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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 1944 **30 March 2022**

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)

EXTENDED PRODUCER REPONSIBILITY 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) read with sections 72 and 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) consult on my intention to require the producers of pesticides, pesticide co-formulant, and related containers to implement specified extended producer responsibility measures, as set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 days of publication of this Notice in the Government *Gazette*, written representations on or objections to the following addresses:

By post to: The Director General: Department of Forestry, Fisheries and the Environment
Attention: Mr Jeremia Sibande
Private Bag X447
Pretoria
0001

By hand at: Environment House, 473 Steve Biko Street, Acadia, Pretoria, 0001

By email: jsibande@dffe.gov.za

Tel: 012 399 9827

Any enquiries in connection with the notice can be directed to Ms Funanani Ditinti fditinti@dffe.gov.za at 066 081 2577 or Mr Jeremia Sibande jsibande@dffe.gov.za.at (012) 399 9832/067 417 3844.

The draft Pesticides Sector Schedule and Government Notice can be accessed at http://sawic.environment.gov.za/ under "Draft documents for comment".

Comments received after the closing date may not be considered.

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 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, steel aerosol canisters and steel drums;

"co-formulant" means a non-active component of a formulated pesticide product;

"Extended Producer Responsibility Regulations, 2020" means the regulations published under Government Notice 1184 in Government Gazette 43879 on 5 November 2020 and as amended from time to time;

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

"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;

"producer" means any person or category of persons or a brand owner or registration holder who is engaged in the commercial manufacture, conversion, formulation, distribution, or import of a new and /or used-

(a) pesticide or pesticide co-formulant which is intended for distribution in the Republic of South Africa;

"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); and

"the Act" means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2009).

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, pesticide co-formulant and its related containers.

(2) This Notice must be read in conjunction 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

(c) recovery; and

(d) 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-formulant, 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)				
Year after promulgation of Notice	1	2	3	4	5
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
Steel aerosol canisters	25	30	40	50	80

RECYCLING

Product	Target (Percentage of collected materials)				
Year after promulgation of Notice	1	2	3	4	5

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
Steel aerosol canisters	50	50	60	70	80

THERMAL TREATMENT

Product	Target (Percentage of material put into the market annually)				
Year after promulgation of Notice	1	2	3	4	5
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

Steel aerosol canisters	N/A	N/A	N/A	N/A	N/A

THERMAL TREATMENT OF LEGACY OBSOLETE PESTICIDE STOCKPILES

Product	Year	Target (Quantity disposed - tons)
Obsolete pesticides	1	50
Obsolete pesticides	2	50
Obsolete pesticides	3	50
Obsolete pesticides	4	100
Obsolete pesticides	5	100

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