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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF HEALTH****NO. 5218****20 September 2024****RISK DETERMINATION****OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973****(Act No. 78 of 1973)**

The Minister of Health, intends, in terms of section 20(5)(a) of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973), (the Act), determine the basis in accordance with which the risk of mines or works shall be determined by the risk committee.

Interested persons are invited to submit any substantiated comments or representations on the proposed Risk Determination Notice to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Medical Bureau for Occupational Diseases; [Nhlanhla.mtshali@health.gov.za](mailto:Nhlanhla.mtshali@health.gov.za)), within three months of the date of publication of this Notice.

  
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**DR P.A. MOTSOLEDI, MP**  
**MINISTER OF HEALTH****DATE:**

21/8/24

**Determination of Risk**

1. In the determination of the risk rating, the Risk Committee for Mines and Works must use the risk assessment information and statutory reporting information, as required by the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) (MHSA), as a basis for the determination of the risk of exposures in Mines and Works for the purposes of the Act.

**Controlled Mines and Works Risk Determination Methods**

- 2.1 The default exposure risk rating will be 1 (one) for a controlled mine or works until an updated risk rating is determined by the Risk Committee after 1 April 2025 in terms of this notice, paragraphs 2.2 to 2.4.
- 2.2 The risk classification is based on the Department of Mineral and Petroleum Resources (DMPR) exposure rating categorisation as shown in the table below.
- 2.3 The risk band for the various Airborne Pollutant risks must be established based on the information obtained from the statutory reports submitted to the DMPR or in the case of Works from reports on exposures undertaken by the Works. The weighting is incorporated into the current DMPR classification bands and form the basis of the allocation of a weighted risk band.
- 2.4 The weighted risk band must be multiplied by the established base levy per risk shift for the allocation of the levy payable per shift. The proportional increase in the levy to the allocated risk and is based on the principle of: The higher the exposure risk, the higher the levy payable. The past high exposures are accounted for and take cognisance of the long latency period of an Exposure Risk Ranking system.

The below table is the current Department of Mineral and Petroleum Resources classification bands/codes for exposure rating bands.

**Table**

<b>DMPR Category</b>	<b>Risk Weighting</b>	<b>Description</b>	<b>Comment</b>
A*	2	Exposures $\geq$ OEL or mixtures of exposures $\geq 1$	Unacceptable Risk
B & C*	1	Exposures $\geq 50\%$ of the OEL and $< \text{OEL}$ or mixtures of exposures $\geq 0,5$ and $< 1$ Exposures $\geq 10\%$ of the OEL and $50\%$ of the OEL or mixtures of exposures $\geq 0,5$ and $< 1$	Moderate to High Risk
D	0	Exposures $< 10\%$ of the OEL	Low Risk

Below is the formula to calculate the Exposure Risk Rating

- The Exposure Risk Rating for any year is e.g.
  - $(\text{RRyr } n-6 + \dots + \text{RRyr } n-2 + \text{RRyr } n-1 + \text{RRyr } n) / 7$
  - $n$  = year of deliberation
- RRyr = Risk Rating for the year.<sup>1</sup>

### Short Title and Commencement

3. This Notice is called the Risk Determination Notice 2025 and comes into effect on 01 April 2025.

<sup>1</sup> The starting point for this new system will be based on the first statutory reports submitted to the DMPR under the MHSA for Exposure to Airborne Pollutants, following the approval of this document or reports from Works. The Guideline for a Mandatory Code of Practice on Airborne Pollutants came into effect in September 2002. The first year for the calculation will henceforth be for the calendar year ending 2017.

<sup>2</sup> All the reports submitted to the DMPR will be annualised for the purpose of the risk determination calculation.

<sup>3</sup> For the purpose of the calculation mentioned in point 2 above, the most conservative (highest) exposure values and highest number of exposed persons will be used.

<sup>4</sup> The 2006 OCCUPATIONAL EXPOSURE LIMITS FOR AIRBORNE POLLUTANTS, as promulgated in the Mine Health and Safety Act (Act 29 of 1996) will be utilised for the categorisation of personal exposures into the DMPR risk classification bands/codes.