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OUR REF: MD/update_sep24

YOUR REF:

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ENVIRONMENTAL, HEALTH AND SAFETY AND FOODSTUFFS LEGAL UPDATE REPORT

(SOUTH AFRICA)

SEPTEMBER 2024

Dear Clients,

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

NATIONAL LEGISLATION

ENVIRONMENTAL LEGISLATION

1) *Mineral and Petroleum Resources Development Act*

An invitation to supply written comments on the proposed investigation in terms of section 50 of the Act was published. According to the Government Gazette notice the investigation is in respect of:

- Acquiring and processing new 2D land seismic data over the stipulated area or part thereof to obtain modern high-resolution seismic profiles to map and improve understanding of the regional geology of the south-centra Karoo Basin; and
- Acquiring and processing new airborne magnetic and magento-telluric (sic) over the area or part thereof to support seismic interpretation and to map and improve understanding of the regional geology and structure of the Basin.

2) Electricity Regulation Act

- **Withdrawal of Determination**

On 26 January 2024 the Minister published the Determination: Integrated Resource Plan: Nuclear Energy Generation. This was now withdrawn.

3) National Environmental Management Act

- **Notice of intention to adopt the Generic Environmental Management Programme for the Kruger National Park as an environmental management instrument for the purpose of excluding identified activities**

This draft intends to remove the need to conduct an EIA for identified activities in the park on the basis of the Generic EMP.

HEALTH AND SAFETY LEGISLATION

4) Draft Aeronautical and Maritime Search and Rescue Bill

The above draft Bill was published for comment. Should it enter into force (i.e. become an Act) it will repeal the South African Maritime and Aeronautical Search and Rescue Act, 2002.

5) South African Maritime and Aeronautical Search and Rescue Act, 2002

- **Demarcation of Maritime and Aeronautical Search and Rescue Region**

Annexure A sets out the precise geographical boundaries of the rescue region(s).

6) Hazardous Substances Act

- **Declaration of Lead in Paint as a Group II Hazardous Substance**

The Minister of Health declared leaded paint or coating material as a Group II hazardous substance. No licence etc is, however, required. The declaration only enters into force on 6 September 2025.

The Declaration of Leaded Paint as Group I hazardous substance published in GN R 801 of 31 July 2009 will then be repealed.

7) Occupational Diseases in Mines and Works Act

- **Risk Determination - Draft**

These short draft Regulations were published for public comment. Their aim is to determine the basis in accordance with which the risk of mines or works shall be determined by the Risk Committee for Mines and Works.

The higher the exposure risk, the higher will be the base levy per risk shift.

PROVINCIAL LEGISLATION

No relevant provincial legislation was published this month.

MUNICIPAL LEGISLATION

8) Midvaal Local Municipality

The Emergency Services By-law was published.

9) Jozini Local Municipality

The Outdoor Advertising By-law was published.

10) Newcastle Local Municipality

The By-law relating to the Keeping of Animals was published.

11) Mthonjaneni Local Municipality

The following were published:

- Draft By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry or Pet
- Traffic By-law
- Waste Management By-law
- Public Nuisance By-laws

12) Waterberg District Municipality

The Air Quality Management By-law was promulgated.

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

Kind regards

MARK DITKE