

CORRECTION NOTICE

Substitute the following for Government Notice No. R. 1004 published in *Government Gazette* No. 30393 (*Regulation Gazette* No. 8762) of 26 October 2007:

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1075

16 November 2007

CLASSIFICATION AND LABELLING OF CHEMICAL SUBSTANCES REGULATIONS

The Minister of Labour has under the section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety, to make the regulation in the Schedule.

Interested persons are invited to submit any substantiated comments or presentation on proposed regulations to the Director General:

Department of Labour, Private Bag X117, Pretoria, 0001

(for the attention of the Chief Inspector: Occupational Health and Safety) within 90 days of publication of this notice:

SCHEDULE

1. **Definitions.** - In this Schedule a word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it and unless the context otherwise indicates.

"Hazardous chemical substances" means any chemical substance or mixture which is classified as hazardous in accordance with SANS 10234.

"mixture" means more than one chemical element or its compound, obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

"production process" means any process that results in a product that has different characteristics from the individual substances used as raw material to the process.

"SANS 10234" Globally Harmonized System of Classification and Labelling of Chemicals (GHS)

"substance" means obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used chemical elements and their compounds in the natural state or

- 2. Scope of application.** - (1) Subject to the provisions of sub-regulation (2), these regulations shall apply to:

- (a) an employer or a self-employed person who carries out work at a workplace which may expose any person to the intake of an HCS at that workplace;
- (b) any person who manufactures, imports, sells or supplies any hazardous chemical substance for use at work.

3. Information and training

(1) An employer shall ensure that all employees who may need to use the labels and safety sheets referred to in regulation 4 shall ensure that the employee is adequately and comprehensively informed and trained in using the information provided in the labels and safety data sheets applicable to his/her workplace.

4. Classification of Chemicals

(1) Every person who manufactures, imports, sells or supplies any hazardous chemical substance for use at work shall ensure that the substance or mixture is classified in accordance with SANS 10234.

5. Provision of Safety Data Sheets

(1) Subject to section 10 (3) of the Act, every person who manufactures, imports, sells or supplies any hazardous chemical substance for use at work shall, as far as is reasonably practicable, provide the person receiving such substance, free of charge, with a safety data sheet prepared in accordance with SANS 10234.

(2) Every employer who uses any hazardous chemical substance at work, shall be in possession of relevant safety data sheet referred to in sub regulation (1).

(3) Every employer shall make the relevant safety data sheet as referred to in sub regulation (1) available in the workplace where the hazardous chemical substance or mixture is being handled.

(4) Every employer shall make a safety data sheet as referred to in sub regulation (1) available, free of charge, at the request of any interested or affected person.

6. Labelling of hazardous chemical substances

(1) Subject to section 10 (3) of the Act, every person who manufactures, imports, sells or supplies any hazardous chemical substance for use at work shall, ensure that the substance or mixture is labelled in accordance with SANS 10234.

7. Transitional Provisions

(1) With effect from the date of publication of these regulations, the requirements of these regulations and the requirements of regulation 9A of GNR 1179 of 25 August 1995, may be implemented simultaneously for a period not exceeding three years for substances and not exceeding four years for mixtures.
