**Notice 2841 of 2024**

**(G.G. 51628 of 20/11/2024)**

**DEPARTMENT OF EMPLOYMENT AND LABOUR**

**EXPLANATORY NOTES:**

**MAJOR HAZARD**[**INSTALLATION**](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)**REGULATIONS, 2022**

**1. Introduction**

This guidance aims to help duty holders successfully implement and comply with the Major Hazard [Installation](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)(MHI) Regulations, 2022.

-  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](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312): Quantitative [Risk Assessment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)Standard for Hazardous Installations and [SANS 1514](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312): Major Hazard [Installation](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312): [Emergency Plan](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312).

-  These Explanatory Notes replace the April 2005, Explanatory Notes to the repealed Major Hazard [Installation](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)Regulation, 2001.

-  These Explanatory Notes are meant for MHI duty holders, local government, emergency planners and others who would find this explanatory useful.

-  These explanatory notes apply to an [establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)having any dangerous substance specified in Annexure A, present at or above the qualifying quantity verified by an Approved Inspection Authority (AIA) is subject to these Regulations. There are three categories or tiers, known as lower hazard [establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312), [medium hazard establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)and [high hazard establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312).

Refer to Flow Chart 1 & 2 ([High Hazard Establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)), Chart 3 & 4 ([Medium hazard Establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)and Chart 5 ([Low Hazard Establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)).

-  The Regulations define [dangerous substances](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)using the Classification, Labelling and Packaging Regulation 2008, as amended (CLP). CLP is based on the Globally Harmonised Systems (GHS) for chemicals. CLP is amended from time to time in line with technical and scientific development. These amendments are known as 'Adaptations to Technical Progress', or ATPs, and are usually published at least once annually, the latest version will apply.

-  Therefore, any reference to any legislation or standard in the MHI Regulations will always be to the latest version.

-  The notes on Annexure A, of these Regulations contains rules for aggregating subthreshold quantities of [dangerous substances](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)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, page 33-45 of the MHI Regulations, 2022.

-  The MHI Regulations, 2022 indicate that even when there are no threshold quantities of [dangerous substances](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)present at a site, an [establishment](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)may still be subject to the Regulations, e.g. if specified [dangerous substances](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)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](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312)– this is to avoid unforeseen incidents.

\*\*\* The Department, as a way forward would like to develop an assessment technical training and methodology with institutes of learning that will tick all the parameters of MHI study. The anticipated software would have to be taken forward in the form of a new tool for MHI study. Any[duty holder](https://www.ddyn.com/Portal/UpdatesBrowser?documentId=OHS&gazdexId=29020&pageId=OHS-4312), AIA or interested parties wishing to assist in achieving this output should forward submit their interest to the Department and discuss the assistance they can provide in this regard.