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**DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES**

NO. 10

11 JANUARY 2021

**NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004****(ACT NO. 39 OF 2004)****AMENDMENTS TO THE REGULATIONS REGARDING THE PHASING-OUT AND MANAGEMENT  
OF OZONE DEPLETING SUBSTANCES**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby under section 53(a) and (e), read with section 55 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), amend the Regulations regarding the Phasing-Out and Management of Ozone Depleting Substances, 2014, published under Government Notice No. 351 in Government *Gazette* No. 37621 of 08 May 2014, as set out in the Schedule hereto.



**BARBARA DALLAS CREECY  
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

**SCHEDULE****Definition**

1. In these regulations "the Regulations" means the Regulations regarding the Phasing-Out and Management of Ozone Depleting Substances, 2014, published under Government Notice No. 351 in *Government Gazette* 37621 of 8 May 2014.

**Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is hereby amended by insertion after the definition of "critical use(s)" of the following definition:

"critical use nomination" means use of methyl bromide that is determined by the Department as a critical use;".

**Amendment of regulation 3 of the Regulations**

3. Regulation 3 of the Regulations is hereby amended by the substitution for subregulation (5) of the following subregulation:

"(5) The Director-General may in writing, upon receipt of the application contemplated in subregulation (4)—

- (a) grant approval and provide a reference number and any impose conditions or requirements which must be adhered to;
- (b) refuse the application and provide reasons for the decision; or
- (c) require the applicant to make amendments and specify the timeframe within which the applicant must resubmit."

**Insertion of regulations 5A and 5B in the Regulations**

4. Regulation 5 of the Regulations is hereby amended by the insertion after regulation 5 of the following regulations:

**"Import quota allocation**

- 5A. No person may import HCFCs or methyl bromide under critical use nomination, without an import quota allocation from the Department.

**Import or export permit recommendation**

**5B.** A person who imports or exports ozone depleting substances listed in the Import Control Regulations published under Government Notice No. R91 in Government *Gazette* No. 35007 of 10 February 2012 or Export Control Regulations, published under Government Notice No. R92 in Government *Gazette* No. 35007 of 10 February 2012, promulgated under the International Trade Administration Act, 2002 (Act No. 71 of 2002), must submit the application for an import or export permit to the Department for recommendation, before submitting the application to the International Trade Administration Commission."

**Amendment of regulation 9 of the Regulations**

**5.** Regulation 9 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) contravenes regulations 3, 4, 5, 5A, 5B, 6, 7 or 8 of these Regulations;"

**Substitution of Appendix A to the Regulations**

**6.** Appendix A of the Regulations is hereby substituted for the following Appendix:

<b>"LIST OF OZONE DEPLETING SUBSTANCES</b>	
<b>CHEMICAL NAME</b>	<b>ASHRAE name for refrigerants</b>
1,1,1- Trichloroethane (methyl chloroform)	R-140a
Bromomethane (Methyl Bromide)	
Carbon Tetrachloride	
Trichlorofluoromethane (CFC 11)	R-11
Dichlorodifluoromethane (CFC 12)	R-12
Trichlorotrifluoroethanes (CFC 113)	R-113
Dichlorotetrafluoroethanes (CFC 114)	R-114
Chlorotrifluoromethane	R-13
Pentachlorofluoroethane	R-115
Tetrachlorodifluoroethanes	
Heptachlorofluoropropanes	
Hexachlorodifluoropropanes	
Pentachlorotrifluoropropanes	
Tetrachlorotrifluoropropanes	
Trichloropentafluoropropanes	

Dichlorohexafluoropropanes	
Chloroheptafluoropropanes	
Other derivatives perhalogenated only with fluorine and chlorine	
Bromochlorodifluoromethane (Halon 1211), bromotrifluoromethane (Halon 1301) and dibromotetrafluoroethanes (Halon 2402)	R-12B1, R-13B1 and R-114B2
Chlorodifluoromethane (HCFC 22)	R-22
Dichlorotrifluoroethanes	R-123
Chlorotetrafluoroethanes	R-124
Dichlorofluoroethanes	R-141b
Chlorodifluoroethanes	R-142b
Dichlorodifluoroethanes	
Dichloropentafluoropropanes	
Other derivatives of methane, ethane or propane, halogenated only with fluorine and chlorine	<ul style="list-style-type: none"> <li>• R-500</li> <li>• R502</li> </ul>
Derivatives of methane, ethane or propane, halogenated only with fluorine and bromine	
Insecticides, containing bromomethane (methyl bromide) or bromochloromethane	
Fungicides, other, containing bromomethane (methyl bromide) or bromochloromethane	
Herbicides, anti-sprouting products and plant-growth regulators, other, containing bromomethane (methyl bromide) or bromochloromethane	
Disinfectants, other, containing bromomethane (methyl bromide) or bromochloromethane	
Other: containing bromomethane (methyl bromide) or bromochloromethane	
Preparations and charges for fire-extinguishers; charged fire extinguishing grenades; other, containing bromochlorodifluoromethane, bromotrifluoromethane or dibromotetrafluoroethanes	
Other, containing methane, ethane or propane hydrobromofluorocarbons (HBFCs)	
Other, containing methane, ethane or propane hydrochlorofluorocarbons (HCFCs)	
Other, containing bromochloromethane	
Organic composite solvents and thinners, not elsewhere specified or included; prepared plant or varnish removers:	

Containing methane, ethane or propane chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs)	
Containing methane, ethane or propane hydrochlorofluorocarbons (HCFCs), but not containing chlorofluorocarbons (CFCs)	<ul style="list-style-type: none"> <li>• R-401A</li> <li>• R-406A</li> <li>• R-408A</li> <li>• R-409A</li> <li>• R-418A</li> </ul>
Containing carbon tetrachloride, bromochloromethane or 1,1,1-trichloroethane (methyl chloroform)	
Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products, not elsewhere specified or included); Containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs)	
Containing bromochlorodifluoromethane, bromotrifluoromethane or dibromotetrafluoroethanes	
Containing hydrobromofluorocarbons (HBFCs)	
Containing hydrochlorofluorocarbons (HCFCs), whether or not containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs)	
Containing carbon tetrachloride	
Containing 1,1,1-trichloroethane (methyl chloroform)	
Containing bromomethane (methyl bromide) or bromochloromethane"	