

SESSION FOUR

Keeping the Crop Protected – and the Story Straight

Chair: Elise-Marie Steenkamp |
Hortgro communications manager



*Local and international
regulatory challenges facing
South African farmers*

Rod Bell | CropLife





LOCAL & INTERNATIONAL REGULATORY CHALLENGES FACING SA FARMERS

MAY 2026

Why do we even talk about regulation when discussing plant protection solutions?

Does regulation even matter?

It is a boring, & at times, a very technical discussion!

Compliance is expensive in a time of mounting production costs.

What does regulation do?

- Provides protection
 - For the environment
 - For consumers
 - For farm workers
 - For wider society
- Using regulated plant protection solutions provides farmers with peace of mind
- Facilitates trade
 - Countries, supermarkets, buyers, consumers etc. all need to know what has been applied to their food & that a regulatory body has analysed the risk profile for the use of said products

Regulation provides the ‘legal right to operate’ for all industry stakeholders - from the companies discovering, developing & bringing plant protection solutions to the market, through the distribution value chain, all the way to the farmer.

So like it or not, boring topic or not, we have to discuss regulation & compliance therewith.

Local situation

Act 36 of 1947

- The Fertiliser, Farm Feeds, Agricultural Remedies & Stock Remedies Act, Act No. 36 of 1947 is the primary piece of legislation dictating the use of agricultural remedies (plant protection solutions) in South Africa
- The Act is supported by numerous regulations that have been promulgated over the years –to keep the Act relevant – with the most recent being the August 2023 regulation
- No agricultural remedy may be imported, marketed, sold or even used by a farmer unless it is registered for the specific crop-pest combination the farmers intends to use the product for.
- This is the law – the product label is not just a recommendation by the registration holder, the crop adviser or the grower association technical expert

Local challenges - 1

- Intended phase out of Highly Hazardous Pesticides
- Shortage of solutions for good agricultural practice & cost-effective pest control
 - Delays with bringing new plant protection solutions to market
- Loss of international competitiveness

Highly hazardous pesticides

- International “intention to phase-out HHPs globally by 2035”
 - Reflected in local legislation via the August 2023 regulation supporting Act No. 36 of 1947
 - Impacted products identified according to the provision of the Global Harmonised System for the Classification & Labelling of Chemicals (GHS)
- Substances of Concern
 - Many products already off the market
- Restricted Agricultural Remedies
 - Must only be stored, handled & used by persons with possessing the necessary knowledge for the responsible handling of such agricultural remedies
 - Multiple stakeholders – including grower associations – are currently engaging with the Dept. Agriculture to implement a process that will ensure that all farmers have the necessary knowledge & the movement of these products can be tracked & access is limited to *bona fide* farmers

Local challenges - 2

- Shortage of solutions for good agricultural practice & cost-effective pest control as we lose valuable pest control tools on farm
 - Risk of inadequate pest control
 - Difficulties with resistance management with fewer active ingredients available
 - Difficulties with managing the number of residues at harvest & also residue level at harvest
- Challenges intensified by delays with bringing new plant protection solutions to market
- This can all lead to a loss of international competitiveness for South African export farmers – so again, like it or not, all stakeholders need to be involved in the debate around regulatory matters – not just the companies developing & registering plant protection solutions (whether chemical or biological)

Local challenges – lesser know regulatory aspects

Administrative minor change	Adverse reaction reporting	GEP	OECD GLP	GHS
Low risk agricultural remedy	Minor use registration	Restricted agricultural remedy	SACNASP	EPR
Substances of concern	Exposure on children	Data on the effect on bees and other pollinators	Aerial application	Advertisements
	Reporting of sales information	Reporting of potentially harmful or unacceptable effects	Access of information	

- Ongoing collaboration with grower associations to ensure knowledge sharing on all matters pertaining to agricultural remedies in South Africa (protection solutions of all types)
 - Farmers can access this directly via the website
 - Additionally, further information is provided to grower associations for onward sharing with farmers
- CropLife SA webinar series, either live participation or by accessing the recordings
- Reach out to your grower associations for assistance – CropLife SA will then provide material to your grower association to in turn share with you in an appropriate format

International situation

I am sure we all understand that compliance with local legislation provides our industry with the 'right to operate' – with government & wider society - but why do we need to talk about international regulations?

Other countries, exporters, international buyers, international supermarkets & internal consumers are all involved with decisions that impact how South African farmers – farmers that produce for export – can grow & protect their harvest potential.

Again, it is not a sexy discussion & compliance can be onerous in terms of administration & cost, but we have no choice.

The European Union – an important trading partner

The EU Green Deal & the Farm to Fork strategy

- Much has been discussed in the past about the EU Green Deal & specifically for agriculture, the 'Farm to Fork' strategy
- European farmers rejected (via parliamentarians who did not approve the adoption of the farm to fork strategy in the EU parliament) the ambitious targets for reducing the use of chemical nutrition & plant protection solutions as being too restrictive for their operations, but many of the clauses of the farm to fork strategy did not go away
- The “***EU Food & Feed Safety Omnibus***” is the current EU legislation that will impact our country's export farmers.

- Like SA farmers, EU farmers need access to the tools that help them grow their produce sustainably and efficiently.
- Yet Europe's crop protection toolbox is shrinking: over the past six years, 80+ substances, **including biopesticides**, have been lost, slowing innovation on the ground.
- The Food and Feed Safety Omnibus offers an opportunity for :
 - The use of modern, science-based processes
 - Predictable approval timelines
 - Guidance that reflects real-world farming and precision
 - A simplified toolbox where biopesticides, conventional crop protection, and digital tools work together
- CropLife absolutely supports efforts to align regulatory rules with science to support innovation, to deliver sustainability & food security in practice, via allowing farmers to access the plant protection solutions they need.

Food & Feed Safety Omnibus - aims

- Modernise how Europe delivers innovation to its farmers, while maintaining high levels of protection for consumers and the environment.
- Align regulatory processes with the speed of innovation; if not aligned, farmers lose the ability to effectively control pests & competitiveness (does this sound familiar?).
- Replace unnecessary red tape with 'green tape' through modern, science-based processes that keep safety front of mind, whilst getting proven innovation into farmers' hands faster.
 - means smarter approvals, predictable timelines & guidance that reflects real-world practice, without unexpected changes that slow down innovation access in the field.
- To truly deliver for farmers, simplification & support for innovation must apply across the entire crop protection toolbox, biological and conventional alike.
- *"Expecting more with fewer tools won't work for farmers," said Olivier de Matos, Director General of CropLife Europe. "The Omnibus helps modernise EU rules so innovative science-based solutions reach fields faster whilst maintaining high safety standards"*

But

- The aims of the EU Food & Feed Omnibus sound exactly like what is being sought in South Africa for our industry, so why is there concern & why is it considered a challenge for SA farmers?

More subtle parts of the Omnibus

- *“The Commission is aware of the concerns raised by some EU stakeholders & citizens in relation to the presence of residues of hazardous pesticides, that are not approved in the EU, in food products imported from third countries”.*
 - These concerns are often related to the competitive position of European farmers compared to third country farmers and/or to consumer safety.
- *“Regarding consumer safety, the current system already ensures that imported food must comply with the same strict standards applicable for food produced in the EU. Levels of pesticides residues in food may not be higher than the established MRLs, which must be safe for consumers following a rigorous risk assessment carried out by the European Food Safety Authority (EFSA). Member States are checking food at the borders of the EU, and consignments that are not compliant with MRLs are rejected at the border”*
- *“Nevertheless, the Commission wants to go a step further & is pursuing, in line with international rules, a stronger alignment of production standards applied to imported products for the most hazardous pesticides”.*
- *“As outlined in its Vision for Agriculture and Food the Commission intends to establish a principle that the most hazardous pesticides banned in the EU for health and environmental reasons are not allowed back to the EU through imported products.”*

Why this matters to South African farmers?

- The EU is proposing to remove MRLs / import tolerances for active ingredients no longer authorised in the EU
- France has already enacted a national zero-tolerance decree affecting citrus, mango and papaya.
- Poland and other countries are following.
- This is not an EU internal matter: it is a direct threat to International agricultural exports, farmer livelihoods & potentially international trade law.
 - A formal WTO challenge mechanism (Specific Trade Concern) is open right now within the WTO SPS Committee
 - Canada has already acted, with written and vocal support from Argentina, Australia, Brazil, Costa Rica, Colombia, Dominican Republic Ecuador, Guatemala, India, Kenya, Panama, Paraguay, the United States and Uruguay.
- If our regulatory process in South Africa was more efficient & could bring new technologies to the SA farmer faster – including low risk chemicals & biologicals - the loss of older plant protection solutions & international trade barriers could be mitigated to a certain extent.

- The proposal includes an amendment to the MRL regulation (Regulation (EC) No 396/2005) that effectively introduces a hazard-based approach, restricting import tolerances or MRLs based on Codex for certain substances not approved in the EU, which we expect will result in trade barriers for all International growers exporting to the EU.
- Under the proposed MRL Amendments, the EU would be empowered to automatically default MRLs to the analytical "technical zero" (limit of quantification) for any active substance that is:
 - (a) not approved in the EU, and
 - (b) classified as hazardous - even where internationally agreed Codex Alimentarius standards permit higher limits.
- This would effectively erase import tolerances that have been established through rigorous, science over many years.

- CropLife absolutely supports the Omnibus's objective of ensuring high consumer protection, but is concerned with how it is to be pursued should the Omnibus be implemented unchanged
- It would
 - result in unilateral national “zero-tolerance” approaches that risk bypassing the EU’s harmonized framework and fragmenting the single market.
 - Replace risk assessment with hazard classification
 - Hazard & risk are not the same - a substance may be hazardous in high doses but safe at the trace levels present in harvested crops.
 - Ignores local agricultural realities in other countries
 - Eg: South African farmers face pest, disease and climate pressures that simply do not exist in Europe. Farmers in our country need specific tools to protect yields & ensure food security.
 - Undermines predictability and trade relationships
 - Import tolerances exist precisely to provide legal certainty for exporters who produce according to Codex standards.
 - Revoking these tolerances based solely on hazard classification - without a substance- & crop-specific assessment - removes the predictability for farmers & exporters.
 - May violate WTO international trade law

- Multiple countries whose farmers' export produce to the EU are challenging sections of the Omnibus
- Grower associations in South Africa are already working on the assessment of possible negative impacts
- AgBiz is engaging with grower associations to encourage the submission of objections to the possible non-tariff trade barriers the Omnibus could impose
- CropLife SA is providing support & background information where necessary
- All stakeholders need to attempt to engage with our government to highlight the challenges & risks that the EU Omnibus could impose on South African farmers

Summary

- Regulations are a fact of doing business, regardless of the industry
- Compliance with all pieces of legislation impacting stakeholders in South African agriculture is a **non-negotiable** if we are to maintain a sustainable industry, that is acceptable to wider society, that contributes to the health of our economy & provides food security for our country.
 - Food security is not just how much food a country produces but also considers its affordability & nutritional value
- Regulations need to be complied with, so let us approach them with the necessary seriousness, whilst also challenging provisions that make no sense for sustainable agriculture in our country
- Collaboration between all industry stakeholders is essential to achieve the abovementioned success for our industry – engagements such as we are enjoying today must continue & strengthen.



**THANK YOU FOR YOUR
ATTENTION**