



**Tel:** + 27 21 790 5977  
**Fax:** + 27 86 616 8070  
**Email:** info@dittke.com  
**Address:** 15 Laurentia Way  
Hout Bay, 7806  
South Africa  
**Managing Attorney:**  
Mark Dittke - B.A LL.B LL.M (UCT)  
[www.dittke.com](http://www.dittke.com)

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**ENVIRONMENTAL, HEALTH AND SAFETY AND FOODSTUFFS LEGAL UPDATE REPORT  
(SOUTH AFRICA)  
FEBRUARY 2021**

Dear Clients,

Below please find a summary of selected relevant environmental, health and safety and foodstuffs legal developments that took place during February 2021.

**NATIONAL LEGISLATION**

**1) National Health Act**

- ***Draft Regulations relating to Standards for Emergency Medical Services***

Draft Regulations were published for public comment. Their purpose is to promote and protect the health and safety of patients and health care personnel.

**2) National Environmental Management Act**

- ***Adoption of Generic Environmental Management Programmes (EMPr's)***

Three Generic EMPr's were adopted by the Department of Environment, Forestry and Fisheries dealing with the following:

- Working for Water Programme
- Working for Wetlands Programme
- Working for Ecosystems Programme

These are all government programmes. By the adoption of the generic EMPr's the need to obtain an environmental authorisation prior to commencement of activities has fallen away.

The EMPr's instead will regulate the activities and therefore act as environmental management instrument.

### **3) Air Quality Act**

- **Draft Methodological Guidelines for Quantification of Greenhouse Gas Emissions**

Draft Guidelines were published for public comment.

### **4) Protection of Personal Information Act**

- **Commencement of Regulations (GN R 1383 of 2018)**

By virtue of GN 75 of 26 February 2021 these Regulations will finally enter into force as follows:

- Reg 4: 1 May 2021
- Reg 5: 1 March 2021
- Residual Regulations: 1 July 2021.

- **Guidelines to Develop Codes of Conduct**

Guidelines to develop Codes of Conduct in terms of section 65 of the POPI Act were published.

## **PROVINCIAL LEGISLATION**

No relevant provincial legislation was published during this month.

## **MUNICIPAL LEGISLATION**

### **5) eThekweni Metropolitan Municipality**

The new Air Quality Management By-law and Scheduled Activities By-law entered into force on 13 February 2021.

- **Air Quality Management By-law**

While this by-law does not deviate much from current local legal air quality management requirements the following are new:

- An owner or operator of fuel-burning equipment must (section 17):

- immediately register with the National Atmospheric Emission Inventory System (NAEIS) and submit emission data within a period determined by the municipality
  - submit at least one calculated stack emission report per annum to the Municipality in a format as specified by the municipality
  - provide any additional emission reports as may be requested by the municipality
  - provide a maintenance plan per annum for all fuel-burning equipment
  - produce annual records of ash management and its disposal thereof
  - submit the first emission report to the municipality within 12 months from date of promulgation of the by-law.
- Any person who is conducting activities that are listed in Schedule A of the by-law or any person that is conducting activities below the threshold set out in the Air Quality Act's lengthy list of activities requiring an atmospheric emission licence (ie. GN R 893 of 2013) must register with NAEIS and submit emission data within a period determined by the Municipality. This means that even though a specified activity in terms of GN R 893 does not require a licence in terms of the Act because the threshold was not exceeded the activity must nonetheless be registered on NAEIS and also with the municipality. If the activity is not listed in GN R 893, but instead in Schedule A of the by-law then such dual registration is also required.

The following activities are identified in Schedule A:

- Acid Works
- Alkali works
- Ammonia work and transportation
- Asphalt plant, permanent and mobile
- Bitumen works
- Brick and tile works
- Carbon black manufacturer
- Cement products manufacturer
- Chemical product processing
- Chrome and chromate works
- Coal bulk storage and handling
- Gas works
- Hazardous substance [*sic – it is unsure what exactly is meant by this*]
- Metal products manufacturer
- Milling

- Ore processing
- Pigment works
- Quarrying
- Refining [*sic – it is unsure which forms of refining are all included*]
- Vegetable oil extraction and processing
- Waste material salvaging, collecting, sorting, shredding, storing, processing
- Wood pulping.

- **Scheduled Activities By-law**

Once in force this new by-law will repeal the current Scheduled Trades and Occupations By-law, 1979.

As with the current by-law a permit is required from the municipality if any scheduled activity is conducted. Existing permits will remain valid, but an application for new permit must be submitted within twelve months of the date of promulgation of the new by-law.

**SCHEDULE 1**  
**SCHEDULED ACTIVITIES OR PROCESSES**

Abattoirs
Acid works
Alkali works
Ammonia works and bulk transportation
Animal and fish products processing, including the manufacture of meal for animal feeding
Asbestos transportation, handling and storage, and the manufacture and bulk-storage of products containing asbestos
Asphalt plant, permanent and mobile
Battery manufacturing, reconditioning and servicing
Bitumen works, including the transportation and operation of mobile bitumen kettles
Breweries
Brick and tile works
Carbon black manufacture
Cement products and pre-mixing works
Ceramic works
Chemical product processing, including any process involving a chemical reaction
Container washing and reconditioning works
Chrome and chromate works including storage and handling of chrome
Coal, charcoal and coke storage and handling
Composting
Crematoria

Distillery
Engineering works
Fertilizer works
Food manufactory
Foundries and metal works
Fungicide manufacture, and bulk-handling, storage and commercial usage of fungicides
Furniture manufacture and re-conditioning
Gas works
Glass-fibre manufacture, storage, moulding and finishing
Glass works
Hazardous substances (as defined in the Hazardous Substances Act, No. 15 of 1973) – manufacture and bulk-blending, transportation and storage. Hazardous substances include road, rail tanker and isotainer washing and maintenance
Health care risk waste transportation
Herbicide manufacture, and bulk-handling, storage and commercial usage of herbicides
Hide and skin processing
Laundries excluding in-house laundries located within accommodation establishments
Lead works
Manganese storage and handling
Marine food processing
Mattress-maker
Metal products manufacture
Metal buffing, electroplating, enameling and galvanising
Milling
Ore processing works, or handling and storage of ores
Pesticides manufacture, and bulk-handling, store and commercial usage of pesticides
Pigment works
Plastic product works
Power or energy generation
Printing works
Quarrying
Refining
Refuse collection, storage, removal, processing or disposal
Removal of human remains
Rubber moulding or vulcanising

Sand, shot and grit blasting
Sandwinning
Sewage treatment, transportation or disposal
Scrap yard
Ship building
Sludge works
Spray-painting
Stone crushing and dressing works
Stone masonry
Tannery
Teasing or shredding works dealing with coir, flock or textiles
Timber yard and works
Upholsterer
Vegetable oil extraction or processing
Vehicle or vehicle parts manufacturing
Waste material salvaging, collecting, sorting, storing, treating, processing or recycling/reclaiming
Welding works
Wood pulping
Yeast manufacture
Any other activity as determined by the provisions of section 5(10)

**6) Oudtshoorn Local Municipality**

The Integrated Zoning Scheme By-law was published.

**7) City of Cape Town**

The Nature Reserve By-law was published. This applies only to nature reserves managed by the City or a designated management authority where there is a co-management agreement in place.

**8) Kouga Local Municipality**

The Electricity By-law was published.

If you have any questions please feel free to contact us.

Kind regards

**MARK DITKE**