Health Care Risk Waste Legislation: A South African Perspective

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08 August 2019
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1. Legislative Framework
2. Relevant Authorizations
3. Lesson Learned in Development of Legislation
4. Basel Convention
5. Important Links
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.
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)
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
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
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
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
4. Basel Convention


- 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.

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)

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
5. Important Links

5. https://www.acts.co.za/
7. https://iwmsa.co.za/
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