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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 1943 **30 March 2022**

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

EXTENDED PRODUCER REPONSIBILITY SCHEME FOR THE LUBRICANT OIL SECTOR

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 18(1) and (3), read with sections 72 and 73, of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) consult on my intention to require the producers of the lubricant oil to implement specified extended producer responsibility measures, as set out in the Schedule hereto.

Members of the public are invited to submit, within 30 days of publication of this notice in the *Government Gazette*, written representations or objections to the following addresses:

By post to: The Director General: Forestry, Fisheries and the Environment
Attention: Mr Jeremia Sibande
Director: Waste and Chemicals 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: jsibande@dffe.gov.za.

Any enquiries in connection with the notice can be directed to Ms Funanani Ditinti fditinti@dffe.gov.za at 066 081 2577 or Mr Jeremia Sibande jsibande@dffe.gov.za.at (012) 399 9832/067 417 3844.

The draft Lubricant Oil Sector Schedule and 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 Notice any word or expression to which a meaning has been assigned in the Act and the Extended Producer Responsibility regulations, 2020, bears that meaning, and unless the context otherwise indicates—

"consumer" means a person or category of persons who uses or consumes lubricant oil and is also known as an end user;

"Extended Producer Responsibility Regulations, 2020" means the regulations published under Government Notice 1184 in Government Gazette 43879 on 5 November 2020 and as amended from time to time;

"lubricant oil" means all virgin and re-refined mineral and synthetically based lubricants, with or without additives that is used for lubrication within heat transfer, load transfer, insulation or any other application; and

"the Act" means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2009).

Scope of Notice

2. (1) This notice applies to the identified oil products or class of oil products listed in paragraph 4 and the resulting waste which arises from the use by a consumer or an end user, which is distributed or intended for distribution in the Republic of South Africa.

(2) This notice does not apply to the following categories of products:

(a) technical and medicinal white oils;

(b) vegetable oils;

(c) greases;

(d) waxes;

(e) petrolatums;

(f) two stroke oils;

(g) chainsaw cutter bar lubricants;

(h) rockdrill lubricants;

(i) water-based fluids with less than 80% oil content;

(j) phosphate esters;

(k) pesticidal and fungicidal agricultural spray base oils;

(l) process oils where the lubricant is compounded into a solid;

(m) marine engine oils;

(n) rolling oils;

(o) drawing oils;

(p) rust preventatives;

(q) mould release oils;

(r) wire rope & open gear dressings; and

(s) shock absorber oils.

(3) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020.

Extended Producer Responsibility Measures

3. (1) A producer of identified products or class of identified oil products, listed in paragraph 4 below, must set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to:

(a) the collection, transportation, storage of their products in the post-consumer stage;

(b) reuse;

(c) recycling; and

(d) recovery.

(2) A Producer contemplated in subparagraph (1) must establish an Extended Producer Responsibility Scheme in accordance with the provisions of the Extended Producer Responsibility Regulations, 2020 and must comply with these regulations.

The identification of a product or class of products where Extended Producer Responsibility applies

4. (1) The Extended Producer Responsibility is applicable to the following identified oil products or class of oil products:

(a) Lubricant oils.

The targets for each identified waste stream for the products listed in paragraph 4

5. (1) The targets for the identified oil product or class of oil products are indicated in Annexure 1 for a period of 5 years from the date of the implementation of the Extended Producer Responsibility Scheme.

(2) A producer or the Product Responsibility Organisation, where such organisation has been appointed to implement the Extended Producer Responsibility Scheme, is responsible to comply with the targets set out in Annexure 1 through implementation of the Extended Producer Responsibility Scheme.

ANNEXURE 1

Product/ class of product	Year	Collection target (%)	Recycled product target – Industrial Fuel target (%)	Recycled product target – Base oil (%)
Used lubricant oil	1	50	95	5
	2	60	92,5	7,5
	3	65	90	10
	4	70	87,5	12,5
	5	75	85	15

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