REGULATORY FRAMEWORK FOR PESTICIDES IN SOUTH AFRICA

Jonathan Mudzunga
Department of Agriculture, Forestry and Fisheries
LAYOUT OF THE PRESENTATION

- Introduction
- Legislative framework on the regulation of pesticides
- Mandate of the department
- Roles and responsibilities of daff
- Scientific evaluation and approval pesticide product
- Review of pesticides
- Compliance and enforcement
- Contribution to market access
- Conclusion
INTRODUCTION

- Pesticides include a wide range of products for the control of weeds, insects, algae, and fungal pathogens. They are widely used in agriculture sector, households and are also in human health for protecting against disease vectors such as mosquitoes.

- Increased food production will be needed to keep pace with growing population. Pesticides are an indispensable tool to ensure human health, food production, food safety and food security.
LEGISLATIVE FRAMEWORK ON THE REGULATION OF PESTICIDES

- Access to and use pesticides is regulated by the DAFF in partnership with other government departments.

- The DAFF regulates the manufacture, distribution, sales, use and advertisement of pesticides. It derives this mandate from the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

- Pesticides have been regulated in South Africa for the past 63 years by the Department and to date about 9000 pesticide products.
The DAFF administers the legislation in partnership with other government Departments:

- Section 24 of the Constitution of the Republic of South Africa, Act No. 108 of 1996),
- Medicines and Related Substances Control Act, 1965 (Act 101 of 1965),
- Hazardous Substances Act, 1973 (Act 15 of 1973);
- The Foodstuffs, Cosmetics and Disinfectants Act (FCDA), 1972 (Act No. 54 of 1972).
- The Occupational Health and Safety Act (OHSA), 1993 (Act No. 85 of 1993)
LEGISLATIVE FRAMEWORK ON THE REGULATION OF PESTICIDES CONT.

• Agricultural Pest Act, 1983 (Act No 36 of 1983); and
• International obligation and agreements:

  ✓ Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticide in international trade;
  ✓ Montreal Protocol on Substances that Deplete the Ozone Layer;
  ✓ Stockholm Convention on Persistent Organic Pollutants (POPs); and
  ✓ Globally Harmonised System (GHS) of Classification and Labelling of Chemicals
In terms of section 3(2)(a) of Act 36 of 1947, with inputs from other government departments, DAFF’s ensure, through rigorous science based risk assessment that pesticides are:

- safe for human health and the environment;
- efficacious; they do the job they are supposed to do properly labelled; and
- not negatively affect trade.
ROLES AND RESPONSIBILITIES OF THE DAFF

- The DAFF is responsible for the regulation of pesticides to ensure the protection of the health and safety of people, animals and crops, the environment, and trade. It does this through:
  
  • Evidence-based scientific evaluation and approval of pesticides;
  • The review of certain pesticides of concern to ensure that they continue to meet contemporary standards, and
  • Monitoring, compliance and enforcement.
During the approval of a pesticides, the DAFF undertakes an assessment to determine whether it can be satisfied that the use of the products will not have a harmful effect on human health, the environment, effectiveness and trade.

Assessments can be complex and lengthy (some may take up to 24 months to complete) and will take into account a wide range of scientific data and information.
SCIENTIFIC EVALUATION AND APPROVAL
PESTICIDE PRODUCT Cont.

- In its assessments the Registrar routinely seeks the advice of other government departments such as the DWAF, DoH, DEA, and other independent experts/academic as well as other research institutions.

- It is on the basis of the advice that the DAFF decides either to grant the application where is satisfied that the product meets the criteria for registration or to refuse the application.

- If registered, the pesticides product may then be legally sold and used in South Africa.
REVIEW OF PESTICIDES

- The DAFF can reconsider the approval of active constituents and/or the approval of labels when new research or evidence has raised concerns about the use or safety of a particular chemical, a product or its label.

- The basis for the reconsideration is whether the DAFF is satisfied that continued use of pesticides in accordance with the instructions for their use:
  - Would not be likely have an unintended effect that is harmful to animals, plants or to the environment.
REVIEW OF PESTICIDES Cont.

- The review process draws on specialist advice from within the DAFF and from its regulatory partners and includes extensive consultation with the chemical industry, users and the general public.

- Depending on the review’s findings, the products containing them might:
  
  • be confirmed as safe and appropriate for registered use;
  • be restricted in use, including by making label amendments to limit the situations in which product/s may be used, or
  • have its registration suspended pending specific action or cancelled or be withdrawn voluntarily from the market.
COMPLIANCE AND ENFORCEMENT

- Compliance action involves the assessment of risk and the application of appropriate enforcement responses to breaches of the Act. The DAFF employs two distinct strategies to ensure that products comply with the Act. They are:
  - Prevention—aimed at promoting greater awareness and understanding of registration and compliance requirements.
  - Monitoring and enforcement—the DAFF actively investigates alleged breaches and implements risk-based enforcement strategies, such as recalls, negotiation settlements, warnings and criminal prosecution.
CONTRIBUTION TO MARKET ACCESS

- Predictability of registration process, reliability – consistent criteria, data protection, aligned data requirements with international standards, as well as appropriate enforcement mechanism of the legislative framework provided the country to have a vibrant global competitive pesticide industry.

- Maintenance of existing international market and creation of new market of about two-thirds of South Africa’s agricultural fresh fruit products is largely attributed to the robustness of the regulatory framework.
CONCLUSION

- Regulation provides assurance, that pesticide products are safe for human health and the environment, product will be effective and will not adversely affect South Africa’s ability to trade agricultural produce.

- In 1947, when the current Act 36 of 1947 legislation was enacted, the success and effectiveness of the framework largely depends on partnership with other government departments.

- The meet the Johannesburg Implementation Plan and the SAICMs 2020 goal of minimising the adverse effect of chemicals on humans and the environment, the partnership need to be strengthen.
THANK YOU FOR YOUR ATTENTION

Jonathan Maluta Mudzunga
Registrar: Act 36 of 1947
Tel. Number 012 319 7303
Email Address: MalutaM@daff.gov.za
Department of Agriculture, Forestry and Fisheries