

South African Industrial Container Reconditioners Association



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MESSAGE FROM THE CHAIRMAN

Greetings to all our Members,

This year (2022) is well underway and despite the various global and national challenges we are faced with as a nation, the economy appears to be on a gradual upward turn. GDP growth is expected to average 1.8 per cent over the next three years. However there remains significant risks to this outlook which include the

emergence of new COVID-19 variants, rising global inflation, slowing global and domestic economic growth, more difficult global borrowing conditions, calls for a permanent increase in social protection that exceeds available resources, pressures from the public-service wage bill, continued calls for financial support from financially distressed state-owned companies, natural disasters such as the recent flooding in KZN and the continued disruptions to power supply.

SAICRA hosted its 2021 gala dinner and awards evening at the Pencil Club, Umhlanga Arch, Durban on 26 November 2021. The guest of honour and keynote speaker was Mr Bubele Nyiba (CEO of the ROSE Foundation) together with his beautiful wife, Mrs Boniswa Nyiba. The evening event was attended by members from across the country, many of whom were recipients of SAICRA awards which were presented at the gala dinner. SAICRA acknowledged the valuable contributions made by individuals to the Association and the industry and these individuals were awarded with the SAICRA Chairman's award. Members who achieved a high level of environmental, health and safety and regulatory compliance during their 2021 compliance audits conducted by ICCASA, were awarded the SAICRA Reconditioner of the Year 2021 and the Runner-up trophy for first and second place respectively.

SAICRA is committed to supporting our members to conduct their business in a responsible manner that promotes the protection of our environment and the health and safety of workers and the broader community. This commitment is further demonstrated through our robust skills development and capacitation initiatives which seek to offer members SAICRA funded training interventions throughout the year, that are beneficial to ensuring that their operations are

conducted with responsible care and appreciation for the environment and the health and safety of workers. These sponsored training interventions in 2021 included workshops on OHS Legal Requirements, SANS 10406 Internal Auditing, EPR Requirements and Environmental Legal Requirements.

As you are aware, it is now mandatory for Producers to register with the Department of Forestry, Fisheries and Environment (DFFE; formerly Environmental Affairs) on their website and ensure that all identified products are covered by an appropriate Extended Producer Responsibility (EPR) Scheme.

The Extended Producer Responsibility Regulations were published on 5 November 2020. On 5 May 2021, amendments to the Regulations and notices regarding Extended Producer Responsibility were published. The Regulations are therefore effective from 5 May 2021 and the revised date for final compliance was 5 November 2021.

In compliance with the Section 18 Regulations, SAICRA has registered its EPR Scheme with the DFFE as a Producer Responsibility Organisation (PRO) in terms of the Extended Producer Responsibility Regulations with registration number: 19/7/5/P/PRO/20210722/006. More information on the regulations and its intentions can be found in this edition of the SAICRA newsletter.

I want to extend my gratitude to the SAICRA Board of Directors for their valuable contributions and continued efforts in availing their time and commitment to SAICRA.

Steaphan Mac Donald
- Steaphan Mac Donald (SAICRA Chairperson)



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SAICRA GALA DINNER AND AWARDS EVENING



The SAICRA Gala Dinner was held on 26 November 2021 at the Pencil Club, Umhlanga Arch, Durban. The keynote speaker was Mr Bubele Nyiba (CEO of the ROSE Foundation). The elegant evening event was attended by members from across the various provinces.

The SAICRA annual awards were also hosted at the gala dinner. The following awards were conferred for outstanding contribution and achievement.



SAICRA Chairman's Certificate of Appreciation for contribution made as a Director to the SAICRA Board was awarded to:

Christopher Alagappen; Morgan Kristen; Dave Tatz; Godfrey Molapo; Lerissa Moodley; Arnand Moodley; Ishmael Kunene; Khaya Qekani



SAICRA Reconditioner of the Year 2021 Excellence Award was won by Mauser Packaging Solutions (Pty) Ltd for excellent results obtained during its annual compliance audit for 2021. The award was handed over by Mr Bubele Nyiba (CEO of the ROSE Foundation) and was received on behalf of Mauser Packaging Solutions (Pty) Ltd, by Mr Steaphan Mac Donald (Managing Director of Mauser Packaging Solutions (Pty) Ltd).



SAICRA Chairman's Legacy Award for significant contribution made to the founding of SAICRA was awarded by the SAICRA Chairperson Mr Steaphan Mac Donald to: Dave Tatz



SAICRA Chairman's Recognition of Contribution Award for contributions made to the industry and SAICRA was awarded to: Chocky Moodley



The SAICRA Reconditioner of the Year 2021 Excellence Award - Runner Up trophy was awarded to Anchor Pail and Drum Reconditioners



Understanding the Extended Producer Responsibility Scheme



What is Extended Producer Responsibility?

Extended Producer Responsibility is defined in Section 18 of the Waste Act as “measures that extend a person’s financial or physical responsibility for a product to the post-consumer stage of the product, and includes (a) waste minimization programmes, (b) financial arrangements for any fund that has been established to promote the reduction, re-use, recycling and recovery of waste; (c) awareness programmes to inform the public of the impacts of waste emanating from the product on health and the environment; and (d) any other measures to reduce the potential impact of the product on health and the environment.”

What is Section 18?

Section 18 refers to the Extended Producer Responsibility (EPR) aspect of the National Environmental Management Waste Act (NEMWA). Regulations were initially published in November 2020 after which a Government Notice was published on the 15th of January 2021 delaying their effective date to 5th May 2021. Final amendments were published on 5 May 2021, marking the coming-into-effect of EPR in South Africa. The purpose of these Regulations is to provide the framework for the development, implementation, monitoring and evaluation of extended producer responsibility schemes by producers in terms of Section 18 of the NEMWA, to ensure the effective and efficient management of the identified product at the end of its life, and to encourage and enable the implementation of circular economy initiatives.

The NEMWA as read with Extended Producer Responsibility Regulations now obliges Producers to assume responsibility for their products up to and including the end-of-life stage of their product cycle. In EPR systems, Producers are responsible not only for health and safety issues associated with their products, but also for the management of packaging waste, including collection, sorting and recycling. Essentially, this means that the Producer must ensure that the products they place on the market do not negatively affect the environment after consumer use and therefore must ensure that whatever post-use treatment is appropriate, occurs.

Does EPR support the circular economy?

Extended producer responsibility in a circular economy



Packaging reuse, both consumer and industrial, is expected to expand as circular economy ideas take hold and businesses take advantage of emissions savings that accompany reuse programs. Materials like engine oils and cutting fluids that once were disposed of as waste after a single use now regularly are reprocessed and reused in appropriate industrial applications. As businesses move away from the traditional take-make-dispose production model toward a circular economy, they will rely on efficient manufacturing systems, information technology and big data to create ever more efficient ways to save energy and conserve resources. EPR is increasingly recognised as a key concept for ‘closing the loop’ in the packaging value chain, as it obliges producers to assume responsibility for their products. The notion of producer responsibility is not new and has already been incorporated into the overarching concept of ‘Global Producer Responsibility’.

What is the role of a PRO?

The primary role of a PRO is to implement an EPR scheme on behalf of its members. The PRO is accountable for fulfilling all its tasks and for spending the funds paid by the obliged companies accordingly. A PRO operates as the coordinating body between Producers and takeback/recycling operators; it assumes the responsibilities of all its Producer members and organises take-back and recycling activities on their behalf. The PRO is also responsible for providing information about the system and maintaining communications between the stakeholders in the supply chain.

PROs also play the important role of educating consumers to encourage more recycling, and helping their members improve product design to make products easier to collect and recycle. This wide range of responsibilities makes the PRO the most important stakeholder organisation within the system; it is responsible for setting up, developing and maintaining the system, as well as assuming the take-back obligations of the obliged companies that are its members.

Each sector had to establish a PRO as a not-for-profit company, in compliance with the regulations and each PRO had to be registered with the DFFE. The Board of Directors must be made up of Producers. Producers that did not establish a PRO had to register with an existing PRO that is registered with the DFFE. The PRO had to be “operationally ready” with all EPR funding in place by the 05 of November 2021. Producers/PRO’s must have developed and submitted an extended producer responsibility scheme implementation plan according to the Extended Producer Responsibility Regulations by the 05 November 2021.

What will PROs be held accountable for?

By joining a PRO and remaining in good standing (i.e. declaring volume and paying EPR fees in full) with the PRO in question, a Producer transfers some of their Extended Producer Responsibility to the PRO. Amongst other things, the PRO will be held accountable for: i) Developing and implementing an effective EPR scheme for its Members’ chosen identified products placed on the market. ii) Measuring and reporting on the scheme as required. iii) Ensuring compliance with finance and governance requirements. Effectiveness of an EPR scheme will be measured in terms of performance against agreed targets for several Key Performance Indicators, like percentage collection, recycling and, where appropriate, reuse and recycled content.

What are the penalties for non-compliance?

Producers and PROs commit an offence if they contravene or fail to comply to the regulations. Producers convicted of an offence under the Regulations are liable to: a. imprisonment for a period not exceeding 15 years; b. an appropriate fine; or c. both a fine and imprisonment.



EXTENDED PRODUCER RESPONSIBILITY

FREQUENTLY ASKED QUESTIONS



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA



What is the implementation date of the Regulations?

5 May 2021

Who must register?

All Producers and PROs must register.

How do we register?

Go to the sawic.environment.gov.za/epr site and register online.

How will imported products be handled or are they not covered?

Importers of identified products are defined as Producers and hence they must register.

Can we see all the approved EPR schemes on the DFFE website?

The DFFE Website will only contain the registered Producers and PROs.

How do we join a PRO if we do not know if they are approved?

PROs will be registered. PROs are required to comply with the requirements contained in the regulations.

When do we start paying the EPR Levy?

Once there is an EPR Scheme operating then the EPR fee becomes payable if you have subscribed to that operating Scheme.

Are we compelled to join a PRO?

No, you can implement your own scheme for your products as provided for in the Regulations.

Do local fillers have to register?

If the packaging is locally sourced the responsibility is for the local manufacturer to register and join an EPR Scheme, If the packaging is imported then the local fillers will be deemed to be the manufacturer and must therefore register and join an EPR Scheme.

Is there a list of registered PROs available from the Department?

Yes, it is accessible through the sawic.environment.gov.za/epr site.

Who is meant to be the first line to register as packaging producer according to the amended definition published on 5 May 2021?

In the case of a branded product and the brand owner is based in SA – the Brand owner must register. If the brand owner is not in SA but there is an importer/agent, then the importer or agent must register.

For local manufacturer – the local manufacturer must register.

The retailer will only register if there is an agreement between the manufacturer/ brand owner that the levy will be charged at the retailer level and hence the retailer must take the responsibility.

Do we get a registration certificate upon registering?

No certificate is issued. The registration number must be used as a reference.

Is industrial waste covered under EPR?

No. The EPR Regulations define “extended producer responsibility means that a producer's responsibility for their product is extended to the post -consumer stage of a product's life cycle.” EPR covers post-consumer waste only.

