

(22 December 1995 - to date)

HAZARDOUS SUBSTANCES ACT 15 OF 1973

(Gazette No. 3834, No. 550 dated 4 April 1973. See Act for commencement dates.)

REGULATIONS UNDER THE HAZARDOUS SUBSTANCES ACT, 1973 (Act No 15 of 1973)

*Government Notice R1951 in Government Gazette 16880, dated 22 December 1995. Commencement date:
22 December 1995.*

The Minister of Health has, in terms of section 29 (1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), read with section 31 of the Standards Act, 1993 (Act No. 29 of 1993), made the regulations in the Schedule.

SCHEDULE

REGULATIONS RELATING TO THE AERIAL APPLICATION OF AGRICULTURAL REMEDIES

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1. Definitions

In these Regulations "the Act" means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates-

"aerial application", in relation to an agricultural remedy, means the application of that agricultural remedy from an aircraft;

"agricultural remedy" means an agricultural remedy referred to in regulation 2;

"employee" means an employee as defined in section 1(1) of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

"**employer**" means an employer as defined in section 1(1) of the Occupational Health and Safety Act, 1993;

"**SABS**" means the South African Bureau of Standards.

2. Aerial application of agricultural remedies

Every aerial application of any agricultural remedy which-

- (a) is a Group ii hazardous substance; and
- (b) is specified in the SABS' Code of Practice 0228, entitled *The Identification and Classification of Dangerous Goods and Substances*,

shall take place in accordance with the provisions of the SABS Code of Practice 0118, entitled *The Aerial Application of Agricultural Remedies*.

3. Particulars of aerial application

Any employer who carries out aerial application referred to in regulation 2, or causes it to be carded out shall, at the request of an inspector, furnish the inspector with the following information:

- (a) The name and business address of the aerial application firm;
- (b) the date of the aerial application;
- (c) the trade name or, if indistinct or unknown, the active ingredient of the agricultural remedy used, the quantity used and the application rate;
- (d) the name and address of the supplier of such agricultural remedy;
- (e) the names and addresses of the employees involved in the aerial application; and
- (f) the protective clothing used during the aerial application by such employees.

4. Medical surveillance

Every employer shall ensure that any employee who has run the risk of exposing himself or herself to any agricultural remedy submits himself or herself to medical surveillance as defined in section 1(1) of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

5. Offences

Prepared by:

In partnership with:

Any person who fails to comply with a provision of these Regulations, shall be guilty of an offence.