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OUR REF: update_dec25

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ENVIRONMENTAL, HEALTH AND SAFETY AND FOODSTUFFS LEGAL UPDATE REPORT

(SOUTH AFRICA)

DECEMBER 2025

Dear Clients,

Below please find a summary of selected relevant environmental, health and safety and foodstuffs legal developments that took place during December 2025.

NATIONAL LEGISLATION

ENVIRONMENTAL LEGISLATION

1) *Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act*

- ***Draft Prohibition Notice regarding the Use of Certain Agricultural Remedies***

A draft notice proposing the prohibition of the acquisition, disposal, sale or use of agricultural remedies containing Terbufos as of 31 December 2025 was published for comment.

2) *Waste Act*

- ***Regulations relating to the Procedure to be followed by Persons called upon by the Minister to apply for a Waste Management Licence***

These Regulations apply to the following persons who have been called upon by the Minister to apply for a waste management licence:

- (a) a person who operates a waste disposal facility that was established before the coming into effect of the Environment Conservation Act, 1989, and where that facility was operational on that date;
- (b) a holder of a permit issued in terms of section 20 of the above Act, and where the Minister is the licensing authority in terms of section 43 of the Act; and

(c) a person who conducted a waste management activity listed in Schedule 1 of the Act, on the date of coming into effect of the Waste Act, 2008, (i.e. 1 July 2009) and who immediately before that date lawfully conducted that waste management activity in compliance with GN N 91 of 1 February 2002.

A section 20 permit was the predecessor of a waste management licence under the Waste Act. These were generally issued for landfill sites. With the coming into force of the Waste Act the permits either fell away or were replaced by licences.

Activities listed in Schedule 1 of the Waste Act were those which originally required a licence. This list was amended over the years.

As can be seen, the above are fairly old/historic activities, and thus unlikely to apply to the majority of companies.

- ***Consultation on the Draft National Waste Management Strategy (NWMS)***

According to the draft strategy it provides government policy and strategic interventions for the waste sector and is aligned to the Sustainable Development Goals (SDGs) of Agenda 2030, adopted by all United Nations member states in January 2016. It is also responsive to South Africa's National Development Plan (NDP): Vision 2030 which is the country's specific response to, and integration of the SDGs into the overall socio economic development plans leading to zero waste in landfills, cleaner communities, well managed and financially stable waste services, and a culture of zero tolerance of pollution, litter and illegal dumping. The draft NWMS 2026, has the following Strategic Pillars:

- (a) Circular Economy and Waste Minimisation;
- (b) Effective and Sustainable Waste Services;
- (c) Capacity Building and Awareness; and
- (d) Compliance Monitoring and Enforcement.

The draft NWMS 2026 has prioritised, in addition to the existing prioritised waste streams, the following waste streams:

- (a) Absorbent Hygiene Products;
- (b) Organic waste;
- (c) Clothing and Textiles;
- (d) Automobiles;
- (e) Coal ash;
- (f) Construction and Demolition waste; and
- (g) Food waste.

3) National Water Act

- **Raw Water Use Charges for the 2026/27 Financial Year**

New charges were published.

- **Proposed Regulations for the Protection and Management of Groundwater Resources**

Draft Regulations were published for public comment.

Their purpose is to—

- (a) Identify and control certain activities related to the drilling of boreholes to ensure the protection of groundwater resources;
- (b) Set general and specific requirements, practices and standards for drilling and management of aquifers and boreholes;
- (c) Improve data and information management to better manage groundwater resources through the following:
 - (i) the registration of geosites for all existing and new groundwater users;
 - (ii) the registration of information for drillers and pump installers;
 - (iii) the capturing of borehole drilling information and geosites information; and
 - (iv) the capturing of geohydrological information and reports.
- (d) Streamline the SANS standards for groundwater management, drilling and pump testing; and
- (e) Ensure that groundwater is managed in a sustainable manner.

They apply to all groundwater users (new and existing) including those issued with entitlements, permits or water court orders and must be read together with the conditions of such an entitlement, permit or water court order.

- **Proposed Regulations for the Management and Control of Government Waterworks and Surrounding State-owned Land**

These draft Regulations are aimed at regulating recreational use and were brought out for public comment.

4) National Environmental Management Act

- **Consultation on the Draft Regulations to Prohibit the Production, Distribution, Import, Export, Sale, Use of, and to Phase-out, Chemicals that are Listed by the Stockholm Convention on Persistent Organic Pollutants**

Draft Regulations were published for comment. Should they enter into force they will repeal the current

- Regulations to prohibit the Production, Distribution, Import, Export, Sale and Use of Persistent Organic Pollutants that are listed by the Stockholm Convention on Persistent Organic Pollutants, GN 414 of 2021
- Regulations to Phase-out the Use, Production, Distribution, Sale, Import and Export of Persistent Organic Pollutants, GN 1150 of 2019.

5) Electricity Regulation Act

- **Grid Capacity Allocation Rules**

According to this document the purpose is to ensure the efficient, expeditious and uniform administration of grid capacity allocation and third-party access to transmission and distribution power systems and to create sustainable and justifiable considerations for licensees to apply when allocating grid capacity, thus facilitating a fair balance between the interests of customers and end users, licensees, investors in the electricity supply industry and the public.

HEALTH AND SAFETY LEGISLATION

6) Occupational Health and Safety Act

- **Environmental Regulations for Workplaces - Amendment**

An amendment notice was published on 5 December 2025 which deleted the following:

- Reg 6 (housekeeping)
- Reg 8 (precautions against flooding)
- Reg 9 (fire precautions and means of egress).

The above provisions were already inserted into the General Safety Regulations in March 2025, and the above amendment should have been made at that time.

- **General Safety Regulations**

Minor corrections were made to the amendments introduced on 6 March 2025. Affected Regulations are:

- Reg 2 (Personal safety equipment and facilities) (a spelling error was corrected)
- Reg 3 (First aid, emergency equipment and procedures)
- Reg 14 (Offences and penalties) (two missing Regulation references were inserted).

7) Merchant Shipping Act

- **Merchant Shipping (Radio Installations) – Draft Regulations**

Draft Regulations were published for comment.

- ***Merchant Shipping (Construction and Equipment of Fishing Vessels of 24 metres in length and over) – Draft Regulations***

Draft Regulations were published for comment.

- ***Merchant Shipping (Fisher Labour Welfare) Regulations – Draft Regulations***

Draft Regulations were published for comment.

PROVINCIAL LEGISLATION

8) Western Cape

The province brought out its latest Environmental Implementation Plan, 5th Edition 2020-2025.

No other relevant provincial legislation was passed this month by the Western Cape or any of the other provinces.

MUNICIPAL LEGISLATION

9) ZF Mgcawu District Municipality

The Air Quality Management By-law was passed.

10) Winnie Madikizela-Mandela Local Municipality

The municipality promulgated its Air Quality Management By-law.

11) Kgatelopele Local Municipality

The following were published:

- Municipality Electricity Supply By-law
- Traffic/Roads By-law
- Water Services By-law.

12) Midvaal Local Municipality

The municipality published its Draft Dolomite Risk Management By-law for public comment.

13) Nkomazi Local Municipality

The municipality passed these new by-laws:

- Integrated Waste Management By-law (this repealed the 2003 Waste Management By-law)
- Water Supply Services By-law (this repealed all other earlier by-laws).

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

Kind regards

MARK DITKE