

# CHIEF DIRECTORATE OF OCCUPATIONAL HEALTH AND SAFETY

## CONSTRUCTION, EXPLOSIVES AND MAJOR HAZARD INSTALLATION REGULATIONS

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MHI WORKSHOP  
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# Major Hazard Installation Regulations, 2022

## Phase 1

**Immediately and up to 12 months**

### - **Incorporation of Safety Standards**

- (i) SANS 1461: 2018 (immediately, SANAS agreement – between 2019 & 2020)
- (ii) SANS 1514:2019 (within 12 months)
- (iii) TDG: Orange book

### - **Incorporation of good practices**

- Safety Data Sheet ( HCAR)



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# Major Hazard Installation Regulations, 2022

## 1. Definitions

### 1.1 “major hazard installation”: OHS Act

**1.2 "installation"** means a technical unit within an establishment, above or below ground level, in which substances are produced, used and stored and which includes all the equipment, structures, pipework, machinery, tools, railway sidings and quays, warehouses and similar structures necessary for the operation of that installation;

- includes the entire establishment and accounts for all the inventory kept
- E.G.



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# Major Hazard Installation Regulations, 2022

**1.3 "establishment"** means a major hazard installation under the control of a duty holder where Chapter 1, 2 or 3 dangerous substances are present;

Independent establishment:

- an area of land under the control of the same duty holder
- land is cut across by, for example, a road, railway or canal, that will be considered as one establishment

Establishment (s) in industrial Complexes

Landowner must:

- ensure there is no domino or knock down effect
- Conduct a cumulative risk assessment,
- the results be communicated ( including other establishments and/or businesses, and the local government (LG)



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# Major Hazard Installation Regulations, 2022

**1.4 "responsible person"** means a person designated, in writing, by a duty holder to be responsible, in a full-time capacity, for the premises on which an establishment is operated;

- must be legally appointed by the duty holder and his direct control
- main duty is to ensure safe operation and compliance to these Regulations.

Proposed establishment:

- course of a trade, business or other undertaking carried on by that person has commissioned its design and construction;



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# Major Hazard Installation Regulations, 2022

## Phase 1

### 2.Scope of Application

#### Annexure MHI A

##### Chapter 1, Chapter 2

- (i) Low Hazard Establishment
- (ii) Middle Hazard Establishment
- (iii) High Hazard Establishment

##### Chapter 3

- (i) major hazard Pipelines
- proposed establishment

##### None qualifying establishments

- Exit strategy ( shared with AIAs to guide the assessment approach)



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# Major Hazard Installation Regulations, 2022

## Phase 1

### 3. Management of the establishment

- Appointment of a responsible person (s)
- on full time capacity
- competent

#### Exceptions

- high hazard establishment (prescription of relevant qualification)
- Appointment of Deputies
- Consultation with neighbors



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# Major Hazard Installation Regulations, 2022

## Phase 1

### 10. Risk Assessment

- SANS 1461:2018 (SANS, TR)

### 17. Information and Training

- Train all employees on :
  - Scope of these regulations
  - Nature and safe operation
  - Potential failures ( hazards, risks, major incidents etc.)
  - ERP ( evacuation rules, routes, assembly points and etc.)
  - etc.



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# Major Hazard Installation Regulations, 2022

## Phase 1

### 15. Emergency Plan

- Appointment of ECT
  - RP
  - Deputies
  - H&S Representation ( section 17, GAR 6&7)
- The overall risk profile of an area/complex must be submitted with the QRA so that the chief inspector may be able to carry out her responsibilities in line with Regulation 3,4,9,15.

### 16. Reporting of risk and emergency occurrences

- immediately (but not later than 48 hours) inform the chief inspector
- ???



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# Major Hazard Installation Regulations, 2022

## Phase 1 of Implementation

### 17. Information and Training

- Train all employees on :
  - Scope of these regulations
  - Nature and safe operation
  - Potential failures ( hazards, risks, major incidents etc.)
  - ERP ( evacuation rules, routes, assembly points and etc.)



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# Major Hazard Installation Regulations, 2022

## 18. Suppliers

### - Section 10(3)

“Any person who manufactures, imports, sells or supplies any substance for use at work shall-

(a) ensure, as far as is reasonably practicable, that the substance is safe and without risks to the health when properly used; and

(b) take such steps as may be necessary to ensure that the information is available with regard to the use of the substance at work, the risks to the health and safety associated with such substance, the conditions necessary to ensure that substance is safe and without risk when properly used and procedures to be followed in the case of an accident involving such substance”

- SDS (**Hazardous Chemical Agent Regulations**)
- Training on safe handling of the substance
- 24 emergency support services, investigate emerging incidents



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# Major Hazard Installation Regulations, 2022

## Phase 2

24 months (1 February 2023 - 31 January 2025)

### 4. Notification

- Form A
  - consented by LG and submitted to Province
- Supporting documents - Regulation 4(3)
  - appointment of RP + Competency profile
  - Substance location plan, site map and etc.
- Broadcasting of MHI status
  - English and common language in the area
- Proof of communication with the neighbors in the impact zone
- Risk profile, the impacted or neighboring MHI to effect groupings of MHI, in terms of Reg 9



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# Major Hazard Installation Regulations, 2022

## Phase 2

- Payment of fees
- Reg. 19 and Annexure B



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## Phase 3

### Technical Requirements

- Transition (36 months – 1 February 2025)
- Major Incident Prevention POLICY
- Safety Report
- LTO



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# Major Hazard Installation Regulations, 2022

## Functions and Responsibilities

- Registration and issuing of certificates
- Monitoring compliance and enforcing compliance ( issuing out of directions, revocations and suspensions of registrations), read with Regulation 23: offences and penalties
- Profiling and grouping adjacent establishments
- Approve AIA and ensure they are competent ( skill, tools and qualification)
- Declassification of unqualified establishment
- Exemptions (sec 40)
- Appeals (sec 35)
- Litigations
- etc.



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# Major Hazard Installation Regulations, 2022

## Challenges

- Mushrooming of LPG facilities and use of bogus installers
- EIA, AIA
- What is Establishment ???
- AIA Reports e.g. pipelines, inventories, empty cylinders, etc.
- Submissions of notifications...
- Notification not fully complied with
- Declassification reports ???
- ....



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# Thank You...



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