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**ENVIRONMENTAL, HEALTH AND SAFETY AND FOODSTUFFS LEGAL UPDATE REPORT
(SOUTH AFRICA)
MARCH 2024**

Dear Clients,

Below please find a summary of selected relevant environmental, health and safety and foodstuffs legal developments that took place during March 2024.

NATIONAL LEGISLATION

1) Foodstuffs, Cosmetics and Disinfectants Act

- **Regulations governing the Maximum Limits for Pesticide Residues that may be present in Foodstuffs**

The Annex of the Regulations sets out the maximum limits for pesticide residues. This was amended.

2) Air Quality Act

- **Notice regarding Manual Registration of Data Providers, Reporting of Atmospheric Emissions, and the Management of Atmospheric Emission Licences, through a Manual Process while Transitional Arrangements are underway to establish New Systems, for the Calendar Years 2024 to 2026**

The following notice was published on 8 March 2024 by the Minister:

"I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby inform the general public of the need for manual registration of data providers, the manual reporting of atmospheric emissions and the manual management of Atmospheric Emission Licences, for calendar years 2024 to 2026, while arrangements are underway to establish new online

systems. The reason for the temporary manual processes is that the South African Atmospheric Emission Inventory and Licence Portal is currently unavailable and will not be accessible during the calendar years 2024 to 2026.

Persons classified as data providers and required to register, report and verify information in terms of regulations 5(1), 6, 8(1) and 10 of the National Atmospheric Emission Reporting Regulations 2015, must now temporarily do so in the manner specified by the relevant licensing authority, whose contacts are accessible on the South African Air Quality Information System (SAAQIS) website: <https://saagis.environment.gov.za/>. The data providers must submit the required information by email to the relevant authorities and to NAEISAdmin@dffe.gov.za from 01 January to 30 June of each calendar year. Where 30 June falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the following day which is not Saturday, Sunday or a public holiday.

For AEL management, a standard template has been made available on the SAAQIS website. Atmospheric emission licences and any amendments thereto, must also be applied for to the relevant licensing authority.

Any enquiries in connection with this Notice can be directed to Dr Patience Gwaze, Chief Director: Air Quality Management on Cell: 079-216-0792, Tel: 012-399-9192, Email: PGWAZE@dffe.gov.za."

- **Proposed new National Dust Control Regulations - DRAFT**

New DRAFT Regulations were published for public comment. Should they enter into force they will repeal the current 2013 Regulations.

No changes are proposed for the present dustfall rates for residential and non-residential areas (i.e. maximum 600 and 1200 mg/m²/day respectively over a thirty day period).

The Regulations would apply to the following persons conducting activities that have the potential to generate dust, including:

- Any person conducting a mining activity
- Any person conducting a listed (AEL) activity
- A person conducting any other activity for a period exceeding thirty days
- Any person storing and/or handling stockpile materials of more than 8 000 tons throughput per month, that have the potential to generate dust.

Whereas the current Regulations state that the municipal air quality officer may require a person to undertake a dustfall monitoring programme, the proposed Regulations require the abovementioned persons to develop and submit a dust management plan.

Quarterly reporting on the implementation of the plan would be required.

3) Biodiversity Act

- **Consultation on Non-Detriment Findings for Certain Species listed in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

The public is invited to comment on whether the export of various listed species either detrimentally affects endangered species, or not. This is a period process in terms of the Convention as member states are required to review this from time to time.

4) National Energy Act

Commencement of section 6 of the Act. This deals with the Minister's duty to implement and update the national Integrated Energy Plan. The section entered into force on 1 April 2024.

5) Waste Act

- **Waste Tyre Regulations - Amendment**

Various amendments were made to the Regulations. This law is aimed at tyre dealers, producers etc and as such is only indirectly relevant for industries.

- **Industry Waste Tyre Management Plan**

Following the Minister's rejection of previous plans in 2019 and the publication of various drafts thereafter, the new plan was finally published. As with the Regulations it is targeted at tyre dealers, producers etc.

- **National Household Hazardous Waste Management Strategy**

This new strategy was published. It describes current problems and various possible solutions to address collection etc. Since it is a strategy document further action will be required by government and local authorities to implement actual steps. How effective these will be, and when, remains to be seen.

6) Integrated Coastal Management Act

- ***DRAFT SA Water Quality Guidelines for Coastal Marine Waters – Vol 1: Natural Environment and Mariculture Use***

Draft Guidelines were published for public comment. An earlier draft was already released in 2019.

Once adopted they would replace some of the 1992 Water Quality Guidelines (which were updated in 1995).

The draft takes cognisance of current international best practices, scientific principles and laws and acknowledges that the present SA guidelines are not in line with these.

7) National Railway Safety Regulator Act

- ***Regulator Interface Agreement Standard for implementation and compliance by Railway Operators***

This Standard applies to all railway operators and sets out requirements they must comply with.

- ***Common Safety Method on Risk Assessment (CSM-RA) as Addendum to the existing Safety Management System***

This Common Safety Method on Risk Assessment (CSM-RA) was published as Addendum to the latest existing safety management system Determination. All railway operators must comply with this.

- ***Draft Safety Management Determination***

This was published for public comment. Once in force it will apply to all railway operators.

8) National Environmental Management Act

- ***Methodology for Determining the Financial Provision required to be set aside for Reconnaissance, Prospecting, Exploration and Mining of Low-Risk Commodities as Identified in the proposed Amendment to the Financial Provisioning Regulations, 2015 - DRAFT***

This draft was published for public comment.

- ***Adoption of Battery Storage Exclusion Norm and Exclusion of Identified Activities associated with the Development and Expansion of Battery Storage Facilities in areas of Low or Medium Environmental Sensitivity from the requirement to obtain an Environmental Authorisation***

In terms of this no EIA and environmental authorisation will be required.

- ***Adoption of the Norm for the Exclusion of the Development and Expansion of Solar Photovoltaic Facilities in Areas of Low or Medium Environmental Sensitivity and exclusion of the Development and Expansion of Solar Photovoltaic Facilities from the requirement to obtain an Environmental Authorisation***

In terms of this no EIA and environmental authorisation will be required.

- ***Notice of intention to adopt a Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure and to Exclude this Infrastructure from the Requirement to obtain an Environmental Authorisation; as well as to repeal the Standard for the Development and Expansion of Power Lines and Substations within identified Geographical Areas and the Exclusion based on this Standard - Draft***

This draft standard was published for comment.

PROVINCIAL LEGISLATION

No relevant provincial legislation was published this month.

MUNICIPAL LEGISLATION

9) *Kannaland Local Municipality*

The following new by-laws were published:

- Community Fire Safety Regulations
- By-law relating to Dumping and Littering
- Keeping/Controlling of Animals Regulations
- By-law relating to Traffic/Roads.

10) *Ga-Segonyana Local Municipality*

The following new by-laws were published:

- Parking and Loading Management By-law
- Sewage Disposal By-law
- Keeping of Animals, Birds, Poultry or Bees By-law
- Refuse Removal, Illegal Dumping and Usage of Municipal Landfill Site By-law
- Electricity Supply By-law
- Fire Brigade Services By-law.

11) King Cetshwayo District Municipality

The Air Quality Management By-law was published, but this will only enter into force on 6 September 2024, or on an earlier date as published by the municipality in the provincial Gazette.

12) George Local Municipality

The municipality promulgated the Integrated Waste Management By-law which repealed the Solid Waste Disposal By-law, 2010.

13) Gamagara Local Municipality

The Building Control By-law was published.

14) Midvaal Local Municipality

The Draft Outdoor Advertising By-law was published for public comment.

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

Kind regards

MARK DITKE