

AMENDMENT OF FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (ACT No. 36 OF 1947)

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REGISTRAR: ACT 36 OF 1947



**agriculture,
forestry & fisheries**

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

INTRODUCTION

- Fertilizers are regulated under the fertilizers regulatory framework.
- Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947) require that **all** fertilizers and supplements that are imported into or sold in South Africa be registered and properly labelled and be safe with respect to human, animal or plant health.



INTRODUCTION Cont.

- The key elements of the fertilizers regulatory framework include pre-market assessment and registration, as well as marketplace monitoring to verify product compliance with safety and labelling requirements.
- Under the current legislative framework, **all fertilizers** are subject to registration and require a comprehensive pre-market assessment prior to their import or sale in South Africa. **No fertilizer products are exempted from registration**



ISSUES

- Pre-market regulatory oversight is not adequately aligned with the risk profile of fertilizer products, and fertilizers and supplements with a well-established history of safe use continue to require registration prior to commercialization. This impedes access of South Africa agricultural producers, growers and consumers to fertilizers and results in delays in getting a product to market.
- The framework lack flexibility and contain prescriptive requirements that add an unnecessary burden on regulated parties.



ISSUES Cont.

- The legislative framework do not reflect modern science, advances in manufacturing practices, industry trends, international norms, or emerging risks.
- The DAFF resources and adherence to service delivery standards are challenged by pressure and workloads associated with increased numbers and complexity of submissions for individual product registration.



REVIEW OF ACT 36 OF 1947

- Since the early 2000's, as part of its modernization of the regulatory framework, DAFF has undertaken a review of its fertilizer regulatory framework as part of fulfilling its core mandate to:
 - Ensure food security and safety;
 - Provide the appropriate level of government oversight;
 - Deliver services more consistently; and
 - Integrate changes in science and technology.



OBJECTIVES OF THE PROPOSED AMENDMENTS

- Introduce a risk-based approach to support innovation and expedite time to market for safe fertilizers while maintaining high product safety standards.
- Reduce the regulatory and administrative burden on regulated parties by exempting certain products, registration of raw materials.



PROPOSED AMENDMENTS

- The DAFF is proposing the regulatory model undergo a shift in focus, whereby the regulations would require the licensing of facility and pre-authorization of raw materials used in the final products.
- The premise for the licensing facilities and raw materials options could seek multiple final product approval through an expedited process, as an **alternative** to individual product registration.
- Provides for exemption of certain products with a well-established history of safety.



Benefits and Costs

- Provides a streamlined and expedited approval process for multiple products
- Administrative cost savings and burden due less production registrations and fewer amendments
- Creates a level playing field
- Allows industry to respond to new product business opportunities
- Improve efficiency within DAFF



Benefits and Costs Cont.

- Administrative burden for companies manufacturing a small number of products
- Complexities and increase scope on activities for DAFF's inspection and auditing
- Skills/knowledge/educational gaps with various stakeholders, including the regulated companies, officials, other stakeholders
- Increases complexity for the companies using multiple facilities
- Increase costs for companies that does not yet have appropriate quality managements systems



PROPOSED INSTITUTIONAL ARRANGEMENTS

- Oversight by Government
- Registrar
- Technical Advisor
- Inspectors
- Auditors (new)
- Advisory Committee (new)
- Assignee (new)



Next step

- Consultation
- Make the necessary change on the current proposal
- Conduct regulatory impact assessments
- Legal process
- Cabinet and parliamentary process



THANK YOU



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