

Status of the implementation of the ‘Restricted Agricultural Remedies’ regulation in South Africa

December 2024

Before any agricultural remedy may be imported, manufactured, stored, marketed, sold or used in South Africa, the product must first be registered by the Department of Agriculture, Land Reform & Rural Development (DALRRD) in accordance with Act No. 36 of 1947 (the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act). This registration by DALRRD dictates that an agricultural remedy (pesticide) may only be sold in its original approved packaging, with a detailed product label securely affixed to the product container and may only be used strictly according to label directions in terms of use rate, pest targeted and manner of application.

As per regulation 33 of the “Regulations relating to agricultural remedies”, no person may distribute or sell a registered agricultural remedy with a composition, container and labelling not approved by the Registrar, and an agricultural remedy shall be distributed or sold in accordance with the conditions of registration.

Background

- In order to comply with the “Regulations relating to agricultural remedies” of 25 August 2023, all agricultural remedies deemed to be ‘restricted agricultural remedies’ in circulation must urgently be labelled according to the newly approved labels containing the relevant restriction statements.
 - o The relevant text from the regulation referring to restricted agricultural remedies is included in Annex 1 of this document
- The deadline to submit labels of restricted agricultural remedies to DALRRD for inclusion of restriction statements was 31 October 2024.
- Going forward, all restricted agricultural remedies must include restriction statements as per the approved restricted agricultural remedy label.
- It is important to note that the final process for the re-labelling of inventory already in the value chain was only recently finalised with DALRRD and CropLife SA members were only informed of the process in a CropLife SA bulk mail to all members dated 27 November 2024.
 - o This means that the process of ensuring all inventory of restricted agricultural remedies already in the value chain is still ongoing, whilst any new inventory entering the value chain must already comply with the new regulation.

Path forward

- Where possible, old labels must be removed and replaced with the newly approved label containing the relevant restriction statement.
- Where replacement of the current approved label is not feasible (as the inventory has left the control of the registration holder or the product is imported with the label already affixed to the product), registration holders may submit a request to the Registrar to grant permission for over stickers containing restriction statements to be placed on the stock already in circulation.
 - o Seeing as a label of an agricultural remedy must be approved by the Registrar, the inclusion of such a sticker will only be possible where the label containing the restriction statement has already been approved by the Registrar.

- A copy of the approved label containing the restriction statement must accompany the request.
- If the label of the remedy has not yet been approved with the restriction statement, a sticker containing the restriction statement cannot be affixed to the product.
- Any stickers to be affixed on agricultural remedy labels, must also be approved by the Registrar
 - Therefore, the design or actual sticker must accompany the request to the Registrar.
 - Stickers must conform to the requirements stipulated in the “Guideline for the labelling of restricted agricultural remedies”.
 - The restriction statement must be in accordance with the statement on the label approved by the Registrar.
- Registration holders must include in their request the reasons as to why a sticker containing the restriction statement is used instead of the new approved label.
 - Registration holders must provide the relative quantities of each restricted remedy that will require a sticker and a timeline for when these stickers will be replaced with the newly approved label.

VERY IMPORTANT

- The inclusion of restriction statements as stickers is an interim solution for stock already in the distribution channel.
- All new remedies entering the supply chain must comply with the Regulations and contain the new approved agricultural remedy label containing the relevant restriction statement and updated SDS.
- Remedies that are labelled as “restricted” cannot be sold to someone who is not registered as a pest control operator in the relevant field of qualification.
 - To ensure sufficient individuals get registered as pest control operators in the field of “agriculture and forestry”, affected stakeholders are urged to submit applications for this purpose as a matter of urgency
 - the office of the Registrar has agreed that the evaluation of PCO registrations will be prioritised

The CropLife SA regulatory team is available for any questions.

Annexure 1: Text from Annexure A of the “*Regulations relating to agricultural remedies*” of 25 August 2023, referring to ‘restricted agricultural remedies’

3. Restricted agricultural remedy

- Agricultural remedy formulations fulfil the restricted agricultural remedy criteria when such agricultural remedy has one or more of the following characteristics:
 - (i) Criterion 1: agricultural remedy formulations that meet the criteria of classes Ia or Ib of the WHO Recommended Classification of Pesticides by Hazard or;
 - (ii) Criterion 2: agricultural remedy formulation that meets the criteria of acute toxicity categories 1 or 2 of the GHS;
 - (iii) Criterion 3: Agricultural Remedy active ingredients and formulations listed by the Rotterdam Convention in Its Annex III; and
 - (iv) Criterion 4: agricultural remedy active ingredients and formulations that have shown a high incidence of severe or irreversible adverse effects on human health or the environment.