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## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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### DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. R. 1026

30 SEPTEMBER 2020

#### NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

#### CONSULTATION ON THE INTENTION TO PUBLISH DRAFT REGULATIONS TO PROHIBIT THE PRODUCTION, DISTRIBUTION, IMPORT, EXPORT, SALE AND USE OF PERSISTENT ORGANIC POLLUTANTS

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby give notice of my intention to publish the Regulations to prohibit the production, distribution, import, export, sale and use of persistent organic pollutants, in terms of section 25(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

Members of the public are invited to submit, within thirty (30) days of publication of this notice in the *Government Gazette*, written representations or objections to the proposed draft Regulations to the following addresses:

**By post to:** The Director-General: Department of Environment, Forestry and Fisheries  
Attention: Ms Margaret Molefe  
Private Bag X447  
**PRETORIA**  
0001

**By email at:** [SMolefe@environment.gov.za](mailto:SMolefe@environment.gov.za)

**By hand at:** Environment House (Reception), 473 Steve Biko Road, Arcadia, 0083

Please note that anyone entering the Department's building will be subjected to COVID-19 procedures. Due to the COVID-19 pandemic, delivering comments by hand at the Department is being discouraged.

Enquiries in connection with the draft Notice can be directed to Ms Margaret Molefe at Tel.: (012) 399 9845 / Cell: 082 444 5596.

**Comments received after the closing date may not be considered.**



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

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#### CHAPTER 1

##### DEFINITIONS AND APPLICATION OF THE REGULATIONS

###### DEFINITIONS

1. In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise —

**"distribution"** means a direct or indirect transfer of listed chemicals by a company or individuals for the benefit of one or more users or company within the same group of companies;

**"export"** in relation to the Republic, means to take out or transfer, or attempt to take out or transfer, from a place within the Republic to another country or to international waters;

**"import"** in relation to the Republic means to land on, bring into or introduce into the Republic, or attempt to land on, bring into or introduce into the Republic, and includes to bring into the Republic for re-export to a place outside the Republic;

**"listed substance"** means any chemical listed in regulation 3 of these Regulations, as well as formulations and products containing any of these chemicals and their wastes;

**"Persistent Organic Pollutants"** means chemicals that are of global concern due to their potential for long-range transport, persistence in the environment, ability to bio-magnify and bio-accumulate in ecosystems, as well as their significant negative effects on human health and the environment; and

“**production**” means the action of making or manufacturing from components or raw materials, or the process of being manufactured.

## PURPOSE AND APPLICATION OF THE REGULATIONS

2. (1) The purpose of these Regulations is to prohibit the production, distribution, import, export, sale and use of the substances contemplated in regulation 3.
- (2) These Regulations apply uniformly to any person who produces, distributes, imports, exports, sells and uses a listed substance within the Republic of South Africa.

## CHAPTER 2

### GENERAL PROHIBITIONS

3. No person may produce, distribute, import, export, sell or use any of the following listed substances:
  - (a) Hexabromocyclododecane;
  - (b) Hexachlorobutadiene;
  - (c) Polychlorinated naphthalenes;
  - (d) Decabromodiphenyl ether;
  - (e) Short-chain chlorinated paraffins; and
  - (f) Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds.

## CHAPTER 3

### GENERAL MATTERS

#### OFFENCES AND PENALTIES

4. (1) A person is guilty of an offence if that person —
  - (a) contravenes regulation 3 of these Regulations; or
  - (b) furnishes false or misleading information regarding the production, distribution, import, export, sale or use of the substances listed in regulation 3.
- (2) A person convicted of an offence under these Regulations is liable to-
  - (a) a minimum fine of R5 million or 5 years imprisonment for a first offence, or in the case of a second or subsequent offence, a maximum fine of R10 million or 10 years imprisonment; or
  - (b) both a fine and imprisonment.