
GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 154

20 February 2009

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

**PROPOSED REGULATIONS REGARDING THE REGISTRATION OF PEST CONTROL
OPERATORS**

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);

“**health and nuisance pests registration**” means the registration for the control of cockroaches, fleas, rodents, ants and crickets and suchlike;

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

“**subterranean termites in structures registration**” means the registration for the pre and post construction treatments of subterranean termites

“**wood preservation registration**” means the registration for the management of non-fumigation treatments for dry wood termites, wood destroying beetles and fungi.

PART 1

REGISTRATION

Application for registration

2. (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 and who complies with the requirements referred to in subregulation (3);
- (b) be made by a person who is at least 18 years of age.
- (c) made by a person who:
 - (i) has an accredited skills course/qualifications in pest control from a SETA accredited institution in one or more of the following fields:
 - (aa) Aerial application - Advisory or application;
 - (bb) Plant pests and diseases;
 - (cc) Weed control – Agricultural or industrial;
 - (dd) Health and nuisance pests;
 - (ee) Subterranean termites in structures;
 - (ff) Timber preservation in structures-
 - (gg) Fumigation – stored products, marine; soil, structures, furniture or pallets; or
 - (hh) Wood preservation.

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.

In addition to the abovementioned qualifications, the applicant must have at least six months practical experience in the application agricultural remedies in the field in which he wants to be registered. Such experience must be under the direct supervision of the registered pest control operator in the field concerned and must be accompanied by a confirmatory affidavit from the registered pest control operator under whose supervision the applicant has worked. Provided the applicant for fumigation must have at least twelve months practical experience; or

- (ii) has a degree in biological field such as Biology, Entomology, Pathology, Crop Protection, Horticulture, Weed Science, and Agronomy . A person with the mentioned degree may be exempted from the requirement of six months practical experience.
- (d) be accompanied by a medical certificate indicating that the applicant is fit to perform the pest control work in the field he is applying.
- (e) be accompanied by the applicable application fee indicated in paragraph A of Table 1.

Supervision of unregistered pest control operators

- 3 (1) A registered pest control operator who functions in a supervisory role shall be responsible for the actions of an unregistered pest control operator(s) under his instruction or management.
- (2) The registered pest control operator shall be physically present to supervise the application of a agricultural remedies by an unregistered pest control operator(s)

Approval or Refusal of Applications

- 4 (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 issue the applicant with a registration certificate; and
- (3) If the Registrar rejects the abovementioned application, he will provide the applicant with reasons for his decision. In this regard, the applicant may in terms of regulation 7, appeal against the decision of the Registrar.

Period of registration

5. (1) Subject to the provisions of section 4, registration for pest control operator 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.

Renewal of registration

6. (1) An application for the renewal of the registration of a pest control operator shall be submitted to the registrar on a form which is obtainable from the Registrar for that purpose or on a clearly legible facsimile thereof.

(2) Such application shall;

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

(b) be accompanied by;

(i) the certificate of such registration;

(ii) the applicable application fee

(iii) medical certificate

(3) The closing date for the submission of renewal applications is the 30 of June each year.

4 An application made in terms of regulation 6(1) which;

(a) is received by the Registrar after 30 June, but not later than 31 July, 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 31 July, 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 control operator had previous registration does not guarantee that such application will again be acceptable for registration.

Refusal, Revocation, and Suspension of Registration.

7 A qualified applicator a registered pest control operator may have his application refused, or his registration revoked, or suspended by the Registrar for any of the following reasons:

- (a) failure to adequately supervise the use of a agricultural remedies;
- (b) failure to comply with any applicable provision of these regulations;
- (c) application of banned agricultural remedies;
- (d) making any false or fraudulent record or report.
- (e) failure to comply with one of the following conditions:
 - (i) must, while using agricultural remedies, wear protective clothing sufficient to prevent contamination;
 - (ii) keep suitable first aid materials available where agricultural remedies are being used;
 - (iii) not handle or use agricultural remedies in a manner dangerous to the health of any person and environment;
 - (iv) must dispose of any unused agricultural remedies or any container used to hold a agricultural remedies in a manner not likely to endanger the health of any person and environment;
 - (v) must, if a spillage of agricultural remedies occurs, clean and decontaminate the area in which the spillage occurred in a manner approved by the licensing authority;
 - (vi) must submit to such medical examinations to monitor exposure of the pest control operator to agricultural remedies;

Return of certificate of registration

8. A certificate of registration which is returned in terms of section 4(a) (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 4(A) (2a) or (2B) of the Act, as the case may be.

PART II**APPEALS****Submission of appeals**

9. (1) An appeal in terms of section 6 of the Act shall be submitted to the Director-General: Agriculture 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: Provided that if the appeal concerned is delivered by hand, such amount may be paid in cash.

Address for submission of appeals

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

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

PART III

PEST CONTROL OPERATORS

Skills

11. (1) A pest control operator 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.;

- (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.

- (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 nontarget organisms.

- (f) Applicable by-laws 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) the use of agricultural remedies to ascertain 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.

Records to be kept

12. (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 place where such administration was performed including the physical address of such place;
- (c) the size, expressed in cubic metres, square metres or hectares, as the case may be, of such a place;
- (d) trade name of agricultural remedies used with L registration number;
- (e) 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;
- (f) the approximate extent to which the place, crop or commodity was infected with the pest concerned at the time of the administration concerned;

- (g) the date and time on which the administration concerned was done;
- (h) the quantity of agricultural remedy which was used and, if applicable, the rate of dilution in the final mixture which was administered;
- (i) the type of apparatus used for the administration concerned;
- (j) 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
- (k) 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: 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 IV**GENERAL****Offences and penalties**

13. 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.

Payment of fees

14. (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 order or money order made out in favour of the Director-General: Agriculture: Provided that if such fee is delivered by hand, it may be paid in cash.

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

Address for submission of documents

15. 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 LB GF -