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**GOVERNMENT NOTICES • GOEWERMENSKENNISGEWINGS**

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**DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

NO. 3177

23 March 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO. 59 OF 2008)****EXTENDED PRODUCER RESPONSIBILITY SCHEME FOR THE PESTICIDE SECTOR**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 18(1) and (3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the producers of the identified products to implement the specified extended producer responsibility measures, as set out in the Schedule hereto.

**BARBARA DALLAS CREECY****MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

## SCHEDULE

### Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations, 2020, bears that meaning, and unless the context otherwise indicates—

**“consumer”** means any person, category of persons or company who uses pesticides for whatever personal, agricultural, industrial, environmental or professional purposes in whichever environment;

**“container”** means any object used to hold a pesticide containing product, including but not limited to High Density Polyethylene (HDPE), Low Density Polyethylene (LDPE), Polyethylene terephthalate (PET), paper bags, cardboard boxes, polypropylene (PP) bags, tubs and caulking tubes, glass bottles, aluminium canisters, aerosol dispensers and steel drums;

**“Extended Producer Responsibility Regulations, 2020”** means the Regulations published in Government Notice 1184 of Government Gazette 43879 on 5 November 2020;

**“obsolete pesticide”** means any pesticide that is banned, prohibited, abandoned, unwanted, expired, off-specification, left-over, undesired, has been damaged or deteriorated;

**“legacy obsolete pesticides”** means the obsolete pesticides that were put into the market before promulgation of this Notice;

**“pesticide”** means any chemical substance or biological remedy, or any mixture or combination of any substance or remedy intended or offered to be used-

(a) for the destruction, control, repelling, attraction or prevention of any undesired microbe, alga, nematode, fungus, insect, plant, vertebrate, invertebrate, or any product thereof, but excluding any chemical substance, biological remedy or other remedy in so far as it is controlled under the Medicines and Related Substances Control Act, 1965 (Act No 101 of 1965), or

(b) as plant growth regulator, defoliant, desiccant or legume inoculant, and anything which the Minister responsible for Agriculture has by notice in the Gazette declared an agricultural remedy;

**“pesticide co-formulant”** means a non-active component of a formulated pesticide product;

**“registration holder”** means the person to whom a certificate of registration in respect of a particular agricultural remedy has been issued in terms of the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedy Act, 1947 (Act No. 36 of 1947);

**“thermal treatment”** means incineration, co-processing and other high temperature treatment of hazardous and general waste; and

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

### Scope of Notice

2. (1) This Notice applies to the identified products or class of products listed in paragraph 4 and the resulting waste which arises from the use by a consumer or an end user of pesticides and related containers.
- (2) This Notice must be read together with the Extended Producer Responsibility Regulations, 2020.

### Extended Producer Responsibility Measures

3. (1) A producer of the identified products or class of products listed in paragraph 4 below must set up procedures, processes and invest resources to implement the extended producer responsibility measures at the post-consumer stage linked to:
  - (a) collection, storage and transportation of their products;
  - (b) recycling/recycling; and
  - (c) treatment
- (2) A Producer contemplated in subparagraph (1) must establish an Extended Producer Responsibility Scheme in accordance with the provisions of the Extended Producer Responsibility Regulations, 2020 and must comply with these Regulations.

### The identification of a product or class of products whereby Extended Producer Responsibility applies

4. (1) Extended Producer Responsibility will be applicable to the following identified products or class of products:
  - (a) pesticides;
  - (b) pesticide co-formulants; and
  - (c) related containers.

### The targets for each identified waste stream for the products listed in paragraph 4

5. (1) The targets for each identified product or class of products are indicated in Annexure 1 for a period of 5 years from the date of the implementation of the Extended Producer Responsibility Scheme.
- (2) A Producer or the Product Responsibility Organisation, where such organisation has been appointed to implement the Extended Producer Responsibility Scheme, is responsible to comply with the targets set out in Annexure 1 through implementation of the Extended Producer Responsibility Scheme.

## ANNEXURE 1

## COLLECTION

Product	Target (Percentage of material put into the market annually)				
	1	2	3	4	5
Year after promulgation of Notice					
Obsolete pesticides/co-formulant	0.05%	0.10%	0.125%	0.125%	0.125%
Polyethylene Terephthalate Containers	80%	100%	N/A	N/A	N/A
High Density Polyethylene Containers	80%	82%	85%	88%	90%
Low Density Polyethylene Containers	70%	80%	83%	85%	90%
Cardboard boxes	50%	60%	70%	80%	90%
Paper Bags	50%	60%	70%	80%	90%
Polypropylene tubs and buckets	70%	80%	85%	90%	90%
Polypropylene Bags	70%	80%	85%	90%	90%
Glass bottles	30%	40%	50%	70%	90%
Aluminium canisters	50%	60%	70%	80%	90%
Steel drums	50%	60%	70%	80%	90%
Aerosol dispensers	25%	30%	40%	50%	80%

## RECYCLING

Product	Target (Percentage of collected materials)				
	1	2	3	4	5
Year after promulgation of Notice					
Polyethylene Terephthalate containers	0%	0%	N/A	N/A	N/A
High Density Polyethylene containers	85%	90%	90%	90%	95%

Low Density Polyethylene containers	80%	90%	90%	90%	90%
Cardboard boxes	60%	70%	80%	90%	90%
Paper Bags	50%	60%	70%	80%	90%
Polypropylene tubs and buckets	80%	90%	90%	90%	90%
Polypropylene bags	50%	60%	70%	80%	80%
Glass bottles	90%	90%	90%	90%	90%
Aluminium canisters	100%	100%	100%	100%	100%
Steel drums	50%	60%	70%	80%	80%
Aerosol dispensers	50%	50%	60%	70%	80%

#### THERMAL TREATMENT

Product	Target (Percentage of material put into the market annually)				
	1	2	3	4	5
Year after promulgation of Notice					
Obsolete pesticides/co-formulant	0.05%	0.10%	0.125%	0.125%	0.125%
Polyethylene Terephthalate containers	100%	100%	N/A	N/A	N/A
Cardboard boxes	40%	30%	20%	10%	10%
Paper bags	50%	40%	30%	20%	10%
Polypropylene bags	50%	40%	30%	20%	20%
Steel drums	N/A	N/A	N/A	N/A	N/A
Aerosol dispensers	N/A	N/A	N/A	N/A	N/A

**THERMAL TREATMENT OF LEGACY OBSOLETE PESTICIDE STOCKPILES**

<b>Product</b>	<b>Year</b>	<b>Quantity to be treated</b>
<b>Obsolete pesticides</b>	<b>1</b>	<b>50%</b>
<b>Obsolete pesticides</b>	<b>2</b>	<b>50%</b>
<b>Obsolete pesticides</b>	<b>3</b>	<b>50%</b>
<b>Obsolete pesticides</b>	<b>4</b>	<b>100%</b>
<b>Obsolete pesticides</b>	<b>5</b>	<b>100%</b>