



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF MINERAL RESOURCES, TREVENNA CAMPUS BUILDING, 70 MEINTJIES STREET,
SUNNYSIDE, 0132, PRIVATE BAG X59, ARCADIA, 0007, TEL NO: (012) 444 3000

ENQUIRIES: Mr Lloyd Molise
PHONE: 012 444 3626

EMAIL: Lloyd.Molise@dmre.gov.za
CELL: 071 475 8426

01 September 2020

**THE MANAGING DIRECTOR
ECO-OXY
84 RATHET AVENUE
STORMILL
ROODEPOORT
1732**

Dear Sir,

RE: REQUEST FOR APPROVAL FOR THE USE OF “*Chemtane2*” CUTTING AND HEATING GAS IN THE SOUTH AFRICAN MINING INDUSTRY

1. Your letter dated 14 August 2020 bears reference.
2. The Chief Inspector of Mines is not empowered by any prescript to approve any cutting and/or heating gas product for use at any mine in the Republic of South Africa, however, the Department of Mineral Resources & Energy has no objection to the use of “*Chemtane2*” at any surface or underground mine in the Republic of South Africa.
3. The use of “*Chemtane2*” is subject to the following terms and conditions:
 - 3.1 Eco-Oxy (Pty) Ltd, the manufacturer and supplier of “*Chemtane2*”, must:
 - (a) Appear before the Regional Principal Inspector of Mines concerned;
 - (b) Provide the said Regional Principal Inspector of Mines with a copy of this letter;

- (c) Present “**Chemtane2**” including, the following documentation to the said Regional Principal of Mines:
 - (i) User instructions/manual
 - (ii) Risk Assessment (i.e. usage, handling, transportation, storage and disposal).
 - (iii) Safety precautions [Material Safety Data Sheet (MSDS)].

3.2 The said Regional Principal Inspector of Mines must confirm in writing that:

- (a) Eco-Oxy (Pty) Ltd, the manufacturer and supplier of “**Chemtane2**”, has complied with the terms and conditions referred to, in sub-paragraph 3.1 of the letter signed by the Director: Mine Safety and dated 01 September 2020; and
- (b) He/she concurs with the decision of the Director: Mine Safety, referred to, in paragraph 2 of the letter dated 01 September 2020, in as far as, the region he/she is responsible for, is concerned.

3.3 Eco-Oxy (Pty) Ltd, the manufacturer and supplier of “**Chemtane2**”, is obligated in terms of Section 21 of **MHSA** to provide the employer who is intending to use “**Chemtane2**” at any mine with the following documentation:

- (a) Risk assessment (i.e. usage, handling, transportation, storage and disposal).
- (b) User instructions/manual.
- (c) Safety precautions [Material Safety Data Sheet (MSDS)].

3.4 The employer who is intending to use “**Chemtane2**” at any mine is compelled to consider the documentation referred to in sub-paragraph 3.3 above and perform the following activities:

- (a) Conduct a risk assessment in terms of Section 11(1), (2) and (3) of **MHSA**;
- (b) Prepare a code of practice in terms of Section 9(1) of **MHSA**;
- (c) Conduct training in terms of Section 10(2), (3) and (4) of **MHSA**;
and
- (d) Implement the code of practice in terms of section 9(1) of **MHSA**.

- 4 Eco-Oxy (Pty) Ltd. (the manufacturer and supplier of “**Chemthane2**”)’s attention is drawn to Sections 55(2) and 61(1) of the Consumer Protection Act No.68 of 2008 (referred to hereunder as “**CPA**”) which provides that:

Section 55(2) of CPA

“Except to the extent contemplated in subsection (6), every consumer has a right to receive goods that-

- (a) are reasonably suitable for the purposes for which they are generally intended;*
- (b) are of good quality, in good working order and free of any defects;*
- (c) will be useable, and durable for a reasonable period of time, having regard to the use to which they would normally be put and to all surrounding circumstances of their supply; and*
- (d) comply with any applicable standards set under the Standards Act, 1993 (Act No.29 of 1993), or any other public regulation.”*

Section 61(1) of CPA

“Except to the extent contemplated in subsection (4), the producer or importer, distributor or retailer of any goods is liable for any harm, as described in subsection (5), caused wholly or partially as a consequence of-

- (a) supplying any unsafe goods;*
- (b) product failure, defect or hazard in any goods; or*
- (c) inadequate instructions or warnings provided to the consumer pertaining to any hazard arising from or associated with the use of any goods, irrespective of whether the harm resulted from any negligence on the part of the producer, importer, distributor or retailer as the case may be.”*

- 5 This letter:

- 5.1 Is valid from 01 September 2020 until further notice.
- 5.2 Amends and invalidates the letter referenced E2/2020 and signed by the Director Mine Safety on 09 March 2020.
- 5.3 May be amended or withdrawn at any time should such action be considered necessary.

6 All persons concerned must be made fully conversant with the terms and conditions of this letter, copies of which must be readily available to them.

Kindly acknowledge receipt

Yours in health and safety,



F J NKUNA
DIRECTOR: MINE SAFETY
DEPARTMENT OF MINERAL RESOURCES & ENERGY