

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 6493

8 August 2025

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

DRAFT REGULATIONS TO PROHIBIT THE USE, PRODUCTION, DISTRIBUTION, SALE, IMPORT, AND EXPORT OF PLASTIC MICROBEADS, AND PRODUCTS CONTAINING MICROBEADS

I, Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 44(1)(a), (aA), (aB), (b) and (1A) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), publish my notice of intention to make Regulations to Prohibit the use, production, distribution, sale, import, and export of plastic microbeads, and products-containing microbeads, as set out in the Schedule hereto.

Members of the public are invited to submit written comments, within 30 days from the date of publication of this notice in the Government Gazette or in the newspaper, whichever is date is the later date, to any of the following addresses:

By post to: The Director General
Attention: Mr Jeremia Sibande
Director: Chemicals and Waste Policy and Information Management
The Department of Forestry, Fisheries and the Environment
Private Bag X447
PRETORIA
0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0001.

By email to: jsibande@dfre.gov.za

Any enquiries in connection with the notice can be directed to Mr Jeremia Sibande jsibande@dfre.gov.za at (012) 399 9832/067 417 3844. The draft Regulations to prohibit the use, production, distribution, sale, import, and export of plastic microbeads, and products-containing microbeads can be accessed at <http://sawic.dfre.gov.za/> under "Draft documents for comment".

Comments received after the closing date may not be considered.



DR D T GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

TABLE OF CONTENTS

1. Definitions
2. Purpose and Application of the Regulations
3. General Prohibitions
4. Monitoring and Evaluation
5. Offences and Penalties
6. Transitional Provisions
7. Short title and commencement

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-
 - "cosmetics"** means any article or substance intended to be rubbed, poured, sprinkled or sprayed on or otherwise applied to the human body for purposes of cleansing, beautifying, promoting attractiveness or improving or altering the appearance, and includes any part or ingredient of any such article or substance;
 - "distribution"** means a direct or indirect transfer of a listed substance by a company or individuals for the benefit of one or more users or companies;
 - "export"** concerning 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 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;
 - "plastic microbeads"** are tiny, solid plastic particle that is less than 5mm in size, used in various products such as cosmetics, personal care items, pesticides, toiletries, and cleaning products. These include synthetic polymer microparticles for use as an abrasive, namely to exfoliate, polish or clean.
 - "production"** means the action of making or manufacturing from components or raw materials, or the process of being manufactured;
 - "sale"** means offer, advertise, keep, transmit, consign, convey, or deliver to resell or exchange or dispose of to any person, whether for consideration or otherwise;
 - "the act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);
 - "toiletries"** means any personal hair, skin, teeth, or mouth care products for cleansing or hygiene, including exfoliants and any of those products; and
 - "use"** means to utilise microbeads for a similar or different purpose with the intention to achieve the desired result.

2. Purpose and Application of the Regulations

1. The purpose of these Regulations is to prohibit the use, production, distribution, sale, import, and export plastic microbeads, and products containing microbeads.
2. These Regulations apply uniformly to any person who use, produce, distribute, sell, import, and export plastic microbeads, and products containing microbeads within the Republic of South Africa.

3. General prohibitions

No person may use, produce, distribute, sell, import, and export plastic microbeads, and products containing Microbeads.

4. Monitoring and Evaluation

1. Any person who uses, produces, distributes, sells, imports, and exports plastic microbeads, and products containing microbeads within the Republic of South Africa must;
 - (a) Take a sample of microbeads in Cosmetic industries on annual or biennial basis.
 - (b) Test for microbeads in Cosmetic industries on annual or biennial basis.
 - (c) Label, use signage or unique code of cosmetic products that are free from microbeads.
 - (d) Conduct public education and awareness on labelling and signs used,
 - (e) Register the activities that are free from microbeads impacts.
 - (f) Provide Microbeads Incident Reporting media

5. Offences and penalties

1. A person commits an offence if that person –
 - (a) contravenes these Regulations; or
 - (b) furnishes false or misleading information.
2. A person convicted of an offence in terms of subregulation (1) is liable on conviction to imprisonment for a period not exceeding five years or a fine not exceeding 5 million Rands, and in the case of a second or subsequent conviction, imprisonment for a period not exceeding ten years or to a fine not exceeding 10 million Rands; and in both instances to both a fine and such imprisonment.

6. Transitional provision

Despite the provisions of regulation 3 of these regulations:

1. A person who, at the time of the commencement of these regulations, has the plastic microbeads may continue to use, produce, distribute, sell, import, and export plastic, microbeads and products-containing microbeads for 24 months from the commencement of these regulations.
2. A person who wishes to rely on subregulation (1) in order to continue to use, produce, distribute, sell, Import, and export plastic microbeads, and products-containing microbeads after the commencement of these regulations must notify the Director-General in writing thereof within 30 days of the commencement of these regulations

3. The notification contemplated in subregulation (2) must:

- (a) Identify the quantities of plastic microbeads and products-containing plastic microbeads that the person possesses;
- (b) be accompanied by a phase-out plan to be implemented within the 24 months; and
- (c) within 6 months after the 24-month lapse, submit a report providing evidence aligned with the phased-out plan.

7. Short title and commencement

These Regulations are the Regulations prohibiting plastic-microbeads, and will come into effect on the date of publication in the *Government Gazette*.