



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

MINE HEALTH AND SAFETY INSPECTORATE

ENQUIRIES: Mr Funwell Nkuna
PHONE: 012 444 3002

EMAIL: Funwell.Nkuna@dmr.gov.za
CELL: 082 491 4335

29 January 2021

**THE MANAGING DIRECTOR
SIBAMBENE MINING SUPPLIES
P O BOX 569
LYDENBURG
1120**

Dear Sir,

RE: APPLICATION FOR APPROVAL TO USE “*ROCK FILLA MINING TAMPING FOAM*” FOR STEMMING AND TAMPING OF SHOT HOLES BETWEEN EXPLOSIVES AND THE COLLAR OF SHOT HOLES

1. Your letter dated 15 January 2021 and supporting documents refers.
2. The **Minister** for Minerals & Energy or **Director General** for Minerals & Energy or **Chief Inspector of Mines** or **Regional Principal Inspector of Mines** is not empowered by any prescript to approve any stemming or tamping product for use at any surface or underground mine in the Republic of South Africa.
3. However, the Department of Mineral Resources & Energy has no objection for use of “***ROCK FILLA MINING TAMPING FOAM***” as a stemming material to tamp shot holes at any surface or underground mine in the Republic of South Africa.

4. The use of “**ROCK FILLA MINING TAMPING FOAM**” is subject to the following terms and conditions:
- 4.1 Sibambene Mining Supplies (the manufacturer and supplier of “**ROCK FILLA MINING TAMPING FOAM**”) must:
- (a) Inform the Regional Principal Inspector of Mines in writing of the intended use of “**ROCK FILLA MINING TAMPING FOAM**”.
 - (b) Provide a copy of this letter to the said Regional Inspector of Mines.
 - (c) Submit to the Director: Mine Safety a proof that the said Regional Principal Inspector of Mines was:
 - (i) Informed in writing of the intended use of “**ROCK FILLA MINING TAMPING FOAM**”.
 - (ii) Provided with the copy of this letter.
- 4.2 Sibambene Mining Supplies (the manufacturer and supplier of “**ROCK FILLA MINING TAMPING FOAM**”) is obligated in terms of section 21 of the Mine Health and Safety Act No.29 of 1996 (referred to hereunder as “**MHSA**”) to provide the employer who is intending to use “**ROCK FILLA MINING TAMPING FOAM**” at any mine with the following documentation:
- (a) Risk Assessment (i.e. usage, handling, transportation, use, storage and disposal).
 - (b) User instructions/manual.
 - (c) Safety precautions [Material Safety Data Sheet (MSDS)].
 - (d) SANS 120: 2009, Edition 2 “*Stemming for use in blasting*” Compliance Certificate.
 - (e) Letter of support from the Minerals Council South Africa (**MCSA**) Explosives Task Team.
- 4.3 The employer who is intending to use “**ROCK FILLA MINING TAMPING FOAM**” at any mine is compelled to consider the documentation referred to in sub-paragraph 4.2 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**.

- (d) Implement the code of practice in terms of Section 9(1) of **MHSA**.
- 5. Sibambene Mining Supplies (the manufacturer and supplier of "**ROCK FILLA MINING TAMPING FOAM**")'s attention is drawn to the provisions of Regulations 4.14(1), 4.14(2) and 4.14(3) of **MHSA**.
- 6. Sibambene Mining Supplies (the manufacturer and supplier of "**ROCK FILLA MINING TAMPING FOAM**")'s attention is also 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."*

- 7. This letter:
 - (a) Invalidates and/or supersedes the letter signed by the Director Mine Safety on **15 January 2020**;
 - (b) Is valid from 01 February 2021 until further notice;
 - (c) May be reviewed, amended or withdrawn at any time should such action be considered necessary.

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

I trust that you will find the above in order.

Should anyone have any enquiries regarding the contents of this letter, please do not hesitate to contact the author of this letter on the above-mentioned contact details.

Kindly acknowledge receipt.

Yours faithfully,



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