



THERMOPOWER PROCESS TECHNOLOGY (PTY) LTD

Reg. No. 1996/006526/07

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11 August 2009

Business & Human Rights Resource Centre
1-3 Charlotte Street,
3rd floor,
London W1T 1RD,
United Kingdom

Dear Mr. Abiola Okpechi / Mr. Christopher Avery,

Re: **RESPONSE TO BUSINESS & HUMAN RIGHTS RESOURCE CENTRE – FOR WEEKLY UPDATE NEWSLETTER**

We refer to your email addressed to us dated 6 August 2009 in which you have indicated that you wish to publish an article on your 'weekly update' which was published in the South African Mail and Guardian. We note with great interest who the "Business & Human Resource Centre" is and more importantly the fact that it comprises of "development & environmental advocates and academics" which, inter alia, report about positive initiatives about companies as well as reports about concerns that have been raised by civil society. This is particularly important as your organization comprises of persons of such integrity and repute then they will properly ascertain the correct factual position before publishing any article. This is particularly so having regard for the fact that the article published by the Mail and Guardian is so manifestly untrue, in addition to the fact that it is littered with errors and is factually incorrect. Our decision not to respond to the Mail and Guardian was taken after consultation with the authorities that issued Thermopower Process Technology (TPT) with the permit. It must also in no way be construed as an admission as to the truth or accuracy thereof and we certainly reserve the right to reply thereto in the appropriate forum and time.

For the purposes of the record we operate under properly approved licenses and in fact adhere to the highest standards equaling or exceeding those of the European Union. We subscribe to the same code of ethics as your "environmental advocates" and invite you to meet with us at any time to ascertain the facts.

For the purpose of your publication we attach reports, letters from government authorities and other information in the hope that it will make your task easier:

1. Certificate issued to TPT by the Department of Environmental Affairs in July 2004 (***attached: Certificate from DEAT 30 July 2004.doc***)
2. Reports from Margot Saner and Associates and Hindoc: Both these companies are certified as independent organizations approved by government authorities and qualified to practice as environmental consultants. The attached reports by MS&A and Hindoc describe their association over the years with TPT. (***attached: MS&A Health Safety and Enviro Report on Thermopower August 2009.doc & Hindoc EIA accredited consultants Thermopower August 2009.doc***)
3. Report by Hindoc after odour and burning eye complaints: This report revealed that the pollution was caused by a next door company, Norcross. Norcross has a solvent effluent from their tile painting and glazing operations which they pump at a rate of 2000 m³ per day into a wetland which is behind TPT and Norcross's properties. This report was also sent to Local Authorities and Provincial Government who are currently investigating the offence by Norcross. (***attached: Wetland and Odour Complaint Report.pdf***)

4. Letter to TPT from the Provincial Director General (Dr Cornelius): This letter is in reply to Government Officials visit to TPT. The visit took place nearly three years ago following similar odour allegations against the company. This letter states there is no case against TPT. ***(attached: Letter from Dr. Cornelius Page 1.jpg 20 Feb 08.jpg)***
5. TPT was requested to make a presentation to the Ekurhuleni Local Authority following allegations against the company. Following this presentation to the Local Authority and inspections by Local authority officials it was confirmed that the Local authority supports TPT's operation and the role it plays in the area.
6. *Other points for consideration:*
 - a. TPT is in an industrial area that includes a chemical manufacturing company (Icon Chemicals Pty Ltd), a refractory manufacturing company (Vesuvius Pty Ltd) a wall and floor tile manufacturing company (Norcross Pty Ltd), and a government sewage treatment plant treating sewage from the Olifantsfontein area (ERWAT). All these companies are within a kilometer radius.
 - b. Due to TPT's process being regulated, the company is an obvious target when it comes to respiratory problems in the surrounding communities. None of such complaints are factual or can be attributed to TPT's operations. TPT in accordance with its permit issues quarterly and annual reports to Local and Government Departments. TPT fully complies with the Environmental requirements of the law of the country. (Also confirmed in the article by the Mail and Guardian).
 - c. Many accusations refer to the causes of an effluent stream from TPT. Thermopower believes that the cause of the problem in the area is the effluent stream from Norcross. Further the Department of Environmental Affairs acknowledges that TPT's process has no effluent product. TPT is visited by Local authority officials and Central and Government Officials on a regular basis.
 - d. TPT is in the process of registering for ISO 14001 and ISO 9000 as required by organizations sending waste to TPT.
 - e. TPT is in close proximity to an environmentally pristine area where Housing Developers are very active and would not like the presence of a Hazardous Waste Treatment facility. Activities of Housing Developers in the area are currently been investigated.
 - f. The only group actively involved against TPT is the Olifantsfontein Policing Forum (dealing with area security issues) which has nothing to do with Environmental issues in the area. The Ekurhuleni Local Authority has expressed concern about the involvement of the Policing Forum in Environmental matters because of the lack of expertise in their ranks and it is currently promoting the formation of an Environmental Group in the area.
 - g. Investigations by the SABC (South African Broadcasting Corporation) were conducted prior to the Mail and Guardian publication, and they found that there was no substance for media coverage.
 - h. The Mail and Guardian is a South African newspaper with the voice of the opposition to the ANC (currently in government). There was an allegation that the ANC was a partner to TPT. This was denied. CIPRO which is a recognized official organization that lists all companies in South Africa and their ownership confirmed that there is no government involvement in TPT. (The Mail and Guardian received copies of share certificates from TPT's auditors which also agree with CIPRO). TPT suspects that the accusations of ANC involvement in TPT was the reason for targeting our company.
 - i. The Mail and Guardian team visited TPT before the articles appeared in the newspaper and they interviewed TPT officials. The Mail and Guardian was given the HINDOC report and copies of all letters from Government and Local Authority. They were shown the effluent stream from Norcross next door which is currently flowing into the wetland. Their photographers also took pictures. Unfortunately none of these reports, letters and photos of the effluent stream from Norcross were published or mentioned in their articles.

- j. TPT intends sending the reply sent to Business and Human Resource Centre to the Local Authority which is responsible for Olifantsfontein, the Provincial Government, the Department of Environment (Central Government), Earth Life Africa and Groundwork.

The Management of Thermopower is available to answer additional questions and we look forward to your organization's visit to TPT.

Regards,

A handwritten signature in black ink, reading "Christos Eleftheriades". The signature is written in a cursive style with a light blue background behind it.

Dr. Christos Eleftheriades

Director

Thermopower Process Technology (Pty) Ltd