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DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 6970 **19 December 2025**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)

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 PERSITENT ORGANIC POLLUTANTS

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby in terms of sections 25(3), 44(1)(aA) and 47(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), give notice of my intention to make the 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, as set out in the Schedule hereto.

The proposed amendments are intended to merge into one the Regulations to Prohibit the Production, Distribution, Import, Export, Sale and Use of Persistent Organic Pollutants, 2021, published under Government Notice R.414, in Government *Gazette* No. 44559 on 12 May 2021, and the Regulations to Phase-out the Use, Production, Distribution, Sale, Import and Export of Persistent Organic Pollutants, 2019, published under Government Notice R.1150, in Government *Gazette* No. 42693 on 10 September 2019 and also to phase out Dechlorane Plus, UV-328 and Perflourohexane sulfonic acid by 2032.

Members of the public are invited to submit written representations or objections, within 30 days from the date of publication of this notice in the Government *Gazette* or in the newspaper, whichever is the later date, to any of the following addresses:

By post to: The Director General
Attention: Ms Margaret Molefe
The Department of Forestry, Fisheries and the Environment
Private Bag X447
PRETORIA
0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0001

By email to: mmolefe@dffe.gov.za.

Should the 30-day comment period overlap with the period from 15 December 2025 to 5 January 2026, this period will be excluded from the reckoning of days.

Any enquiries in connection with the Notice can be directed to Ms Margaret Molefe at email: mmolefe@dffe.gov.za or Tel: (012) 399 9845

Copies of the Government Notice can be obtained directly from the following website: www.environment.gov.za/legislation/gazetted_notices

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto will be included in a comments and response report which may be made available to the public. If a commenting party has any objection to his or her name, or the name of the represented company/organization, being made publicly available in any comments and responses report, such objection should be highlighted as part of the comments submitted.

Comments received after the closing date may not be considered.



WILLEM ABRAHAM STEPHANUS AUCAMP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

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CHAPTER 1

DEFINITIONS, PURPOSE AND APPLICATION OF THE REGULATIONS

DEFINITIONS

1. In these Regulations any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context indicates otherwise —

"article" means an object composed of one or more substances and/or preparations which during production is given a specific shape, surface or design determining its end use function to a greater extent than its chemical composition does;

"Department'' means the national Department responsible for the environment;

"distribution'' means a direct or indirect transfer of listed chemicals by a company or individuals for the benefit of one or more users or company within the same group of companies;

"export" in relation to the Republic, means to take out or transfer, or attempt to take out or transfer, from a place within the Republic to another country or to international waters;

"import" in relation to the Republic means to land on, bring into or introduce into the Republic, or attempt to land on, bring into or introduce into the Republic, and includes to bring into the Republic for re-export to a place outside the Republic;

"listed substance" means any chemical listed in regulations 3 and 5 of these Regulations, including formulations and products containing any of these chemicals;

"Persistent Organic Pollutants" means chemicals that are of global concern due to their potential for long-range transport, persistence in the environment, ability to bio-magnify and bio-accumulate in ecosystems, as well as their significant negative effects on human health and the environment;

"production" means the action of making or manufacturing from components or raw materials, or the process of being manufactured;

"sale" means to offer, advertise, keep, transmit, consign, convey or deliver for purpose of reselling or exchange or dispose of to any person whether for consideration or otherwise;

"Stockholm Convention" means the Convention on Persistent Organic Pollutants, done at Stockholm on 23 May 2001; and includes the Annexes to the Convention, and any amendments to, or substitutions of, those documents that are or will become binding on South Africa;

the Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"these Regulations" means the 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 2025; and

"Use" means to utilise the listed substances for a similar or different purpose with intention to achieve a desired result.

2. PURPOSE AND APPLICATION OF THE REGULATIONS

(1) The purpose of these Regulations is to prohibit the production, distribution, import, export, sale, use of, and to phase-out, the substances contemplated in regulations 3 and 5.

(2) These Regulations apply uniformly to any person who produces, distributes, imports, exports, sells and uses a listed substance within the Republic of South Africa.

CHAPTER 2

3. PROHIBITION OF PRODUCTION, DISTRIBUTION, IMPORT, EXPORT, SALE AND USE

(1) No person may produce, distribute, import, export, sell or use any of the following listed substances:

(a) Hexabromocyclododecane (HBCD);

(b) Hexachlorobutadiene (HCBD);

(c) Polychlorinated naphthalenes (PCN);

(d) Decabromodiphenyl ether (decaBDE);

(e) Short-chain chlorinated paraffins (SCCP);

(f) Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds;

(g) Hexabromobiphenyl and Hexabromobipheny formulations and products;

(h) Pentachlorobenzene (PeCB)and Pentachlorobenzene formulations and products;

(i) Perfluorooctane Sulfonic Acids (PFOS), its salts and Perfluorooctane Sulfonyl Fluoride (PFOSF) formulations and products;

(j) Hexabromodiphenyl Ether (Hexa-BDEs) And Heptabromodiphenyl Ether (Hepta-BDEs); Hexa-BDEs and Hepta-BDEs formulations and products; and

(k) Tetrabromodiphenyl Ether (Tetra-BDEs) and Pentabromodiphenyl Ether (Penta-BDEs); Tetra-BDEs and Penta-BDEs formulations and products.

CHAPTER 3

GENERAL PROHIBITIONS, PHASE-OUT TIMES FRAMES, NOTIFICATION AND PHASE-OUT PLANS

4. GENERAL PROHIBITIONS

Subject to the provisions of regulations 5, 6 and 7, no person may produce, distribute, import or export and use a listed substance listed in these Regulations.

5. PHASE-OUT TIME FRAMES

(1) No person may produce, distribute, import or export, sell and use —

(a) Dechlorane Plus, CAS No. 13560-89-9, 135821-71-8 and 135821-03-3 formulations and its products after 31 December 2035

[Used as flame retardant in adhesives, sealants and polymer for production and use for the following: cables and wires in motor vehicles; aerospace; space and defence applications; electrical and electronic equipment; consumer electronics; stationary industrial machines for use in agriculture, forestry and construction; marine, garden, forestry and outdoor power equipment; medical and in-vitro diagnostic devices; medical imaging and radiotherapy devices/installations and instruments for analysis, measurements, control, monitoring, testing, production and inspection.]

(b) UV-328, CAS No. 25973-55-5 formulations and products after 31 December 2035

[Used as an ultraviolet filter against discoloration and weathering under sunlight in different plastics and in automotive sector mainly in the following: motor vehicles; mechanical separators in blood collection tubes; industrial coating applications for automotive coating, engineering machine coating, rail transit coating, and heavy-duty coating for large steel structures; tri-acetyl cellulose (TAC) film in polarizers; photographic paper; and replacement parts for articles for motor vehicles; stationary industrial machines (such as tower cranes, concrete plants and hydraulic crushers) for use in agriculture, forestry, and construction; liquid crystal displays in medical and in-vitro diagnostic devices (such as ultrasound diagnostic devices, flexible endoscopes, immunoassay analysers, clinical chemistry analysers and blood coagulation analysers); and liquid crystal displays in instruments for analysis, measurements, control, monitoring, testing, production and inspection.]

(c) Perfluorohexane sulfonic acid, CAS No. 355-46-4 formulations and its products after 31 December 2035

[Fire-fighting foams used extensively in training areas and at airports; Surface treatment products used in cleaning, waxing, and polishing products such as the non-stick cookware and grease resistant food packaging; Water and stain-protective coatings for stain-resistant fabrics, carpets, paper, leather, and textiles and Industrial processes used as a surfactant in various industrial applications.]

6. NOTIFICATION

(1) A user, producer, distributor, seller, importer or exporter must notify the Director-General of the Department within 150 days after these Regulations come into effect.

(2) A person contemplated in sub-regulation (1) must notify the Director-General of the Department in a notification form obtainable from the Department.

(3) The Director-General of the Department must, in writing, acknowledge receipt of the notification form, and issue the notification number to the person contemplated in sub-regulation (1), within 30 days after receipt of the notification form completed to the satisfaction of the Department.

(4) The Director-General of the Department may, after receipt of the notification form contemplated in sub-regulation (2), request additional information to supplement an incomplete notification, to be furnished in writing, or amendments to be effected on the notification form and the amended notification form to be resubmitted within a specified time frame.

(5) The Director-General of the Department must be notified of any changes in the details provided as part of the notification, within 30 days of such change taking place.

7. PHASE-OUT PLANS

(1) A user, producer, distributor, seller, importer or exporter of a listed substance listed in regulation 5 must develop a phase-out plan for that listed substance, which must include —

(a) contact details of the person submitting the phase-out plan;

(b) listed substance sold, used, produced, imported or exported;

(c) suitable alternatives to the listed substance;

(d) the annual reduction target in relation to each listed substance;

(e) date or year in which the production, importation and exportation of the listed substances will be completely phased-out; and

(f) communication strategy to inform end-users, workers and others potentially exposed to the listed substance during the phase out period of the hazards and how to reduce risk of exposure and reduce exposures.

(2) A person contemplated in sub-regulation (1) must submit a phase-out plan for approval to the Director-General of the Department within 12 months after the notification has been acknowledged by the Director-General.

(3) The Director-General of the Department must acknowledge receipt of the phase-out plan within 14 days after receipt, and may, after consideration of the content of the phase-out plan, in writing—

(a) approve the phase-out plan for implementation and notify the applicant of the approval and outline any applicable conditions or requirements; or

(b) require incomplete information to be furnished or amendments to be effected and a revised phase-out plan to be resubmitted within a specified time frame.

(4) A person whose phase-out plan has been approved by the Director-General of the Department must implement such a plan and may only deviate from such a plan upon written approval by the Director-General of the Department.

CHAPTER 4

8. EXEMPTIONS FROM CONTROL MEASURES

(1) Regulation 5 shall not apply in the case of:

(a) A substance used for laboratory-scale research or as a reference standard; and
(b) A substance occurring as an unintentional trace contaminant in substances, preparations or articles.

CHAPTER 5

9. REPORTING

(1) A person contemplated in regulation 7(1) must, every calendar year after the Director-General approval contemplated in regulation 7(4) has been received, report progress regarding the implementation of the phase-out plan to the Director-General of the Department.

(2) The report contemplated in sub-regulation (1) must include a detailed progress report regarding the implementation of the approved phase-out plan contemplated in regulation 7.

10. OFFENCES AND PENALTIES

(1) A person commits an offence if that person —

(a) contravenes regulations 3, 4, 5, 6(1) and (2), 7(1), (2) and (4) and 9 of these Regulations; or

(b) furnishes false or misleading information in terms of these Regulations.

(2) A person convicted of an offence under these Regulations is liable to-

(a) a minimum fine of 5 million Rands or 5 years imprisonment for a first offence, or

(b) a maximum fine of10 million Rands or 10 years imprisonment in the case of a second or subsequent offence; or

(b) to both a fine and imprisonment.

11. TRANSITIONAL PROVISION

These Regulations will enter into force in their entirety, 90 days following their publication for implementation in the Government *Gazette*.

12. REPEAL OF LAWS

The Regulations to Prohibit the Production, Distribution, Import, Export, Sale and Use of Persistent Organic Pollutants, 2021, published under Government Notice R.414, in Government *Gazette* No.

44559 on 12 May 2021, and the Regulations to Phase-out the Use, Production, Distribution, Sale, Import and Export of Persistent Organic Pollutants, 2019, published under Government Notice R.1150, in Government *Gazette* No. 42693 on 10 September 2019, are hereby repealed.

13. SHORT TITLE AND COMMENCEMENT

These Regulations are the 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 2025, and they come into effect on the date of their publication in the Government *Gazette*, subject to regulation 11.

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