

# **Hazardous Substances Act 15 of 1973 (HSA)**

## **Read together with the Hazardous Substances Regulations housed under the Occupational Health and Safety Act 85 of 1993**

**Topic: Environmental, Health and Safety**

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### **IN A CALABASH**

#### **Introduction**

**Every person in South Africa, whether a public or private entity or an individual, has the right to a safe and danger-free environment.**

**Various laws have been brought into force in South Africa to give effect to this right, especially where dangerous goods and substances to which people may be exposed are used.**

**The Hazardous Substances Act (HSA) was brought into operation to control and regulate the manufacture, sale, use and disposal of hazardous substances.**

#### **Objectives of the Act**

The HSA seeks to delineate, categorise and classify certain hazardous substances and electronic products into groups in relation to their respective degrees of danger.

The HSA provides for the control of these classified substances, which may cause–

- injury or ill-health to human beings by reason of their toxic, corrosive, irritant, strongly sensitising or flammable nature;
  - death of human beings by reason of their toxic, corrosive, irritant, strongly sensitising or flammable nature;
  - damage to buildings, property and assets by reason of their toxic, corrosive, irritant, strongly sensitising or flammable nature; or
  - the generation of pressure and poisonous gasses, which could give rise to injury, death or damages as described above.
  - The HSA seeks to provide for the prohibition and control of the importation, manufacture, sale, use, operation, application, modification, disposal or dumping of such substances and products in order to minimise and, where possible, eliminate any risks to life or property which these substances may pose.
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## **Application of the Act and its implication to Tourism**

This Act applies to all persons who make use of, manufacture, distribute and or sell hazardous chemical substances and emphasises the safe handling of such substances. It is important to be aware of the nature and careful use and or distribution of such substances so as to avoid harm befalling any individual as a result of mishandling of these substances.

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## **Summary of the provisions of the Act**

### **Declaration and identification of grouped hazardous substances**

The Act lists four classes or groups of hazardous substances, namely group i to group iv. The hazardous substances found under these groups will be found in the regulations which form part of the Act.

All persons who make use of, manufacture, distribute and/or sell hazardous chemical substances must ensure that the relevant laws and regulations are in place and are complied with.

In order to ensure compliance, the manufacturer must establish which class of hazardous substance in his or her possession falls under and then abide by the rules which apply to that type of hazardous substance.

### **License**

Any person who manufactures, distributes, uses or sells a group iii or iv Hazardous substance must hold a license.

### **Storage**

Hazardous substances must be kept away from food and drinks and must be stored in a locked room or cupboard except when stock is being sold or replenished.

All containers where hazardous substances are stored must be leak-proof and tightly sealed.

### **Material Safety Data Sheet (MSDS)**

Any person who uses any hazardous chemical substance must have in his or her possession a copy of the Material Safety Data Sheet (MSDS). This document describes what emergency procedures should be followed in the event of any accidental misuse or spillage of a hazardous substance.

### **Disposal of hazardous chemical substances**

Any person who disposes of a hazardous substance or its container must ensure that such substance is not poured down a drain or placed into the ground but is instead given

to a registered waste disposal contractor, who must ensure and confirm by way of a waste disposal certificate that it is disposed of at a registered hazardous waste disposal site.



#### WHAT HAPPENS IF YOU DO NOT COMPLY?

Any person who contravenes any provision of this Act will be guilty of an offence and may be liable to a fine or to imprisonment for a period of up to 10 years or to both a fine and imprisonment.



#### RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- List all hazardous substances used, categorise them and ensure applicable licenses or authorisations are in place.
- Conduct adequate risk assessments and make recommendations on controls to ensure correct manufacture, use, sale and/or disposal of substances.
- Ensure Material Safety Data Sheet and Hazardous Chemical Substances lists are in place.

#### FURTHER INFORMATION

**Regulator**

Department of Health

**Website**

[www.doh.gov.za](http://www.doh.gov.za)