

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4123

30 November 2023

SPECIFIC EXEMPTIONS AVAILABLE FOR APPLICATION FOR TWO INDUSTRIAL CHEMICALS NAMES: DECHLORANE PLUS AND UV-328 WHICH ARE LISTED IN ANNEX A OF THE STOCKHOLM CONVENTION FOR ELIMINATION WITH SPECIFIC EXEMPTIONS

The Department of Forestry, Fisheries and the Environment (DFFE), as the Focal Point of the Stockholm Convention, hereby informs the industry and other interested stakeholders about the specific exemptions available for application for two industrial chemicals namely: Dechlorane Plus and UV-328, which are listed in Annex A of the Stockholm Convention for elimination with specific exemptions for certain applications. Any other uses of Dechlorane Plus and UV-328 are banned under the Stockholm Convention except for those applications specified under specific exemptions. Only parties that have applied for specific exemptions will be allowed to use Dechlorane Plus and UV-328 for those exempted applications as indicated in the Schedule herein.

Any company which may be involved in the use of Dechlorane Plus and UV-328 under specified exempted applications prescribed in the Schedule herein, and which still wishes to continue with these chemicals, is hereby requested to apply for specific exemptions through the Department of Forestry, Fisheries and the Environment, within 60 days of publication of this Notice in the *Government Gazette*.

Written submissions of the requested information must be forwarded to any of the following address:

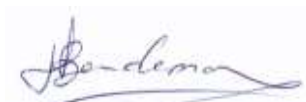
By post to: The Director-General: Department of Forestry, Fisheries, and the Environment
Attention: Ms Noluzuko Gwayi
Private Bag X447
PRETORIA
0001

By email to: gkhauoe@dffe.gov.za

By hand at: Environment House, 473 Steve Biko Road, Arcadia, 0083

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a comments and response report which may be made available to the public. If a commenting party has any objection to his or her name, or the name of the represented company/organization, being made publicly available in any comments and responses report, such objection should be highlighted as part of the comments submitted.

Any inquiries in connection with the Notice can be directed to Ms Noluzuko Gwayi, Senior Policy Advisor: International Chemicals and Waste Cooperation at ngwayi@dfpe.gov.za or (012) 399 9854 and Mr Gordon Khauoe: Policy Analyst: International Chemicals and Waste Cooperation at gkhauoe@dfpe.gov.za.



DEVINAGIE BENDEMAN

DIRECTOR-GENERAL (ACTING): DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

TABLE OF CONTENTS

| | |
|---|-----|
| BACKGROUND | 1.1 |
| LIST OF SPECIFIC EXEMPTIONS ALLOWED FOR UV-328 | 1.2 |
| LIST OF SPECIFIC EXEMPTIONS ALLOWED FOR DECHLORANE PLUS | 1.3 |

1.1 BACKGROUND

- 1.1.1 The Stockholm Convention is an international treaty. Its primary objective is to protect the environment and human health from adverse effects of Persistent Organic Pollutants (POPs). The Stockholm Convention was adopted in May 2001 and entered into force in May 2004. It calls for an international concerted action on three categories of Persistent Organic Pollutants (POPs) namely: pesticides, industrial chemicals, and unintentionally produced POPs. The Stockholm Convention requires parties to prevent the development of new POPs and promote best available techniques (BAT) and best environmental practices (BEP) for replacing existing POPs.
- 1.1.2 The Stockholm Convention, which initially addressed 12 substances (informally known as “the dirty dozen”), was designed to facilitate the review and addition of new chemicals through a three-stage scientific review process prior to consideration for listing by the Conference of the Parties (COP). Since 2009, the COP has added 19 new POPs, including both pesticides and industrial chemicals, to the annexes of the Stockholm Convention. There are currently 186 parties to the Convention.
- 1.1.3 The Stockholm Convention has recently held its eleventh meeting of the Conference of the Parties to the Stockholm Convention (Stockholm Convention COP-11) in Geneva, Switzerland from 1-12 May 2023. The Stockholm Convention COP-11 amended Annex A to add the pesticide methoxychlor, and the industrial chemicals Dechlorane Plus and UV-328. For Dechlorane Plus and UV-328, there were specific exemptions for some equipment where production and use would be allowed until 2041 for medical devices, and 2044 for the other exempted uses. Parties to the Stockholm Convention may register for specific exemptions listed in Annex A or B pursuant to paragraph 3 of Article 4 of the Stockholm Convention. These specific exemptions have a limited timeframe and will expire on dates agreed by parties after the date of entry into force of the Convention with respect to that particular chemical (paragraph 4 of Article 4 to the Stockholm Convention), unless an earlier date is indicated in the Register by the Party, or an extension is granted by the Conference of the Parties under paragraph 7 of Article 4 to the Stockholm Convention.
- 1.1.4 The Department of Forestry, Fisheries and the Environment, requests the following information from any persons wishing to use Dechlorane Plus and UV-328, under specified exempted applications:
- (a) Whether products and/or articles containing Dechlorane Plus and UV-328 are being used in the country, and if so, what are the products and applications used for?
 - (b) Whether products and/or articles containing Dechlorane Plus and UV-328 are being manufactured, imported, exported, used and sold locally?
 - (c) What is the name of the manufacturer and the country of import and export?
 - (d) Which applications are you applying for the specific exemptions?
 - (e) Supporting information and reasons for applying for specific exemptions should be provided within 60-days of publication of this Notice in the *Government Gazette*.
- 1.1.5 Upon receiving your submissions, The Department of Forestry, Fisheries and the Environment will register for specific exemptions, if any, with the Secretariat of the Stockholm Convention on behalf of South Africa.

1.2 LIST OF SPECIFIC EXEMPTIONS ALLOWED FOR UV-328

1.2.1 The Stockholm Convention COP decided to list UV-328 in Annex A with specific exemptions. The first specific exemption is for replacement parts for articles where UV-328 was originally used in the manufacture of those articles and may be available, limited to the following applications, until the end of the service life of the articles or 2044, whichever comes earlier:

- (a) motor vehicles (covering all land-based vehicles, such as cars, motorcycles, agricultural and construction vehicles and industrial trucks);
- (b) stationary industrial machines (such as tower cranes, concrete plants, and hydraulic crushers) for use in agriculture, forestry, and construction; and
- (c) liquid crystal displays in instruments for analysis, measurements, control, monitoring, testing, production and inspection (such as recorders, infrared radiation thermometers, digital storage oscilloscopes, and radiographic testing instruments) other than for medical applications.

1.2.2 The second specific exemption is for the use of UV-328 for replacement parts for articles for the following applications for medical purposes will apply where UV-328 was originally used in the manufacture of those articles and may be available until the end of the service life of those articles, subject to review by COP no later than 2041:

- (a) liquid crystal displays in medical and in-vitro diagnostic devices (such as ultrasound diagnostic devices, flexible endoscopes, immunoassay analysers, clinical chemistry analysers, and blood coagulation analysers); and
- (b) liquid crystal displays in instruments for analysis, measurements, control, monitoring, testing, production, and inspection (such as recorders, infrared radiation thermometers, digital storage oscilloscopes, and radiographic testing instruments).

1.3 LIST OF SPECIFIC EXEMPTIONS ALLOWED FOR DECHLORANE PLUS

1.3.1 The Stockholm Convention COP agreed to list Dechlorane Plus in Annex A with specific exemptions. The first specific exemption is for replacement parts for, and repair of, articles where Dechlorane Plus was originally used in the manufacture of those articles and may be available, limited to the following applications, until the end of the service life of the articles or 2044, whichever comes earlier:

- (a) aerospace (such as aircraft engine fan case rub strip products and voidfilling and edge-sealing products, aircraft engine manufacturing repairs, electrical items, structural panels, and aircraft cabin interiors);
- (b) space (such as satellites, probes and other exploration equipment, manned cabins and laboratories, heat-insulating materials for rocket motors, and ground support equipment);
- (c) defence (such as naval vessels, missiles, launch platforms, ordnance, communication equipment, radar and lidar systems, and support equipment);
- (d) motor vehicles (covering all land-based vehicles, such as cars, motorcycles, agricultural and construction vehicles, and industrial trucks; applications include cables, wire harnesses, connectors, and insulation tapes);

- (e) stationary industrial machines (such as tower cranes, concrete plants, and hydraulic crushers; applications include cables, wire harnesses, connectors and insulation tapes) for use in agriculture, forestry and construction;
- (f) marine, garden, forestry and outdoor power equipment; and
- (g) instruments for analysis, measurements, control, monitoring, testing, production, and inspection.

1.3.2 The second specific exemption is for replacement parts for, and repair of, articles will apply where Dechlorane Plus was originally used in the manufacture of those articles and may be available, limited to the following applications, until the end of the service life of those articles, subject to review by the Conference of the Parties no later than 2041:

- (a) medical devices (such as ultrasound diagnostic devices, magnetic resonance imaging systems, X-ray imaging systems, flexible endoscopes and radiotherapy devices and installations); and
- (b) in-vitro diagnostic devices (such as immunoassay analysers, haematology analysers, polymerase chain reaction (PCR) testing systems, genetic analysers, clinical chemistry analysers, blood coagulation analysers, and urinalysis analysers).