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Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van			
5524	National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) NEMWA: Amendments to the Waste Classification and Management Regulations, 2013	51522	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 5524 **7 November 2024**

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

AMENDMENTS TO THE WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS, 2013

I, Dr Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 69(1)(a), (b), (g), (h), (m), (q), (r), (s), (dd), and (ee), of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), amend the Waste Classification and Management Regulations, 2013, published under Government Notice R.634, in Government *Gazette* No. 36784 on 23 August 2013, as set out in the Schedule hereto.

DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In this Schedule, unless the context indicates otherwise, **"the Regulations"** means the Waste Classification and Management Regulations, 2013, published under Government Notice R.634, in Government *Gazette* No. 36784 on 23 August 2013.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by—

(a) the substitution of the definition for "emergency," for the following definition:
"emergency situation" has the meaning assigned to it in section 30A(7) of the National Environmental Management Act, 1998 (Act No. 107 of 1998);";

(b) the insertion, after the definition of "**emergency situation**" of the following definitions:
'facility' means a place, infrastructure, structure or containment of any kind including associated structures or infrastructure, wherein, upon, or at, a waste management activity takes place and includes a waste transfer facility, a waste storage facility, container yard, waste disposal facility, incinerators, lagoons, recycling, co-processing or composting facilities;
'GHS' means the latest version of the Globally Harmonised System of Classification and Labelling of Chemicals published by the United Nations (https://unece.org/about-ghs), as may be updated from time to time, and commonly referred to as the UN Purple Book;
'**health care risk waste'** means the portion of the health care waste that is hazardous and includes - (a) laboratory waste; (b) anatomical waste; (c) genotoxic/cytotoxic waste; (d) infectious waste; (e) sharps waste; (f) sanitary waste; nappy waste; (g) low-level radioactive waste; and (h) pharmaceutical waste;
'incident' has the meaning assigned to it in terms of section 30(1)(a) of the National Environmental Management Act, 1998 (Act No.107 of 1998);
'landfill' is a type of engineered waste disposal facility, whereby hazardous, non-hazardous or inert waste is disposed onto or into land;
'SAWIS' has the meaning assigned to it in the National Waste Information Regulations published under Government Notice R. 625. in Government *Gazette* No. 35583 of 13 August 2012;
'safety data sheet' means a document that is aligned to the GHS, providing information on hazard classification, properties of hazardous chemicals, procedures for handling or working with hazardous chemicals in a safe manner, and the effects of hazardous chemicals on health and safety at the workplace;

(c) the substitution of the definition for "**waste classification**" for the following definition:
'waste classification' means establishing –
(a) whether a waste is hazardous or not based on the nature of its physical, health and environmental hazardous properties (hazard classes); and
(b) the degree or severity of hazard posed (hazard categories);"

(d) the deletion of the definition of '**SANS 10234'.**

(e) the deletion of the definition of '**waste management facility'**.

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) The purpose of the Regulations is to—
(a) regulate the classification and management of waste in a manner which supports and implements the provisions of the Act;
(b) prescribe requirements for the disposal of waste to landfill;
(c) prescribe requirements and timeframes for the management of certain wastes; and
(d) prescribe general duties of waste generators, waste transporters, and waste managers.".

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended by—

(a) The substitution for subregulations (1) and (2) of the following subregulations:
"(1) Waste listed in Annexure 1 of these Regulations do not require classification.
(2) Subject to subregulation (1), all waste generators must ensure that the waste they generate is classified in accordance with GHS within one hundred and eighty (180) days of generation.";

(b) The substitution for subregulation (4) of the following subregulation:
"(4) Waste must be reclassified in terms of subregulation (2)—
(a) every five (5) years; and
(b) within 60 days of modification to the process or activity that generated the waste or of change in the raw materials or other inputs."

(c) The substitution for subregulation (5) of the following subregulation:
"(5) Waste that has been subjected to any form of treatment must be classified in terms of subregulation (2), including any waste from the treatment process.".

Amendment of regulation 5 of the Regulations

5. Regulation 5 of the Regulations is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

"(1) Subject to subregulations (2) and (3), once waste has been classified in accordance with regulation 4(2); generators of hazardous waste must ensure that a safety data sheet for the hazardous waste is prepared in accordance with GHS.

(2) Subregulation (1) does not apply to generators of waste listed in item (2)(b) of Annexure 1 to these Regulations provided that the safety data sheets for these wastes are prepared as follows:

(a) Safety data sheets for waste listed in item (2)(b)(i) of Annexure 1 to these Regulations must be prepared in accordance with GHS for the product the waste originates from; and
(b) safety data sheets for waste listed in item (2)(b)(ii) of Annexure 1 to these Regulations must be prepared in accordance with GHS reflecting the details of the specific hazardous waste/s or hazardous chemical/s in the waste.".

Amendment of regulation 6 of the Regulations

6. Regulation 6 of the Regulations is hereby amended by—-

(a) the substitution for subregulation (4) of the following subregulation:
"(4) Waste generated must be re-used, recycled, recovered, treated or disposed of by the waste generator or waste manager within 18 months of generation."; and

(b) by the deletion of subregulations (5).

Amendment of regulation 7 of the Regulations

7. Regulation 7 of the Regulations is hereby amended by-

(a) the substitution for subregulation (2) of the following subregulation:
"(2) Notwithstanding regulations 6(2) and 7(1), waste may be blended or treated to—;";

(b) the substitution for paragraph (b) of subregulation (2) of the following paragraph:
"(b) reduce the potential risk or negative impact associated with the management of the waste.".

Amendment of regulation 8 of the Regulations

8. Regulation 8 of the Regulations is hereby amended by the substitution in subregulation (1) of the word "emergency" for "emergency situation".

Deletion of chapter 4 of the Regulations

9. Chapter 4 of the Regulations is hereby deleted.

Amendment of regulation 13 of the Regulations

10. Regulation 13 of the Regulations is hereby amended by—

(a) the substitution for the chapeau of subregulation (1) of the following chapeau:
"A person commits an offence if that person—";

(b) the substitution for subregulation (2) of the following subregulation:
"A person convicted of an offence in terms of subregulation (1)(a) is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, or in both instances to both a fine and such imprisonment."; and

(c) the substitution for subregulation (3) of the following subregulation:
"A person convicted of an offence in terms of subregulation (1)(b) is liable to a fine not exceeding R1 million or to imprisonment for a period not exceeding 1 year, or to both such fine and such imprisonment.".

Amendment of Annexure 1 of the Regulations

11. Annexure 1 of the Regulations is hereby amended by—

(a) the substitution for subparagraph 2(a)(v) of Annexure 1, of the following subparagraph:

"(v) Waste packaging not containing hazardous waste or hazardous chemicals.";

(b) the insertion, after subparagraph 2(a)(viii) of Annexure 1, of the following subparagraph:
"(ix) Expired, spoilt, or unusable consumer products.";

(c) The substitution for subparagraph 2(b)(i) of Annexure 1, of the following subparagraph:
"(i) Waste Products:
- Waste oil;
- Mercury -containing waste;
- Asbestos waste;
- PCB waste or PCB containing waste (> 50 mg/kg or 50 ppm); and
- Expired, spoilt or unusable hazardous products.".

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