

MEDIA STATEMENT: SAFEGUARDING HOMEOWNERS AGAINST THE UNLAWFUL USE OF ALUMINIUM PHOSPHIDE CONTAINING PRODUCTS

3 October 2022

The shocking death of a Durban couple that became the latest victims of the unlawful use of a highly regulated stored grain fumigant, namely aluminium phosphide, is one of several such incidents over the past two years in which residents were exposed to the criminal misuse of a pesticide for indoor pest control. CropLife South Africa, the industry association representing the majority of responsible suppliers and distributors of pesticides, has requested registration holders of registered aluminium phosphide containing pesticides to immediately implement stringent measures to prevent similar grave incidents from occurring again.

Many smallholder farmers in South Africa and the grain storage industry rely on aluminium phosphide tablets to fumigate stored grain against pests that threaten stored grains and food safety. It is very important for these farmers and the grain storage industry to maintain the lawful availability of aluminium phosphide containing products to protect stored food commodities against insect pests.

Regulatory requirements for aluminium phosphide

Aluminium phosphide is registered for fumigation of food stuffs in enclosed spaces such as grain storage facilities and food packhouses under strictly controlled conditions, and for moles, rats and mice in field conditions under the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947). It is not registered for indoor fumigation of any residential or business premises and may thus not be acquired, sold or used for such purposes.

Aluminium phosphide in a fumigant that is registered under Act No. 36 of 1947, is categorised as a Group 1, Category B hazardous substance according to the regulations published under the Hazardous Substances Act, 1973 (Act No. 15 of 1973) and is therefore subject to the provisions of both Act No. 36 of 1947 and Act No. 15 of 1973. It may only be sold by juristic or natural persons who are in possession of a Section 4 license issued in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) to trade with Group 1 hazardous substances. Such licensed persons must store aluminium phosphide containing products in locked facilities in retail outlets and may not display it on shelves with other pesticides.

Licensed persons may only sell aluminium phosphide containing products to *bona fide* farmers and registered pest control operators for purposes as directed by the label instructions. Sales of aluminium phosphide to any person for use as a fumigant for residential premises, is unlawful. This is a condition imposed by Regulation No. R1716 of 26 July 1991 under Act No. 36 of 1947. Any sales of aluminium phosphide containing products must be recorded in the poison register as required by Regulations 5(1) and 6(1) of Act No. 15 of 1973 that were promulgated on 25 March 1977 and subsequently amended.

Mitigation measures to be implemented with immediate effect by CropLife SA and registration holders.

All registration holders of aluminium phosphide containing fumigants committed themselves to ensuring that their products are only sold to licensed juristic and natural persons, that those licensed persons only sell their products to *bona fide* farmers and registered pest control operators and that full sales records are recorded in poison registers as demanded by law.

Registration holders of aluminium phosphide containing products will, of own accord, notify distributors and retailers to whom they supply their aluminium phosphide, to not intertrade with other distributors or retailers that are not licensed in terms of Act No. 15 of 1973 to trade with aluminium phosphide.

The industry will report all unlawful conduct with aluminium phosphide to the Registrar of Act No. 36 of 1947 and the Chief of the Inspectorate of the Directorate of Agricultural Inputs Control (DAIC), the Department of Health and to the South African Police Service with the charges spelt out in terms of

both Act No. 36 of 1947 and Act No. 15 of 1973 sections and regulations. The industry calls on the Department of Health to increase their inspection of retail outlets to ensure that they comply with the requirements of Act No. 15 of 1973. The industry is already working closely with the Inspectorate of the DAIC and will support any efforts on their part to curtail the unlawful sales and use of aluminium phosphide containing fumigants.

Awareness and responsibility of the public about legal and safe pest control

Members of the public must verify that any company or individual who offers pest control services, is registered under Act No. 36 of 1947 with a valid pest control operator certificate issued by the Registrar of Act No. 36 of 1947 (not a training certificate), and if fumigation is to be done by such a registered pest control operator, the person must have that specific competency listed on their pest control operator registration certificate.

No pest control operator may use any aluminium phosphide containing products for controlling any pests in residential premises. There are similar incidents where 100% dichlorvos that is registered for crop pest management is used unlawfully by pest control operators with dire consequences to residents that occupy such premises.

Members of the public who become aware of any persons or traders selling aluminium phosphide unlawfully or use the products unlawfully for residential pest control, must report such incidents to CropLife South Africa who will investigate and report it to the regulatory authorities. Information must be sent to gerhard@croplife.co.za or *via* WhatsApp to 082-446-8946.

Alternatively, members of the public may also use SAPCA (The South African Pest Control Association) to validate the credibility of a pest control company and its operators. SAPCA has a list of registered companies on their website (sapca.org.za) who adhere to Standard Operating Procedures and follow the Pest Control Operator Regulations. We strongly recommend that the public, real estate agents, and transferring attorneys make use of these SAPCA registered companies to avoid the unlawful use of pesticides, fumigants, and unlicensed pest control operators.

Any other enquiries should be directed to the Operations and Stewardship Manager of CropLife South Africa, Dr Gerhard Verdoorn on 082-446-8946 or gerhard@croplife.co.za