

29 January 2026

Clarification on regulatory position following High Court ruling regarding restricted agricultural remedies

CropLife South Africa confirms that it submitted an urgent application to the High Court in December 2025 to seek clarity on the interaction between the Pest Control Operator (PCO) Regulations of 2011 and the Regulations relating to agricultural remedies promulgated in August 2023 under the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

The application arose from regulatory uncertainty regarding the treatment of certain agricultural remedies classified as “restricted agricultural remedies” under the 2023 regulations, and how these products relate to the existing regulatory framework governing pest control operators. This uncertainty resulted in differing interpretations across the agricultural sector, particularly around who may lawfully purchase and apply these products.

On 26 January 2026, the High Court handed down judgment in favour of CropLife South Africa. The Court declared that the class “restricted agricultural remedy” listed in Annexure A of the Regulations relating to agricultural remedies published under Government Notice 3812 on 25 August 2023 is not included in the class of “restricted-use agricultural remedy” referred to in the Pest Control Operator Regulations published under Government Notice 98 on 18 February 2011. The Court further confirmed that the “restricted agricultural remedy” category in Annexure A is therefore not subject to regulatory control under the PCO Regulations.

CropLife South Africa supports robust and appropriate regulation of agricultural remedies and has consistently worked with the Department of Agriculture, the Registrar under Act 36 of 1947, and other stakeholders to promote compliance, environmental stewardship, and the safe use of potentially hazardous products. Since the publication of the 2023 regulations, the association has engaged extensively with authorities to seek regulatory clarity and workable implementation measures. Despite these efforts, ambiguity persisted, making judicial clarification and guidance necessary.

Despite the court’s ruling, CropLife South Africa would like to remind all stakeholders that “restricted agricultural remedies” as defined in the Regulations relating to agricultural remedies are highly hazardous pesticides (HHPs). South Africa, as a signatory of various international conventions, is committed to *“phase out HHPs in agriculture where risks have not been managed and where safer affordable alternatives are available, and to promote transition to and make available those alternatives by 2035”*, in accordance with the targets set by the UN Global Framework on Chemicals. Restricting HHPs to PCOs was a significant step by government towards managing the risks of using HHPs and therefore

a valuable contribution towards keeping these tools on the market for South African farmers. CropLife South Africa would like to emphasize the following:

- CropLife South Africa fully supports the intention of government to restrict HHPs to trained individuals who understand the hazards associated with the use of these products.
- CropLife South Africa is committed to work with government and other stakeholders to develop a workable and suitable policy to achieve restriction of HHPs on farms. This policy will however still require farmers to be trained to purchase and use HHPs. Therefore, any efforts undertaken by farmers to date to comply with PCO regulations have not been wasted and CropLife South Africa urges all farmers to continue handling any agricultural remedy, not just restricted agricultural remedies, in a responsible manner.
- The ruling of the court is due to ambiguity in the legislation relating to the restriction of “restricted agricultural remedies” to PCOs. The Department of Agriculture may correct this ambiguity in the legislation and publish amended legislation to achieve restriction to PCOs at any time.
- Although “restricted agricultural remedies” are no longer subject to the PCO regulations, all CropLife South Africa members involved in the sale of these remedies, will insist on the completion of the below declaration during the sale of such remedies, as instructed by the CropLife South Africa executive committee.
- The court ruling does not impact any other legislation governing “restricted agricultural remedies”. Restricted agricultural remedies are still classified as Group I Category B hazardous substances under the Hazardous Substances Act (Act 15 of 1973), and must be sold, stored and used in accordance with the provisions of the Act and its corresponding regulations.

CropLife South Africa remains firmly committed to promoting responsible product stewardship throughout the agricultural value chain to ensure the safe use of agricultural remedies. The association is equally committed to continued collaboration with government and stakeholders to identify practical, science-based solutions that protect both people and the environment.

This collaborative approach is essential to ensure regulatory certainty without compromising food security or the livelihoods of South Africans, including small-scale and commercial farmers who play a critical role in feeding the nation and supporting employment across the agricultural sector. CropLife South Africa’s commitment to constructive engagement and collaboration in this regard remains non-negotiable.

The CropLife South Africa team is available for any questions.

Declaration to be made when purchasing a restricted agricultural remedy

I, the undersigned, hereby declare that I intend to purchase and manage the application of a restricted agricultural remedy as part of a *bona fide* farming operation. Further, I acknowledge the need for, and pledge to abide by, the below requirements for the acquisition and application of a restricted agricultural remedy. I acknowledge that not abiding by the below undertaking can lead to criminal prosecution.

Actions that must be taken to ensure the responsible use of a restricted agricultural remedy		Initial the relevant box	
		Yes	No
PCO license	I have a valid PCO license [Proof must be provided]		
	I have applied for a PCO license, but I have not yet received it [Proof must be provided]		
	I have not yet applied for a PCO license, but am in the process of applying and have successfully completed a suitable short course [Proof must be provided]		
	I have read the PCO regulations of February 2011 promulgated under Act no 36 of 1947 and understand the minimum requirements expected of persons applying restricted agricultural remedies.		
	I understand that although restricted agricultural remedies have been found by a court to not be subject to the PCO regulations, this could change at any time.		
	I acknowledge that the restriction of highly hazardous pesticides is essential and inevitable to keep impacted products on the market and available to farmers over the long term.		
Suitably informed agri-workers	I understand that only suitably informed agri-workers may be involved with the handling, mixing & application of a restricted agricultural remedy		
	I understand that I must inform all agri-workers involved with the handling, mixing & application of a restricted agricultural remedy about the risks involved with the use of the products.		
Personal Protective Equipment (PPE)	I understand that I must provide relevant PPE to all agri-workers involved with the handling, mixing & application of a restricted agricultural remedy		
	I understand that I must ensure the correct use, cleaning and maintenance of PPE by all agri-workers involved with the handling, mixing & application of restricted agricultural remedy		
Registered uses	I understand that I must ensure that the restricted agricultural remedy is applied strictly according to all label information, including use rates, crop use, targeted pest, application method, mixing partners, etc.		

	I understand that I need to inform all agri-workers & other persons near to application sites that a restricted agricultural use product will be applied & also inform such persons of any restrictions on entering treated areas.		
Product access management	I understand that the on-farm pesticide store may only be accessible to suitably informed persons. Further, access to restricted agricultural remedies is limited strictly to agri-workers who are suitably informed.		
	I understand that any unused restricted agricultural remedy left after an application operation must be returned to a secure on-farm pesticide store as soon as possible after the application operation ends.		
Empty pesticide container management	I understand that I need to ensure that empty pesticide containers are triple rinsed at the time of mixing.		
	I understand that triple-rinsed empty pesticide containers must be punctured & not used for any other purpose, nor burned or buried on-farm.		
	I understand that I must arrange for the collection of empty pesticide containers for recycling or thermos-destruction via the industry led Product Responsible Organisation.		

Date:

Place:

Full name of responsible person:

Signature of responsible person:

South Africa ID number:

Physical address:

Specify the restricted agricultural remedy purchased:

Specify the use for which the remedy is purchased:

VERY IMPORTANT

For presentation to government officials making an audit of this process, a copy of this document must be made available to the person making this declaration, plus the company selling the restricted agricultural remedy.