A summary on the issues pertaining to the Proposed Fertilizers And Feeds Bill [Fertilizers, Farm Feeds, Agricultural Remedies And Stock Remedies Act, 1947]

The Minister for Agriculture, Forestry and Fisheries (DAFF) has a legislative mandate to regulate the sale of animal feeds in the country through The Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947). This legislative tool has been in existence for more than 63 years. As a consequence, a number of administrative and legislative problems have been encountered with the Act. These problems include the scope of the Act being too broad as it covers the regulation of Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies. In the past attempts have been made to modernise the Act in order to accommodate some of the developments within the agrochemical industry. This included amending the act in 1950, 1970, 1972, 1977 and 1980. However, the Act remains outdated as it regulated only animal feeds which are intended for sale and excludes animal feeds that are manufactured for own use. This loophole makes it a challenge for regulators to address issues of feed and food safety using such a legislative tool. To make a case in point, in 2006 the registrar for Act 36 of 1947 banned the feeding of ruminant derived protein and by-products in animal feeds. However, in terms of the existing act this ban is only applicable to animal feed registration holders as the act does not provide for the registrar to have jurisdiction over home mixers. Home mixers are prohibited from feeding the ruminant derived protein and by-products through the animal diseases Act, 1984 (Act 35 of 1984). Home mixers can feed which ever material at their own discretion if they so desire irrespective of the risks as long as it is not prohibited under Act 35 of 1984. This creates a challenge for enforcing feed safety requirements across the entire food chain.

Penalties that are provided for by the current Act are too low and do not serve as a deterrent to people who transgress the Act i.e. 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. As a result the sentences awarded by courts often have a limited deterrent effect, thus making it a challenge to enforce the Act.

At an institutional level there is inefficient and inadequate co-ordination in terms of operations which include lack of electronic database that captures information on
registered products. There is limited infrastructure to adequately address enforcement of the Act. Upon registration there are no effective surveillance systems to ensure compliance with registration requirements. There are no long-term monitoring programs which are essential for monitoring and evaluating the impact of certain feeding practices and the implication of continuing or discontinuing them on the competitiveness of South African agriculture. Without this data, it is going to be a challenge for the state to make the necessary intervention in order to make sure that the animal feed agricultural industry remain competitive and also assure the public that agricultural products are of good quality and do not pose any risk to animals, humans and the environment.

In 2006 the Department undertook a legislative review process of the Act. This process was followed by a policy review process on the regulation of agricultural production inputs which was subsequently concluded for animal feeds. In 2009 a draft proposed feeds bill was published in the government gazette for public comments. This bill seek to ensure that animal feedstuffs in South Africa are of a consistent quality that meet expected performance standards, are safe and protect human, environmental and animal health. Ultimately contributing to safe feed for safe food.

The objective of the proposed legislation is to:

* Provide for an effective and efficient regulatory system that will ensure that the manufacture, distribution and use of all feed ingredients and animal feed result in safe feed and food products.

* Ensure that the programs and procedures, available for the regulation of animal feeds and conducting regulatory oversight of the animal feed manufacturing industry, are effective, efficient and are implemented in a co-ordinated and holistic manner.

* Provide tools to manage challenges facing this and related industries and avoid unnecessary control measures in order to make the industry globally competitive.
This will be achieved through the licensing of animal feed manufacturing facilities and rendering plants; the registration of additives, ingredients and home mixers; regulation of the import, export, acquisition, disposal, sale and use of fertilizers and feeds.

**A copy of the Act is available at:**

**A copy to the proposed Bill is available at:**