

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3185

24 March 2023

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)

PROPOSED AMENDMENTS TO THE WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS, 2013

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 69(1)(a), (b), (g), (h), (m), (q), (r), (s), (dd), and (ee), read together with sections 72 and 73 of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008), give notice of my intention to amend the Waste Classification and Management Regulations, 2013 published in Government Notice R.634 in Government Gazette 36784 of 23 August 2013, as set out in the Schedule hereto.

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

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

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

By email: shemraj@dfre.gov.za

Any enquiries in connection with the notice should be directed to Ms Sharlin Hemraj at (012) 399 9826 or shemraj@dfre.gov.za

The Government Notice can be accessed at <http://sawic.environment.gov.za/> under "Draft documents for comment".

Comments received after the closing date may not be considered.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In this Schedule, unless the context indicates otherwise,

“the Regulations” means the Waste Classification and Management Regulations, 2013, published in Government Notice R.634, in Government Gazette 36784 of 23 August 2013.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by—

- (a) the substitution of the definition for “emergency”, for the following definition:

“ **‘emergency situation’** has the meaning assigned to it in section 30A(7) of the National Environmental Management Act, 1998 (Act No. 107 of 1998);”;

- (b) the insertion after the definition of “emergency situation” of the following definitions:

“ **‘GHS’** means the latest version of the Globally Harmonised System of Classification and Labelling of Chemicals published by the United Nations, as may be updated from time to time, and commonly referred to as the UN Purple Book, which can be accessed at <https://unece.org/about-ghs>;

‘incident’ has the meaning assigned to it in section 30(1)(a) of the National Environmental Management Act, 1998 (Act No.107 of 1998);

‘SAWIS’ has the meaning assigned to it in the National Waste Information Regulations published in Government Notice R 625 in Government Gazette No. 35583 of 13 August 2012;

‘safety data sheet’ means a document that is aligned to the GHS, providing information on hazard classification, properties of hazardous chemicals, procedures for handling or working with hazardous chemicals in a safe manner, and the effects of hazardous chemicals on health and safety at the workplace;

‘safe disposal certificate’ means a certificate confirming that waste has been managed, including by recovery, recycling and disposal, in compliance with the Act;”;

- (c) the substitution of the definition for “waste classification” for the following definition:

“ **‘waste classification’** means establishing—

- (a) whether a waste is hazardous or not, based on the nature of its physical, health and environmental hazardous properties or hazard classes; and

- (b) the degree or severity of hazard posed or hazard category;";
- (d) the substitution of the definition for "waste manifest system" for the following definition:
 " **'waste manifest system'** means a system of control documentation, which must accompany a load of hazardous waste transported from the point of generation to a particular waste management facility;"; and
- (e) the deletion of the definition of '**SANS 10234**'.

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution of subregulation (1) for the following subregulation:
 "(1) The purpose of the Regulations is to—
 (a) regulate the classification and management of waste in a manner which supports and implements the provisions of the Act;
 (b) prescribe requirements for the disposal of waste to landfill;
 (c) prescribe requirements and timeframes for the management of certain wastes; and
 (d) prescribe general duties of waste generators, transporters, and managers."

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended by—
 (a) The substitution of subregulations (1) and (2) for the following subregulations:
 "(1) Wastes listed in Annexure 1 to these Regulations do not require classification.
 (2) Subject to subregulation (1), all waste generators must ensure that the waste they generate is classified in accordance with GHS within 180 days of generation."; and
 (b) the substitution of subregulation (4) for the following subregulation:
 "(4) Waste must be reclassified in terms of subregulation (2)—
 (a) every five years; and
 (b) within 60 days of a modification to the process or activity that generated the waste or of any change in the raw materials or other inputs."

Amendment of regulation 5 of the Regulations

5. Regulation 5 of the Regulations is hereby amended by the substitution of subregulations (1) and (2) for the following subregulations:

- “(1) Subject to subregulations (2) and (3), once waste has been classified in accordance with regulation 4(2); generators of hazardous waste must ensure that a safety data sheet for the hazardous waste is prepared in accordance with GHS.
- (2) Subregulation (1) does not apply to generators of hazardous waste listed in item (2)(b) of Annexure 1 to these Regulations provided the safety data sheets for these wastes are prepared as follows:
 - (a) Safety data sheets for waste listed in item (2)(b)(i) of Annexure 1 to these Regulations must be prepared in accordance with GHS for the product the waste originates from; and
 - (b) safety data sheets for waste listed in item (2)(b)(ii) of Annexure 1 to these Regulations must be prepared in accordance with GHS reflecting the details of the specific hazardous waste or hazardous chemical in the waste.”.

Amendment of regulation 6 of the Regulations

6. Regulation 6 of the Regulations is hereby amended by—

- (a) the substitution of subregulation (4) for the following subregulation:

“(4) Waste generated must be re-used, recycled, recovered, treated or disposed of by the waste generator or waste manager within 18 months of generation.”; and

- (b) by the deletion of subregulation (5).

Amendment of regulation 7 of the Regulations

7. Regulation 7 of the Regulations is hereby amended by the substitution of paragraph (b) of subregulation (2) for the following paragraph:

“(b) reduce the potential risk or negative impact associated with the management of the waste.”.

Amendment of regulation 8 of the Regulations

8. Regulation 8 of the Regulations is hereby amended by the substitution in the chapeau of subregulation (1) of the word “emergency” for “emergency situation”.

Deletion of chapter 4 of the Regulations

9. Chapter 4 of the Regulations is hereby deleted.

Amendment of Regulation 13 of the Regulations

10. Regulation 13 of the Regulations is hereby amended by—

- (a) the substitution of the chapeau of subregulation (1) for the following chapeau:

"A person commits an offence if that person—";

(b) the substitution of subregulation (2) for the following subregulation:

"A person convicted of an offence in terms of subregulation (1)(a) is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, or in both instances to both a fine and such imprisonment."; and

(c) the substitution of subregulation (3) for the following subregulation:

"A person convicted of an offence in terms of subregulation (1)(b) is liable to a fine not exceeding R1 million or to imprisonment for a period not exceeding 1 years, or to both such fine and such imprisonment."

Amendment of Annexure 1 of the Regulations

11. Annexure 1 of the Regulations is hereby amended by—

(a) the substitution of subparagraph 2(a)(v) of Annexure 1, for the following subparagraph:

"(v) Waste packaging not containing hazardous waste or hazardous chemicals.";

(b) the insertion, after subparagraph 2(a)(viii) of Annexure 1, of the following subparagraph:

"(ix) Expired, spoilt, unusable or unwanted products."; and

(c) the substitution of subparagraph 2(b)(i) of Annexure 1, for the following subparagraph:

"(i) Waste Products:

- Waste oil;
- Mercury containing waste;
- Asbestos waste;
- PCB waste or PCB containing waste (> 50 mg/kg or 50 ppm); and
- Expired, spoilt, unusable or unwanted hazardous products."