

OHSA: EXPLANATORY NOTES: MHI REGULATIONS, 2022

Hi there

The Department of Employment and Labour published the Explanatory Notes: Major Hazard Installation Regulations, 2022.

More information:

The MHI Regulations 2022, incorporate the –

- United Nations' Transportation of Dangerous Goods (TDG) Guidance also known as the Orange book;
- the Local Government Hazardous Material and Land Use Requirements;
- the South African National Standards: SANS 1461: Quantitative Risk Assessment Standard for Hazardous Installations and
- SANS 1514: Major Hazard Installation: Emergency Plan.

The Explanatory Notes are meant for MHI duty holders, local government, emergency planners and others. It applies to an establishment having any dangerous substance specified in Annexure A, present at or above the qualifying quantity verified by an Approved Inspection Authority (AIA). There are three categories or tiers, known as lower hazard establishment, medium hazard establishment and high hazard establishment.

The Regulations define dangerous substances using the Classification, Labelling and Packaging Regulation 2008, as amended (CLP). CLP is based on the Globally Harmonised Systems (GHS) for chemicals.

The notes on Annexure A, of these Regulations contains rules for aggregating subthreshold quantities of dangerous substances in the same or similar generic categories. It also sets out the rule for excluding amounts less than 2% of their threshold, if they are located so that they cannot initiate an incident elsewhere on site. Some examples of how these rules work are given in Annexure A, of the MHI Regulations, 2022.

The MHI Regulations, 2022 indicate that even when there are no threshold quantities of dangerous substances present at a site, an establishment may still be subject to the Regulations, e.g. if specified dangerous substances are produced in quantities that pose potential to harm the employees and members of the public as a result of loss of control of a process. In that case the Approved Inspection Authorities can conduct studies to determine the MHI status of such an installation – this is to avoid unforeseen incidents.

The purpose of MHI Regulations is to:

- ensure establishments are properly zoned by local government;
- protect the employees and public members from major incidents (that is, persons close to and further away from the establishment but their health and safety can be adversely impacted by the incident from an establishment); and
- ensure that the duty holders and the local government have an emergency preparedness plan in place both on-site and off-site.

Reasons for reviewing the MHI Regulations of 2001, included: development of prescribed quantities, hazard classification system and, alignment of these regulations with dangerous goods requirements, formalisation of MHI registrations, incorporation SANS 1461 and SANS 1514.

The transition arrangements are as follows:

REGULATION	DESCRIPTION	TIME FRAME
2	Application of MHI Regulations of 2022	Immediately for all MHIs
3	Designation of responsible persons	Immediately for all MHIs
	Updating existing establishment information and full registration	After 24 months
	Registration	Immediately for new and modified establishments; 24 months for existing establishments
9	Sharing of information for designated establishments	
10 & 15	Incorporation of SANS 1461 and SANS 1514	Immediately
11	Major Incident Prevention Policy	36 months

12	Safety Reports	36 months
13	License to Operate	36 months
17	Information and Training	Immediately
19	Payable fees	<ul style="list-style-type: none"> • Immediately for new establishments • Within 24 months for existing establishments
23	Closure	Immediately

Expectations form local governments include:

- correct land use planning,
- granting of permissions of MHI establishments in jurisdicitive areas and
- emergency planning requirements.

Expectations form duty holders includes:

- Compliance with OHS Act and these Regulations, National Environmental Laws, National Disaster Management Laws, Fire and Emergency Services Laws and all by-laws laid down and amended from time to time by relevant local government.

There are also added stricter and stronger requirements for provision of information to the public and overall prevention of encroachments of separation zones. Thus establishments, in collaboration with local government, must now effect public participation in the vicinity of the establishments, who are likely to be affected by major incidents. And, be informed of the extent of major incidents and relevant emergencies protocols.

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Where do I access the Explanatory Notes?

<https://implex.co.za/library-hs-ohs/>

We trust that this information will serve to be of some assistance to you and look forward to your positive feedback!

Implex regards,
Marlize



"Innovation comes only from readily and seamlessly sharing information rather than hoarding it." Tom Peters