way forward.
13. RO thanked NB for the update and noted that there was extensive discussion to find the best way forward to ensure all aspects of the ongoing spill management and work is managed and supported.
14. RO further noted this also follows up on the item regarding the Health Colloquium and the possible change may impact on how this is approached and managed. It was proposed we await feedback on this and then take guidance form any changes.
15. The meeting agreed.
16. A query was raised if there is any clarity on when a resolution would be provided to this. It was noted the Departments do not want this to take too long and a response is anticipated fairly soon.

10. PROPOSED MEETING DATES

1. RO informed the meeting that the WUL Forum has agreed to amend their meeting dates and platforms. As the MSF is tied to the WUL Forum in terms of venue and date and time it was requested that until there is clarity on the ToR and way forward the MSF would follow the WUL Forum dates etc.
2. The meeting noted and agreed. It was noted the next meeting would be in Mid-October, date to be advised. The meeting would be online, and RO would provide meeting links etc.

~~4 February 2026 – amended to 2 February 2026~~
~~14 May 2026~~
~~13 August 2026 –~~ amended to Mid-October 2026
~~12 November 2026 –~~ amended to Mid-October 2026

11. CLOSURE

1. RO thanked all for their attendance and participation. She again requested that they check and sign the attendance register.
2. There being no further discussions, the meeting closed at 13.40

Read and confirmed this day of 20

____
Facilitator

ANNEXURE

The following link to the folder containing the presentations referred to above will be available in Phelamanga’s Dropbox until the next meeting. Thereafter stakeholders may request any previous reports or presentations directly form the Phelamanga office.

PRESENTATION	LINK	FILE SIZE