

DEPARTMENT OF HEALTH

NO. 1926

25 March 2022

HAZARDOUS SUBSTANCES ACT, 1973 (ACT NO.15 OF 1973)

GROUP I, CATEGORY A, HAZARDOUS SUBSTANCES: DECLARATION

Minister of Health, intend, in terms of section 2(1) (a) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), to declare the substances mentioned in the schedule and mixtures containing such substances, products or materials to be Group I, Category A Hazardous Substances.

Interested persons are invited to submit substantiated comments or representations on the proposed declaration to the Director-General: Department of Health, Private Bag X 828, Pretoria, 0001 (for the attention of the Chief Director: Environmental Health and Port Health Services), by fax to: 012- 395 8802, attention: Ms Aneliswa Cele, or by e-mail to: Aneliswa.Cele@health.gov.za, within three (3) months from the date of publication of this Notice.



DR M.J PHAAHLA, MP
MINISTER OF HEALTH

DATE: 21/04/2022

SCHEDULE

Definitions

1. In this Notice, any word or expression to which a meaning has been assigned in that Act, shall have that meaning and unless the context indicates otherwise:-

“ECHA” means the European Chemicals Agency;

“Globally Harmonized System(GHS)” means the Globally Harmonized System of Classification and Labelling of Chemicals published by the United Nations, an internationally adopted harmonized hazard communication system for identifying and evaluating all the physical, toxicological and ecotoxicological properties of a substance or mixture, to determine the classification of the substance or mixture using specified criteria; and

“the Act” means the Hazardous Substances Act, 1973 (Act No. 15 of 1973).

Group I, Category A hazardous substances

2. The following are hereby declared as Group I Category A hazardous substances, namely:-

- (a) All industrial substances listed in Annexure III of the Rotterdam Convention with allowed uses in the country and subject to paragraph 3;
- (b) Mercury and mercury compounds for allowed for uses as prescribed in the Minamata Convention; and
- (c) Any industrial substance or mixture of substances, products or materials which in the course of customary or reasonable handling or use, including ingestion, by reason of its;
- (i) acute toxicity oral, skin or inhalation, category 1 or 2 or;
 - (ii) carcinogenicity, category 1, 1A or 1B or;
 - (iii) reproductive toxicity, category 1, 1A or 1B or;
 - (iv) germ cell mutagenicity, category 1A or 1B or;
 - (v) specific target organ toxicity-single exposure (STOT-SE), category 1 or;
 - (vi) specific target organ toxicity-repeated exposure (STOT-RE), category 1;

listed as harmonised in the Classification and Labelling Inventory obtainable from the ECHA web site, <https://echa.europa.eu> and classified according to the hazard classification prescribed in the latest version of the *United Nations (UN) Globally Harmonized System of Classification and Labelling of Chemicals – GHS, Purple Book.

Exclusions

3. The above declaration excludes:-
- (a) Substances classified as Explosives in terms of the United Nations (UN) Globally Harmonized System of Classification and Labelling of Chemicals – GHS, Purple Book;
 - (b) Radioactive substances as defined in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) as amended;
 - (c) Prohibited substances or use of substances in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) as amended, or Agricultural, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947) as amended, or the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) as amended or National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended or any other legislation;
 - (d) Substances and preparations and admixtures which are classified as scheduled substances under the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965) as amended;
 - (e) All industrial substances listed in the Stockholm Convention; and
 - (f) A substance, mixture of substances, products or materials declared as Group II hazardous substance.

Applicability of Group I Hazardous Substances Regulations

4. (1) Any person engaged in the sale of Group I, Category A hazardous substances must comply with the provisions of Regulations Regarding Group I hazardous substances published in Government Notice No. 453, *Gazette* No. 5467 of 25 March 1977, as amended.

(2) Subject to regulation 3(i) of the Regulations Regarding Group I Category A hazardous substances, the sale of mercury and mercury compounds for primary mercury mining and for use in artisanal and small-scale gold mining is prohibited.

Repeal

5. Government Notice R. 452 published in *Government Gazette* No. R. 5467 dated 25 March 1977 and GGN R. 1705 published in *Government Gazette* No. 16796 dated 3 November 1995 are hereby repealed.

Date of commencement

6. The declaration shall come into effect six months after the date of publication of this Notice.

Transitional arrangements

7. A license issued under section 4 of the Act, before the publication date of this Declaration Notice, shall be valid until expiry date.

Title

8. This notice is called Declaration of Group I Category A Hazardous Substances in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), 2021.