

DEPARTMENT OF HEALTH

NO. 1925

25 March 2022

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

GROUP I, CATEGORY B, 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 hereto and mixtures containing such substances, products or materials to be Group I, Category B 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 months from the date of publication of this Notice.



DR. M.J. PHAAHLA, MP

Minister of Health

Date: 21/02/2022

SCHEDULE

Definitions

1. In this Notice, and 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, (This is 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 B hazardous substances

2. (1) All pesticides substances listed in Annexure III of the Rotterdam Convention; with an importation consent granted by the Designated National Authority of the Convention and /or with approved registration in terms of the Agricultural, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(2) All pesticides substances listed in Part I, Annexure B of the Stockholm Convention; subject to specific exemptions prescribed in the Convention and or subject to subparagraph(3).

(3) All pesticides or agricultural remedies classified and registered under the red hazard colour code and/or as restricted in terms of the Agricultural, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(4) The declaration in subparagraphs (1), (2) and (3) does not apply to:-

(a) Substances listed in the Classification and Labelling Inventory obtainable from the ECHA web site, <https://echa.europa.eu>, and 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);
- (c) Prohibited substances or use of substances in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) as amended, or the Agricultural, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), 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) or any other legislation; and
- (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).

Applicability of Group I Hazardous Substances Regulations

- 4. Any person engaged in the sale of Group I, Category B hazardous substances must comply with the provisions of Regulations Relating to Group I Hazardous Substances GNR 453 published in *Government Gazette* No. 5467 of 25 March 1977, as amended.

Repeal

- 5. The Government Notice No. R 1381 published in *Government Gazette* 15907 dated 12 August 1994 is hereby repealed.

Commencement date

- 6. The Declaration comes 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 B Hazardous Substances in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), 2021.