

**COMMITTEE OF EXPERTS ON THE TRANSPORT OF  
DANGEROUS GOODS AND ON THE GLOBALLY  
HARMONIZED SYSTEM OF CLASSIFICATION  
AND LABELLING OF CHEMICALS**

Sub-Committee of Experts on the  
Transport of Dangerous Goods

Thirtieth session  
Geneva, 4-12 (a.m.) December 2006  
Item 10 of the provisional agenda

ANY OTHER BUSINESS

Application for consultative status by the  
Responsible Container Management Association of Southern Africa (RCMASA)

1. The secretariat reproduces below information received from the Responsible Container Management Association of Southern Africa (RCMASA) requesting consultative status as a non-governmental organization for participation on the work of the Sub-Committee of Experts on the Transport of Dangerous Goods.
2. The Sub-Committee is invited to decide whether RCMASA may participate in its work with a consultative status.





## RESPONSIBLE CONTAINER MANAGEMENT ASSOCIATION OF SOUTHERN AFRICA

Association incorporated under Section 21 - Reg. No: 1996/003549/08

NPO Reg. No: 046-030-NPO

VAT Reg. No: 4170223210

P O Box 894 Umhlali 4390

Phone: +27 32 942 8256

+27 32 942 8367

Fax: +27 32 942 8328

Email: [liz@rcmasa.org.za](mailto:liz@rcmasa.org.za)

Website: [www.rcmasa.org.za](http://www.rcmasa.org.za)

26 October 2006

Attention: Mr Olivier Kervella

Secretariat, Dangerous Goods

UN Sub-Committee of Experts on the Transport of Dangerous Goods

### **Re: Application for Consultative Status with the UN Sub-Committee of Experts on the Transport of Dangerous Goods**

Dear Mr Kervella,

Further to your email of 6<sup>th</sup> October regarding our request to apply for consultative status on the UN Sub-Committee – UNSCETDG, please find below and attached the requested information to support our application.

The RCMASA is a Section 21 NGO (not for gain) Company and registered NPO (non profit organisation) formally launched in May 2002 to promote the safe, efficient and environmentally responsible Manufacture, Fill, Use, Collection, Transport, Reprocessing, Remanufacturing, Recycling, Re-use and final disposal of reusable industrial drums, containers and packaging. Refer appendix A for a copy of the company registration and Appendix B for a copy of Introduction brochure.

Our purpose is to:

- § Provide a focal point for all organisations involved in the life cycle of industrial packaging,
- § Promote Responsible Container Management,
- § Disseminate information, raise awareness & educate on new legislation, regulations & best industry practice
- § Provide safe packaging solutions
- § Encourage partnerships along the value chain and
- § Encourage industry's commitment to the public to continuously improve its health, safety and environmental practice and performance.

We provide an Industry voice to government and an Information Service to Industry

The Association's offices are located near to Durban in KwaZulu Natal, South Africa. It represents a cross section of Industry in Southern Africa from the value chain of Industrial packaging as well as networking and liaising with numerous other industry Associations who either use, transport or dispose of Industrial Packaging in Southern and Sub Saharan Africa. These include various Packaging, Product and Transport Associations - Refer Appendix C for a list of and more information on the scope of activities of these Associations.

Activities have been focussed on but are not limited to South Africa from where many products are transported into SADC as well as Eastern and Central Africa. Exports from our region are also shipped to

Directors: Q Corder - Chairman (Chep), H. von Blerk - Vice Chairman (Engen), S Beningfield – Treasurer (IMWSA), SD Tatz - (Megapak), D Dold (WESSA), T Mabesa – AVCASA, EU Anderson - President



West Africa and many parts of the developed world thus need to comply with global requirements for safe shipping and handling. Having interests in all aspects of the life cycle of Industrial packaging from design to safe handling, storage and transport to final disposal, as well as our members being involved in both imports and exports, the RCMASA sees the activities of the Sub-Committee as vital to globally consistent practices and common understanding of all aspects to ensure safe transport of dangerous goods in all our nations.

Being part of Africa and the developing world our Industries and Industry Associations have a wealth of experience in transport and logistics in South Africa and neighbouring countries often under adverse conditions of:

- § long distances,
- § high temperatures,
- § low literacy and training resulting in poor understanding of placards and documentation,
- § poor roads and handling facilities

which require robust packaging to ensure safe transportation.

The RCMASA therefore partnered with the National Department of Transport (DoT), the South African Bureau of Standards (SABS) for a National Standard – SANS 10406: Transport of Dangerous Goods: Reprocessing of Previously Certified Packaging and for a registration scheme for such Reprocessors to uplift the standard of reprocessing and reconditioning and thus to improve the safety of reused packaging on the road. SANS 10406 requires completion of a Nominally Empty Certificate by the competent person dispatching from the emptiers site. All Reprocessors of previously certified packaging will be required to be registered with the SABS as competent body, similar to the requirement for Registration by Manufacturers of such new packaging. Registration will be underpinned by an Audit carried out on an annual basis to ensure compliance with SANS 10406 by an auditor registered with the South African Auditors Training Certification Authorities (SAATCA). Trial audits and training for the above are currently being put in place.

As part of the developing world we also have unique challenges not experienced in the developed world in that there is a high demand by the poor, many of whom live below the poverty line with little or no access to clean running water, for empty used industrial drums and containers for storage of water and domestic purposes. Such practices pose serious risks to people's health and environmental pollution, as these containers are not cleaned correctly and often lead to poisoning, and even death. Refer Appendix B

To address these challenges of the developing world the RCMASA is putting together focus groups for:

- § Steel & plastic drums
- § IBC's
- § National network for collection of used industrial packaging together with criteria to register collectors and recyclers to encourage sustainable reuse and /or recycle of material
- § Social responsibility projects including a pilot with the assistance of Industry and local government to supply the informal street traders with subsidised new drums to sell to the poor, together with awareness raising and educational materials for Industry, the traders and the poor communities on the risks of using contaminated drums for domestic purposes.

We note that the Sub-Committee currently has no representation by an Industry NGO from Africa, with direct experience of the challenges of the adverse conditions for packaging, labelling, handling and transport that we in developing countries experience. As we represent a broad spectrum of Packaging, Product and Service Provider Organisations, with a wealth of direct experience of these unique



Directors: Q Corder - Chairman (Chep), H. von Blerk - Vice Chairman (Engen), S Beningfield – Treasurer (IMWSA), SD Tatz - (Megapak), D Dold (WESSA), T Mabesa – AVCASA, EU Anderson - President

challenges we believe that we can, therefore, make a positive contribution to the Sub-Committee's work and provide valuable insights to the challenges of the packaging and transport industry in our region.

Please see our website [www.rcmasa.org.za](http://www.rcmasa.org.za) for further information together with the following Appendices:

- Appendix A - Company registration
- Appendix B - Introduction brochure
- Appendix C - List of Industry Associations we network with and who could assist with specific inputs
- Appendix D - Board of Directors
- Appendix E - Articles of Association and Memorandum of Association
- Appendix F - Procedures and Functions.
- Appendix G - List of Members
- Appendix H - Financial Report
- Appendix I – RCMASA Initiatives
- Appendix J – Samples of publications
- Appendix K – RCMASA Newsletter

The RCMASA is therefore uniquely placed networking, with other Organisations who operate on a regional level to co-ordinate positive inputs to the Sub-Committee across the wide variety of packaging, documentation and transport challenges faced in Africa and the developing world.

Thank you for considering the RCMASA's application for consultative status. If you have any questions regarding our application, please contact me on +27 31 267 9300 or at [quade.corder@chep.com](mailto:quade.corder@chep.com) or our President and Executive Director Liz Anderson who will be our representative at [liz@rcmasa.org.za](mailto:liz@rcmasa.org.za) or on +27 32 942 8256.

Yours sincerely



Quade Corder  
**Chairman**



Directors: Q Corder - Chairman (Chep), H. von Blerk - Vice Chairman (Engen), S Beningfield – Treasurer (IMWSA), SD Tatz - (Megapak), D Dold (WESSA), T Mabesa – AVCASA, EU Anderson - President

**Certificate issued by the Registrar of Companies & Close Corporations on Monday, July 10, 2006 03:00  
Certificate of Confirmation**



COMPANIES AND INTELLECTUAL  
PROPERTY REGISTRATION OFFICE

a member of the dti group

Registration number	<b>1996 / 003549 / 08</b>
Enterprise Name	<b>RESPONSIBLE CONTAINER MANAGEMENT ASSOCIATION OF SOUTHERN AFRICA</b>
Enterprise Shortened Name	<b>RCMA OF SA</b>
Enterprise Translated Name	<b>None provided.</b>
Registration Date	<b>22/03/1996</b>
Business Start Date	<b>22/03/1996</b>
Enterprise Type	<b>Section 21</b>
Enterprise Status	<b>In Business</b>
Financial year end	<b>February</b>
Main Business/Main Object	
Postal address	<b>P O BOX 751767 GARDENVIEW 2047</b>
Address of registered office	<b>CHARIOT HOUSE CAMBRIDGE PLACE OFFICE PARK KIRKBY ROAD BEDFORD GARDENS 2007</b>



COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE:

Registrar of Companies & Close Corporations

P.O. BOX 429, PRETORIA, 0001, Republic of South Africa. Docex 256, PRETORIA.

Call Centre Tel 086 184 3384, Website [www.cipro.co.za](http://www.cipro.co.za), WAP [www.cipro.co.za/mcble](http://www.cipro.co.za/mcble)

## Who are we?

The Responsible Container Management Association of Southern Africa is a S21 Company association not for gain, to promote the safe, efficient and environmentally responsible Manufacture, Fill, Use, Collection, Transport, Reprocessing, Remanufacturing, Recycling, reuse and final disposal of reusable industrial containers from 20 litres to 1,000 litres.

### **Our purpose is to:**

Provide a focal point for all organisations involved in the life cycle of industrial drums and containers, promote Responsible Container Management, encourage partnership along the value chain, and encourage industry's commitment to the public to continuously improve its health, safety and environmental practice and performance.

### **We achieve our purpose by:**

- Ø Raising awareness
- Ø Talking to Government & Stakeholders
- Ø Regional Workshops
- Ø Networking International & Local
- Ø Projects
- Ø Research
- Ø Providing Information Service

## Who are our members?

Membership is open to all companies in the value chain of re-usable drums and containers, as well as companies that supply products or services to RCMASA members and consultants, which bring them in regular contact with industry. These include:

- Ø Manufacturers and Designers
- Ø Fillers, Users and Emptiers
- Ø Collectors and transporters
- Ø Reprocessors, Reconditioners and Recyclers
- Ø Suppliers and Service Providers
- Ø Consultants
- Ø Government – National Provincial and Local
- Ø Industry Association

## Members commitment

RCMASA members are committed to support the continuing effort to improve the industry's responsible performance through its role in waste source reduction, recycling and Responsible Container Management.

Members are required to confirm their commitment to Responsible Container Management by signing the International Guiding Principles, which we have adopted.

## Guiding Principles

Members pledge to:

- Ø Comply with RCMASA's Key Elements, Guidelines and Codes of Operating Practice.
- Ø Recognise and respond to community concerns about container disposal and operations of container reconditioning facilities.
- Ø Produce containers that are effective in safely containing all appropriate materials in transportation and storage.
- Ø Make health, safety and environmental considerations a priority in the planning for all new and existing processes.
- Ø Counsel container users on the safe use, transportation, emptying, reuse and recycling of containers.
- Ø Operate their plants in a manner that supports sustainable development and protects the environment, and the health and safety of their employees and the public.
- Ø Work with others to resolve problems created by past container disposal practices.
- Ø Participate with government and other in creating responsible laws, regulations and standards to safeguard the community, workplace and environment.
- Ø Promote the principles of Responsible Container Management by sharing their experiences and offering assistance to others who produce, use, transport or dispose of containers.
- Ø Foster the integrity and reputation of the industry by refraining from publishing knowingly false, misleading or commercially disparaging statements or advertisements about their products and services, or the products and services of competitors.





**INCIDENTS THE RCMASA IS TRYING TO PREVENT**

**JOIN US and be PART of the SOLUTION NOT PART of the PROBLEM !!**

## Membership Categories

### **MEMBERS**

Any organisation who:

- Manufacture & design original packaging
- Fill, use, empties or refills re-usable drums & containers including agents, distributor's or traders
- Collects, reprocesses, reconditions, and recycles used drums & containers
- Provides goods and services to the industry.

### **CONSULTANT INDUSTRY ASSOCIATION INTERNATIONAL PATRON MEMBERS**

- A unique category of members, who actively support and promote our policies and ideals.

### **GOVERNMENT INTERESTED PARTY**

### Benefits of Membership

- Focal point for Value Chain & Industry Sectors
- Voice to Government
- Participation in new Legislation
- International Best Practice
- Value Chain approach to control & accountability
- Information service
- Projects, e.g. statistics
- Increased recycle of containers, therefore improved sustainability
- Independent audits of reconditioners
- Special rates at RCMASA Workshops and Seminars
- Interest Groups
- Networking across the value chain
- Demonstrated Environmental Prevention and Social Responsibility

### **RCMASA**

**NPO Reg. No. 046-030-NPO**

P.O. Box 894, Umhlali, 4390, South Africa

Tel: 032-942 8256 / 0800 726 272

Fax: 032-942 8328

Cell: 082 453 5020

Email: [liz@rcmasa.org.za](mailto:liz@rcmasa.org.za)

Website: [www.rcmasa.org.za](http://www.rcmasa.org.za)

# RESPONSIBLE CONTAINER MANAGEMENT ASSOCIATION OF SOUTHERN AFRICA



## RESPONSIBLE CONTAINER MANAGEMENT

**Providing Safe Packaging Solutions**

**Protecting the Health & Safety of  
People and our Environment;**

**Promoting Extended Producer  
Responsibility and**

**Sustainable use of Resources**



### **PATRON MEMBERS**





## **Appendix C – list of Industry Associations RCMASA networks with & scope of their Activities**

“Apart from the activities of the RCMASA, we work closely and have affiliation with a number of other Industry Associations in our region, who will give input to us on their areas of expertise. Many of these have branches or members in neighbouring countries.”

AMA - Aerosol Manufacturers Association – South Africa and Mozambique

AVCASA - Crop Protection & Animal Health Association of South Africa

Basel Regional Convention Centre for English speaking African countries

CTFA - Cosmetics, Toiletries & Fragrance Association of South Africa

IOP – Institute of Packaging, South Africa

IWMSA - Institute of Waste Management of SA - including branches in Botswana, Zambia & Zimbabwe

NRF - National Recycling Forum – Southern Africa

PACSA - Packaging Council of South Africa

PASASA - Paraffin Safety Association of Southern Africa

PCA – Plastic Converters Association of South Africa

RFA - Road Freight Association of South Africa

FESARTA - Federation of East and Southern African Road Transport Associations

SAPIA – South African Petroleum Industries Association

SAPMA - South African Paint Manufacturers Association

October 2006

## **Appendix D Board of Directors**

Quade Corder, Chairman – CHEP SA, South Africa (part of the International Brambles Group)

Hayden von Blerk, Vice Chairman – Engen Oil Refinery, South Africa

Susan Beningfield, Treasurer – Institute of Waste Management of South Africa (IWMSA)

David Tatz, Director – Megapak, South Africa

Di Dold, Director – Wildlife & Environmental Society of South Africa (WESSA)

Thomas Mabesa, Director AVCASA - Crop Protection & Animal Health Association of South Africa

Liz Anderson\*, Executive Director – Liz Anderson & Associates

Vaughn Ashford, Alternate Director – Megapak, South Africa

### \* RCMASA Representative

Executive Manager Liz Anderson has over 30 years' practical industry experience in the United Kingdom and South Africa in the packaging, food, beverage, agriculture, chemical, pharmaceutical and plastics sectors. This has included working with various government departments at local, regional and national level on regulatory, health and environmental matters.

She has had extensive experience in quality, health and safety, and environmental issues, has been actively involved in the Chemical Industries Responsible Care Initiative, participated in numerous quality, environment & technical working committees including ISO 9000 - TC 176 and ISO 14000 -TC 207, industry advisory committees and technical committees for classification, packaging and labelling, handling, transport, storage and use of dangerous goods.

REPUBLIC OF SOUTH AFRICA  
COMPANIES ACT, NO. 61 OF 1973  
(AS AMENDED)

ARTICLES OF ASSOCIATION OF A COMPANY HAVING NO SHARE CAPITAL

Registration No. of company  1996/003549/08
---------------------------------------------------

Name of company:        RESPONSIBLE CONTAINER MANAGEMENT ASSOCIATION OF SOUTHERN AFRICA

(Association incorporated under Section 21)

("the company")

A

The Articles of Table A contained in Schedule 1 to the Companies Act, 1973, shall not apply to the company.

B

The articles of the company are as follows:

**DEFINITIONS OF TERMS**

1            In these articles, unless the context otherwise requires:

words or expressions defined in the Act shall have the meanings therein defined;

words importing the singular shall include the plural and *vice versa*;

the words and expressions following shall have the following meanings, namely;

1.1           means the Companies Act 1973, or any amendment thereof, in force at the date at which these Articles become binding on the company.

1.2           "Directors" or "Board" means the Directors for the time being of the company and if there be but one director, then such one director;

- 1.3 "In writing" includes written, typed, printed, roneographed, lithographed, or partly written, typed, printed roneographed or lithographed;
- 1.4 "Month" means calendar month;
- 1.5 "Paid" includes "credited as paid";
- 1.6 "Register" means the register of members to be kept pursuant to Section 105 of the Act;
- 1.7 "Secretary" includes any person/s appointed to perform the duties of secretary of the company;

### **REGISTER OF MEMBERS**

- 2 The company shall maintain at its registered office a register of members of the company as provided in Section 105 of the Act. The register of members shall be open to inspection, as provided in Section 113 of the Act.

### **GENERAL MEETINGS**

3. The company shall hold its first annual general meeting within eighteen months after the date of its incorporation and shall thereafter in each year hold an annual general meeting; provided that not more than twelve months shall elapse between the date of one annual general meeting and that of the next and that an annual general meeting shall be held within four months after the expiration of the financial year of the company.
4. Other general meetings of the company may be held at any time.
5. Annual general meetings and other general meetings shall be held at such time and place as the directors shall appoint or at such time and place as is determined if the meetings are convened under Section 179(4), 181, 182 or 183 of the Act.

### **NOTICE OF GENERAL MEETINGS**

6. An annual general meeting and a meeting called for the passing of a special resolution shall be called by not less than 21 (twenty one) clear days notice in writing and any other general meeting shall be called by not less than 14 (fourteen) clear days notice in writing.
7. The accidental omission to give notice of any meeting to any particular member or members shall not invalidate any resolution passed at any such meeting.

### **PROCEEDINGS AT GENERAL MEETINGS**

8. The annual general meeting shall deal with and dispose of all matter as prescribed by the Act, including the consideration of the annual financial statements, the election of directors and the appointment of an auditor, and may deal with any other business laid before it. All business laid before any other general meeting shall be considered special business.
9. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, 15% of the members entitled to vote personally present (or if a member is a body corporate, represented) shall be a quorum.
10. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, or, if that day be a public holiday, to the next succeeding day other than a public holiday, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.
11. The Chairman, if any, of the board of directors shall preside as Chairman at every general meeting of the company.

12. If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting or is unwilling to act as Chairman, the members present shall choose some one of their number to be Chairman.
13. The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting) in terms of Section 192 of the Act, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. Where a meeting is adjourned as a result of a direction given in terms of Section 192 as aforesaid, then notice of the adjourned meeting shall be given in the manner provided in that section, and save as aforesaid, it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

#### **VOTE OF MEMBERS**

14. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll has (before or on the declaration of the result of the show of hands) been demanded by not less than two-thirds of the members present at the meeting. Notwithstanding the foregoing provisions, any person/s at the general meeting representing the company shall be entitled to call for a poll after a resolution has been decided on a show of hands and the effect of such poll shall be to rescind the resolution decided on a show of hands.
15. If a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
16. In the case of an equality of votes, the chairman of the meeting shall be entitled to a second or casting vote.

#### **PROXIES**

17. The instrument appointing a proxy (who need not be a member of the company), shall be in writing under the hand of the appointer or of his agent duly authorised in writing or, if the appointer is a corporate body, under the hand of an officer or agent authorised by that body. The holder of a general or special power of attorney given by a shareholder shall be entitled to vote, if duly authorised under that power to attend and take part in the meetings and proceedings of the company.
18. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of such power or authority shall be deposited at the registered office of the company within 48 (FORTY EIGHT) hours of the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid. No instrument appointing a proxy shall be valid after the expiration of six months from the date when it was signed, unless so specifically stated in the proxy itself, and no proxy shall be used at an adjourned meeting which could not have been used at the original meeting.
19. Subject to the provisions of the Act, an instrument appointing a proxy may be in such form as is approved by the directors.

#### **DIRECTORS**

20. Unless and until otherwise determined by the company in general meeting, the number of directors shall not be less than 3 (three).

#### **MANAGING DIRECTORS**

21. The directors may from time to time appoint one or more of their body to the office of managing director for such term, and at such remuneration (whether by way of salary, or commission, or

participation in profits or partly in one way and partly in another) as they may think fit. His appointment as such shall determine *ipso facto* if he shall cease from any cause to be a director, or if the board of directors or the company in general meeting shall resolve that his tenure of the office of managing director or manager be determined, but without prejudice to any claim for compensation or damages which may arise in respect of such termination under any contract which may exist.

22. The directors may from time to time entrust to or confer upon a managing director or manager for the time being such of the powers and authorities vested in them as they may think fit, and may confer such powers and authorities for such time and to be exercised for such objects and purposes and upon such terms and conditions and with such restrictions as they may think expedient; and they may confer such powers and authorities either collaterally or to the exclusion of, and in substitution for, all or any of the powers and authorities of the directors, and may from time to time revoke or vary, all or any of such powers and authorities.

#### **FILLING OF CASUAL VACANCIES ON, AND ADDITIONS TO BOARD OF DIRECTORS**

23. The directors may by unanimous decision at any time appoint any other person as a director, either to fill a casual vacancy or as an addition to the Board, but so long as the total number of directors shall not at any time exceed the maximum number fixed; and provided that every appointment made in terms of this article shall be subject to the confirmation of the company in general meeting at the next Annual General Meeting thereof.

#### **QUALIFICATION OF DIRECTORS**

24. It shall not be necessary for a director to be a member of the company in order to qualify him to act as such.

#### **ALTERNATE DIRECTORS**

25. Each director shall have the power to nominate any other person to act as alternate director in his place during his absence or inability to act as such director, and provided that the appointment of an alternate director shall be approved of by the board and such appointment being made, the alternate director shall in all respects be subject to the terms and conditions existing with reference to the other directors of the company.
26. The alternate directors, whilst acting in the place of the directors who appointed them, shall exercise and discharge all the duties and functions of the directors they represent. The appointment of an alternate director shall be cancelled, and the alternate director shall cease to hold office whenever the director who appointed him shall cease to be a director, or shall give notice to the secretary of the company that the alternate director representing him shall have ceased to do so, and in the case of the disqualification or resignation of any alternate director during the absence or inability to act of the director whom he represents, the vacancy so arising shall be filled by the Chairman of the directors nominating a duly qualified member to fill the same, subject to the approval of the board.

#### **POWERS AND DUTIES OF DIRECTORS**

27. The business of the company shall be managed by the directors who may pay all expenses incurred in promoting and incorporating the company, and may exercise all such powers of the company as are not by the Act, or by these articles, required to be exercised by the company in general meeting, subject to these articles, to the provisions of the Act or modification thereof and to such regulations not inconsistent with the aforesaid articles or provisions, as may be prescribed by the company in general meeting, but no regulation made by the company in



general meeting shall invalidate any prior act of the directors which would have been valid if such regulations had not been made.

### **BORROWING POWERS**

28. The directors may exercise all the powers of the company to borrow money and to mortgage or bind its undertakings and property or any part thereof.

### **MINUTES**

29. The directors shall, in terms of Section 204 of the Act, cause Minutes to be kept:
- 29.1 of all appointments of officers;
  - 29.2 of the names of the directors present at each meeting of the company and of the directors and of any committee of the directors;
  - 29.3 of all resolutions and proceedings at all meetings of the company, and of the directors and of committees of directors.
30. Such Minutes shall be signed by the Chairman of the Meeting at which the proceedings took place or by the Chairman of the next succeeding meeting. Every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

### **DISQUALIFICATION OF DIRECTORS**

31. The office of director shall be vacated if the director:
- 31.1 ceases to be a director or becomes prohibited from being a director by virtue of any provision of the Act; or
  - 31.2 resigns his office by notice in writing to the company and the Registrar; or
  - 31.3 for more than six months is absent without permission of the directors from meetings of directors held during that period; or
  - 31.4 is directly or indirectly interested in any contract or proposed contract with the company and fails to declare his interest and the nature thereof in the manner required by the Act; or
  - 31.5 is removed from office by an ordinary resolution of the company.

### **PERIOD OF OFFICE OF DIRECTORS**

32. At each annual general meeting of the company one third of the directors for the time being, or if their number is not divisible by three, the number nearest to one third but no less than one third, shall retire from office. The directors to retire in each year shall be those who shall have been longest in office since their last election, but as between persons who are elected on the same day, those to retire shall, unless otherwise agreed amongst themselves, be determined by lot. A retiring director shall be eligible for re-election. The company at any annual or other general meeting at which any directors retire may fill up the vacated offices by electing a like number of persons as directors.

### **REMOVAL OF DIRECTORS**

33. Notwithstanding the provisions of any contract for the time being existing, the company may by resolution remove any director from office and may (subject to the provisions of article 24) by resolution appoint another person in his stead. The provisions of Sections 220 and 216(3) of the Act shall be complied with in connection with the removal of any director.

### **PROCEEDINGS OF DIRECTORS**

34. The directors may meet together for the dispatch of business and may adjourn and otherwise regulate their meetings as they deem fit.
35. The Board of Directors shall ordinarily meet at least once every quarter on a date to be fixed by the Secretary. Special meetings of the Board of Directors shall be called by the Chairman whenever he/she deems it advisable or upon request supported by not less than one-third of the elected Board Members, in which event the meeting shall be called within 10 days but not earlier than 3 days after receipt of such request by the Secretary.
36. Members of the Board of Directors shall normally be notified in writing of the date, time and place of meetings of the Board by the Secretary at least 5 days before the dates of such meetings, but not less than 8 hours. To every notice of meetings an Agenda shall be attached. All matters for consideration by the Board of Directors shall be approved by a majority by show of hands or by ballot as agreed by the Members present.
37. A director may at any time, and the Secretary shall upon the requisition of a director, convene a meeting of the directors. A director who is not in the Republic of South Africa shall not, during such time as he is absent therefrom, be entitled to notice of any meeting.
38. Questions arising at any meeting of the directors shall be decided by a majority of votes and in case of an equality of votes the chairman shall have a second or casting vote.
39. The directors may elect a chairman and a vice chairman and determine the period for which each is to hold office. The chairman, or in his absence the vice chairman, shall be entitled to preside over all meetings of directors. If no chairman or vice chairman is elected, or if at any meeting neither is within 15 (FIFTEEN) minutes of the time appointed for holding the same present or willing to act as chairman thereof, the directors present shall choose some one of their number to be chairman of such meeting.
40. Subject to the provisions of the Act a resolution in writing signed by all the directors, shall be as valid and effectual as if it had been passed at a meeting of the directors duly convened and held.
41. The continuing directors may act notwithstanding any vacancy in their body, but if and so long as their number is reduced below the number fixed by or pursuant to these articles as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number or of convening a general meeting of the company, but for no other purpose.
42. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; and committees so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the directors.
43. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

## **ACCOUNTS**

44. The directors shall cause such accounting records as are prescribed by Section 284 of the Act to be kept. Proper accounting records shall not be deemed to be kept if there are not kept such accounting records as are necessary fairly to present the state of affairs and business of the company and to explain the transactions and financial position of the trade or business of the company.
45. Subject to the provisions of the Act, the books of account shall be kept at the registered office of the company or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.
46. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or

any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by statute or authorised by the directors or by the company in general meeting.

### **ANNUAL FINANCIAL STATEMENT**

47. The directors shall from time to time, in accordance with Sections 286 and 288 of the Act, cause to be prepared and laid before the company in general meeting such annual financial statements as are referred to in those Sections.
48. The financial year of the company shall begin on 1 March and end at the end of February of each year.

### **AUDITORS**

49. The duly appointed Auditors of the company shall, subject to the provisions of the Act, hold office until another appointment or other appointments to the office shall be made at an annual general meeting of the company, and the provisions of Sections 270 and 271 of the Act shall apply to and be complied with in connection with any appointment proposed to be made, or not made of an Auditor or Auditors of the company. The remuneration of the Auditor or Auditors shall be confirmed and approved in arrears by the company at each annual general meeting.
50. The appointment, powers, rights, remunerations and duties of the Auditors shall be regulated by the provisions of the Act.

### **NOTICES**

51. A notice may be given by the company to any member personally, or by sending it via e-mail, through the post in a prepaid letter addressed to such member at his registered address, or (if he has no registered address in the Republic) at the address (if any) within the Republic supplied by him to the company for the giving of notices to him.
52. Notice of every general meeting shall be given in any manner authorised:
- 52.1 to every member of the company except, in the case of notices to be given personally or sent by post, those members who (having no registered address within the Republic) have not supplied to the company an address within the Republic for the giving of notices to them;
- 52.2 to the Auditor for the time being of the company.
53. No other person shall be entitled to receive notice of general meetings.
54. Any notice by post shall be deemed to have been served at the time when the letter containing the same was posted, and in proving the giving of the notice by post, it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

### **INDEMNITIES**

55. No director, manager, secretary or other officer or servant of the company shall be liable for the acts, receipts, neglects or defaults of any other director, or officer or servant, or for joining in any receipt or other act of conformity, or for loss or expense happening to the company through the insufficiency or deficiency of title to any property acquired by order of the Board for or on behalf of the company, for the insufficiency or deficiency of any security in or upon which any of the moneys of the company shall be invested, or for any loss or damage arising from the insolvency or tortuous act of any person with whom any moneys, securities or effects shall be deposited, or for any loss or damage occasioned by any error of judgment or oversight on his part, or for any other loss, damage or misfortune whatever which shall happen in the execution of the duties of his office or in relation thereto, unless the same happen through his own negligence, default, breach of duty or breach of trust.

## **MEMBERSHIP**

56. There shall at no time be less than 7 (seven) members of the company. In the event of the membership being reduced to less than 7 (seven) members, the directors shall be entitled to approve and appoint further members to fill the requisite vacancies.
57. The subscribers to the Articles of company shall be the first members of the company. Save for vacancies filled by the directors in terms of the preceding sub-paragraph, all new members shall be approved by an ordinary resolution at a general meeting of members.

## **RESIGNATIONS**

58. A Member may resign at any time by giving one month's written notice to this effect to the secretary; provided such resignation shall not absolve him from paying any outstanding monies due to the company. If payment thereof is not made within 30 days, the Board of Directors may take such steps as it deems necessary to secure a settlement or to dispose of the matter.

# Memorandum of association of a company not having a share capital

[Section 54(1); regulation 17(1) and 17(2)]

Registration No of company 1996/003549/08
----------------------------------------------

Paste revenue receipt here or affix revenue stamps here or impress franking machine impression here

## 1. Name

- (a) The name of the Company is RESPONSIBLE CONTAINER MANAGEMENT ASSOCIATION OF SOUTHERN AFRICA (an association incorporated under Section 21).
- (b) The name of the Company in the other official language of the Republic is : N/A
- (c) The shortened form of the name of the Company is : RCMA OF SA

## 2 Purpose describing the main business

The main business of the Company is the promotion of the safe, efficient and environmentally responsible manufacture, fill, use, emptying and handling, collection, transport, reconditioning, remanufacture, recycling, re-use and final disposal of reusable industrial containers.

## 3 Main object

The main object of the company is the promotion of the safe, efficient and environmentally responsible manufacture, fill, use, emptying and handling, collection, transport, reconditioning, remanufacture, recycling, re-use and final disposal of reusable industrial containers.

## 4 Ancillary objects excluded

None of the specific ancillary objects referred to in Section 33(1) of the Act are excluded from the unlimited ancillary objects of the company.

## 5 Powers

- 5.1 The specific powers or part of any powers of the Company, if any, which are excluded from the plenary powers or the powers set out in Schedule 2 to the Act :

The company shall not be entitled to distribute in specie or in kind any of its assets among its members, accordingly, power (s) is excluded.

- 5.2 The specific powers or part of any specific powers of the Company set out in Schedule 2 to the Act, if any, which are qualified under section 34 of the Act are:

- 5.2.1 power (b) which is amended by the addition of the words "provided the leasing of premises is not the major business of the Company" after the words "..... or all or any part of its property and assets".

- 5.2.2 power (f) which is amended to read as follows:  
"To lend money to any person or company provided it is to the direct benefit and promotion of the main object of the Company and provided that interest on the loan is not less than the prevailing rate of interest."

- 5.2.3 power (k) to be modified to read as follows:  
"To form and have an interest in any company or companies having the same or similar objects to the company for the purpose of acquiring the undertaking of all or any of the

assets or liabilities of that company or companies or for any other purpose which may seem, directly or indirectly, calculated to benefit the Company and to transfer to any such company or companies the undertaking of all or any assets or liabilities of the Company.”

- 5.2.4 power (l) to be modified to read as follows:  
“To amalgamate with other companies having the same or similar objects as the Company.”
- 5.2.5 power (m) to be modified to read as follows:  
“To take part in the management, supervision and control of the business or operations of any other company or business having the same or similar objects as the company and to enter into partnerships having the same or similar objects as the Company.”
- 5.2.6 power (n) to be modified to read as follows:  
“To remunerate any person or persons in cash for services rendered in its formation or in the development of its activities.”
- 5.2.7 power (o) to read as follows:  
“To make donations provided that no donation may be made to members or directors.”
- 5.2.8 power (r) to read as follows;  
“To pay gratuities and pensions and establish pension schemes and incentive schemes in respect of its bona fide employees.”

## **6 Conditions**

- 6.1 The income and property of the Company whencesoever derived shall be applied solely towards the promotion of its main object, and no portion thereof shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise howsoever, to the members of the Company or to its holding company or subsidiary; provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any officer or servant of the Company or to any member thereof in return for any services actually rendered to the Company.
- 6.2 Upon its winding-up, deregistration or dissolution , the assets of the Company remaining after the satisfaction of all its liabilities shall be given or transferred to some other association or institutions having objects similar to its main object, to be determined by the members of the Company at or before the time of its dissolution or, failing such determination, by the Court.

7 **Pre-incorporation contracts (if any) :** None

## **8 Guarantee**

- 8.1 The liability of members is limited to the amount referred to in paragraph 8.2.
- 8.2 Each member undertakes to contribute to the assets of the Company in the event of its being wound up while he is a member or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and of the costs, charges and expenses of the winding-up, and for adjustment of the rights of the contributories among themselves, which liability shall be limited to R1.00 (one rand) by each member.

9 **Financial Year End :** End of February



## **PROCEDURES AND FUNCTIONS**

### **1. NAME**

The name of the Association shall be the RESPONSIBLE CONTAINER MANAGEMENT ASSOCIATION OF SOUTHERN AFRICA - RCMASA for short.

### **2. DEFINITION**

Any reference in this document to "the Association" shall be construed to mean the Responsible Container Management Association of Southern Africa, a Section 21 Company and Association not for gain.

### **3. MISSION**

To promote the safe, efficient and environmentally responsible:

- Manufacture
- Fill, Use & Handling
- Collection & Transport
- Reconditioning, Remanufacture & Recycling
- Reuse & Final Disposal

of reusable industrial containers from 20 litres to 1,000 litres.

### **4. AIMS AND OBJECTIVES**

The aims and objectives of the Association are:

- 4.1 To promote the values, principles and practice of Responsible Container Management and promote partnerships within the life cycle;
- 4.2 To provide a home for all members of the Industrial Container Industry;
- 4.3 To provide a focal point and co-ordinated approach to participation and action re policy standards, regulations and legislation;
- 4.4 To liaise with and establish good relationships with other related industry associations and trade bodies, to improve understanding, foster issues of mutual benefit and promote closer co-operation;
- 4.5 To advocate Responsible Container Management (RCM) and develop improved standards for members to attain and be assessed against;
- 4.6 To provide an information service to industry;
- 4.7 To provide an audit information service regarding the reconditioning industry;
- 4.8 To liaise with government and other organisations and provide input regarding related policy, legislation, regulations and standards;
- 4.9 To promote openness and provide information to the public;
- 4.10 To promote a high standard of quality and to encourage fair and honest dealings in the Industrial Container and related Industries.

### **5. ACHIEVEMENT OF OBJECTIVES**

The above objectives shall, inter alia, be achieved in the following manner:

- 5.1 By conferring with government, provincial administrations, government or semi-government bodies or local authorities and their departments and all other interested bodies of concern to Association Members and NGO's;
- 5.2 By establishing network partnerships and/or liaising with any local or international organisation as may be appropriate from time to time;
- 5.3 By collecting and disseminating information in whatever form, which is likely to be of use and benefit to Members;
- 5.4 By forming such bodies, committees or affiliated groups within the Association to deal with current aspects affecting the Industry;
- 5.5 By encouraging Members and other responsible bodies, in the interest of a cleaner environment, to actively participate in a policy of Responsible Container Management;
- 5.6 By making full use of the appropriate communication channels in order to keep Members informed of new innovations, changes and announcements affecting the Industry;
- 5.7 By promoting and encouraging a positive image of the Industry through advertising, seminars, workshops, exhibitions or otherwise;
- 5.8 By empowering the Association and its Secretariat to employ personnel and acquire assets in the furtherance of its objectives.

## **6. MEMBERSHIP**

- 6.1 Any Company engaged in the life cycle of the Industrial Container Industry or any affiliated Industry within Southern Africa shall be eligible for membership of the Association.
- 6.2 For the purpose of this document, Industrial Container Industry shall, without in any way limiting the ordinary meaning of the term, mean the Industry in which companies design, manufacture or recondition 20 litre to 1000 litre drums and containers.
- 6.3 Applications for membership shall be lodged in writing with the Secretariat and shall be accompanied in each case by the relevant application fee for the Responsible Container Management Association of Southern Africa. (Refer membership Categories & Fees)
- 6.4 Applications for membership shall be processed by the Secretariat, with referral to the Board of Directors. The Secretariat shall confirm membership status in writing and invoice the member with the applicable fee. New members must, as required by the Companies Act and RCMASA Articles of Association, be approved by ordinary resolution at the next General Meeting.
- 6.5 On receipt of the application and membership fee the Secretariat shall arrange delivery to the member of a Membership Certificate, Manual and Principles for signature.
- 6.6 All Members must sign the RCMASA Principles. All reconditioner members shall be audited and put plans and targets in place to meet, or exceed, both legal requirements and Responsible Container Management Key Elements, Guidelines and Codes of Operating Practice.
- 6.7 Any applicant, to whom admission to membership is refused, shall be entitled to a refund of all application and membership fees paid by him on application.
- 6.8 Should a Member resign or be expelled from the Association, they may be re-admitted on such conditions as may be determined by the Board of Directors.

6.9 Application for re-admission or an appeal in terms of paragraph 6.8 of this Clause, shall be lodged in writing with the Secretariat for due consideration by the Board of Directors.

6.10 Every Member shall notify the Secretariat in writing of any change of contact details within 14 days of the date on which the change took place.

## **7. HONORARY MEMBERSHIP - Recognition for Contribution to the Association**

The Directors of the Association may honour any organisation or person by electing them as an Honorary Member of the Association. Honorary Members shall not be entitled to vote at any meeting of the Association or the Board of Directors at which they may be present.

## **8. MEMBERSHIP SUBSCRIPTIONS**

8.1 Each Member shall pay in advance to the Association a monthly or annual subscription, the amount to be determined by the Board of Directors, which shall be reviewed annually.

8.2 The Board of Directors may, subject to approval of a majority of Directors, exempt a Member from the obligation to pay its monthly subscription for an agreed period.

8.3 The Board of Directors may from time to time require a special levy to be paid by members to support specified requirements or projects.

## **9. MEETINGS**

9.1 Refer to the following clauses in the Articles of Association:

Clauses 3-5	General Meetings
Clauses 6-7	Notice of General Meetings
Clauses 8-13	Proceedings at General Meetings
Clauses 14-16	Vote of Members
Clauses 17-19	Proxies
Clause 30	Minutes

## **10. BOARD OF DIRECTORS**

10.1 Refer to the following Clauses in the Articles of Association:

Clause 20	Directors
Clauses 21-22	Managing Directors
Clause 23	Filling of Casual Vacancies on, and Additions to Board of Directors
Clause 24	Qualification of Directors
Clauses 25-26	Alternate Directors
Clause 27	Powers and Duties of Directors
Clause 28	Borrowing Powers
Clauses 29-30	Minutes
Clause 31	Disqualification of Directors
Clause 32	Period of Office of Directors
Clause 33	Removal of Directors
Clauses 34-43	Proceedings of Directors.

10.2 Composition of the Board of Directors shall be the Chairman, the Vice-Chairman and a minimum of three other Members of the Association including the immediate past Chairman of the Association and the President of the Association.

- 10.3 The management of the affairs of the Association shall be vested in the Executive Committee consisting of the Chairman of the Board, the President of the Association, plus one other Director nominated by the Board.
- 10.4 The Board of Directors shall have power to:
- 10.4.1 recommend any action to a General Meeting;
  - 10.4.2 appoint, on such terms and conditions as it may deem fit, management and any other persons or bodies for permanent, temporary or special services; to determine their duties and set and pay their salaries or other forms of remuneration;
  - 10.4.3 appoint from time to time such sub-committees as it may deem fit for the purpose of investigating and reporting on any matter;
  - 10.4.4 admit or refuse to admit companies or organisation to membership of the Association, to fix the conditions under which former members may be re-admitted to membership and to suspend or expel any Member who infringes any of the terms of the Articles of Association or Procedures, or acts in a manner which is detrimental to the Principles and interests of the Association;
  - 10.4.5 to institute or defend legal proceedings by or on behalf of or against the Association;
  - 10.4.6 to establish branches or committees of the Association in any area and to define these areas of jurisdiction and scope;
  - 10.4.7 to do such other lawful things, which, in the opinion of the Board of Directors, appear to be in the interest of the Association and/or of its Members.

## 11. OFFICE BEARERS AND OFFICIALS

- 11.1 The duties of the Office Bearers and Officials of the Association, in addition to those specifically prescribed elsewhere in this Constitution, are:
- 11.1.1 **Chairman** - the Chairman shall preside at all meetings at which he/she is present, ensure adherence to the requirements of the Memorandum and Articles of Association and Procedures and Functions of the Association, sign confirmation of Minutes of Meetings and perform such other duties as pertain to his/her office. In the event of equality of voting, he/she shall have a deliberative casting vote at all meetings at which he/she presides.
  - 11.1.2 **Vice-Chairman** - The Vice-Chairman shall exercise the powers and perform the duties of the Chairman in the absence of the latter.
  - 11.1.3 **The Treasurer** shall be responsible for the finances and the financial administration of the Association.
  - 11.1.4 **The Board of Directors** shall have the power to determine the strategy of the Association, to vary or alter the powers and duties of the Treasurer and to allocate such duties to other office bearers or officials. The Board of Directors shall appoint persons authorised to sign cheques on behalf of the Association.
  - 11.1.5 **The Executive Committee (Exco)** shall have decision making powers on the business management of the Association, where strategic issues do not require referral to the Board.

11.1.6 **The President** shall be responsible for the Secretariat and administration of the Association, liaison with government, industry associations and other interested parties, both nationally and internationally. He/she shall represent the Association's interests and promote both the Association and Responsible Container Management.

11.1.7 **Secretariat** - The Secretariat shall perform all necessary secretarial and administrative functions, shall have no voting power and may resign by giving one month's notice to the Board of Directors.

## **12. FINANCE**

12.1 The income and property of the Association, wheresoever derived, shall be applied solely towards the promotion of the objectives of the Association and meeting its financial obligations in terms of remuneration, administration.

12.2 All amounts due to or collected on behalf of the Association shall be paid to the Secretariat or directly into the Association's bank account. Any surplus funds not for the time being required may be invested as agreed by the President and Directors.

12.3 Payments for administration and operation of the Secretariat shall be made by cheque or electronic payment on receipt of invoice, except where paid from petty cash, which limits shall be set by the President and Treasurer. All cheques shall bear two authorised signatures.

12.4 Payments or purchases for capital items or Association functions shall require prior approval and authorisation by the Treasurer, Exco, Chairman or Board of Directors.

12.5 A General Meeting may impose a levy on each Member of the Association at any time with a view to securing funds for any particular purpose.

12.6 The Treasurer shall ensure the preparation of a statement of Income and Expenditure and a Balance Sheet in respect of each financial year ending on 28 February. Such a statement and Balance Sheet shall be audited and presented at the Annual General Meeting.

## **13. REPRESENTATION ON GOVERNMENT, PROVINCIAL OR INDEPENDENT BODIES AND NGO'S**

13.1 The Exco or Board of Directors may at any time approve that the Association shall be represented upon a government body or any other independent body.

13.2 The President shall represent the Association on any such body, unless one of the Directors or an alternate is nominated.

13.3 In the event of the resignation, death or removal of a representative by the Board of Directors, the vacancy shall be filled by the President until an alternate can be found.

## **14. DISCIPLINE**

14.1 A Member may be suspended or expelled, as may be determined by the Board of Directors, if -  
14.1.1 he fails within 30 days of demand in writing (registered) by the Secretariat to pay subscriptions or levies which are more than three months in arrears.

14.1.2 he infringes any of the terms of the Articles of Association or Procedures, Responsible Container Management Principles or Codes of Operating Practice and acts in a manner which is detrimental to the interest of the Association and/or its Members, or which brings the Association into disrepute. Such member shall have a right to appeal against suspension or expulsion. Notice of any such appeal shall be given to the Secretariat in writing within 7 days

from the date on which the decision of the Board of Directors was communicated to the person concerned by registered mail. (Refer paragraph 10.4.4 above)

14.2 No Member may be suspended or expelled unless he has been afforded an opportunity to state his case personally to a meeting of the Board of Directors at a date and time to be arranged by the Secretariat.

14.3 Any decision taken by the Board of Directors in terms of Clause 14.2 shall be final.

14.4 Upon expulsion of a Member, all monies due to the Association by such member shall become payable. If payment thereof is not made within 30 days, the Board of Directors may take such steps as it deems necessary to secure a settlement, or to dispose of the matter.

14.6 A Member shall cease to be entitled to any of the benefits of membership, including the right to vote if:

14.6.1 he is under suspension for any period in terms of this document;

14.6.2 the subscriptions or other charges due by him to the Association are more than three months in arrears. NB: Entitlement to benefits will only be reinstated upon payment in full of all arrears.

## 15. NOTICES

All notifications to Members and to the Board of Directors shall be in writing and shall be posted, emailed or telefaxed to the last address registered with the Association.

## 16. RESIGNATIONS - Refer Clause 58 of the Articles of Association

A Member may resign at any time by giving one month's written notice to this effect to the Secretariat; provided such resignation shall not absolve him from paying any outstanding monies due to the Association. If payment thereof is not made within 30 days, the Board of Directors may take such steps as it deems necessary to secure a settlement or to dispose of the matter.

## 17. WINDING-UP

Refer Conditions under Clause 6 of the Articles of Association and in terms of the requirements of the Companies Act.

## 18. AMENDMENT

Any of the provisions of these Procedures and Functions may be repealed, amended or added to in any manner on recommendation from any member of the Board, approved by the Board and ratified by resolution of a General Meeting of the Association.



## **Appendix G - RCMASA Membership**

RCMASA members are committed to support the continuing effort to improve the industry's responsible performance through its role in promoting industrial packaging solutions for safe handling and transport, recycle and reuse, and Responsible Container Management. Membership is open to all companies in the value chain of re-usable drums, containers and packaging, as well as suppliers of products or services to RCMASA members which bring them in regular contact with industry. We currently have a membership base of some 50, which is growing and includes:

### Reprocessors, Reconditioners and Recyclers

Anchor Marketing – KwaZulu Natal, South Africa  
AntiWaste Drums – Eastern Cape, South Africa  
Bona Once Bona Twice – Gauteng, South Africa  
Drum Exchange – South Africa  
Drumnet – KwaZulu Natal, South Africa  
Dynamic Drum Services – Gauteng, South Africa  
East Rand Enterprises – Gauteng, South Africa  
Ehlanzeni Waste Processors – Mpumalanga, South Africa  
Ekapa Drums & Containers – Western Cape, South Africa  
Emkhankasweni Waste Management Services – KwaZulu Natal, South Africa  
Envello Drums & Pails – Gauteng, South Africa  
H.E. Enterprises – Gauteng, South Africa  
K.L.M. Drums – Gauteng, South Africa  
L.H. Drums – Western Cape, South Africa  
M.C.P. Drum Recycles – Gauteng, South Africa  
Mama She's Recyclers – Gauteng, South Africa  
Millenium Drums – Gauteng, South Africa  
Nampak Polycyclers – Gauteng, South Africa  
Paradigm – KwaZulu Natal, South Africa  
Phumelela Drums – KwaZulu Natal, South Africa  
Spot On Drums – KwaZulu Natal, South Africa  
Spotless Drums – Gauteng, South Africa  
T.R.P. Services – Gauteng, South Africa  
Timber Plastics – Gauteng, South Africa  
Village Drums – Western Cape, South Africa  
Village Drums – KwaZulu Natal, South Africa  
Witon Chemicals t/a Container Solutions – KwaZulu Natal, South Africa

### Packaging Manufacturers, Suppliers and Service providers

Clyde Steel – Gauteng, South Africa  
CHEP SA – South Africa  
E.C. Dangerous Goods Logistics – Gauteng, South Africa  
E.C. Dangerous Goods Logistics – KwaZulu Natal, South Africa  
Megapak – KwaZulu Natal, South Africa  
Megapak – Gauteng, South Africa  
Pailpac – KwaZulu Natal, South Africa  
Ten-e Packaging Services – Gauteng, South Africa  
Trenstar SA – Gauteng, South Africa

Product Fillers, Users and Emptiers

Aquachlor – Gauteng, South Africa  
Barloworld Plascon Automotive Coating – Eastern Cape, South Africa  
Blendcor – KwaZulu Natal, South Africa  
Chevron South Africa – KwaZulu Natal, South Africa  
Daimler Chrysler South Africa – Eastern Cape, South Africa  
J.J. Drums – Eastern Cape, South Africa  
Johnson & Johnson – Eastern Cape, South Africa  
Petro SA – Western Cape, South Africa  
Shell Marketing SA – KwaZulu Natal, South Africa  
Syngenta South Africa – Gauteng, South Africa

Government

Manzini City Council – Swaziland

Interested Party

Len Larson – Gauteng, South Africa  
Dose Tech – Western Cape, South Africa

Patron Members

BP South Africa –South Africa  
CHEP SA – South Africa  
Engen Oil Refinery – South Africa  
Illovo Sugar, Merebank – KwaZulu Natal, South Africa  
ROSE Foundation – South Africa  
SASOL Solvents and O&S – South Africa

as well as reciprocity with other relevant Industry Associations – refer appendix C.

RCMASA funding is mainly from membership fees.

26 October 2006

## Appendix H - Financial Reports

### Actual Profit & Loss – 01 March to 30 September 2006

	<u>Mar - Sep 06</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Campaign Income - Workshops	38,379.51
Gifts and Donations Income – Industry Support	10,000.00
Gifts and Donations Income – Government Support	50,716.53
Membership Dues	<u>241,770.18</u>
<b>Total Income</b>	<b><u>340,866.22</u></b>
<b>Expense</b>	
Professional Fees	153,930.55
Office Expenses, incl Salary, Stat & Phone	60,457.28
Travel & Entertainment (incl. ICCR Conference Exp)	75,486.66
Conference & Meeting Costs	<u>26,024.31</u>
<b>Total Expense</b>	<b><u>315,898.80</u></b>
<b>Net Ordinary Income</b>	24,967.42

### Projected Profit & Loss – 01 March 2006 – 28 February 2007

	<u>Mar 06 – Feb 07</u>
<b>Ordinary Income/Expense</b>	
<b>PROJECTED Income</b>	
Campaign Income - Workshops	65,678.00
Gifts and Donations Income – Industry Support	10,000.00
Gifts and Donations Income – Government Support	50,716.53
Membership Dues	<u>339,020.00</u>
<b>Total Income</b>	<b><u>465,414.53</u></b>
<b>PROJECTED Expense</b>	
Professional Fees	253,930.00
Office Expenses, incl Salary, Stat & Phone	103,641.00
Travel & Entertainment (incl. ICCR Conference Exp)	86,806.00
Conference & Meeting Costs	<u>28,651.00</u>
<b>Total Expense</b>	<b><u>395,028.00</u></b>
<b>PROJECTED Income</b>	70,386.53

## **Appendix I - RCMASA Initiatives and Activities**

- **SANS 10406** – Transport of dangerous goods: Reprocessing of previously certified packaging is a South African National Standard which was initiated in January 2002 to fill a gap for registration of drum reconditioners against a National Standard and launched by the South African Bureau of Standards (now Standards South Africa) in May 2004. It is aimed at uplifting the standard of reprocessing and reconditioning, to improve the safety of reused packaging to thus prevent incidents and accidents in handling and transport.
- **SANS 10406** - Transport of dangerous goods: Reprocessing of previously certified packaging is referenced in the 2005 revision of SANS 10229: Transport of Dangerous Goods - Packaging and Large packaging for road and rail thus is now a Legal requirement. Annex B requires a Nominally Empty Certificate to be completed by the company dispatching used, empty drums and IBC's from their site. It is a legal record for emptiers dispatching for transport, as well as for transporters, reprocessors and recyclers to confirm emptiness and thus prevent leaks and spills for safe transport and safe handling at the destination.
- **Registration of Reprocessors** of previously certified packaging with the South African Bureau of Standards - SABS as competent body is a requirement of SANS 10229, similar to the requirement for Registration by Manufacturers of such new packaging. The SABS have put this process in place and are ready to implement. **NB** Registration will apply to ALL who reprocess, whether reconditioners or manufacturers taking back to refill as the aim is safety of the packaging for re-use and transport.
- **RCMASA Assessment & Audit Protocol** – was sponsored by KwaZulu Natal Department of Environmental Affairs. It was compiled with input from a panel of over 70 Interested parties to underpin the Registration process for Reprocessors with the SABS and addresses all the requirements of SANS 10406 as well as Health, Safety and Environmental regulations to protect people and the environment. Scoring includes both operational and total compliance and auditees must complete an improvement plan to improve compliance.
- **SAATCA Auditor registration** - An Auditor Registration scheme has been put in place with the South African Auditor, Training and Certification Authority to ensure Auditor capability as well as the integrity of audit for the Registration of Reprocessors of previously certified packaging.
- **Auditor training** - Wynleigh International has drawn up training for auditors to satisfy the SAATCA Auditor Registration requirements with training due to start in early 2007.
- **Register of recyclers and collectors** - We are engaging with these to draw up criteria for registration, so that they can be included as part of a National Network of Collectors, Reprocessors and Recyclers of plastic & steel to ensure safety of handling and on the road.
- **A toll free line** – 0800RCMASA became operational from 1 December 2005 to provide advice on disposal of used drums. This was initiated by BP Castrol and Megapak to mould onto their new 210 ltr plastic drums to encourage the end user to use recognised reprocessors and recyclers for Responsible Container disposal and raise awareness of the RCMASA Principles and initiatives.
- **Focus Groups – a recent initiative to address:**
  - *IBC's* – Nominally empty / low hazard / testing for reuse
  - *Plastic & Steel* – Flammable / pesticides
    1. Manufacturer responsibility (correct specification for product risk)
    2. Flammable products – prevention of static
    3. Minimum weight for steel
    4. Pesticides and associated problems
    5. Education of users
  - *National Network for collection* and industry solution for deposit/levy
    - Research to provide industry solutions
  - *Recyclers/converters/collectors*
    - Criteria for registration
    - Upgrade industry practices
  - *Social responsibility*, informal traders and others
    - Information, education, awareness raising

- **Annual awareness raising workshops** in the main industrial regions East Cape; KZN; Gauteng; Western Cape. We hope to introduce our initiatives to the Limpopo and Mpumalanga Provinces in the near future.
- **Umgqomo Ophephile** – Safe Drums Pilot Project with informal Street Traders to subsidise the cost of new drums for storage of water for domestic purposes thus to prevent health risks and poisonings - We currently have a pilot project in eThekweni (Durban), partnering with local business and Metro Departments to assist a group of informal drum traders (ladies who have formed a Co-operative) with sponsorship to supply only clean new drums to their customers the poor and the poorest of the poor for domestic use. The Metro's Business Support, Health, Waste water and Sanitation and Solid Waste will assist with educational material. These ladies have experienced burns and recognize the problems caused by used drums and believe they can be part of the solution to positively influence the other informal traders to trade in new and stop the trade in used drums. We aim to use the outcomes of this project for similar projects in other regions.

### **RCMASA Participation in Standards, Legislation, Policy and Educational Programmes**

The RCMASA is actively involved in a number of programmes including:

- Participation in a number of Standards South African (STANSA) Technical Committees and working groups, including:
  - TC 176 / ISO 9000 – Quality Management Systems;
  - TC 207 / ISO 14001 – Environmental Management Systems;
  - TC 100 / ISO 26000 - Social Responsibility;
  - ISO TC 178 - Risk Management.
  - Dangerous Goods Standards;
- A member of the Chemical Industries Education & Training Authority (CHIETA) Regional Committees
- New legislation and Policy processes with a number of National Government Authorities, including:
  - Department of Environmental Affairs & Tourism (DEAT);
  - Department of Transport (DoT);
  - Department of Agriculture (DoA);
- As well as being invited to participate in a number of National and Regional projects, including:
  - Preparation of the Disposal of used container project in Madagascar by CropLife Madagascar;
  - The African Stockpile Project (ASP), by the Food and Agriculture Organisation (FAO);
  - Working Group for the disposal of used pesticide containers by Crop Protection & Animal Health Association of South Africa (AVCASA);

**October 2006**



# Out of Africa

**RECONDITIONING** Spearheading the many changes in the South African drum reconditioning business is RCMASA, a youngster amongst other industrial packaging associations but just as loud in its demands

The South African drum reconditioning industry has advanced enormously in just five short years since the inception of the Responsible Container Management Association of Southern Africa (RCMASA). It appears to traverse the intricacies of combining the needs of a developing society with the money and waste of the developed world with experienced ease, bringing a wave of evolution in the way Southern Africans dispose and reuse their industrial packaging. The **Bulletin** reported on this Association last September and many leaps and bounds have been made in the nine short months since then.

### What a difference a day makes

South Africa is a country in limbo. With one foot in the developing world and one securely planted in the developed world, its ambitions for the reuse and reconditioning of industrial packaging may be a little different from other, more developed countries. Liz Anderson, president of RCMASA, believes that change is most definitely on its way: "South African legislation is moving to catch up with global trends, but as yet does not embody Extended Producer Responsibility as developed countries do, for example EU Directive 94/62/EC, Directive 2004/12/EC and the UK Producer Responsibility Obligations Regulations 2005," she says. "It is envisaged that these will be included in our pending Waste Management Bill, which has been delayed and is now expected in 2007."

RCMASA promotes the global principles of Responsible Container Management and Packaging Management, yet being a developing country South Africa faces many different challenges than those experienced in the developed world.

South Africa has a well developed infrastructure, industry, tourism and many large mining activities all of which use, fill or import and export drums and containers carrying a wide variety of products. The other foot is in the developing world with approximately 40 per cent of its population, some 22 million people, illiterate or semi literate, living below the poverty line in rural or informal dwellings. These people have limited - if any - access to services or clean water so used drums and containers, often with toxic residues, are highly valued as an affordable way of collecting and storing water for domestic use.

"RCMASA has been and continues to lobby government and industry to stop sales of contaminated containers and support the RCMASA aims of providing affordable new containers to the poor," explains Anderson. A pilot project is currently underway in eThekweni, Durban, which RCMASA urges international companies who export products to get involved in. "Industry should be driving sustainable use of packaging, rather than RCMASA continually having to try and get them on board," Anderson states.

However, RCMASA does acknowledge the change made by some large conglomerates in their attitude to reusable packaging. Anderson believes the drivers for this come from many different areas and incentives: customer and supplier pressure, the need to prove safe disposal as enforced by ISO 14001 certification, payment for empty drums, government intolerance of drum dumping, the decreasing availability of landfill, the high cost of disposal of hazardous residues, and finally the need for sustainable use of resources.



Disposal is a major problem in South Africa

### Government joins in

However, it is not just big business that is changing its attitude toward reusable packaging in South Africa, the government is also waking up. "South Africa has launched a new enforcement agency under the Department of Environmental Affairs and Tourism (DEAT) to enforce environmental legislation including the 'Duty of Care' principle and 'Polluter Pays' embodied in the South African National Environmental Management Act (NEMA) and the National Water Act," explains Anderson.

The Green Scorpions, an environmental task team armed with the National Environmental Act

### Reconditioning with PACKONE.

The IBC's modular system facilitates easy cleaning and cost efficient reconditioning, simply replacing the plastic inliner and other components of an IBC optimum utilisation and extended life cycle is guaranteed.

"The pack one ticket ensures a free collection service for all your used and empty IBC's and also other forms of packaging".

To find out more about our PACKONE system please contact WERIT and we will be delighted to discuss your requirements. Tel: +49 (0) 2681 807-01 verkauf\_ibc@wert.de [www.werit.eu](http://www.werit.eu)





to investigate and prosecute poachers and other environmental lawbreakers, last year successfully prosecuted the owners of an illegal waste site where a large number of drums containing dangerous substances were stored and buried, giving a strong message regarding unacceptable industry behaviour. This unit was only established in March 2005 but it seems it is not the only criminal deterrent the South African government has called upon to fight the dumping of industrial packaging. New penalties include a criminal record, significantly high fines and even a prison sentence.

The legal provisions covering the reprocessing of previously certified packaging are based on the South African National Standard SANS 10406:2004, approved in February 2004. This specifies the procedures for the reprocessing of previously certified packaging for the transport of dangerous goods, to ensure that the reprocessed packaging meets agreed upon quality standards and that the safe transport of goods packaged in such packaging is not compromised. Reprocessing includes three principal categories of activities: remanufacturing, reconditioning and repair. The standard is referenced in SANS 10229:2005, approved this past August, which identifies various methods of packaging that are suitable for prescribed maximum quantities of dangerous goods that may be offered for transport by road or by rail in South Africa. It describes minimum performance requirements for the packaging, the procedures to be followed to obtain approval from testing or certification authorities and gives details of the labels and marking to be displayed on the packaging.

Provisions relating to packaging and large packaging for dangerous goods are incorporated into law in the Road Traffic Act. There is also now a registration scheme for reprocessors yet RCMASA still believes there is a need to improve the standard of reprocessing - which includes all who reprocess or refill. There are still considerable risks to the poor and vulnerable of South African society, as well as the environment, and the need to stop the sale of used drums for domestic purposes is high on the agenda for RCMASA.

#### Proudly South African

Whilst RCMASA is still a young body, only established in 2002, many positive developments have been catalysed by its presence in South African society. "We have joined Proudly South African to help spread the word further and encourage more to join our initiatives," says Anderson. "We are now a registered Non Profit Organisation (NPO). We have held successful workshops each year in the four major industrial regions in the country and are slowly gaining support."

## Some friendly advice

**IBCS** Following discussion within the UN Sub-committee of experts regarding the use and maintenance of IBCs in the storage and transport of dangerous goods, the UK authorities have provided users with a concise set of guidelines for the examination and testing of individual IBCs

If intended to carry hazardous materials, intermediate bulk containers (IBCs) must undergo an initial inspection and subsequent inspections at two-and-a-half and five-year intervals, according to the provisions laid down in ADR. The requirements for the use of IBCs are stated in full in parts 4 and 6 of ADR, which governs the transport of dangerous goods by road in Europe, and its rail equivalent RID. There have, however, been some misunderstandings over the application of these requirements and the UK Department for Transport (DfT) has issued a brief set of guidelines to help shippers and carriers comply.

Part 4 of ADR/RID, specifically 4.1.1.9, requires that new, remanufactured or reused packagings and repaired or maintained IBCs must be capable of passing the tests prescribed in 6.1.5, 6.3.2, 6.5.4 or 6.6.5. "Before being filled and handed over for carriage, every package, including IBCs and large packagings, shall be inspected to ensure that it is free from corrosion, contamination or other damage and every IBC shall be inspected with regard to the proper functioning of any service equipment," ADR states.

Testing, certification and inspections of IBCs is covered in subsection 6.5.1.6 of ADR. This states that IBCs shall be subject to design type tests and, if applicable, to initial and periodic tests in accordance with 6.5.4.1.14. This section requires that every metal, rigid plastics and composite IBC shall be inspected by the Competent Authority:

- a) before it is put into service, and at intervals not exceeding five years, with regard to:
  - i) conformity to design type including marking;
  - ii) internal and external condition;
  - iii) proper functioning of service equipment.

Thermal insulation, if any, need be removed only to the extent necessary for a proper examination of the body of the IBC.

- b) at intervals of not more than two and a half years, with regard to:
  - i) external condition;
  - ii) proper functioning of service equipment.

The owner of the IBC should keep a copy of the inspection report at least until the next inspection. In addition to any other testing obligations, an IBC must be subjected to the full testing and inspection requirements set out in 6.5.4.14.3 and 6.5.1.6.4(a), and the required reports shall be prepared whenever the IBC is repaired. These tests must also satisfy the two and half and five year inspections necessary for all IBCs.

Sub-section 6.5.1.6.6.2 of ADR states: "the party performing the tests and inspections after the repair shall durably mark the IBC near the manufacturer's UN design type marking to show:

- a) the State in which the tests and inspections are carried out
- b) the name or authorised symbol of the party performing the tests and inspections; and
- c) the date (month, year) of the tests and inspections."

A leakproofness test is required for all those IBCs used for liquids or for solids filled or discharged under pressure. Sub-section 6.5.4.7.3 of ADR requires the test to be carried out for a period of at least ten minutes using air at a gauge pressure of not less than 20 kPa. Airtightness should be determined by a suitable method such as by the air-pressure differential or by immersing the IBC in water. ADR states that other methods "at least equally effective" are allowed.

Any person that manufactures or tests IBCs must have the relevant training to do so. Sub-section 6.5.1.6.7 allows the Competent Authority to require proof of this training at any time, to ensure IBCs meet the specific design type tests. The UK does this by placing a time limit on certification. Nowhere in this guidance note does DfT address single-trip IBCs as the UN does not believe this kind of 'disposable' IBC is suitable for dangerous goods transport. The text of the guidelines can be downloaded from the DfT website at

[www.dft.gov.uk/stellent/groups/dft\\_freight/documents/page/dft\\_freight\\_611346.hcsp](http://www.dft.gov.uk/stellent/groups/dft_freight/documents/page/dft_freight_611346.hcsp).



RCMASA had a role in the development of SANS 10406, which it initiated with the Department of Transport (DoT) and the South African Bureau of Standards (SABS). It is aimed at raising the standard of reprocessing and reconditioning, to improve the safety of reused packaging and to prevent incidents in handling and transport.

Another pending legislative change will be a requirement for packaging reprocessors to be registered, with SABS acting as competent body; to parallel an existing requirement for packaging manufacturers. "SABS has put this process in place and is ready to implement it," says Anderson. "It will become a legal requirement once it is gazetted by DoT. Registration will apply to all who reprocess, whether reconditioners or manufacturers taking back to refill, as the aim is safety of the packaging for re-use."

RCMASA will establish an audit protocol to ensure that registered reprocessors are meeting all the requirements of SANS 10406, including operational, legal and documented management systems. Scoring will be evaluated for operational and total compliance. Registration by SABS will include the type of drums that the reprocessor has the capability to reprocess. An auditor registration scheme has been put in place with the Southern African Auditors and Training Certification Association (SAATCA) to address

the integrity of audit for registration purposes and Wynleigh International is drawing up training for auditors, which should be in place this year.

"We have a new pilot project for providing clean new drums to informal traders to sell at affordable prices to the poor, instead of the contaminated ones," explains Anderson. "We have formed a partnership with local government departments and street traders to facilitate this and produce supporting educational material to inform the poor communities of the health risks of using contaminated drums for domestic use. The authorities are at the same time taking a firmer stance with industry over the disposal and recycle of used drums and containers."

### Avid approach

RCMASA's attitude toward the recycling of industrial packaging is different from national associations in other economies, reflecting the different realities on the ground. "There are definitely different global approaches," states Anderson. "The developed world is more mature in its approach to Take Back and Producer Responsibility. Industry has more experience of the need and advantages of being proactive in the eyes of the consumer and the law.

"Whether positive or consumer pressure, industry in developing countries needs incentives to change its behaviour and reduce environmental burden and the risks to the poor," Anderson continues. "It still needs to learn the competitive advantage of demonstrating its proactive ways to gain consumer and government support. The culture of 'when caught we will address the problems if the consequences are sufficient' or just plain ignorance of poor environmental and social practice need to and are poised to change." RCMASA has worked hard to promote this need to change, by advocating that embracing Global Best Practice and doing the right things makes good business sense.

To make these changes RCMASA has specific changes and enhancements in mind. It would like to see better cooperation between the packaging manufacturers, producers and reprocessors and partnerships with international packaging manufacturers to assist small and emerging reconditioners with new technologies for safer working conditions and packaging. "This is an opportunity that needs exploring as the costs of technology are often beyond our reconditioners, which leads to poor standards," explains Anderson.

☎ (+27 32) 942 8256 ☒ 942 8328

[www.rcmasa.org.za](http://www.rcmasa.org.za)

## advertisers index

Abicon Sales & Repair	11, 18, 49, 56	Labelmaster	13
Burkhardt Compression	31	LMIU	32
COSTHA	19	Logichem USA	65
Dantec	51	Magyar	54
Det Norske Veritas	2	Mann Tek	52
Ebrotank	51	Mauser	OBC
Eurctainer	FC	Outokumpu	53
Fort Vale	57	Perolo	IFC
Freight Merchandising Services	7	Pira International	6
Gastech	39	Ship Analytics	35
Hamworthy	42	Sigas Kosan	27
Henri Systems Holland	29	Teka Container	51
Hibiscus	60	UBH International	55
IATA	62	Warsash Maritime Centre	32
Intermodal	58	Weir LGE Process	27
Labeline	5	Werit	68



69-77 Paul Street, London EC2A 4LQ, UK  
Telephone: (+44 20) 7017 5000  
Internet: [www.hazardouscargo.com](http://www.hazardouscargo.com)  
Associate Publisher: Peter Mackay

### EDITORIAL

Tel: (+44 20) 7017 4374 Fax: 7017 4562

Managing Editor: Peter Mackay

Email: [peter.mackay@informa.com](mailto:peter.mackay@informa.com)

Deputy Editor: Sarah Norman

Staff Writer: Joanne Payne

Publishing Assistant: Joel Crane

Supplements Editor: Brian Dixon

US office: 1240 27th Street, NW, #6

Washington, DC 20007, USA

Tel: (+1 202) 965 2460

Email: [hazardouscargobulletin@yahoo.com](mailto:hazardouscargobulletin@yahoo.com)

Associate Editor: Ted Bridges

### ADVERTISING

Advertising Sales Manager: Iain McMaster

Tel: (+44 20) 7017 4368

Email: [iain.mcmaster@informa.com](mailto:iain.mcmaster@informa.com)

Japanese Sales Representative: Shinano

International

Tel: (+81 3) 3584 6420

Russian Sales Representative: Dors Consulting

Tel: (+70 95) 775 0735 Fax: 775 0736

Italian Sales Representative: Box International

Tel: (+39 10) 586 093 Fax: 589 405

### PRODUCTION

Tel: (+44 1295) 817660

Production Editor: David Jaques

### ACCOUNTS

Tel: (+44 20) 7017 5838

Financial Controller: Mark Emanuele

### CIRCULATION

Tel: (+44 20) 7017 4088

Fax: (+44 20) 7017 4974

Circulation & Marketing: Kate McCutcheon

### SUBSCRIPTIONS

Tel: (+44 20) 7017 4187 Fax: (+44 20) 7017

4573

Sales Manager: Chris Rowe

ISSN 0143-6864

Hazardous Cargo Bulletin is published monthly by

Informa Group plc. Annual US subscription \$480.

Hazardous Cargo Bulletin is distributed by Mercury

Airfreight International Ltd, 2323 Randolph Avenue,

Avenel, NJ 07001. Periodicals postage paid at

Rensselaer, NJ. Postmaster: send address changes to

Hazardous Cargo Bulletin, c/o Mercury Airfreight

International Ltd, 2323 Randolph Avenue, Avenel, NJ

07001.

While the information and articles in Hazardous

Cargo Bulletin are published in good faith, and every

effort is made to check accuracy, readers should ver-

ify facts and statements direct with official sources

before acting upon them, as the publisher can accept

no responsibility in this respect.

# BROWN HORRORS

*Liz Anderson lifts the lid on some nasty container problems*

**A**S ITS NAME SUGGESTS, the Responsible Container Management Association of Southern Africa (RCMASA) combats abuse and misuse of drums and containers.

Responsible Container Management (RCM) is an international initiative. It started in North America in 1942 to encourage re-use of steel drums and conserve steel production for other purposes. Today RCM encourages re-use of all types of drums and containers to promote sustainable use of our natural resources, conserve energy and reduce greenhouse gas emissions.

The RCMASA sees that lack of control not only brings about a health risk and pollution of the environment but is a potential liability risk for companies whose products were carried in the containers in question. Companies should therefore adopt responsible methods for reprocessing or disposal and keep adequate records regarding the movement of their containers.

## **Are you part of the problem or part of the solution?**

- \* Drums and containers are essential to get products to customers.
- \* Residues left in empty drums and containers can become hazardous waste.
- \* Used drums and containers are in great demand by a high percentage of our population who do not have access to running water.
- \* Used drums and containers should be reprocessed and reused as many times as possible to reduce the depletion of our precious non-renewable resources.
- \* At end of their life used drums and containers should be punctured and cut or crushed to recycle the steel or plastic.
- \* Do you know, and keep records of where your used drums go?

## **THE CONTROL INITIATIVE**

The RCMASA worked with the Department of Transport, the SABS and SA Auditor Training and Certification Authority (SAATCA) to introduce measures to improve the standard of reprocessing of used drums and containers. They are working on initiatives to reduce related risks to the poor who use these often contaminated drums for domestic purposes and as containers for drinking water.

## **Standards**

SANS 10406 – Transport of Dangerous Goods: Reprocessing of previously certified packaging was launched in May 2004. It is taken into law through a requirement of SANS 10229 – Transport of dangerous goods: Packaging and large packaging of dangerous goods for road and rail transport, which is listed in Chapter VIII of the Road Traffic Act. The Standard requires those dispatching used drums for transport to complete a Nominally Empty Certificate. This is a legal record, a copy of which should be kept by the:

- company dispatching;
- transporter;
- reprocessor or waste disposer.

SANS 10229 also requires the reprocessor to comply with SANS 10406 and to be registered with the SABS – the National Body.

## **Audit Protocol**

The RCMASA, together with a multi-stakeholder panel of experts, developed an Audit Protocol for reprocessor registration. This evaluates Operational Compliance in accordance with SANS 10406, as well as Total Compliance, aligned to management system requirements, best practice and applicable legislation.

SAATCA has put in place an auditor registration process similar to that for ISO auditors to ensure competency of auditors for registration purposes and thus ensure integrity of audits.

Wynleigh International has developed training material for these auditors. Regional training courses are being set up to address the requirements of SANS 10406 and the registration process. Large companies will be able to arrange in-house training courses.

## **General Compliance**

Companies registered on the JSE are required to comply with the requirements of the King II Report and to publicly report their social and environmental commitment and progress.

## **THE SOCIAL INITIATIVE**

South Africa, as with other developing countries, has to address the additional problem of the needs of the poor. The RCMASA is working on building on the registration process to set up a National Network of registered reprocessors, collectors and recyclers of the plastic and steel. They have lobbied the DEAT for inclusion of used drums and containers as priority waste in the proposed Take-Back Regulations in the pending Waste Management Bill.

Other projects include:

Toll Free line: 0800 726 272 (0800 RCMASA) for advice on the responsible reprocessing and disposal of used drums,

eThekwin – a partnership between Industry, government and the informal street traders to educate the communities on the dangers of using used drums for domestic purposes whilst providing cost effective new ones to the informal traders, thereby preserving their livelihood. The first 1,000 20 litre drums sponsored by MegaPak and Engen were handed over to City Health and the traders in December. We have sponsors for the next phase and are looking for more sponsors to keep the initiative going before rolling out to other metros and regions.

The RCMASA estimates that on an annual basis, product and container packaging in South Africa has a monetary value of R14.25 billion. While significant, this figure does not include imports – an area for which there are no figures. The RCMASA therefore appeals to industry to assist in establishing more realistic figures.

RCMASA, which was established in 2002, has appealed for broader based support and sponsorship. □

*LIZ ANDERSON is president of the Responsible Container Management Association of South Africa. She may be contacted at [liz@rcmasa.org.za](mailto:liz@rcmasa.org.za)*



**RESPONSIBLE  
CONTAINER  
MANAGEMENT  
ASSOCIATION  
OF SOUTHERN  
AFRICA**



**RESPONSIBLE  
CONTAINER  
MANAGEMENT**

**Providing Safe  
Packaging Solutions**

**Protecting the Health  
& Safety of People  
and our Environment;**

**Promoting Extended  
Producer  
Responsibility and**

**Sustainable use of  
Resources**

**In This Issue**

- ✓ What's new in Legislation
- ✓ RCMASA Activities & Initiatives
- ✓ FREE SANS 10406 Audit
- ✓ ICCR International Conference on Industrial Packaging
- ✓ 2006 Workshops
- ✓ Members News
- ✓ Upcoming Events
- ✓ Useful Websites

**Board of Directors**

Hayden von Blerk (Engen)  
– Chairman  
Sue Beningfield (IWMSA) -  
Treasurer  
Dave Tatz (MegaPak)  
Di Dold (WESSA)  
Quade Corder (Chep SA)  
Marianne van der Pluym  
(Trenstar)  
Charles Clarke  
(EnvelloDrums)  
Tom Mabesa (AVCASA)  
Liz Anderson - President

# RCMASA Newsletter

Tel: 032-942 8256/50

Toll Free: 0800 726 272

Fax: 032-942 8328

Cell: 082 453 5020

Registered NPO – 046-030-NPO

P.O. Box 854

Umhlali

4390

E-mail: [liz@rcmasa.org.za](mailto:liz@rcmasa.org.za)

Website – [www.rcmasa.org.za](http://www.rcmasa.org.za)



**Winter 2006 Edition**

## WHAT'S NEW IN LEGISLATION

**Pesticide Policy** – The proposed Pesticide Policy, Notice 499 of 2006, Government Gazette 28711 – 13 April was put out for public comment by 13 May 2006. The RCMASA submitted comments fully supporting the need for a policy on pesticide and requested that the Department of Agriculture work with us on the issues of collection, recovery, recycle and reuse of used packaging. The policy proposed a levy on industrial packaging, which we supported but as an industry solution and requested that we enter into discussions, as this impacts on all industry sectors and not just pesticides. We also proposed the Department work with the DEAT for a similar approach to that of Europe in the EU Directive 2004/12/EC, which requires the identification and declaration of packaging at all stages.

**Consumer Protection Bill** – The Dti published the Consumer Protection Bill 2006 for public comment in Government Gazette No 28629 – 15 March 2006 with deadline date of 26<sup>th</sup> May 2006. The RCMASA have submitted comments and await the public hearing.

**Environmental 'Green' Taxes** - A draft policy paper was published in April 2006 to address a framework for considering market-based instruments to support environmental fiscal reform in South Africa. The aim of this policy paper is to outline the role that market-based instruments, specifically environmentally-related taxes and charges, could play in supporting sustainable development in South Africa, and to outline a framework for considering their potential application. The RCMASA will be submitting their comments for the deadline date in July 2006. *Members are requested to send any comments to us for inclusion in our submission.*

**Air Quality Act** – The DEAT website ([www.environment.gov.za](http://www.environment.gov.za)) was updated in January 2006 with a copy of the NEM: Air Quality Act, No 39 of 2004 (under "Policy & Legislation") and a copy of the "National Air Quality Management Programme Output c.1 Air Quality Information Review" compiled by Dr Mark Zunckel, Juanette John and Mogesh Naidoo of CSIR-Environmentek (under "Documents")

**Public participation in environmental decision-making in SA** – The National Workshop on Public participation in environmental decision making recently took place in Cape Town. It brought together some 90 participants representing diverse stakeholders and provided an opportunity to present and review the results from case study research undertaken by the UCT in 2005-06 and provided a forum for learning from participants regarding their views and concerns in the area of public participation. We will keep you posted on the development.

## PATRON MEMBERS



## What's New in Legislation (Cont.)

**SANS 10406** – Transport of dangerous goods: Reprocessing of previously certified packaging is referenced in the 2005 revision of SANS 10229 thus is now a LEGAL REQUIREMENT. Do you use a nominally empty certificate as per Annex B?? This is a legal record for emptiers despatching for transport, transporters AND reprocessors, recyclers and dispatchers to record what received from where! ALL reprocessors will be required to register with the SABS and be audited on an annual basis – For more information please contact the RCMASA.

**Auditor training** - Wynleigh International have drawn up and will be presenting the training for auditors for SANS 10406. 3 day training courses will be held in the major areas, with the first course set for the Eastern Cape on the 25-27<sup>th</sup> July at Daimler Chrysler in East London. This course is aimed primarily for auditors registration with SAATCA, but will also benefit the regulators, suppliers, users and reprocessors/reconditioners of used drums. Please see attached flyer for more information on the course. Should you be interested in attending any of these please contact Seshme or Julie at Wynleigh International on 0861 509 000 or email Tony Cunningham [tonyc@wynleigh.co.za](mailto:tonyc@wynleigh.co.za).

**SANS 10234** – Globally harmonised system of classification & labelling of chemicals (GHS) – is currently under preparation.

See attached “DG project Status” for further information on the SANS Dangerous Goods Standards.

## RCMASA Achievements and Activities

FREE Audit and Assessment – As a benefit to our members Hayden of Engen will be giving a FREE Audit of your process to assist you in putting any necessary measures in place for registration with the SABS as required in SANS 10406. We will be contacting you shortly to let you know when Hayden is in your area.

Focus Groups – We are in the process of setting up a number of focus groups to address

Register of recyclers and collectors - We are engaging with these to draw up criteria for registration, so that they can be included as part

of a National Network of Collectors, Reprocessors and Recyclers of plastic & steel.

Pilot Project with informal Street Traders - We currently have a pilot project in eThekweni (Durban), to assist a group of informal drum traders with business and local Government i.e. Business Support, Health, Waste water and Sanitation and Solid Waste. A number of ladies have formed a Co-operative and will supply only clean new drums to their customers, while informing them of the obvious benefits. Two of our members (Engen & MegaPak) are providing sponsorship assistance to pay the difference in cost between used and new drums. Wasteman have also sponsored 1,000 containers for this project. The Metro's Business Support, Health, Waste Water and Sanitation and Solid Waste are assisting with educational material, regarding health risks to the poor. These ladies have experienced burns and recognize the problems caused by used drums and believe they can be part of the solution to positively influence the other informal traders to trade in new and stop the trade in used drums.

**We welcome any offers of assistance from other organizations both in Durban and other regions to support these ladies efforts and those in other areas.**

FREE OHS Compliance Check As reported in our previous newsletter, we have secured an offer for our members from Dekra Noriska to carry out a FREE Occupational, Health and Safety Compliance check on your sites, as well as a BEE Compliance check. They will report on status and issues to be addressed and give a total score.

If you have not yet taken advantage of this great opportunity to help you get your house in order to comply with OHS Act Requirements, which will also assist you comply with the OHS component of the Audit Protocol, contact Philip Collyer on 031-450 6962 or email [philip@assurance.org.za](mailto:philip@assurance.org.za) for further information.

**‘We have not inherited the world from our parents – we have borrowed it from our children’ – Kashmiri proverb**

**ICCR 1<sup>st</sup> International Conference on Industrial Packaging** – This event takes place in San Francisco on the 16-19<sup>th</sup> July. The

RCMASA will be attending to represent the challenges faced in South Africa, as well as gather information on International best practice to bring back and share with our members and Government. Anyone wishing to more information can contact Liz or Lee-Anne on 032-942 8256 or [liz@rcmasa.org.za](mailto:liz@rcmasa.org.za)

### **RCMASA 2006 Workshops**

Our KZN Workshop, held at the 1-on-1 Conference Centre, Gateway on the 25<sup>th</sup> May, was again a resounding success, with almost 100 delegates attending.

The keynote address was given by Sarah Allen, Director: Environmental Services: South, KZN DAEA, who addressed key Environmental Legislation & EIA Regulations.

CDs of the day's presentation are available from the RCMASA at a cost of R65 each.

Similar issues will be addressed at our other 2006 Workshops as follows:

Gauteng – 24<sup>th</sup> August at the Plastics Federation, Midrand

Western Cape – 26<sup>th</sup> October at the Koeberg Visitors Centre, Cape Town

**NEW** Mpumalanga – Date to be confirmed

**NEW** Limpopo – Date to be confirmed

These workshops are well received, and have become 'not to be missed events' for the networking opportunities and information gathering, so be sure to DIARISE these dates.

**"I found it very interesting and informative"**

**"I found the workshop to be most enlightening and informative and I made contact with the right people as well"**

**"Thank you so much for organising such a very interesting and informative day, I enjoyed it a great deal."**

**"It was pleasant and very educative experience to attend your workshop in Midrand last week...it is clear to me that your organization has plenty of broad-based knowledge to assist industry."**

**"excellent speakers and information, great networking. I will always clear my diary for an RCMASA workshop."**

**"more organisations need to attend the RCMASA workshop to understand their corporate and extended producer responsibilities, sustainable use of**

**resources and applicable new Legislations and Standards, as well as excellent networking opportunities."**

**If you are interested in displaying your company's products and/or information at any of these events, please give us a call.**

### **RCMASA Members**

#### **New Members**

The RCMASA are proud to welcome their new members as follows:

SASOL Solvents O&S – PATRON

East Rand Enterprises

Timber Plastics

BP South Africa – PATRON

Len Larson – Interested Party

ROSE Foundation – PATRON

LH Drums

We are also proud to accept membership upgrade from:

CHEP SA - PATRON

We have recently introduced a new category of member, "Interested Parties" for organisations or individuals who are not involved in drums and containers yet support the Associations aims and activities and wish to play a supporting role.

Membership is open to all companies in the value chain of re-usable drums and containers, as well as companies that supply products or services to RCMASA members and consultants.

These include:

#### **Members**

Ø Patron

Ø Manufacturers and Designers

Ø Fillers, Users and Emptiers

Ø Reprocessors, Reconditioners & Recyclers

#### **Associates**

Ø Suppliers & Service Providers

Ø Collectors and transporters

Ø Consultants

Ø Government – National, Provincial & Local

Ø Industry Association

Ø Interested Party **NEW**

Ø Affiliates via their Industry Associations **NEW**

**For more information on membership benefits and fees, please give us a call.**

**Encourage your Suppliers & Customers to join the RCMASA & be part of a National Solution to the risks posed by Used Drums & Containers.**

## Reprocess, Recondition, Reuse, Recycle

### Dates to Diarise

#### Public Holiday

#### Environmental/Cultural Days

- 11 Jul: World Population Day  
16-19 Jul: ICCR 1<sup>st</sup> International Conference on Industrial Packaging, San Francisco  
09 Aug: National Women's Day  
12 Aug: International Youth Day  
24 Aug: RCMASA Gauteng Workshop in Midrand  
01-07 Sep: National Arbour Week  
05-08 Sep: IWMSA WasteCon 2006, Cape Town  
16 Sep: International Coastal Clean Up Day  
21 Sep: International Day of Peace  
24 Sep: Heritage Day  
25 Sep: Public Holiday  
04-06 Oct: OCCA/SAPMA 2006 Symposium  
16 Oct: World Food Day  
17 Oct: International Poverty Day  
20 Oct: National Marine Day  
26 Oct: RCMASA Western Cape Workshop in Cape Town  
20 Nov: Universal Children's Day  
01 Dec: World Aids Day  
16 Dec: Day of Reconciliation  
25 Dec: Christmas Day  
26 Dec: Day of Goodwill

**Do you have an event that you would like us to include in our diary? Give us a call.**

### Useful websites to view:

- *Rose Foundation* - For information about the urgent need to recycle USED OIL [www.rosefoundation.org.za](http://www.rosefoundation.org.za)
- *Department of Environmental Affairs and Tourism - DEAT* - Visit the Department of Environmental Affairs and Tourism on [www.deat.gov.za](http://www.deat.gov.za) for more information on DEAT Legislation.
- *Eagle Environmental* – Publisher of the Eagle Bulletin. Provides information on all environmental issues, including news, legislation etc. [www.eagleenv.co.za](http://www.eagleenv.co.za)
- *Free Worldwatch Institute Publications*  
The Worldwatch Institute is an independent research organisation working for an

environmentally sustainable and socially just society. For more information go to <http://www.worldwatch.org/pubs/pdf/>

- *Publication-OECD Guiding Principles for Chemical Accident Prevention, Preparedness and Response* - This is aimed at informing stakeholders such as industry, labour, public authorities, and communities on basic principles covering chemical accident prevention, preparedness and response. For more information go to <http://www.oecd.org/ehs/> it's been suggested to make use of the table of contents at the front and key word index at the back to make searching easier.
- *Institute of Waste Management* - [www.iwmsa.co.za](http://www.iwmsa.co.za)
- *Association of Water and Rural Development* - [www.award.org.za](http://www.award.org.za)
- *South African Wetlands Conservation Programme* - <http://amanzi.beeh.unp.ac.za/wetlands/projects.htm>
- *Wildlife and Environment Society of South Africa – WESSA* [www.wessa.org.za](http://www.wessa.org.za)

Kindly ensure that you keep us advised of any change in your contact details or main contact person and advise your website to link to ours.

**Please share and circulate the Newsletter with your colleagues and encourage your suppliers, customers and service providers to join us.**

**Let's work together for a better future for all in our country,**

### **Best wishes**

Liz Anderson & Lee-Anne Watkins

### **Contact us on**

**Tel: 032-942 8256 Fax: 032-942 8328**

**Email [liz@rcmasa.org](mailto:liz@rcmasa.org)**

**Web: [www.rcmasa.org.za](http://www.rcmasa.org.za)**

**TELL US ABOUT YOUR COMPANY ANYBODY WHO IS INTERESTED IN ADVERTISING IN OR CONTRIBUTING TO OUR NEXT NEWSLETTER, KINDLY CONTACT LEE-ANNE AT [liz@rcmasa.org](mailto:liz@rcmasa.org) or TEL: 032 942 8256**