

(31 July 2010 - to date)

HAZARDOUS SUBSTANCES ACT 15 OF 1973

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

DECLARATION OF LEADED PAINT AS GROUP 1 HAZARDOUS SUBSTANCE

Government Notice 801 in Government Gazette 32455, dated 31 July 2009. Commencement date: 31 July 2010.

The Minister of Health has, in terms of section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), declared the substance mentioned in the Schedule hereto to be Group 1 hazardous substance.

SCHEDULE

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1. Definitions

For the purposes of this Notice "the Act" means the Hazardous Substances Act, 1973 (Act No. 15 of 1973) and any word or expression to which a meaning has been assigned in that Act, shall have that meaning and, unless the context indicates otherwise:

"leaded paint" means paint containing lead or lead compound used for decorating with a total content 0.06% (600 ppm) and above, based on total non-volatile content.

2. Hazardous substance

Leaded paint is hereby declared to be a group 1 category A hazardous substance in terms of the Act.

3. The declaration contemplated in paragraph 2 does not apply to the following lead containing paints:

- (a) industrial (and commercial) building and equipment maintenance coatings, including traffic and safety markings coatings;

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- (b) graphic art coatings, that is, products marketed solely for application on billboards, road signs, and similar uses and for identification marking in industrial buildings;
 - (c) touch-up coatings for agricultural equipment, lawn and garden equipment, and appliance; and
 - (d) catalysed coatings marketed solely for use on radio-controlled model powered aircraft.
4. The products containing leaded-paint in paragraph 3 must bear the following label on the main panel of their label, the signal word "WARNING" and the following statement "Contains lead, film of this paint may be harmful if swallowed or chewed."
5. The products referred to in paragraph 3 must also bear on their label, the following additional statement or its practical equivalent:
- (a) "Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility, which may be occupied or used by children;"
 - (b) "Do not apply on exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings, to which children may be commonly exposed";
 - (c) the name and business address of the manufacturer, packer, distributor, or seller;
 - (d) the common or usual or chemical name of each hazardous ingredient;
 - (e) precautionary statements telling users what they must do or what actions they must avoid to protect themselves;
 - (f) if a product requires special care in handling or storage, instructions for consumers to follow to protect themselves should be provided; and
 - (g) the statement "Keep out of the reach of children".

8. Commencement of notice

This notice comes into operation 12 months from the date of final publication.

(Publisher's note – Numbering as per original Gazette)

(Signed)

Dr A. Motsoaledi, MP
Minister of Health