

## DEPARTMENT OF AGRICULTURE

### FERTILIZER, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (ACT No. 36 OF 1947)

#### 1. Definitions

Words and phrases in these regulations shall have the meaning assigned hereto in the Act, and unless the context otherwise indicates:

**"the Act"** means the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No 36 of 1947);

**"Aerial application registration"** means the registration for the application of agricultural remedies from helicopters or fixed-wing aircraft to manage weeds, insects and diseases associated with agricultural or forestry production and environmental health concerns-

**"Agriculture and Forestry registration"** means the registration for the management of pests associated with agricultural production and forestry production.

**"Fumigation registration"** means the registration for the management of pest in stored products, marine; soil, structures, furniture or pallets.

**"Grace period"** means the calendar month after the closing date for the renewals within which the applicants are still allowed to submit the renewals applications subject to the payment of the late registration fee additional to the normal renewal application fee.

**"Industrial Vegetation and Noxious Weeds, invasive plants and alien vegetation registration"** means the registration for the management of weeds on industrial land, roads, power lines, railways and pipeline right-of-ways; including the control of weeds designated as noxious on private or public land.

**"Landscape registration"** means the registration for the management of insects, diseases and weeds of gardens, ornamental plantings and turf.

“**Structural pest control registration**” means the registration for the management of health and nuisance pests (e.g. cockroaches, fleas, crickets, and other household pests) associated with buildings, including all public buildings or private buildings.

“**Wood Preservation registration**” means the registration for the management of wood destroying pests (e.g., termites and other wood destroying pests) in poles and timbers. “**Wood Preservation**” includes Pole Treatment.

Wood Destroying Insects and Organisms inspector registration: means the registration for inspection of timber in structures including furniture etc and the recommendation for treatment of such infested timbers for the purpose of preserving the timbers.

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“**pest control operator**” means a person who is registered in terms of section 3(2) (c) of the Act;

~~“for reward” means that a person includes any employee that has been tasked has been hired to do pest control for monetary consideration and it excludes an employee who perform pest control for his employer in the employer’s property (not for hire) using any agricultural remedies where public health interests are at stake which includes but is not limited to for example guest houses, lodges and other commercial or industrial premises. Provided any employee who handles restricted use agricultural remedies without the direct supervision of a registered pest control operator must be registered as a pest control operator.~~

“**supervision**” means that a registered pest control operator must be physically present at the time and place where agricultural remedies are applied;

## PART 1

### REGISTRATION

#### 2. Application for registration of pest control operators

(1) An application in terms of Section 3 (1) of the Act for the registration of a pest control operator shall be submitted to the Registrar on a prescribed application form.

(2) Such application shall:

- (a) be made by a person who is resident in the Republic with a minimum of a work permit and who complies with the requirements referred to in paragraph (c);
- (b) be made by a person who is at least 18 years of age.
- (c) made by a person who:
  - (i) has at attained appropriate educational level of a minimum level 2 SAQA qualification, ~~or has successfully based on -passed~~ a relevant skills course, which is accredited by AgriSETA or SETA or has a ~~minimum- achieved a~~ level 4 SAQA qualification, which is accredited by relevant SETA in one or more of the following fields:

(aa) Fumigation ( Should be four in two categories)

- a. Structural Fumigation for buildings ISPN 15,
- b. Marine – for fumigation of vessels,
- c. Soil Fumigation,
- d. Store Products,

~~(aa)~~e.

- (bb) Aerial application
- (cc) Agriculture and Forestry
- (dd) Industrial Vegetation and Noxious Weeds
- (ee) Landscape

(ff) ~~(ff)~~ Wood Preservation, Including Pole Treatment:

Wood Destroying Organism Inspector: ( Please refer to definitions- this categorie is important as these people are recommending the use of registered chemicals.)

(gg) Structural

(~~ff~~)(hh) Termite Proofing: ( this is a specialty field that is currently widely abused and due to the persistence of these chemicals the consequences can be dire.)

(~~ii~~)(~~h~~) any other relevant specialization;

- (d) The application must be accompanied by the following:
  - (i) applicable application fee as prescribed from time to time.

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- (ii) certificate on any a relevant SAQA qualification from a relevant SETA accredited service provider on the abovementioned fields;
- (iii) a diploma/degree in biological field such as Entomology, Pathology, Crop Protection, Weed Science, or any relevant qualification.
- (iv) proof of practical experience i.e. at least six months for the fields (bb) – (hh) and twelve months for the field (aa) practical experience. ~~(scrap)A person with the abovementioned degree or diploma may be exempted from the requirement of practical experience depending on prior expertise in the relevant field.~~

The abovementioned experience must be under the supervision of the registered pest control operator in the field concerned. Experience must be documented by the applicant and the attendant supervising PCO and signed off by both on the prescribed proof of experience form.

- (v) any other documents relating to the skill of the applicant concerned in the administration of agricultural remedies and the handling of the appropriate apparatus.

Provided that the applicants for aerial application licenses (pilot) must first meet all requirements of the South African Aviation Authority to operate the equipment described in all application.

### 3. Approval or Refusal of Applications

(1) The Registrar may after evaluation of the application for registration as a pest control operator, approve or reject such application.

(2) If the Registrar approves the abovementioned application, he ~~will~~ shall issue the applicant with a registration certificate within 31 days of the approval.

(3) If the Registrar rejects the abovementioned application, he ~~will~~ shall provide the applicant with reasons for his decision within 31 days. In this regard, the applicant may in terms of regulation 8, appeal against the decision of the Registrar.

### 4. Period of registration

(1) Subject to the provisions of section 4 of the Act, registration for pest control operator shall be valid for a period of three years.

(2) The Registrar may if it is in the public interest, approve a particular application for registration for a shorter period of validity as may be indicated on the certificate of registration concerned.

## 5. Renewal of registration

(1) Registrations of pest control operators will be renewed every third year.

(2) An application for the renewal of the registration shall be submitted to the registrar on a prescribed form for that purpose or on a clearly legible facsimile thereof.

(3) Such application shall be:

(a) made by a person who is a registered pest control operator.

(b) accompanied by:

- (i) a certified ~~the~~ copy of the registration certificate of applicant;
- (ii) the applicable application fee;
- (iii) the medical form duly completed by registered occupational health practitioner (s) or registered medical practitioner; ( form to be approved by industry)
- (iv) proof of continual education training ~~and/or information obtained with regard to safety issues~~ on the usage of agricultural remedies including safty;
- (v) ~~copies of records to be kept by a registered pest control operator as prescribed in regulation 13. Scrap as this is not practically possible. Spot checks can be done.)~~

(4) The closing dates for the submission of renewal applications are the 31<sup>st</sup> March, 30<sup>th</sup> April, 31<sup>st</sup> May, 30<sup>th</sup> June, 31<sup>st</sup> July or 30<sup>th</sup> August depending on the first alphabetical letter of the applicants' surname as indicated below:

(a) March- A; B; C; D;

(b) April – E; F; G; H;

- (c) May – I; J; K; L;
- (d) June- M; N; O; P;
- (e) July- Q; R; S; T; U;
- (f) August- V; W; X ;Y ;Z.

(5) An application made in terms of regulation 5(2) which:

- (a) is received by the Registrar after the closing dates as indicated in [subregulationsub regulation](#) 5 (4) above, shall be considered only if the applicable application fee is also be accompanied by the applicable additional late application fee or
- (b) is received by the Registrar after the grace period, shall not be considered and therefore the registration concerned shall lapse. The pest control operator whose registration has lapsed in terms of this paragraph must make a new application for registration to the Registrar for his consideration. However, the fact that such pest controller had previous registration does not guarantee that such application will again be acceptable for registration.

## 6. Refusal, Revocation, and Suspension of Registration.

A registered pest control operator may have his application for renewal refused, or his registration revoked, or suspended by the Registrar for any of the following:

- (a) failure to adequately supervise the use of a agricultural remedies;
- (b) failure to comply with any applicable provision of these regulations;
- (c) making any false or fraudulent record or report;
- (d) failure to apply agricultural remedies according to label registrations;
- (e) using banned substances or [deregistered or](#) unregistered products;
- (f) mixing of cocktails of any nature other than the registered and approved mixes;
- (g) failure to comply with the Occupational Health and Safety Act [OHSA], 1993 (Act No. 85 of 1993) and Hazardous Chemicals Substances Act; 1973 (Act No. 15 of 1973) or

- (h) failure to issue treatment notice prior to application of agricultural remedies and also keeping records.

## **7. Return of certificate of registration**

A certificate of registration which is returned in terms of section 4A (3) of the Act shall reach the Registrar;

- (a) within 14 days of the date on which:
  - (i) the person to whom the certificate of registration in question was issued, was notified in terms of section 5 of the Act in writing of the reasons for the cancellation of such registration; or
  - (ii) the registration of a pest control operator concerned has lapsed in terms of section 4A (2A) or (2B) of the Act, as the case may be.

## **8. Submission of appeals**

(1) An appeal in terms of section 6 of the Act shall be submitted to the Director-General: Agriculture; Forestry and Fisheries within 60 days of date of which the reasons for the decision against which is appealed, were furnished in terms of section 5 of the Act.

(2) Such appeal shall:

- (a) be in the form of a written statement which is sworn to or attested by a commissioner of oath;
- (b) state the reference number and date of the document by means of which such applicant or person was notified of that decision;
- (c) state the grounds on which the appeal is based;
- (d) be accompanied by the documents relating to the subject of the appeal and;
- (e) be accompanied by the applicable fee.

(3) If such appeal is submitted by a person other than the person against whom the decision has been made, such appeal shall be accompanied by a statement in which the person concerned discloses his interest in that decision or action.

(4) The amount referred to in subregulation (2) (e) shall be paid by cheque, postal order or money order made out in favour of the Director-General: Agriculture, Forestry and Fisheries: Provided that if the appeal concerned is delivered by hand, such amount may be paid in cash.

### **9. Address for submission of appeals**

An appeal referred to in regulation 8(1) shall:

- (a) when forwarded by post, be addressed to the Director-General, Department of Agriculture, Forestry and Fisheries, Private Bag x343, Pretoria 0001; and
- (b) when delivered by hand, be delivered to the Director-General, Department of Agriculture, Forestry and Fisheries, Agriculture Place, 20 Beatrix Street, Pretoria.

## **PART II**

### **PEST CONTROL OPERATORS**

#### **10. Skills**

- (1) A pest control professional shall be skilled in the following areas:
  - (a) Appropriate procedures for the application of agricultural remedies including but not limited to the following:

- (i) knowledge of various formulations of agricultural remedies and proper methods of application;
  - (ii) the relationship of agricultural remedies application to proper use, unnecessary use, and misuse;
  - (iii) knowledge of the calibration of ~~sprayers-~~ application equipment.
- (b) Label and labelling comprehension, including but not limited to the following:
- (i) the general format and terminology of agricultural remedies labels and labelling;
  - (ii) understanding instructions, classifications, warnings terms, symbols, and other information commonly appearing on agricultural remedies labels;
  - (iii) understanding the requirements of agricultural remedies use consistent with the label including the of recommended doses given on the label.
- (c) Pest identification and pest management, including but not limited to the following:
- (i) knowledge of general insect ,disease, and weed characteristics used for identification;
  - (ii) integrated pest management and its techniques
- (d) Safety factors including but not limited to the following:
- (i) agricultural remedies toxicity and common routes of exposure;
  - (ii) precautions necessary to prevent injury to applicators and other individuals, including the appropriate use of protective clothing and equipment;
  - (iii) symptoms of agricultural remedies poisoning;
  - (iv) first aid and means of obtaining emergency medical treatment in case of an accident.
- (e) The potential environmental consequences of the use and misuse of agricultural remedies as they may be influenced by such factors as environmental fate of agricultural remedies and their effect on non-target organisms.
- (f) Applicable bylaws and national laws and regulations.

(2) The Registrar may request a pest control operator to do a test at the time and place which he may determine to ascertain the following:

- (a) whether such pest control operator has the skill as contemplated in subregulation (1); and
- (b) whether the knowledge of the applicable provisions of the Act and of the applicable codes of practice for the use of agricultural remedies, as compiled by the South African Bureau of Standards, is sufficient to be in the public interest for applicant be registered.

## **11 Application of Agricultural Remedies**

(1) The pest control operator must issue a treatment notice before applying any agricultural remedies. A pre - treatment notice must contain all of the following information:

- (a) a description of the area to be treated;
- (b) name of the targeted pest;
- (c) name of the agricultural remedies to be used, its active ingredient(s) and its registration number;
- (d) proposed date and start time, and proposed alternate dates and times, of the agricultural remedies use;
- (e) name and registration number of the pest control operator and a phone number at which the pest control operator can be reached for more information about the proposed agricultural remedies use;
- (f) the hazards associated with agricultural remedies intended to be used; and
- (g) precautions that should be taken to minimize exposure to agricultural remedies or its residues, including a statement that indicates the period following the use during which people should not enter the treated area (re-entry period); and if fruit-bearing trees or other food crops are treated, the number of days before food can be harvested safely.

(2) A pest control operator must provide the abovementioned treatment notice at least 72 hours prior to a proposed agricultural remedies use in the case of a & b below-

- (a) For fumigation and wood preservation, the pre - treatment notice must be given to the occupants of the living accommodations (including the owner or manager of the building) in case.
- (b) For Aerial application; Agriculture and Forestry, Industrial Vegetation and Noxious Weeds; and Landscape; the pre - treatment notice must be given to the occupants adjacent (within five kilometer radius) to the treated area such as schools, other public areas and residential area.

(3) In case of 11.(2) a & b (above) a A treatment notice must be in the format of a sign of at least 550 cm<sup>2</sup> in size (a letter size sheet of paper). The sign must:

- (a) be constructed of water resistant material if the notice may be exposed to water,
- (b) be in type or letters that are clearly legible to a person approaching the treatment area;
- (c) contain a cautionary symbol (such as a stop sign or raised hand) that will draw the attention of a person approaching the treatment area; and
- (d) display, in bold block letters, the words **“NOTICE OF AGRICULTURAL REMEDIES USE”**

(4) Treatment notices must be posted so that the notice is clearly visible and will provide notice of the agricultural remedies use to any person approaching the treatment area and must not be removed by the pest control operator for 48 hours after the agricultural remedies use.

(5) ~~Scrap ( as contradictory )In the case of the notice furnished verbally, such notice must be confirmed in writing within three days after the administration. Such confirmation must be done in accordance with sub regulation 1 above.~~

(6) The pest control operator must ensure that agricultural remedies are used (including the use in the workplace) in accordance with approved label and with good application practice. Such

agricultural remedies must be registered in terms of the Act and labelled by the manufacturer as required by the Act.

(7) The pest control operator must have ~~make readily available to workers~~ the Material Safety Data Sheet (MSDS) ~~or its written equivalent~~ for all agricultural remedies used on site at the workplace.

(8) The pest control operator must ensure that equipment used to mix, load or apply agricultural remedies is:

(a) calibrated to apply the agricultural remedy according to label instructions.

(a) constructed of materials which are chemically compatible with the agricultural remedies in use if contact with the agricultural remedies is likely to occur;

(b) operated only by trained persons;

(c) used in accordance with instructions from the agricultural remedies supplier;

(d) maintained in a safe operating condition;

(e) cleaned, repaired and maintained by workers who have been adequately instructed in safe work procedures; and

(f) in a safe condition before maintenance or repair work is carried out, including especially during welding operations.

(9) The pest control operator must ensure safe application of agricultural remedies. In this regard, the pest control operator must ensure that:

(a) agricultural remedies are applied in a manner that controls the risk of adverse health effect or injury to any person;

(b) before agricultural remedies are applied, all workers in the area that is to be treated and who are not required for the application of agricultural remedies are moved to a safe location; and

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- (c) if practicable, the schedule for the agricultural remedies application in a building is at the time when the building is unoccupied.

(10) Before using ~~any agricultural remedy in a public place, Extremely Hazardous (class 1a, Red Band Product), Highly Hazardous (class 1b Red Band Product) and moderately Hazardous (class 11, Yellow Band product) agricultural remedies is applied~~ the pest control operator must ensure that:

- (a) warning signs are visibly posted at normal points of worker entry to the area to be treated, and
- (b) if agricultural remedies are applied in an enclosed space, all entrances to the space are secured to prevent unauthorized persons from entering.

(11) A pest control operator must ensure that all reasonable precautions are taken to prevent the drift or spread of agricultural remedies from a treated area. If agricultural remedies under the control of an pest control operator has drifted or spread to a non-targeted area, the pest control operator must:

- (a) notify the adjacent occupants of the following:
  - (i) identity of the agricultural remedies,
  - (ii) nature of its harmful characteristics, and
  - (iii) precautions required for the safety of people, environment or crops.
- (b) in the case of the drift, take all reasonable steps to
  - (i) identify the agricultural remedies and advise any persons who may be exposed to it of the nature of the agricultural remedies, its harmful characteristics and the precautions required for safety, and
  - (ii) ensure that any hazards to persons from exposure to the agricultural remedies are eliminated or controlled.

(12) A person who use agricultural remedies must stores and dispose such agricultural remedies in a manner that minimizes hazards to human health and the environment and in accordance with the requirements of the *Handling, Storage and Disposal of Agricultural remedies (SANS 10260: 2007)*.

## 12 Responsibilities of pest control operators

- (1) A registered pest control operator who functions in a supervisory role shall be responsible for the actions of a ~~pest control operator~~ applicator (s) under his/her instruction or management.
- (2) The registered pest control operator shall be physically present to supervise the application of agricultural remedies by an ~~unregistered pest control operator~~ applicator (s)
- (3) The pest control operator must:
  - (a) know about applicable safe use requirements specified in regulations and on the agricultural remedies labeling;
  - (b) ensure that person working under his supervision is 18 years of age or over;
  - (c) inform the people working under his supervision, in a language such person understands, of the following:
    - (i) the specific agricultural remedies being used,
    - (ii) agricultural remedies safety hazards,
    - (iii) the personal protective equipment and other equipment to be used,
    - (iv) work procedures to be followed,
    - (v) agricultural remedies safety regulations applicable to all activities they may perform;
    - (vi) provide a safe work place for people under his supervision and require employees to follow safe work practices; and
    - (vii) take all reasonable measures to assure that employees handle and use agricultural remedies in accordance with the requirements of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and agricultural remedies product label.

## 13 Records to be kept

- (1) A registered pest control operator or business which instructs a pest control operator to administer an agricultural remedy shall in respect of each separate administration of an agricultural remedy, keep comprehensive records of:

- (a) the name and address of the owner or person in charge of the place where agricultural remedies was administered;
- (b) The name and registration number of the pest control operator who used or supervised the use of the agricultural remedies
- (c) the place where such administration was performed including the physical address of such place;
- (d) the size, expressed in cubic metres, square metres or hectares, as the case may be, of such a place;
- (e) trade name of agricultural remedies used with L registration number;
- (f) the purpose for which such place was treated and, if applicable, the crop grown thereon or the commodity kept therein at the time of the administration concerned;
- (g) the approximate extent to which the place, crop or commodity was infected with the pest concerned at the time of the administration concerned;
- (h) the date and time on which the administration concerned was done;
- (i) for each agricultural remedy used, the method and rate of application and total the quantity used;
- (j) measures taken to prevent exposures to non - target areas;
- (k) the type of apparatus used for the administration concerned;
- (l) advice given to the owner or manager of the treatment area, including safe re-entry time, the number of days before a crop can be harvested safely (where applicable), and any additional precautions that should be taken to minimize exposure to the agricultural remedies;
- (m) the particulars of which the owner or person referred to in paragraph (a) was notified in terms of section 10 (1) of the Act: Provided that a copy of the written

notice referred to in section 10 (2) of the Act may be attached to the particulars to be recorded in terms of this subregulation; and

- (n) if applicable:
  - (i) any spillage of the agricultural remedies concerned which occurred during the administration concerned;
  - (ii) any case of poisoning of a person or animal resulting from the administration concerned; and
  - (iii) any complaint received in connection with the administration concerned.

(2) The documents in which the particulars referred to in subregulation (1) are recorded, shall be preserved at the address of the registered pest control operator or business referred to in subregulation (1), or at such other place as may on application be approved by the Registrar, for at least two years after the day on which the administration concerned was made for general pest control and 5 years or the period of guarantee expressed on a guarantee certificate for termite proofing: Provided that if a complaint was received in connection with such administration, the records in respect thereof shall not be destroyed within two years after the date of such complaint.

### **PART III**

#### **GENERAL**

##### **14. Offences and penalties**

Any person who refuses or fails to comply with the provisions of these regulations shall be guilty of an offence and liable on conviction to a fine or imprisonment or to both such fine and imprisonment as per section 18 of the Act.

##### **15. Payment of fees**

(1) The postage on and delivery costs of any application or document submitted in terms of these regulations, as well as on or of anything else pertaining thereto, shall be paid by the applicant.

(2) Any fee payable in terms of these regulations shall be paid by means of a cheque, postal or money order made out in favour of the Director-General: Agriculture, Forestry and Fisheries or electronic transfer: Provided that if such fee is delivered by hand, it may be paid in cash.

For electronic payments, the applicant must use one of the following reference numbers together with the applicant's full names and registration number where applicable:

- (a) 16 PC 1 for new applications;
- (b) 16 PC 2 for renewal applications; and
- (c) 16 PC 1 for duplicate certificates

(3) Fees which are paid in terms of these regulations shall subject to section 6 of the Act, not be refundable.

#### **16. Address for submission of documents**

Any application or document or anything else pertaining thereto, which is required in terms of these regulations to be submitted to the Registrar shall:

- (a) when forwarded by post, be addressed to;  
The Registrar: Act No. 36 of 1947, Private Bag X343, Pretoria, 0001.
- (b) when delivered by hand; be delivered to:  
The Registrar: Act No 36 of 1947, 20 Beatrix Street, Agricultural Place,  
Room LA GF - 08