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LEGAL NOTICE NO. 137 OF 1996

Noise Regulations, 1996

Pursuant to section 100 of the Labour Code Order 1992¹, I,

NOTS'I MOLOPO

Minister of Labour and Employment make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Noise Regulations 1996 and shall come into operation on the date of publication in the Gazette.

Application

2. These Regulations shall apply to workplaces where noise above the action level is generated.

Interpretation

3. In these Regulations unless the context otherwise requires:

"action level" means a noise energy peak of 140 d B (lin) or LAeq 8h of 85 dB (A);

"dB(A)" means decibel of A-weighted sound pressure;

"dB(lin)" means decibels of unweighted sound pressure level;

"engineering noise control" means reducing noise level or peak noise level;

"inspector" has the same meaning as in the Labour Code Order 1992;

"noise data" means data on which a noise report is based;

"noise exposure" means the amount of sound energy a person is exposed to during a working day;

"noise level" means A-weighted sound pressure level in decibel as read from approved sound measurement equipment;

"noise report" means a noise report prepared in accordance with these regulations;

"peak noise level" means the unweighted peak hold sound pressure level in dB(lin) as read from approved sound measurement equipment;

"voluntary audiometric testing programme" means a programme voluntarily initiated by an employer to test the hearing of employees who have voluntarily decided to take part in the programme, by means of audiometric measurements, showing the hearing threshold level of an employee as a function of frequency.

Measurement of noise

4. In measuring the amount of noise an employee is receiving, an employee who is wearing a personal hearing protective equipment shall, for purposes of these regulations, be regarded as receiving the noise that he would be receiving if he was not wearing the personal hearing protective equipment.

Employer to reduce noise

5. (1) An employer whose employee receives or is likely to receive noise above the action level shall ensure that the employee does not receive noise above the action level by —

- (a) engineering noise control; or
- (b) limiting the length of time the employee receives noise.

(2) Sub-regulation (1) shall also apply to a person who is temporarily working on the premises of an employer at whose workplace noise above the action level is being generated.

Personal hearing protective equipment

6. (1) An employer shall, where an employee receives or is likely to receive noise above the action level —

- (a) provide the employee with a personal hearing protective equipment approved by the Ministry of Labour;
- (b) display signs regarding the wearing of the personal hearing protective equipment referred to in paragraph (a) of this regulation.

(2) The personal hearing protective equipment shall be maintained by an employer in a manner approved by the Ministry of Labour.

(3) Sub-regulation (1) shall not apply to a performer or a member of an audience at a place which is being used for a performance or show or rehearsal for a performance or show.

Information, instructions and training for employees

7. An employer shall, where he is under a duty to provide personal hearing protective equipment to his employees, provide —

- (a) the employee with appropriate information, instructions and training regarding hearing risks that he may be exposed to if a hearing protective equipment is not worn;
- (b) measures to be taken to reduce the hearing risks; and
- (c) guidance on how to use and maintain personal hearing protective equipment.

Preparation of noise report

8. (1) An employer shall, where the noise that an employee is likely to receive is above the action level, prepare or cause a noise report to be prepared every six months

(2) Where an employer reduces noise in accordance with regulation 5 but an employee still receives or is likely to receive noise above the action level, the employer shall prepare or cause another noise report to be prepared, stating the current noise situation at the workplace.

(3) Where there is an increase of 5 dB or more in the peak noise level or noise exposure received by an employee who was already receiving noise above the action level an employer shall, within one month of noticing the increase, prepare or cause a noise report to be prepared, informing the Ministry of Labour of the increase.

(4) A noise report referred to in this regulation shall be prepared in a manner and form approved by the Ministry of Labour.

Noise data

9. (1) Before a noise report is prepared, an employer shall ensure that the noise data is collected by a person who is approved by the Ministry of Labour as having qualifications or expertise to collect the data.

(2) The person who is approved by the Ministry of Labour to collect the data shall only use procedures and sound measurement equipment approved by the Ministry of Labour as suitable for collecting the data.

Contents of noise report

10. An employer shall, after a noise report is prepared —
- (a) communicate the contents of the noise report to all employees;
 - (b) submit, in an approved manner to the Ministry of Labour, the noise report;
 - (c) where requested to do so, make a copy of the noise report available to the Ministry of Labour or an employee; and
 - (d) retain at his workplace a noise report and where there are more than one noise reports, the last two of the noise reports.

Access to Regulations and other materials

11. (1) An employee who receives or is likely to receive noise above the action level at his workplace, shall have access to these regulations and any other materials which the Ministry of Labour may deem necessary.

(2) An employer shall make available to an employee at his workplace, copies of these regulations and any other material that the Ministry of Labour may deem necessary.

Offences

12. A person who contravenes the provisions of regulations 5, 6, 7, 8, 9, 10, and 11(2) commits an offence and is liable upon conviction to a fine not exceeding six hundred maloti or to imprisonment for a period not exceeding six months or both.

NOTSI MOLOPO

Minister of Labour and Employment

NOTE

1. Labour Code Order No. 24 of 1992

LEGAL NOTICE NO. 138 OF 1996**Spray Painting Regulations 1996****Arrangement of Regulations****Regulation**

1. Citation and commencement
2. Application
3. Interpretation
4. Spray painting inside and outside booth
5. Ventilation of booth
6. Exhaust ducts in booth
7. Electrostatic spray painting
8. Storage and handling of flammable paints and materials
9. Precautions against ignition
10. Respiratory equipment
11. Cleaning of booth

LEGAL NOTICE NO. 133 OF 1996**Spray Painting Regulations 1996**

Pursuant to section 100 of the Labour Code Order 1992¹, I

NOTS'I MOLOPO

Minister of Labour and Employment make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Spray Painting Regulations 1996 and shall come into operation on the date of publication in the Gazette.

Application

2. These Regulations shall apply in respect of workplaces where a spray painting is carried out.

Interpretation

3. In these Regulations unless the context otherwise requires:

"flammable paint" means a paint or any liquid with a flash point of or below 610 degree centigrade as determined by international standards;

"powder paint" means a solid powder coating capable of being ignited;

"spray painting" means the application, either alone or in combination, of flammable paint, toxic paint or powder paint to an object by a spray painting process, whether carried out manually, mechanically or automatically.

"spray painting hazardous area" means —

- (a) the area within a spray booth, its exhaust ducts and the area within 2 metres in any direction of an entrance to the spray booth; or
- (b) where a spray painting process is conducted outside a spray booth, the area within 6 metres in any direction horizontal from and to a height of 2 metres above the object being sprayed;

"spray painting process" means spray painting by the following methods:

- (a) airless — whereby flammable paint, toxic paint or powder paint, either alone or in combination, is ejected from a spray nozzle under hydraulic pressure; or
- b) compressed air — whereby a mixture of air and flammable paint, toxic paint or powder paint, either alone or in combination, is applied under pressure;
- (c) electrostatic — whereby an object and flammable paint; toxic

paint or powder paint either alone or in combination, are electrically charged at opposite polarities;

- (d) a combination of the process referred to in paragraphs (a), (b) and (c);

"toxic paint" means a paint solvent liquid or other material which contains a substance referred to in an item in Schedule I, in the quantity and where applicable calculated in the manner specified in that item.

Spray painting inside and outside booth

4. (1) An employer or employee shall not carry out spray painting unless it is in a booth —

- (a) constructed of non-combustible material;
- (b) that has, where glass is used in its construction, toughened safety glass, laminated safety glass or safety wired glass manufactured to the requirements of international standards;
- (c) that has not less than two emergency exits of an adequate size and position, if that booth is longer than 8 metres; and
- (d) that is, where the booth is designed to be fitted with a filter, fitted with a filter made of high resistant material and is maintained in good condition.

(2) Where the characteristics of the object to be spray painted are such that it is not possible to spray paint it in a booth, an employer shall ensure that spray painting is carried out outside a booth in such a way as not to affect the health and safety of a person, provided that —

- (a) spray painting is carried out within the limits of the spray painting hazardous area;
- (b) the spray painting hazardous area has adequate ventilation and it is so situated or controlled that overspray or contamination from the process is not carried into contact with unprotected persons;
- (c) no electrical equipment or other sources of ignition, not recognised in accordance with international standards, is used; and
- (d) fire extinguishers approved by the Labour Commissioner, are provided.

(3) The spray painting hazardous area referred to in this regulation shall be delineated by signs stating —

"SPRAY PAINTING AREA — AUTHORISED PERSONS ONLY".

(4) No person shall smoke or light or introduce a naked flame or any other source of ignition in a spray painting hazardous area.

(5) A person who contravenes the provisions of sub regulations (1), (2) and (4) of this regulation, commits an offence and is liable upon con-

viction to a fine not exceeding six hundred Maloti or to imprisonment for a period not exceeding six months or to both.

Ventilation of booth

5. (1) An employer shall ensure that a booth referred to in regulation 4 is fitted with an artificial ventilation system that provides the following levels of air velocity at a point within the breathing zone of the operator —

- (a) not less than 0.5 metres per second;
- (b) where spray painting is by an electorstatic methods, not less than 0.4 linear metres per second;
- (c) in the case of a system of down draft ventilation, not less than 0.3 linear metres per second; and
- (d) in any event, not less than the air velocity necessary to ensure that the exposure standard for any atmospheric contaminant, referred to in Schedule II is not exceeded.

(2) An employer shall ensure that—

- (a) when spray painting is being carried out;
- (b) five minutes after cessation of spray painting; and
- (c) whenever a person is in the booth,

the ventilation system of a booth is kept in operation so as to provide the air velocity required in sub regulation (1) of this regulation

(3) A person who contravenes the provisions of this regulation commits an offence and is liable upon conviction to a fine not exceeding six hundred Maloti or to imprisonment for a period not exceeding six months or to both.

Exhaust ducts in booth

6. (1) An employer shall ensure that —

- (a) a booth is fitted with a metal duct extending to the external air into which all overspray shall be discharged;
- (b) the duct referred to in paragraph (a) is not less than 2 metres above the highest part of the roof and of a height sufficient to prevent re-entry of overspray into workplace;
- (c) where flexible connections are used in the duct, the material in those connections complies with international standards.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable upon conviction to a fine not exceeding six hundred Maloti or to imprisonment for a period not exceeding six months or to both.

Electrostatic spray painting

7. (1) An employer shall, where spray painting is carried out by an electrostatic process, ensure that —

- (a) all electrical equipment complies with international standards;
- (b) the equipment has automatic controls that operate without delay to give audible warning and to disconnect the power supply to a high voltage transmitter being used in the event of a failure in the ventilation system or stoppage of any conveyor carrying objects through a high voltage field used in the process; and
- (c) objects being painted are maintained in effective metal contact with the conveyor and other earthed support and all hooks are kept clean to ensure maintenance of contact.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable upon conviction to a fine not exceeding six hundred Maloti or to imprisonment for a period not exceeding six months or to both.

Storage and handling of flammable paints and materials

8. (1) An employer shall —

- (a) ensure that flammable paints and materials for use in spray painting are kept in containers with close fitting covers and the containers are kept tightly closed except when the covers are removed for placing flammable paints or materials in, or taking them out of the containers;
- (b) ensure that all flammable paints and materials as well as their containers are kept in a well ventilated area separate from an area where spray painting is carried out, except quantities as are reasonably necessary for not more than one days work;
- (c) ensure that an employee mixing or preparing paints carries out the work in a well ventilated area or, where that is not possible, the employee wears skin protection and eye protection and uses respiratory equipment;
- (d) ensure that containers with close fitting lids are provided at convenient places so as to deposit cotton waste, cleaning cloths and any other similar material used in connection with spray painting and that the contents of the containers are disposed of in a safe manner and at a safe distance away from a booth and at the end of the job or each shift or day;
- (e) ensure that where supplies of flammable paint or materials are decanted from containers by way of a tap, the tap is drip and leak proof;
- (f) obtain all necessary safety information relating to chemicals and make it available to employees involved; and

- (g) ensure that employees using chemicals are adequately trained in safety procedures.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable upon conviction to a fine not exceeding hundred Maloti or to imprisonment for a period of exceeding six months or to both.

Precautions against ignition

9. (1) No person shall, while spray painting is being carried out —

- (a) smoke;
- (b) light or introduce a naked flame or any other source of ignition; or
- (c) move a motor vehicle by its own power or start or set in motion the engine of a motor vehicle or other equipment the motive power of which could produce a source of ignition, within the spray painting hazardous area concerned.

- (2) An employer shall ensure that —

- (a) heating of a booth while spray painting is in operation, is limited to the use of steam, hot water or warm air and that heating or preheating equipment for warming of spray painting materials is not capable of causing ignition of the materials; and
- (b) where heating or pre-heating equipment is electrical, the equipment complies with international standards.

(3) A person who contravenes the provisions of this regulation commits an offence and is liable upon conviction to a fine not exceeding six hundred Maloti or to imprisonment for a period not exceeding six months or to both.

Respiratory equipment

10. (1) An employer shall provide respiratory equipment which shall be used by employees in accordance with international standards.

(2) An employee shall, where spray painting with two or more component epoxy or to two or more component polyurethane paints is carried out, wear —

- (a) respiratory equipment of an airline type; and
- (b) full length and chemically resistant overalls and gloves.

(3) No person shall enter an enclosed booth where a vapour curing process or gas curing process is in operation unless respiratory equipment of an airline type is used in accordance with international standards.

(4) A person who contravenes the provisions of this regulation commits an offence and is liable upon conviction to a fine not exceeding six hundred Maloti or to imprisonment for a period not exceeding six months or to both.

Cleaning of booth

11. (1) An employer shall ensure that a booth, floor area surrounding a booth and the ventilation system of the booth are thoroughly cleaned at intervals not exceeding one week or as directed by the Labour Commissioner.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable upon conviction to a fine not exceeding six hundred Maloti or to imprisonment for a period not exceeding six months or to both.

SCHEDULE I

TOXIC PAINT SUBSTANCES

PART 1 — SOLID COMPONENTS

1. All chromates and dichromates contained in such quantity that chromium in these forms, calculated as a percentage of the dried material, exceeds 0.1% by weight.
2. Antimony and compounds of Antimony contained in such quantity that Antimony, calculated as a percentage of the dried material, exceeds 5% by weight.
3. Arsenic and compounds of Arsenic contained in such quantity that Arsenic, calculated as a percentage of the dried material, exceeds 0.1% by weight.
4. Barium and compounds of Barium (except barium sulphate and barium metaborate) contained in such quantity that Barium, calculated as a percentage of dried material, exceeds 5% by weight.
5. Cadmium and compounds of Cadmium contained in such quantity that Cadmium, calculated as a percentage of the dried material, exceeds 0.1% by weight.
6. Lead and compounds of Lead contained in such quantity that Lead, calculated as a percentage of dried material, exceeds 1% by weight.
7. Mercury and compounds of Mercury contained in such quantity that Mercury, calculated as a percentage of dried materials, exceeds 0.1% by weight.
8. Selenium and compounds of Selenium contained in such quantity that Selenium, calculated as a percentage of dried material, exceeds 0.1% by weight.
9. Crystalline Silica contained in such quantity that Silicon Dioxide, calculated as a percentage of dried material, exceeds 2% by weight.

PART TWO — SOLVENT COMPONENTS

1. Benzene in a quantity that, calculated as a percentage of material in which it is contained, exceeds 1.5% by volume.
2. Chlorinated Hydrocarbons in a quantity that, calculated as a percentage of the material in which they are contained, exceeds 5% by weight.
3. Methanol in a quantity that, calculated as a percentage of the material in which it is contained, exceeds 1% by weight.
4. Nitrobenzene in a quantity that, calculated as a percentage of the material in which it is contained, exceeds 2% by weight.
5. Pyridine in a quantity that, calculated as a percentage of the material in which it is contained, exceeds 2% by weight.

PART THREE — CURING AGENTS

1. Accelerators, Promoters and Catalysts (excluding driers).
2. Formaldehyde in a quantity that, calculated as a percentage of the material in which it is contained, exceeds 0.2% by weight.
3. Oxalic Acid in a quantity that, calculated as a percentage of the material in which it is contained, exceeds 5% by weight.
4. Raw Epoxide resins.
5. Uncombined Organic Isocyanates (as NCO) in a quantity that, calculated as a percentage of the material in which they are contained, exceeds, or may exceed upon normal storage, 0.5% by weight.

SCHEDULE II

TIME WEIGHTED AVERAGE EXPOSURE STANDARDS
FOR ATMOSPHERIC CONTAMINANTS

Atmospheric Contaminant. CAS Number*. Exposure Standard

		ppm	mg/m	f/ml
Amosite	12172-73-5			0.1
Asbestos	1332-21-4			0.1
Benzene	71-43-2	5		
Carbon Dioxide	124-38-9	5,000		
Chrysotile	12001-29-5			1
Crocidolite	12001-28-4			0.1
Ethylene Dibromide	106-93-4			
Ethylene Oxide	75-21-8	1		
Formaldehyde	50-00-0	1		

1,6-Hexamethylene di-isocyanate (HMDI)	822-06-0	0.005	
Hydrogen Cyanide	74-90-8	10	
Inspirable Dust (not otherwise listed)			10
Isocyanates (not otherwise listed)		0.005	
Lead, inorganic dust and fume (as Pb)	7439-92-1		0.15
Methyl Bromide	74-83-9	5	
4,4'-Methylene bis (2 chloroaniline)	101-14-4	0.02	
Methylene bis(4 cyclohexyl isocyanate)	5124-30-1	0.005	
Methylene bisphenyl isocyanate (MDI)	101-68-8	0.005	
4,4'-Methylene dianiline	107-77-9	0.1	
Phosphine	7803-51-2	0.3	
Quartz (respirable)	14808-60-7		0.1
Respirable Dust (not otherwise listed)			5
Styrene, monomer	100-42-5	50	
Toluene - 2,4 di-isocyanate	584-84-9	0.005	
Vinyl Chloride	75-01-4	1	

* Chemical Abstracts Service Registry Number

ppm — parts of atmospheric contaminant per million parts of air by volume.

mg/m³ — milligrammes of atmospheric contaminant per cubic metre of air at standard conditions of 25°C and 101.3 kilopascals atmospheric pressure.

f/ml — respirable fibres per millilitre of air at standard conditions of 25°C and 101.3 kilopascals atmospheric pressure.

Nots'i Molopov.
Minister of Labour and Employment

NOTE

1. Labour Code Order No. 24 of 1992