



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

SOUTH AFRICA

We do not have a specific case on waste producer liability in South Africa, but the law is very straight-forward.

The [National Environmental Management, Waste Act of 2008, Part 2, section 16](#), sets out the waste producer obligations:

“General duty in respect of waste management

16. (1) A holder of waste must, within the holder's power, take all reasonable measures to:

(a) avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amounts of waste that are generated;

(b) reduce, re-use, recycle and recover waste;

(c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;

(d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;

(e) prevent any employee or any person under his or her supervision from contravening this Act; and

(f) prevent the waste from being used for an unauthorised purpose.” (emphasis added).

This is very similar to UK law on due diligence requirements, i.e. “all reasonable measures” and precautions.

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