

Tyhileka madubela - Strengthening of the work of the Weather Service through the South African Weather Service Amendment Bill, 2011

From: Rebecca Garland
To:
Date: 2012/01/11 03:46 PM
Subject: Strengthening of the work of the Weather Service through the South African Weather Service Amendment Bill, 2011

Dear Ms Tyhileka Madubela. I would like to comment on the Weather Service Amendment Bill, 2011. I am an atmospheric chemist by training and work extensively on research on air quality, health and climate change in South Africa. I have two comments related to the Amendment Bill.

The first is, that while I am very excited for the new air quality research that is starting at the South African Weather Service (SAWS), I am concerned about the addition of many points to the Schedule 2 to Act 8 of 2001. In particular, this list of "commercial services" for air quality data gives the impression that all data that the weather service will collect of monitored air quality and emissions will not be publicly available for research. And according to point 16 in Schedule 1 to Act 8 of 2001 SAWS will be in charge of SAAQIS and thus will be the repository of ALL monitored air quality data and ALL emission data in the country. This commercializing of all air quality data in the country would have large negative impacts on research in South Africa.

This "Fee For Data" service with regards to research does not work in any other country in the world nor does it even work within SAWS with their climate data. This practice has been abandoned by many Weather Services and other institutions already, so it does not make sense that the South African Weather Service would now be introducing this. In addition, the World Meteorological Organization, which SAWS is a member of, has adopted Resolution 40 which states, "(WMO) adopts the following policy on the international exchange of meteorological and related data and products: As a fundamental principle of the World Meteorological Organization (WMO), and in consonance with the expanding requirements for its scientific and technical expertise, WMO commits itself to broadening and enhancing the free and unrestricted international exchange of meteorological and related data and products." The WMO states in this resolution that "'Free and unrestricted' means non-discriminatory and without charge". Why then, at a time when the WMO is urging its members to commit to providing data free of charge is the South African Weather Service Amendment listing point 18 in Schedule 2, "The selling or air quality, atmospheric emission or meteorological information packages especially designed for use in air quality models", as a commercial service?

By charging for climate data, and by charging very high rates for data, SAWS has already stifled research where climate data is necessary. If the air quality data is also a commercial commodity as this amendment intends, then SAWS will then also be stifling air quality research. This would be a large setback to the air quality, environmental health and climate change research communities in South Africa. This setback is inexcusable because these are areas of research that are lagging behind in South Africa from the international research community and are areas of research that impact directly on every South African's health, and thus should be encouraged and not penalized through dataset charges.

Now please note that I am discussing data used for research purposes, which many times is paid for by the government. As such, this dataset fee is a waste of government's money. That is because the climate and air quality data is collected using government (or really taxpayer) money. Much of the research on climate and air quality is also done with government (again, really taxpayer) money. Thus, to make a researcher use government money to buy data that was collected with government money is making the government and the taxpayer pay twice. I think it is unconscionable to throw away taxpayer's money in this way.

I would recommend that there is clarification in the amendment that all Weather Service data should have "free and unrestricted" access to researchers. This will benefit the Weather Service through increasing collaboration opportunities in the research community. As the data will be used for research, the Weather Service will then be able to collaborate better with researchers and both the fields of air quality and climate

research, and the Weather Service's capacity to perform this research, will improve.

The second point I would like to make is about the Section 30 "Offenses and Penalties". I am very concerned both by points 1 and 3. Point 1 as written is very vague what a warning might entail. Again, as I am involved in air quality and climate change research, what will happen if at a conference or in a paper I state that my research shows that there is a high probability that the upcoming summer will be extremely hot and there will be heat waves and that people's health might be impacted. Will I, as a researcher discussing my research, then go to jail? The statement as written is too vague and leaves too much open to interpretation that depending upon the reading of this amendment, large amounts of the countries researchers may be at risk of going to jail purely for doing air quality and climate research.

In addition, point 3 is worrisome as it infringes on free speech. A person in a democracy where there is freedom of expression should be able to criticize a government institution such as the Weather Service without being afraid of going to jail. I understand that a person can't lie or do anything unlawful, but to say that a person can't do anything that might negatively impact the Weather Service is unreasonable. This is particularly troublesome as the Weather Service conducts scientific research. In scientific research, the methods and work that one does is criticized (through peer review) and open to criticism from other scientist. Thus, if I am working on a project and disagree with the Weather Services findings and print that, would I as a research who is commenting on research be intentionally saying something that detrimentally affects or is likely to affect the Weather Service? Yes I am, because I am questioning their research and that might impact them. However, this is how research works and I should not be penalized for using the scientific method to do my work.

I would recommend removing this section of "Offenses and Penalties" completely. It does not have any place in a research organization's mandate.

Thank you for your time,

Dr Rebecca Garland

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