NOTICE 498 OF 2006

DEPARTMENT OF AGRICULTURE

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

PUBLICATION OF FARM FEEDS (ANIMAL FEEDS) POLICY FOR PUBLIC COMMENTS

I, Angela Thoko Didiza, Minister of Agriculture hereby publish the farm feeds (animal feeds) policy for comments by the general public. Comments must be submitted in writing within 30 days of publication of this notice to:

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ANNEXUTURE A

DEPARTMENT: AGRICULTURE

SOUTH AFRICAN POLICY ON ANIMAL FEEDS".

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SOUTH AFRICAN POLICY ON ANIMAL FEEDS

1. INTRODUCTION

Animal feed encompasses livestock feeds, feed ingredients, feed additives and pet foods. Livestock feed (farm feeds) refers to the feed intended to supply nutrients for livestock (cattle, sheep, goats, horses, chickens and pigs). Commercial feeds are also manufactured for wild animals, fresh water fish, birds and ostriches. Animal feeds have evolved from a period mainly involved in unprocessed or mixed feeds containing whole grains where the quality of these feeds could be easily assessed by qualitative means to a period where quality can be quantitatively measured.

The industry put a lot of emphasis on improving productivity of livestock, facilitating the availability and distribution of animal feeds, and providing nutritional information to livestock breeders and producers. Over the years the inclusion of production enhancers such as antimicrobials, hormones, proteins of animal origin, minerals, vitamins and other growth promoters into animal feeds has increased markedly. There have been an increasing number of reports from Scientific and Medical Journals regarding the risks posed to human health by the use of these products in animal production. As a result, good agricultural practice from producers in order to ensure food safety has become increasingly important.

The other sector of the animal feed industry is the Pet Food Industry, which deals exclusively with domesticated animals normally maintained as pets. The main household pets in South Africa **(SA)** are dogs and cats. There is no official statistics on the number of pets in this country. The main source of nutrients for dogs and cats are home cooked meals and table snacks with a few of these animals scavenging for food. The lifestyles and food eaten by dogs and cats follow the same pattern as that of human beings which is mainly influenced by socio-economic factors. There is an increased number of commercial pet foods in the animal feed market which are mainly used by affluent individuals. The major role players in the market are international companies; as **a** result, approximately 80% of pet food consumed in SA is imported.

The primary responsibility for registration and regulation of animal feeds in **SA** rests with the Department of Agriculture (DoA) under Act No. 36 of **1947.** Currently, the Act does not address recent issues related to food safety and public health. It is the responsibility of the DoA to ensure that animal feeds and human food are safe, efficacious and among others do not contain residues of drugs, pesticides, environmental contaminants, or micro-organisms that are harmful to the public. In order to address these issues adequate policies and legislation must be developed.

This policy will serve as an information document as well as a guide to support new animal feeds legislation, regulations and guidelines.

2. PROBLEM STATEMENT AND BACKGROUND

The animal feed industry faces various challenges many of which affect the economy of the country. The industry operates in a highly competitive environment that must continuously respond to the new challenges with regard to safety, efficacy and quality of agricultural production inputs. There is no policy to address agricultural production inputs registered under Act No. 36 of 1947 including animal feeds and rendering plants. Animal feeds registered under the Act require a policy that will address these challenges.

2.1 Legislation

The scope of the Act is broad, covering the regulation of Fertilisers, Farm Feeds, Agricultural *Remedies* and ***Stuck Remedies*** *under one act. The Act has been amended* several times, in 1950, 1970, 1972, 1977 and 1980, to accommodate some **of** the developments within the agrochemical industry. The Act is outdated. The current animal feeds regulations are also outdated and do not consider recent developments in agriculture and other Acts which are indirectly involved with the regulation of animal feeds with the exception of the Medicine and Related Substance Control Act, 1965 (Act 101 of 1965);

* Agricultural Product Standards Act (Act 119 of 1990) determines the standards and requirements regarding control of the export of feed products.

* Meat Safety Act, 2000 (Act 40 of 2000), governs the use of safe animal products to be used for human and animal consumption.

* Animal Health Act, 2002 (Act 7 of 2002) provide measures to promote animal health and to control diseases and regulate the importation and exportation of animals and things. This Act will replace Animal Disease Act of 1984 (Act No. 35 of 1984), which currently provides the legislative framework once the President has proclaimed the Animal Health Act.

* National Environmental Management Act, 1998 (Act 107 of 1998) provides for cooperative environmental governance by establishing principles for decision making on matters affecting the environment.

* Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) provides measures for managing activities involving **GMOs**

* The National Environmental: Biodiversity Act, 2004 (Act No. 10 of 2004) provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits from bioprospecting involving indigenous biological resources.

* National Environmental Management Act: Air Quality Act, 2004 (Act No. 39 of 2004) provides for the regulation of air quality in order to protect the environment **by** providing reasonable measures for the prevention of pollution and ecological

degradation and for securing ecologically sustainable development while promoting justifiable economic and social development.

* National Water Act, 1998 (Act No. 36 of 1998) provides for the fundamental reform of the law relating to water resources; to repeal laws; and to prove for matters connected there with.

* Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) provides for the health and safety of persons at work.

Currently, any person who contravenes a provision of the Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding R1000. Also, sentences awarded by courts often have a limited deterrent effect. This makes it difficult to enforce the Act.

2.1.1 Powers of the Registrar

Under the current Act the Registrar is only accountable to the Minister of Agriculture. The Act also make provisions for discretional powers that the Registrar may use without consultation from time to time. This creates a room for the abuse of power and the Act.

2.2 Institution

Efficient and adequate co-ordination is lacking amongst relevant government departments and personnel. There is limited cooperation during the registration process of Agricultural Production Inputs (API). After registration no socio-economic impact studies are conducted to assess their impact on public health, the environment, and also on farming practices. **Also,** there are no effective surveillance systems to ensure compliance with registration requirements. Long-term monitoring programmes and targeted research are essential in order to evaluate these impacts. Without adequate and reliable data, it would be difficult for the Government to assure the public that animal feeds that are currently used are of good quality, effective and do not pose any risk to animals, humans and the environment.

2.3 Animal feed safety

Food safety should be one of the primary objectives of any regulatory authority.

2.3.1 Diseases in animal feeds

Over the years animal feed manufacturers have successfully managed diseases associated with animal feeds. However, lately there has been an increased number of cases of transmittable animal diseases being detected in animal feeds. These diseases are attributed to modern feeding practices such as feeding raw material to animals from the same specie or related species. The modern feeding practices have been developed, based on production and economic benefits. The long term effects of these practices have not been quantified, especially with regards to animal health and food safety issues.

2.3.2 Mycotoxins

There has been an increased number of cases of mycotoxins detection in raw materials used in animal feed and/ or human food, especially grain cereals. The growth, multiplication and subsequent production of mycotoxins are favoured by environmental factors. Controlling environmental factors is extremely difficult if not impractical. Therefore contamination of grain cereals is unavoidable and unpredictable, which makes it a challenge to food safety. Although new mycotoxins are being discovered at high concentrations, few are actually being currently identified as potentially detrimental and posing dangerous effects to both animal and man. Mycotoxins that are considered to be important are the Aflatoxins **(AF),** Deoxinivalenol (DON), Zearalenone **(ZEA),** Ochratoxin (AC) and Fumonisin (F), owing to the fact that they are the most common contaminants in foods and feeds. Furthermore, the negative effects they exert in animals are highly detrimental at low concentrations.

Detecting mycotoxins is very expensive and very difficult. An estimate of the precise and accurate levels of mycotoxins in a large bulk feed is difficult, owing to the large variability associated with test procedures. A representative sample from a whole lot must be obtained by proper sampling procedures. Currently, there are no stringent regulatory and process control systems in place. Animal producers often find themselves with mycotoxin-contaminated grains or feeds. These toxic substances produce a wide range of harmful effects (acute and chronic) in animals. Considerable evidence supports an association between mycotoxins and certain disease syndromes, a condition known as mycotoxicosis. The negative effects of these fungal metabolites range from reduced performance (poor growth, reproduction, egg production), immuno-suppression, causing susceptibility to infectious diseases, to high mortality. These effects will vary on the type of toxin, dosage, duration of exposure, animal species, age of the animal as well as the purpose for which they are kept. Proper management for effective control, detection, quantification and surveillance of mycotoxins is important.

2.3.3 Feed additives

Feed additives are used in animal feeds for a number of different reasons and have different desired effects, depending on the nature of the additive and its intended use. There is an increased concern regarding food safety with the use of certain additives in animal feeds. The problems associated with some of these additives are highlighted below;

2.3.3.1 Antibiotics

Antibiotics have been used in animal health since 1950's. Their use can be either therapeutic (treatment of diseases) or sub-therapeutic (prevention of diseases). The use of sub-therapeutic level of antibiotics in animal feed has been controversial for the past three decades, particularly when the antibiotics used have the same properties as those used in human medicine. There is a concern that the practice may lead to the development of bacterial strains that are resistant to antibiotics that are vital in human medicine, thus compromising therapy. Resistant bacteria can also develop cross-

resistance to other related antibiotics. Additionally, some non-pathogenic resistance bacteria have the ability to transfer resistant genes to pathogenic bacteria. Although antibiotics are used therapeutically to kill bacteria responsible for human and animal diseases, the sub-therapeutic (low levels) used in animal feeds are typically used to improve production of animals, as evidenced by the increased growth rate and conversion of feed into body weight. The sub-therapeutic feeding of antibiotics is a well-established practice in farming. Its usage has kept pace with modern production methods, which involves confining large numbers of animals in a small space. The Union of Concerned Scientists estimates that 7 096 antibiotics are used for this purpose. Antibiotic growth promoters are still intensively used in South Africa to increase production under poor and stressful conditions. In future, should South Africa export more of its livestock products, there will no doubt be increased pressure to ban these products in animal feeds. Currently South Africa has not adopted any position with regard to the use of antibiotics in animal feeds.

2.3.3.2 Growth - promoting hormones

Growth-promoting hormones have been used by the beef industry for over 30 years to improve the animal's ability to more efficiently utilise nutrients and produce leaner beef. Numerous scientific bodies and regulatory agencies have investigated the practice and have concluded that the use of hormones in beef production is safe. Although there are positive reports about the use of hormones, the public has raised concerns about unpublished industry data and lack of procedural transparency in some industries. The main concern on environmental contamination, particularly drinking water from fecal and urinary excretion of hormones by millions of cattle continuously processed through feedlots. Of equal concern is the reported sale of discarded ears of slaughtered cattle containing very high levels of residual hormones to rendering plants for potential uses including animal feed, pet food, and manufacture of gelatin and glycerol for *cosmetics*, foods and pharmaceutical products. Hormones are naturally present in small amounts in all meat, whether from implanted animals or not. In addition, the human body naturally produces hormones in quantities greater than would be consumed by eating beef or any other foodstuff. There is limited information available on the levels of the various metabolites, or breakdown products of hormones. The use of hormones as production enhancers should be quantified.

2.3.4 Non-traditional sources of animal feed ingredients

Following the recent developments in the Global economy, there is an increase in the use of non-traditional sources for animal feed ingredients. The economic and resource conservation benefits for using these products can be substantial. These sources are nutraceutical medicines, herbs, industrial waste and other inorganic supplements. The emergence and development of these products is a dynamic process. Communication on the potential risk and benefits from the use of these products between stakeholders is important.

2.3.5 Labeling of animal feeds

The current regulations on labeling of animal feeds do not offer the consumers the choice to choose products that will meet their need. These regulations focus on the nutrient requirements of the animal and on how the product should be used. Issues of food safety are not adequately addressed.

2.3.6 Rendering plants

Rendering provides an important service to society and animal feed industry by processing animal by-products derived from meat and animal production industries. Without rendering, there will be accumulation of unprocessed animal by products which would impede the meat industry and pose a serious potential hazard to animal and human health. Rendering also kills most of infectious organisms in meat and animal by-products. Rendering process offers safe processed animal proteins for use in animal feeds. The regulation *of* rendering plants in South Africa is governed by Act 36 of 1947 which is not directly involved with the control of diseases.

2.4 Animal Feed waste

Animal feeds are subject to contamination from a wide range of organic and inorganic compounds. These contaminants include pesticides, industrial pollutants, radionuclides and heavy metals, which have a negative impact on the environment when applied incorrectly. There are no national standards for dealing with animal feed waste. Most efforts to control animal feed waste have emphasised a voluntary approach based on the implementation of best management practices instead of regulation.

2.5 Import and export of animal feeds

Currently, the import and export of animal feed products, with the exception of grain cereals for trade in SA is done under Act 36 of 1947. The importation of animal protein and animal by product must first conform to the requirements of the Animal Disease Act 35 of 1984 and all genetically modified orgarnisms (GMO) must first be registered under the Genetically Modified Organisms Act 15 of 1997. Animal feed products must meet certain criteria and conditions as laid down by the regulations or at the discretion of the Registrar of Act 36 of 1947. Imported products must conform to the local standards. In the case where there are no local standards, permission is granted after there has been a preliminary assessment of the product in question. However, the Agricultural Product Standards Act 119 of 1990 makes certain export standards for selected animal feed products. Act 36 of 1947 does not make any reference to these Acts. As a result, import permits that are issued under Act 36 of 1947 do not make reference to any of these Acts. This creates a lot of confusion for enforcers with regard to who has jurisdiction over what, thus resulting in poor enforcement.

2.6 Socio-economic issues

There are a number of socio economic imbalances within the animal feed sector, which need to be addressed.

2.6.1 Participation in the industry

Participation, distribution, availability and utilisation in animal feed industry are skewed. In South Africa, commercial livestock feed is mainly used in the commercial sector under extensive and intensive conditions. In the rural areas of South Africa where nutrition has been shown to be one of the most limiting factors to production and reproduction, supplementary feeding with commercial animal feed is negligible and in most instances used incorrectly. The South African livestock industry is facing a challenge in coping with requirements for supplementary feeding due to low and variability in the mineral content of the soil, and pastures coupled with animal requirements for minerals and total nutrients, especially protein and energy-rich diets.

2.6.2 Animal feed manufacturers

The key issue is that some animal feed manufacturers do not adopt acceptable standards and codes of good agricultural practice in manufacturing, distributing and marketing of animal feeds. Judging from the number of out of court settlements, it means they are knowingly and willingly continuing to breaking the law.

2.6.3 The farming community

The farming community is divided into established and emerging farmers. Infrastructure is in place to support established farmers in animal feeds. However, there is no infrastructure for emerging farmers.

2.6.4 The general public

The majority of people in SA are not aware of the potential threats, danger and impact of misuse and mishandling of products mixed with animal feeds (e.g. feed additives). Technical data and updated information tend to be circulated only within the academic community. Within this context the general public and consumers who are the most vulnerable victims of poisoning and /or contamination and residual effects are not being properly or adequately advised. There is *no* mechanism to educate the public and raise awareness on the safety issues associated with animal feeds.

3. POLICY OBJECTIVES

* Provides an effective and efficient regulatory system that ensures quality and safety of animal feeds.

* Enhances the knowledge of animal feeds and their properties to ensure the availability and proper use of these agents to the public and, in particular, the agricultural sector.

* Ensures that all decisions are based on scientific principles and in the public's interest, taking into account South Africa circumstances.

* Facilitate the development, introduction and availability of animal feeds on the South African market by eliminating distortions and obstacles that may arise from the implementation of unnecessary control measures.

* Provide tools to manage challenges facing industry and related industries in a coordinated and holistic manner.

4. POLICY TO ADDRESS THE PROBLEM

The policy on animal feeds should take into consideration the strategic goals of the Department of Agriculture.

4.1 Legislation

The scope of the current Act is broad. The Act should be repealed in order to effectively address and make provision for proper regulation of agricultural production inputs. The current legislation and regulatory framework in which animal feeds are regulated is inadequate. The legislation should provide for a system that will continuously respond to new developments in animal feed sector in order to make SA globally competitive.

4.1.1 Powers of the Registrar

The powers of the Registrar should be reviewed. The Registrar should not only be accountable to the Minister, but also to a certain body. This will ensure that operational issues are addressed in a sound manner and that decisions taken by the Registrar are in tine with broader government objectives. In cases where the Registrar has to apply his/her discretion, such decisions must be taken in a collective.

4.2 Institution

To achieve departmental service excellence and addressing inadequacies that controls animal feeds, systems and structures that will promote knowledge, information sharing and cooperation between different stakeholders that are involved with animal feeds should be developed.

Manufacturers of drugs, biologics, devices, dietary supplements and animal products should carry out post-registration trials and monitoring of their products and report over a specified period to the registrar.

4.3 Animal feed safety

It is imperative to have a system in place, which will address the root causes of food safety problems including those associated with production, handling and storage.

4.3.1 Diseases In animal feeds

In order to effectively control diseases in animal feeds, animal health and food safety should, where applicable, be the first priorities when assessing a feeding practice. All unconventional future research into animal feed and feeding practices must be monitored and approved by a government-led ethics committee that will represent all stakeholders under a food safety system.

4.3.2 Mycotoxins

Due to widespread nature of fungi in the environment and high stability of their toxins, food contamination by mycotoxins is essentially unavoidable even with good management practices. However, attempts are made so as to inhibit fungal colonisation, prevent toxin production or detoxify them. The most important aspect to control toxin production is through prevention of growth and multiplication of fungi in foods. Several methods have been adopted to prevent fungal colonisation in food commodities in the field prior to harvesting as well as during storage. These measures should be developed and standardised according to regional requirements within the country. It is imperative that the DoA and Department of Health take a leading role in monitoring the concentrations of major five mycotoxins (AF, DON, ZEA, AC & F) in grain cereals and establish a national database so that an early warning system for these toxins can be established. There must be mandatory reporting to these departments where and when these toxins are detected.

4.3.3 Feed additives

In order to ensure food safety and effectively protect environment, animal and human health, feed additives must be grouped and regulated according to their nature and intended use.

4.3.3.1 Antibiotics

Owing to the benefits derived from antibiotics in South Africa, antibiotics that have been through an authorisation procedure should be put on the market, used or processed. Authorisation of new feed antibiotics for inclusion in animal feeds which are not used in human medicine should be for a specific period only. These products should be constantly re-evaluated and re-authorised within a specified period of time.

4.3.3.2 Growth - Promoting Hormones

As a general practice in SA, hormones are not added into animal feeds with few exceptions. However there are hormones that can be directly added to animal feeds which are recommended for use as additives. Government and research institutions must conduct long term studies on the health risk of these hormones. The use of these hormones must be regulated within existing legislation. There must be no registration of

new growth promoting hormones for use in animal feed as feed additives until this matter is resolved with in food safety context.

4.3.4 Non-conventional sources of nutrients

The industries that wish to market the non-traditional sources of animal feed should realise that they are producing a food or feed product and have an obligation to produce a safe and wholesome product. In order to do this the source, the ingredients and the quality of the ingredient used should be considered and they must also ensure that these do not result in products that will cause contamination of the feed, feed ingredient or animal tissue. The technology on processing and application of these products must be regulated in order to address the efficacy and safety factors associated with these products during processing.

4.3.5 Labeling of animal feeds

In order to address issues of food safety and also consumer preferences labeling requirements must be reviewed. There must be specific labeling regulations for products containing specific protein sources, **GMOs,** medication, hormones and other additives. This will enable animal feed consumers to produce specific products that will conform to the requirements of their clients and also improve consumer confidence.

4.3.6 Rendering plants

The core business of rendering plants is to destroy infectious agents which are present in sources of proteins of animal origin used in animal feeds. The responsibility of Act 36 of **1947** is to ensure that products used in animal feeds are suitable for this purpose. However, it is the responsibility of animal health to deal with issues around animal diseases. Therefore, rendering plants must be legislated and regulated under Animal Health.

4.4 Animal Feed waste

Regulations that will describe the practices for using, storing and managing waste from animal feed should be developed. This should result in animal feed waste being handled in an environmentally sound manner.

4.5 Import and export of animal feeds

Legislation on animal feeds must clearly state that no importation or use of products which are controlled under Animal Disease **Act** and Genetically Modified ***Act will be*** permitted in SA, unless there is evidence that the criteria laid down by these Acts have been met. There is no need to set up import standards for animal feeds apart from the local standards as this will hamper product development and use in animal feed sector. However, new products should continuously be evaluated before importation is granted. All import permits issued must **be** for that specific consignment only.

4.6 Socio-economic issues

As a major stakeholder, Government will have to take a leading role in addressing these issues.

4.6.1 Participation in the industry

The strategic plan identifies a number of core and complementary strategies that should be initiated to promote the strategic objective of "equitable access and participation in a globally competitive, profitable and sustainable agricultural sector contributing to a better life for all". The animal feed legislation and the regulations promulgated under that legislation should take the following factors into consideration:

* Promote equitable access of animal feeds for agricultural development by ensuring availability and affordability to all sectors of society and promote black entrants in agriculture.
* Promote sustainable natural resources use and sustainable resource management.
* The requirements of international trade and standards should be addressed in order to enhance global competitiveness by making available animal feeds that are efficacious, safe and of good quality.
* Ensure consumer confidence in agricultural products, safety and efficacy information.
* Input industries. Competition should be promoted whilst ensuring that all registration holders conform to internationally accepted norms and standards. New technologies should be encouraged.

4.6.2 Animal feed manufacturers

In order to address the issue of compliance from animal feed manufacturers, the inspection service must be capacitated with the necessary skills and resources in order to effectively enforce the law within the animal feed regulatory framework.

4.6.3 The farming community

In order to prevent loss of skills, commercial farmers should be supported by various agencies. Government must take a leading role in supporting emerging farmers.

4.6.4 The general public

Mechanisms that will educate the public and raise awareness on the safety issues associated with animal feeds and their proper use should be developed.

5. ORGANISATION AND ADMINISTRATION

The Department of Agriculture will be the primary authority that will regulate registration and control of animal feeds. However, registration procedure and regulatory structure for animal feeds should be changed to handle both product and manufacturer registration.

Also, given the limited human resources within the sub-directorate, this policy considers the possibility of giving local and provincial Governments the legislative mandate to investigate use, sale, and importation of products and also to perform on-site manufacturer inspections.

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10. POLICY OWNER

Food Safety and Quality Assurance Directorate, National Regulatory Services, Department of Agriculture

A. ANNEXURE 1

DEFINITIONS/GLOSSARY OF TERMS

Animal Feed – any raw material or mixed in a proportional manner and intended for consumption by animals. Animal Feed has the same meaning as livestock feed, farm feed or any words of similar connotation.

Antibiotics means any antimicrobials produced by, or derived from a microorganism which destroys or inhibits the growth of other microorganisms.

Feed additives means substances, micro-organisms or preparations, other than feed material and premixtures, which are intentionally added to feed in order to favourably affect the characteristics of feed, animal production, colour of ornamental fish and birds, satisfy nutritional needs of animals, environmental *consequence of* animal production, digestibility of feedingstuffs, gastro-intestinal flora or have coccidiostatic or histomonostatic effect.

Feed ingredient means a product of vegetable or animal origin, in its natural state, fresh or preserved, and a product derived from the industrial processing thereof, and an organic or inorganic substance, whether or not containing additives, which is intended for use *in* oral animal feeding, either directly as such or after processing, in the preparation of animal feeds or as a carrier of premixtures. Feed ingredient has the same meaning as ingredient, raw material, feed material, feedstuff or any words of similar connotation.

Growth hormones are secretions made up of amino acids from the endocrine glands and then sent all over the body to stimulate certain activities.

Mycotoxins are a group of secondary metabolites produced by certain fungi that grow in certain food material in the field and during storage.

Pet ***Food*** means any commercial feed prepared and distributed for consumption by pets.

Pets means domesticated animals normally maintained in or near the household(s) of the owners thereof and are used as companions of man/human beings.

Traceability means the ability to trace and follow a feed product or any substance intended to be, or expected to be incorporated into a feed product through all stages of production, packing, processing, handling and distribution.

B. ANNEXURE 2

ACRONYMS/ABBREVIATIONS

API	Agricultural Production Inputs
DoA	Department of Agriculture
GMO	Genetically Modified Organism
GMP	Good Manufacturing Practice