

Health Care Risk Waste Legislation: A South African Perspective

Mr. Kagiso Mokone

08 August 2019

Kmokone@environment.gov.za



Chemicals and Waste Management



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Presentation outline

1. Legislative Framework
2. Relevant Authorizations
3. Lesson Learned in Development of Legislation
4. Basel Convention
5. Important Links



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

1. Legal framework. Continued

- Constitution, 1996
- Waste Act 59 OF 2008
- National Waste Information Regulations
- Waste Classification and Management Regulations
- Norms & Standards for Storage for Waste
- Norms & Standards for Assessment of Waste for Landfill Disposal
- Norms & Standards for Disposal of Waste to Landfill
- List of waste management activities
- DRAFT National HCRW Management Regulations
- National Policy on Thermal Treatment of General and Hazardous Waste.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

1. Legal framework. Continued

- NEM: Air Quality Act and amendments - S21 listed activities
- National Health Act
- National Environmental Health Norms & Standards for Premises Acceptable Monitoring Standards for Environmental Health Practitioners.
- Draft Regulations on HCW Management
- National Road Traffic Act
- Hazardous Substances Act
- Occupational Health and Safety Act
- Hazardous Biological Agents Regulations
- South African National Standards (SANS) - are guidelines except in the provinces where they are referred to in provincial legislation)



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

1. Legal framework. Continued

Provincial Legislation

- Two Provinces have legislation specific to HCRW
 - Gauteng Health Care Risk Waste Management Regulations
 - Western Cape Health Care Waste Act
 - Western Cape health Care Waste Regulations



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

1. Legal framework. Continued

Local Legislation

- Municipal By-Laws on solid waste, air quality, sanitation
- Integrated Development Plans(IDP) and Integrated Waste Management Plans (IWMPs)
- Penalties non compliances as per Waste Act 59 of 2008
 - CHAPTER 7 : Section 68 i.e. Penalties
 - A person convicted of an offence liable to a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years.
 - A person convicted of an offence liable to a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

2. Relevant Authorizations

- Environmental Impact Assessment Regulations (EIA) – Environmental Authorizations prior construction and operation
- Listed Activities as per Waste Act 59 of 2008 – Waste Management Licenses for a Facility to be licensed
- HCRW transportation licenses (Gauteng and Western Province)
- Air Quality Regulations – Atmospheric Emissions License



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

3. Lesson Learned in Development of Legislation

- Consultation of all role players – Key Factor
- Inter Governmental relationship are built - (DEA-DOH Task Team)
- Better working relations between Government and Private sector.
- Better Compliance to Authorizations issued to regulated community



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

4. Basel Convention

- Department of Environmental Affairs (DEA) acceded to the Basel Convention on the Transboundary Movements of Hazardous and Other Waste and their Disposal on 5 May 1994.
- Having become a party to the Convention, South Africa is bound by all obligations under the Basel Convention.
- The Convention regulates the transboundary movement (import and export) of hazardous and other wastes applying the “Prior Informed Consent” procedure, shipments made without the consent are illegal. country



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

4. Basel Convention. Continued

EXPORT/IMPORT OF HAZARDOUS WASTE TO SOUTH AFRICA

The following documents are required when importing waste:

- Cover letter indicating the type of waste, quantity, country of origin, reason for the import.
- Notification document completed in full
- Safety Data sheet
- Liability insurance (indicating the validity period)
- Sales Contract/Agreement Waste Management License of the receiving facility
- The application must be lodged with the Competent Authority of the exporting
- The application must be lodged with the Department of Environmental Affairs to be sent to the receiving country.
- **(WE do not allow for Export/import of infectious HCRW)**



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

4. Basel Convention. Continued

TRANSIT OF THROUGH SOUTH AFRICA

The following documents are required when applying for a transit of waste:

- Cover letter indicating the type of waste, quantity, country of origin, country of destination and reasons for export (reason must be based on Basel Convention principles)
- Notification document completed in full
- Liability insurance (indicating the validity period)
- To apply to the Department : basel@environment.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

5. Important Links

1. http://www.southafrica-newyork.net/consulate/government_departments.html
2. <https://www.gov.za/links/provincial-government>
3. <https://www.environment.gov.za/>
4. <https://www.recycling.co.za/legislation.html/>
5. <https://www.acts.co.za/>
6. <https://www.polity.org.za/>
7. <https://iwmsa.co.za/>
8. <https://www.gauteng.gov.za/>
9. <https://www.westerncape.gov.za/>
10. <http://www.sawic.org.za/>
11. <http://www.gwis.gpg.gov.za/>
12. <http://ipwis.pgwc.gov.za/>



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Mr Kagiso Mokone

Assistance Director: Hazardous Waste
Management Support

kmokone@environment.gov.za

012 – 399 9680



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA