

Annex A

ERM - Approved Inspection
Authority, Certificates of
Accreditation



CERTIFICATE OF ACCREDITATION

In terms of section 22(2) (b) of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act 19 of 2006), read with sections 23(1), (2) and (3) of the said Act, I hereby certify that:-

**ENVIRONMENTAL RESOURCES MANAGEMENT
SOUTHERN AFRICA (PTY) LTD
Co. Reg. No.: 2003/001404/07
JOHANNESBURG**

Facility Accreditation Number: **MHI0012**

is a South African National Accreditation System accredited Inspection Body to undertake **TYPE A** inspection provided that all SANAS conditions and requirements are complied with

This certificate is valid as per the scope as stated in the accompanying schedule of accreditation, Annexure "A", bearing the above accreditation number for


THE ASSESSMENT OF RISK ON MAJOR HAZARD INSTALLATIONS

The facility is accredited in accordance with the recognised International Standard

ISO/IEC 17020:2012

The accreditation demonstrates technical competency for a defined scope and the operation of a management system

While this certificate remains valid, the Accredited Facility named above is authorised to use the relevant SANAS accreditation symbol to issue facility reports and/or certificates



Mr R Josias
Chief Executive Officer

Effective Date: 30 November 2010
Certificate Expires: 29 November 2014

This certificate does not, on its own confer authority to act as an Approved Inspection Authority as contemplated in the Major Hazard Installation Regulations. Approval to inspect within the regulatory domain is granted by the Department of Labour.



ANNEXURE A

SCHEDULE OF ACCREDITATION

Facility Number: MHI0012

TYPE A

Permanent Address: Environmental Resources Management Southern Africa (Pty) Ltd Building 32, First floor The Woodlands Office Park Woodmead 2148 Tel: (011) 798-4300 Fax: (011) 804-2289 E-mail: Gary.McFadden@erm.com		Postal Address: Postnet Suite 624 Private Bag X29 Gallo Manor 2052 Issue No.: 10 Date of Issue: 08 April 2013 Expiry Date: 29 November 2014
Nominated Representative: Mr G McFadden	Quality Manager: Mr G McFadden Technical Manager: Ms C Desquesnes	Technical Signatories: Ms C Desquesnes Mr G McFadden
Field of Inspection	Type and Range of Inspection	Standards and Specification
Regulatory: The supply of services as an inspection authority for Major Hazard Risk Installation as defined in the Major Hazard Risk Installation Regulations, Government Notice No. R692 of 30 July 2001	1) Explosive chemicals 2) Gases: i) Flammable liquids ii) Non-flammable, non-toxic gas (asphyxiants) iv) Toxic gases 3) Flammable liquids 4) Flammable solids, substances liable to spontaneous combustion, substances that on contact with Water release flammable gases 5) Oxidizing substances and organic peroxides 6) Toxic liquids and solids	MHI regulation par. 5 (5) (b) i) Frequency / Probability Analysis i) Consequence Modelling iii) Hazard Identification and Analysis iv) Emergency planning reviews CPR 14E (1997). Methods for the Calculation of physical Effects ("Yellow Book"), 3 rd Edition, TNO, Apeldoorn CPR 16E (1992). Methods for the Determination of possible Damage ("Green Book") Edition, TNO, Apeldoorn. Lees FP (2001). Loss Prevention in the Process Industries: Hazard Identification, Assessment and Control, 2 nd Edition, Butterworths, London, UK HSE Planning Case Assessment Guide (PCAG)

Original Date of Accreditation: 30 November 2006

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ISSUED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM


 Field Manager

Republic of South Africa



Department of Labour

Certificate

This is to certify that

**ENVIRONMENTAL RESOURCES MANAGEMENT
SOUTH AFRICA (PTY) LTD**

Has been approved as an

APPROVED INSPECTION AUTHORITY

Type A; Explosive Chemicals, Gases, Flammable Gases, Non-Flammable, Non toxic gases (asphyxiants), Toxic gases and Flammable liquids, Flammable solids, Substances liable to spontaneous combustion, Substances that on contact with water release flammable gasses, Oxidizing substances and organic peroxides, Toxic liquids and Solids.

In terms of the Occupational Health and Safety Act, 1993, read with the Major Hazard Installation Regulations 5(5) (a) regarding risk assessments

A handwritten signature in black ink, appearing to be 'J. M. ...', written over a dotted line.

.....
Chief Inspector

Valid From: 08 February 2011

Expires: 30 November 2014

MHI 0008

.....
Certificate Number

Annex B

Major Hazard Installation Legislation



Government Gazette

**REPUBLIC OF SOUTH
AFRICA**

Regulation Gazette No. 7122

Vol. 433 Pretoria 30 July 2001
No. 22506

GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 692

30 July 2001

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

MAJOR HAZARD INSTALLATION REGULATIONS

The Minister of Labour has, after consultation with the Advisory Council for Occupational Health and Safety, under section 43 of the Occupational Health and Safety Act (Act No. 85 of 1993), made the regulations in the Schedule.

SCHEDULE

1 DEFINITIONS

In these regulations any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates –

“**emergency plan**” means a plan in writing which, on the basis of identified potential incidents at the installation, together with their consequences, describes how such incidents and their consequences should be dealt with on-site and off-site;

“**local government**” means a local government as defined in section 1 of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

“**material safety data sheet**” means a material safety data sheet as contemplated in regulation 7 of the General Administrative Regulation;

“**near miss**” means any unforeseen event involving one or more hazardous substances which, but for mitigating effects, actions or systems, could have escalated to a major incident;

“**on site emergency plan**” means the emergency plan contemplated in regulation 6;

“**risk assessment**” means the process contemplated in regulation 5;

“**rolling stock**” means any locomotive, coach, railway carriage, truck, wagon or similar contrivance used for the purpose of transporting persons, goods or any other thing, and which can run on a railway;

“**temporary installation**” means an installation that can travel independently between planned points of departure and arrival for the purpose of transporting any substance, and which is only deemed to be an installation at the points of departure and arrival respectively;

“**the Act**” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

“**transit**” includes any time or place in which rolling stock may be between planned points of departure and arrival.

2 **SCOPE OF APPLICATION**

- (1) Subject to the provisions of sub-regulation (3) these regulations shall apply to employers, self-employed persons and users, who have on their premises, either permanently or temporarily, a major hazard installation or a quantity of a substance which may pose a risk, that could affect the health and safety of employees and the public.
- (2) These regulations shall be applicable to local governments, with specific reference to regulation 9.
- (3) These regulations shall not apply to nuclear installations registered in terms of the Nuclear Energy Act, 1993 (Act No. 131 of 1993).

3 **NOTIFICATION OF INSTALLATION**

- (1) Every employer, self-employed person and user, shall notify the chief inspector, provincial director and relevant local government in writing of-
 - (a) the erection of any installation which will be a major hazard installation, prior to commencement of erection thereof, and;
 - (b) the conversion of any existing installation into a major hazard installation prior to such conversion.
- (2) Every employer, self-employed person user shall notify the chief inspector, the local government and the provincial director within 60 days of the promulgation of these regulations of an existing major hazard installation.
- (3) No employer, self-employed person and user shall modify an installation by increasing its storage or production capacity or altering the process or by affecting any other change that may increase the risk of an existing major hazard installation, without first notifying the chief inspector, the relevant local government and provincial director in writing.
- (4) The information submitted by and required from an employer, self-employed person and user in terms of sub-regulations (1), (2), and (3) shall include -
 - (a) the physical address of the installation;
 - (b) the complete material safety data sheets of all substances that resulted in the installation being classified as a major hazard installation;

- (c) the envisaged maximum quantity of such substance that may be on the premises at any one time;
 - (d) the risk assessment of the major hazard installation as contemplated in regulation 5 (1); and
 - (e) any further information that may be deemed necessary by an inspector in the interests of health and safety of the public.
- (5) Sub-regulations (1), (2) and (3) shall not apply to railway rolling stock in transit.
- (6) An employer, self-employed person and user shall advertise the notifications contemplated in sub-regulations (1), (2) and (3) in at least one newspaper serving the communities in the vicinity of the installation which is to be declared a major hazard installation, a proposed major hazard installation or an existing installation which is to be modified, and by way of notices posted within those communities.

4 *TEMPORARY INSTALLATIONS*

- (1) Any employer, self-employed person and user who has a temporary installation on his or her premises which would, taking into consideration the risks attached to the quantity of substance and the procedure of discharge, result in that temporary installation being declared a major hazard installation if it were not a temporary installation, shall be deemed to be responsible for the storage and discharge of that installation while on his or her premises.
- (2) An employer, self-employed person and user contemplated in sub-regulation (1) shall ensure that a risk assessment for the storage and discharge procedure be carried out for a temporary installation prior to the risk coming into existence.
- (3) An employer, self-employed person and user contemplated in sub-regulation (1) shall, after taking into consideration the risk assessment, take reasonably practicable steps that may be necessary to reduce the risks attached to the storage and discharge of such temporary installation.

RISK ASSESSMENT

- (1) An employer, self-employed person and user shall, after consultation with the relevant health and safety representative or relevant health and safety committee, carry out a risk assessment at intervals not exceeding five years and submit such risk assessment to the chief inspector, relevant local government and provincial director.
- (2) The risk assessment is the process of collecting, organising, analysing, interpreting, communicating and implementing information in order to identify the probable frequency, magnitude and nature of any major incident which could occur at a major hazard installation, and the measures required to remove, reduce or control the potential causes of such an incident.
- (3) An employer, self-employed person and user shall, after informing the relevant health and safety representative or relevant health and safety committee in writing of the arrangements made for the assessment contemplated in sub-regulation (1), give them 60 days within which to comment thereon and ensure that the results of the assessment are made available to the relevant representative or committee who may comment thereon.
- (4) An employer, self-employed person and user shall make available on the premises a copy of the latest risk assessment for inspection by an inspector.
- (5) An employer, self-employed person and user shall ensure that the risk assessment as contemplated in sub-regulation (1) shall -
 - (a) be carried out by an Approved Inspection Authority which is competent to express an opinion as to the risks associated with the major hazard installation; and
 - (b) at least include -
 - (i) a general process description of the major hazard installation;
 - (ii) a description of the major incidents associated with this type of installation and the consequences of such incidents, which shall include potential incidents;
 - (iii) an estimation of the probability of a major accident;
 - (iv) a copy of the on site emergency plan;
 - (v) an estimation of the total result in the case of an explosion or fire;

- (vi) in the case of toxic release, an estimation of concentration effects of such release;
 - (vii) the potential effect of an incident on a major hazard installation or part thereof on an adjacent major hazard installation or part thereof;
 - (viii) the potential effect of a major incident on any other installation, members of the public and residential areas;
 - (ix) metrological tendencies;
 - (x) the suitability of existing emergency procedures, for the risks identified;
 - (xi) any requirements as laid down in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989); and
 - (xii) any organisational measures that may be required.
- (6) (a) An employer, self-employed person and user shall ensure that the risk assessment required in terms of sub-regulation (1) is reviewed forthwith if -
- (i) there is a reason to suspect that the preceding assessment is no longer valid;
 - (ii) there has been a change in the process involving a substance resulting in the installation being classified a major hazard installation or in the methods, equipment or procedures in the use, handling or processing of that substance; or
 - (iii) after an incident that has brought the emergency plan into operation or after any near miss.
- (b) Where the risk assessment has been updated an employer, self-employed person and user shall submit a copy of the updated risk assessment to the chief inspector, the relevant local government and the provincial director within sixty (60) days.
- (7) Sub-regulation (5) (b) shall not apply in the case of rolling stock in transit: Provided that the operator of a railway shall ensure -
- (a) that a risk assessment applicable to rolling stock in transit is carried out and made available for inspection at the request of an inspector or local government or both that local government and inspector, as the case may be; and

- (b) that in the interest of health and safety of the public the necessary precautions are taken.
- (8) An employer, self-employed person and user shall ensure that risk assessments contemplated in sub-regulations (1) and (5) (a) be made available for scrutiny by any interested person or any person that may be affected by the activities of a major hazard installation, at a time, place and in a manner agreed upon between the parties.

6 *ON-SITE EMERGENCY PLAN*

- (1) An employer, self-employed person and user shall after submission of the information contemplated in regulation 3 (4) -
- (a) establish an on site emergency plan to be followed inside the premises of the installation or part of the installation classified as a major hazard installation in consultation with the relevant health and safety representative or the relevant health and safety committee;
 - (b) discuss the emergency plan with the relevant local government, taking into consideration any comment on the risk related to the health and safety of the public;
 - (c) review the on-site emergency plan and where necessary, update the plan, in consultation with the relevant local government service at least once every three years;
 - (d) sign a copy of the on-site emergency plan in the presence of two witnesses, who shall attest the signature;
 - (e) ensure that the on-site emergency plan is readily available at all times for implementation and use;
 - (f) ensure that all employees are conversant with the on-site emergency plan; and
 - (g) cause the on-site emergency plan to be tested in practice at least once a year and keep a record of such a test.
- (2) An employer, self-employed person and user owning or in control of a pipeline that could pose a threat to the general public shall inform the relevant local government and shall be jointly responsible with the relevant government for the establishment and implementation of an on-site emergency plan.

- (3) Sub-regulation (1) shall not apply to rolling stock in transit: Provided that the operator of a railway shall -
- (a) establish an emergency plan for each route traversed within twelve (12) months of the coming into operation of these regulations;
 - (b) draw up the plan as contemplated in paragraph (a) in consultation with the local government through whose jurisdiction the rolling stock is being transported;
 - (c) sign a copy of the on-site emergency plan in the presence of two witnesses, who shall attest the signature;
 - (d) ensure that the plan is readily available at all times for implementation and use; and
 - (e) cause that plan to be tested when reasonably practicable and keep a record of such a test.

7 *REPORTING OF RISK AND EMERGENCY OCCURRENCES*

- (1) Every employer, self-employed person and user of a major hazard installation and owner or user of a pipeline shall -
- (a) Subject to the provisions of regulation 6 of the General Administrative Regulations, within 48 hours by means of telephone, facsimile or similar means of communication inform the chief inspector, the provisional director and relevant local government of the occurrence of a major incident or an incident that brought the emergency plan into operation or any near miss;
 - (b) submit a report in writing to the chief inspector, provincial director and local government within seven days; and
 - (c) investigate and record all near misses in a register kept on the premises, which shall at all times be available for inspection by an inspector and the local government.
- (2) Every employer, self-employed person and user shall in the case of a major incident or an incident contemplated in sub-regulation (1) that was or may have been caused by a substance, inform the supplier of that substance of the incident.
- (3) An employer, self-employed person and user shall -

- (a) record all near misses in a register kept on the premises, which shall at all times be available for inspection by an inspector; and
- (b) ensure that the contents of the register contemplated in paragraph (a) shall also be available in the event of an inspection contemplated in regulation 5 (4).

8 *GENERAL DUTIES OF SUPPLIERS*

- (1) Every person that supplies a substance to a major hazard installation that has been classified as a major hazard installation for the reason of the presence of that substance in that installation shall ensure that he or she supplies with the substance a material safety data sheet contemplated in regulation 7 of the General Administrative Regulations.
- (2) On receipt of the information contemplated in regulation 7 (2) every supplier of the relevant substance shall assess the circumstances and substance involved in an incident or potential incident and inform all persons being supplied with that substance, of the potential dangers surrounding it.
- (3) Every supplier of a hazardous substance to a major hazard installation shall provide a service that shall be readily available on a 24-hour basis to all employers, self-employed persons and users, the relevant local government and any other body concerned, to provide information and advice in the case of a major incident with regard to the substance supplied.

9 *GENERAL DUTIES OF LOCAL AUTHORITIES*

- (1) Without derogating from the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), no local government shall permit the erection of a new major hazard installation at a separation distance less than that which poses a risk to –
 - (a) airports;
 - (b) neighbouring independent major hazard installations;
 - (c) housing and other centres of populations; or
 - (d) any other similar facility.

Provided that the local government shall permit new property development only where there is a separation distance which will not pose a risk in terms of the risk assessment: Provided further that the local government shall prevent any development adjacent to an installation and that will result in that installation being declared a major hazard installation.

- (2) Where a local government does not have the facilities available to control a major incident or to comply with the requirements of the legislation, that local government shall make prior arrangements with a neighbouring local government, relevant provincial government or the employer, self-employed person and user for assistance.
- (3) All off-site emergency plans to be following outside the premises of the installation or part of the installation classified as a major hazard installation shall be the responsibility of local government.

10 CLOSURE

An employer, self-employed person and user shall notify the chief inspector, relevant provincial director and local government in writing, 21 days prior to the installation ceasing to be a major hazard installation.

11 OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with any provision of regulation 3 (1), 3 (2), 3 (3), 3 (4), 3 (6), 4 (2), 4 (3), 5, 6, 7, 8, or 9, shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period of 12 months and, in the case of a continuous offence, to an additional fine of R200 or additional imprisonment of each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.