Minimum safety regulations for respiratory protective devices in South Africa

NRCS form No.: VC8072-i
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1. Coverage

This document applies to respiratory protective devices (RPD’s).

A respiratory protective device is personal protective equipment designed to protect the wearer’s respiratory tract against inhalation of atmospheres that would normally cause adverse health effects.

Respiratory protective devices can be either filtering devices or breathing apparatus. A filtering device is a respiratory protective device in which air passes through filter(s) before being inhaled. A breathing apparatus is an apparatus which enables the wearer to breathe independently of the ambient atmosphere.

A RPD type can be defined as a category of RPD that does not differ in such essential respects as:

a) the trade name or mark, or
b) the shape, materials, dimensions, manufacturing processes or methods of assembly. However, a RPD type may include a range of facepiece sizes, provided that the dimensions of each size in the range is at least equal to that in the facepiece sample which when subjected to the homologation tests satisfied the requirements of the applicable product specification standard.

2. Legislation

In South Africa RPD’s are subjected to the provisions of the following Acts of the South African Parliament:

- National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008)

3. Technical requirements


Manufacturers and importers of RPD’s are advised to purchase a copy of SANS 10338:2009 from the South African Bureau of Standards (SABS) to familiarise themselves with the requirements of the homologation process. Homologation is a confirmation by the NRCS that the manufacturer or importer has provided the NRCS with the following specific evidence in respect to a type of RPD:

a) Sufficient data for the identification of a type of RPD and its components.

b) The type of RPD has satisfied all relevant requirements of an appropriate South African National Standard.

c) The type of RPD is imported or manufactured under a quality management system applied by the manufacturer or importer that satisfies the requirements of SANS 9001.

Therefore, it will be in contravention of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) to use a RPD in the workplace that was not homologated by the NRCS.

Proof of homologation is in the form of a NRCS HOMOLOGATION GRANTED or NRCS HOMOLOGATION EXTENDED certificate that was issued by the NRCS that states that the specified product was homologated by the NRCS and a type approval number was issued for the product. Users of respiratory protective devices must insist on a copy of such a NRCS HOMOLOGATION GRANTED or NRCS HOMOLOGATION EXTENDED certificate for each type of product purchased as it will serve as proof of compliance with the requirements of the abovementioned legislation when inspected by the Department of Labour and the Department of Minerals & Energy.

A list of homologated RPD’s is available at the following internet address: http://www.nrcs.org.za/siteimgs/CMM/Homologation%20Database%20-%20PPE.pdf

3.2 Technical requirements of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008)
In accordance with the requirements of Act No. 5 of 2008 and its Regulations the following applies to RPD's:

In accordance with the definitions in section 1 and the requirements of section 14 of Act No. 5 of 2008, no person may import, display, offer, advertise or export for or in pursuance of a sale, have in possession for the purpose of sale, trade, manufacture or export, or supply a commodity, product or service to which a compulsory specification applies, unless such a commodity, product or service complies with the compulsory specification concerned. All RPD's that are sold, manufactured and supplied in, imported into and exported from the Republic of South Africa shall comply with the requirements of the Compulsory Specification for Respirators (herein referred to as VC8072:2003) as published by Government Notice No. R. 369 (Government Gazette No. 25040) of 20 March 2003 and the Compulsory Specification for Breathing Apparatus (herein referred to as VC8073:2003) as published by Government Notice No. R. 370 (Government Gazette No. 25040) of 20 March 2003.

In accordance with regulation 2.1 as published by Government Notice No. R. 999 (Government Gazette No. 9728) of 3 May 1985, the manufacturer or importer shall keep accurate records in respect of the number of RPD units manufactured or imported.

In accordance with the regulations relating to the payment of levy and the issue of sales permits in regard to compulsory specifications as published by Government Notice No. R. 999 (Government Gazette No. 9728) of 3 May 1985, the manufacturer or importer shall pay the prescribed levies as published from time to time in the Government Gazette to the NRCS on the first day of the month following the expiry of each levy period on the number of RPD units manufactured or imported. The levy periods are 01 April – 31 June, 01 July – 30 September, 01 October – 31 December and 01 January – 31 March of each Government financial year.

Manufacturers and importers of RPD’s are advised to inform their suppliers, distributors and retailers of the abovementioned requirements.

4. Administrative requirements

4.1 Letter of Authority (LOA)

All importers need to obtain a Letter of Authority for the importation of RPD’s into the Republic of South Africa.

An importer shall present such a LOA on demand to a Customs official for each consignment of RPD’s.

In order to obtain a LOA for the importation of RPD’s, the importer shall submit a completed application form No. VC8072-B to the NRCS Chemicals, Mechanical & Materials Department (CMM). The aforementioned application form shall be accompanied by proof of payment of a non-refundable application fee of R667,80.

5. Consumer recourse

Any individual or organization may contact CMM concerning suspected non-complying RPD’s that may be available in the market. When reporting such concerns of suspected non-complying RPD’s, the following information will be required by CMM:

a) Full description of the suspected non-complying RPD type.
b) Name of the importer, seller or supplier who has supplied the RPD type.
c) Physical address and contact details of the importer, seller or supplier.

Reporters are advised to keep the following evidence:

a) Proof of purchase or other delivery documents.
b) The product itself.
c) All accompanying documentation and packaging.

On receipt of such reports CMM will conduct an investigation into the suspected non-complying RPD’s in terms of the powers vested in accordance with Act No. 5 of 2008. CMM will take any actions needed that may be necessary in terms of vested powers in accordance with Act No. 5 of 2008 to prevent the availability of non-complying RPD’s to the consumer.

The reporter will be notified of the outcome of the investigation verbally (if the concern was received verbally) or in writing (if the concern was received in writing) within the limits of Section 32 of Act No. 5 of 2008.

Please note that the name of the person or organisation reporting a concern to CMM will not be divulged to the alleged contravener, unless specifically authorised by the reporter.

6. Contacts

6.1 Applications for homologation and LOA’s

Mrs. Tando Magolego
MANAGER: APPROVALS
Tel No.: +27 12 428-6375
Fax No.: +27 12 428 6513
E-mail: MAGOLET@nrcs.org.za

6.2 Consumer recourse

NRCS CMM Regional Operations Section

Mr. Hendrik F. de Kock
MANAGER: CMM REGIONS
Tel No.: +27 (012) 428-6585
Fax No.: +27 12 428 6513
E-mail: DEKOCKHF@nrcs.org.za

NRCS CMM Gauteng Section

Mrs. Emmah Monyanga
MANAGER: INSPECTIONS
Tel No.: +27 (012) 428-6502
Fax No.: +27 12 428 6513
E-mail: monyange@nrcs.org.za
6.3 Information and purchasing of South African National Standards and compulsory specifications

_SABS Standards Information Centre_

Telephone Number:
National: (012) 428-6666
International: +27 12 428-6666

Fax Number:
National: (012) 428-6928
International: +27 12 428-6928

Email: info@sabs.co.za

Centre hours: 07:30 – 17:00