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01 Feb 2024	28 Feb 2026	SHEQ Warehouse (Pty) Ltd	Neville
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Regulations For Hazardous Chemical Agents, 2021

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1. Definitions

Key definitions include:

- "air monitoring" - monitoring of airborne hazardous chemical agent concentrations
- "Asbestos Abatement Regulations" - published as Government Notice No. R.11196 of 10 November 2020
- "assessment" - program to determine risk from HCA exposure to identify required steps
- "BEI" or "biological exposure index" - value for assessing biological monitoring results, representing level of determinants observed in specimens from healthy employees exposed to HCAs at occupational exposure limit
- "carcinogen" or "CARC" - chemical agent/mixture inducing cancer or increasing incidence, classified by GHS as Category 1 (known/presumed) or Category 2 (suspected)
- "CAS number" or "chemical identity" - unique identifier number/name per International Union of Pure and Applied Chemistry or Chemical Abstracts Service
- "chemical agent" - GHS-aligned chemical agent or mixture
- "chief director: provincial operations" - provincial director per General Administrative Regulations
- "consumer product" - product containing HCA that is: (a) Packed/repacked primarily for household or office use (b) If for household use, packed as intended for household consumer (c) If for office use, packed as intended for office work
- "container" - anything in/by which HCA is covered, enclosed or packed
- "cut-off value" or "GHS cut-off value" or "GHS concentration limit" - minimum concentration (percentage) triggering mixture classification
- "exposed" - exposed to HCA at workplace, with "exposure" having corresponding meaning

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- "Facilities Regulations" - published as Government Notice No. R. 924 of 3 August 2004
- "General Administrative Regulations" - published as Government Notice No. R. 929 of 25 June 2003
- "GHS hazard classification" - GHS hazard classes and categories assigned to HCAs
- "hazard category" - division within hazard class in GHS comparing hazard severity within a class
- "hazard class" - nature of physical, health or environmental hazard under GHS
- "hazard pictogram" - graphical composition with symbol plus elements conveying specific information, assigned to hazard class/category
- "hazard statement" - statement describing HCA hazard nature and degree
- "hazardous chemical agent" or "HCA" - GHS-aligned chemical agent in Annexure 1
- "HSG 173" - UK Health and Safety Executive Guidance Note on Monitoring Strategies for Toxic Substances
- "importer" - employer/self-employed person importing HCA for workplace use
- "Lead Regulations" - published as Government Notice No. R. 236 of 28 February 2002
- "manufacturer" - employer/self-employed person manufacturing HCA for workplace use
- "measurement programme" - program according to HSG 173 monitoring strategy
- "Minister" - Minister of Employment and Labour
- "monitoring" - planning, executing, and recording measurement program results
- "OEL" or "occupational exposure limit" - Minister-set limit value for airborne HCA concentration: (a) Eight-hour time-weighted average (b) Ceiling limit (c) Short-term exposure limit
- "OEL ceiling limit" or "ceiling limit" or "C" - maximum airborne HCA concentration over shortest analytically practicable period (≤ 15 minutes)
- "OEL eight-hour time-weighted average" or "TWA" - maximum average airborne HCA concentration over 8-hour day, 5-day week
- "OEL-ML" or "occupational exposure limit - maximum limit" - HCA listed in Table 2 of Annexure 2
- "OEL-RL" or "occupational exposure limit - restricted limit" - HCA listed in Table 3 of Annexure 2
- "OEL-short-term exposure limit" or "STEL" - time-weighted average maximum airborne HCA concentration over 15 minutes
- "OESSM" - Occupational Exposure Sampling Strategy Manual by NIOSH
- "permanent respirator zone" - area where normal operations result in airborne HCA exceeding OEL-RL
- "precautionary statement" - GHS-prescribed phrase describing recommended measures to: (a) Minimize/prevent adverse effects from HCA exposure (b) Prevent improper storage/handling
- "prohibited agent" - HCA prohibited by Minister and listed in Table 1 of Annexure 2
- "respiratory protective equipment" - mouth/nose-covering device preventing airborne HCA inhalation, of type/standard approved by Minister
- "respirator zone" - area where airborne HCA exceeds recommended limit
- "retailer" - employer/self-employed person supplying HCA-containing consumer products to public members not primarily engaged in further supply



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- "safety data sheet" or "SDS" - GHS-aligned document providing hazard classification, properties, safe handling procedures, and health/safety effects of hazardous chemicals, prepared per regulation 14A
- "sensitiser" - HCA causing allergic reaction in substantial proportion of exposed people after repeated exposure, including dermal and respiratory sensitisers
- "signal word" - "danger" or "warning" on GHS-aligned label indicating potential hazard and relative severity
- "skin" notation - HCA might be absorbed in toxicologically significant amounts through skin/mucous membrane/eye contact
- "supplier" - employer/self-employed person conducting business supplying HCA, including to retailers
- "the Act" - Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- "UN Globally Harmonized System" or "GHS" - United Nations system standardizing chemical classification and labelling globally (UN Purple Book)
- "UN IMO International Maritime Dangerous Goods Code" - International Maritime Organization code for dangerous goods transport
- "UN number" - four-digit identification number assigned to HCA in UN Transport of Dangerous Goods
- "UN proper shipping name" - accurate goods description in UN Transport of Dangerous Goods
- "UN Transport of Dangerous Goods" - UN recommendations harmonizing dangerous goods transport regulations (UN Orange Book)

2. Scope of application

(1) These regulations apply to: (a) Employers or self-employed persons carrying out work potentially exposing persons to HCAs (b) Manufacturers, importers, suppliers or retailers of workplace-intended HCAs

(2) Regulations 3(1), 6 and 7 do not apply to: (a) Self-employed persons (b) Workplace visitors

(3) These regulations do not apply where Lead Regulations or Asbestos Abatement Regulations apply.

3. Information, instruction and training

(1) Every employer undertaking work potentially exposing employees to HCAs must, before exposure, after consulting with health and safety committee, provide suitable information, instruction and training and thereafter at intervals recommended by committee.

(2) Information, instruction and training must include: (a) Regarding HCA regulations: (i) Chemical substance regulations governing all workplace HCA use aspects (ii) Legislated OELs (iii) Duties of potentially exposed persons per regulation 4 (b) Details of workplace HCAs: (i) Names and locations (ii) Potential harmfulness information (iii) Significant exposure assessment findings (c) SDS access information (d) SDS parts information (e)



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Container label parts information and purpose (f) Work practices and procedures for HCA use, handling, storage, transportation, spillage, disposal, emergency situations, housekeeping and personal hygiene (g) Personal air sampling, biological monitoring and medical surveillance necessity (h) Engineering controls and their use/maintenance (i) Personal protective equipment including respiratory equipment - need, use and maintenance (j) Self-protection precautions against exposure risks (k) Safety equipment, facilities and engineering control measures - necessity, correct use, maintenance and potential

(3) Employers must give written instructions on procedures for spillages, leakages or emergencies to HCA transport vehicle drivers.

(4) As per section 37(2) of the Act, employers and mandataries must agree in writing on arrangements ensuring mandatory compliance with regulation 3 information, instruction and training requirements.

4. Duties of persons who may be exposed to hazardous chemical agents

Every person who is or may be exposed to an HCA must obey lawful instructions regarding: (a) HCA release prevention (b) Personal protective equipment wearing (c) Monitoring equipment wearing for personal exposure measurement (d) Health evaluations and biological tests (e) Materials containing HCA cleaning/disposal (f) Workplace housekeeping, personal hygiene, environmental and health practices (g) Information, instruction and training per regulation 3

5. Assessment of exposure

(1) Employers or self-employed persons must, after consulting with health and safety representatives/committees, immediately assess and thereafter at ≤ 2 -year intervals whether employees may be exposed through any intake route.

(2) Employers must inform health and safety representatives/committees in writing of assessment arrangements, allow reasonable comment time, and provide results for comment.

(3) When making assessments, employers or self-employed persons must record and consider: (a) HCAs to which employees may be exposed (b) Effects HCAs may have on employees (c) Where HCAs may be present and their likely physical form (d) Intake route and extent of potential employee exposure (e) Work process nature and control measure deterioration/failure potential

(4) If assessment indicates potential employee exposure, employers must ensure monitoring per regulations 6 and 7, and exposure control per regulation 10.

(5) Employers or self-employed persons must immediately review assessment if: (a) Previous assessment may no longer be valid (b) Control measures may be inefficient or ineffective (c) Process, methods, equipment or procedures involving HCAs have changed



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6. Air monitoring

(1) For inhalation exposure, employers must ensure airborne HCA concentration measurement program is: (a) Carried out per these regulations (b) Carried out after informing health and safety representatives/committees (c) Carried out by approved inspection authority (d) Representative of employee exposure

(2) For representative measurements, employers must: (a) Ensure measurement program, for group measurements, selects sample persons per OESSM Chapters 3, 4 and Technical Appendix A (b) Conduct representative measurements at least every 24 months for HCAs with OEL-ML or OEL-RL

7. Medical surveillance

(1) Employers must ensure employee medical surveillance if: (a) Exposed to Table 4 Annexure 2 HCAs (b) Chemical agent exposure could cause identifiable disease/adverse effect, disease/effect is reasonably likely under particular work conditions, and diagnostic techniques exist (c) Occupational health practitioner recommends surveillance

(2) Medical surveillance must follow occupational health practitioner protocol considering workplace exposure, including: (a) Initial health evaluation within 14 days of employment: (i) Occupational and medical history (ii) Physical examination (iii) Practitioner-specified tests (b) Periodic health evaluations at intervals specified by practitioner (at least annually) (c) Exit health evaluation within 30 days of employment termination

(3) Employers must provide biological monitoring where methods, threshold limits, and action levels are specified in Table 3 of Annexure 1.

8. Respirator zone

(1) Employers/self-employed persons must ensure respirator zones are clearly demarcated by notice indicating: (a) That it is a respirator zone (b) Required respiratory protective equipment (c) Eating, drinking, and smoking prohibition

(2) No person shall enter/remain in respirator zone without prescribed respirator.

9. Records

(1) Employers shall: (a) Keep records of assessments, air monitoring, and medical surveillance reports (b) Allow employees access to own records (c) Allow health/safety representatives access to collective data (d) Keep all assessments and air monitoring records at least 30 years (e) Transfer records to provincial director if ceasing activities (f) Keep records of investigations and tests per regulation 12(b) for at least 3 years



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- (2) Records must include information on: (a) Employee identity/demographics (b) Job history (c) Workplace exposure types and duration (d) Medical surveillance results

10. Control of exposure

(1) Employers/self-employed persons must ensure HCA exposure is either prevented or adequately controlled: (a) For maximum limit HCAs, control is adequate if exposure is below limit and as low as reasonably practicable (b) For restricted limit HCAs, control is adequate if exposure is below limit or area is zoned and exposure reduced by personal protective equipment only after other means have reduced exposure as low as reasonably practicable

(2) Where reasonably practicable, employers shall control exposure by: (a) Limiting HCA quantity potentially contaminating working environment (b) Limiting exposed persons (c) Limiting exposure period (d) Introducing engineering control measures for exposure control at source (e) Keeping equipment in good working order (f) Introducing administrative controls limiting exposure

(3) Employers shall ensure emissions into atmosphere comply with National Environmental Management: Air Quality Act, 2004.

11. Personal protective equipment and facilities

(1) If exposure cannot be adequately controlled, employers must provide: (a) Suitable respiratory protective equipment and protective clothing for airborne HCAs (b) Suitable non-HCA impermeable protective equipment for skin-absorbable HCAs

(2) For respiratory protective equipment, employers must ensure: (a) Equipment can control exposure below OEL (b) Equipment is correctly selected and properly used (c) Users receive necessary information, instructions, training and supervision (d) Equipment is kept in good condition and efficient working order

(3) As far as reasonably practicable, employers must: (a) Not issue used personal protective equipment unless properly decontaminated and sterilized (b) Provide separate containers/storage for equipment when not in use (c) Ensure equipment is stored only in designated places

(4) For contaminated equipment, employers must ensure: (a) Cleaning and handling prevents contamination during transport and cleaning (b) If sent off-premises for cleaning: (i) Equipment is packed in impermeable containers (ii) Containers are clearly labeled as contaminated (iii) Contractors are fully informed of requirements and precautions

(5) No person may remove dirty/contaminated equipment from premises except for disposal as HCA waste.

(6) Subject to Facilities Regulations, employers must provide employees using personal protective equipment with: (a) Adequate, readily accessible washing facilities that won't



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become contaminated (b) Two separate lockers ("protective clothing" and "personal clothing") (c) Separate "clean" and "dirty" change rooms for workplaces using/processing HCAs that could endanger persons outside

12. Maintenance of control measures

Employers or self-employed persons must ensure: (a) Control equipment and facilities are maintained in good working order (b) Engineering control measures are examined and tested at least every 24 months by approved inspection authority

13. Prohibitions

(1) No person may: (a) Use compressed air to remove HCA particles from surfaces (b) Eat, drink or smoke where HCAs are produced/processed/used (c) Use statements like "non-toxic", "non-harmful", "non-polluting" or "non-hazardous" or similar statements on HCA labels/packaging that are inconsistent with GHS classification

(2) No person may manufacture, procure, use, handle or store within the workplace: (i) Prohibited HCAs from Table 1 Annexure 2 (ii) Ozone-depleting substances per Regulations regarding Phasing-Out and Management of Ozone-Depleting Substances (iii) Persistent organic pollutants prohibited by Prohibition on the Import, Export, Possession, Acquisition, Sale, Use and Disposal of Agricultural Remedies

14. Classification of hazardous chemical agents

Manufacturers or importers must, before workplace supply: (a) Determine if chemical agent is an HCA by conducting hazard assessment referencing cut-off values in Tables 4 and 5 of Annexure 1 (b) For substances, mixtures or articles that are HCAs, ensure GHS classification is carried out (c) Review GHS classification if HCA composition changes

14A. Safety data sheet

(1) Subject to section 10(3)(b) of the Act and regulation 14, an HCA safety data sheet must be: (a) Prepared by importer or manufacturer before manufacture or immediately after manufacture but before import, ensuring it is: (i) GHS compliant (ii) Classified per regulation 14 (iii) Reviewed at least every five years (iv) Amended as necessary for correct, current information aligned to GHS classification (v) Given most recent applicable date (b) Provided by manufacturer or importer to: (i) Workplace HCA suppliers (ii) Potentially affected persons (c) Provided by HCA suppliers: (i) When first supplied to workplace (ii) When SDS is amended (iii) To any workplace person upon request (d) Obtained by employers from manufacturer, importer or supplier and provided to: (i) Persons using, handling or potentially exposed to the HCA (ii) Persons needing information for risk assessment (iii) Health practitioners treating persons exposed to the HCA (iv) Emergency service professionals



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(2) Paragraphs (a) and (b) of subregulation (1) don't apply to manufacturers or importers not manufacturing or importing that HCA in past five years.

(3) GHS-compliant safety data sheet information must follow these 16 headings in order: (a) Section 1: substance/mixture and company/undertaking identification (b) Section 2: hazards identification (c) Section 3: composition/information on ingredients (d) Section 4: first-aid measures (e) Section 5: firefighting measures (f) Section 6: accidental release measure (g) Section 7: handling and storage (h) Section 8: exposure controls/personal protection (i) Section 9: physical and chemical properties (j) Section 10: stability and reactivity (k) Section 11: toxicological information (l) Section 12: ecological information (m) Section 13: disposal considerations (n) Section 14: transport information (o) Section 15: regulatory information (p) Section 16: other information

14B. Labelling of hazardous chemical agents

(1) Regarding HCA labelling: (a) Manufacturers or importers must ensure correct labelling as soon as practicable after manufacture/import (b) Suppliers may not supply incorrectly labelled HCAs (c) Retailers may not supply consumer products containing HCAs for workplace use if incorrectly labelled (d) Employers must: (i) Ensure workplace HCAs are correctly labelled (ii) Ensure containers are used only for designated HCAs (iii) Ensure decanted HCAs are correctly labelled (iv) Identify pipework HCAs by label, sign or other suitable means

(2) An HCA is correctly labelled if label elements align with GHS and container labels include: (a) Required elements: (i) Product identifier and UN proper shipping name if applicable (ii) Chemical identity of ingredients contributing to final GHS classification (iii) Manufacturer/importer name, address, business telephone (iv) Emergency telephone number (v) Signal word, hazard statement, precautionary statement and hazard pictogram consistent with GHS classification (b) Optional elements: (i) Package quantity unless specified elsewhere (ii) HCA ingredient quantities (iii) Information about hazards and emergency procedures not in hazard/precautionary statements (iv) First-aid measures (v) Expiry date if applicable

14C. Packaging of hazardous chemical agents

(1) HCA packaging must satisfy UN Transport of Dangerous Goods or UN IMO International Maritime Dangerous Goods Code requirements including: (a) Manufacturers or importers must ensure correct packing as soon as reasonably practicable (b) "Correctly packed" means: (i) Sound condition packaging (ii) Durable, legible marking (iii) Packaging that safely contains chemical for expected duration (iv) Material compatibility with HCA (v) Strong, solid packaging and fastenings (vi) Not using food/beverage containers

(2) Retailers supplying HCAs in customer-provided containers must ensure correct packing.

(3) Retailers supplying HCAs with provided containers must ensure correct packing.



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(4) Employers or self-employed persons must receive, use, handle or store only correctly packed HCAs.

(5) Employers must: (a) Ensure transported HCA containers or vehicles are clearly identified
(b) Ensure transportation complies with National Road Traffic Act, 1996

14D. Disclosure of ingredient identity

(1) Where an ingredient causes chemical classification including hazard class and category:
(a) In Table 4 of Annexure 1, ingredient chemical identity must be disclosed (b) In Table 5 of Annexure 1, ingredient chemical identity may be disclosed by generic name if: (i) Identity is commercially confidential (ii) Ingredient doesn't cause other Table 4 hazard classification (iii) No OEL exists for the ingredient (c) In other cases, ingredient must be disclosed by chemical identity

(2) Ingredient identity or generic name must appear on label and SDS.

(3) For ingredients requiring disclosure, proportions must be: (a) For non-confidential ingredients, exact percentage by mass/volume (b) For confidential ingredients, percentage ranges: (i) < 10% (ii) 10 to 30% (iii) 30 to 60% (iv) > 60% (v) Or narrower ranges

15. Disposal of hazardous chemical agents

Employers must, as far as reasonably practicable: (a) Recycle all HCA waste (b) Ensure waste classification and disposal per: (i) Waste Classification and Management Regulations, 2013 (ii) National Norms and Standards for Assessment of Waste for Landfill Disposal, 2013 (c) Ensure collectable waste is placed in exposure-preventing containers (d) Ensure vehicles, reusable containers and covers contacting HCA waste are cleaned and decontaminated (e) Provide suitable personal protective equipment to persons handling HCA waste (f) Ensure waste disposal contractors comply with these regulations

16. Offences and penalties

Contravening regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14A, 14B, 14C or 14D is an offense punishable by fine or imprisonment up to six months, with additional penalties for continuous offenses.

17. Repeal of regulations

(1) The Hazardous Chemical Substances Regulations, 1995, published as Government Notice No. R. 1179 of 25 August 1995, are repealed.

18. Short title and commencement

(1) These regulations shall be called the Regulations for Hazardous Chemical Agents, 2020.



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(2) Regulations 13(d), 14, 14A, 14B, 14C, 14D and associated Annexure tables shall come into effect 18 months after promulgation.