GENERAL NOTICES
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DEPARTMENT: AGRICULTURE

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES ANDSTOCK REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)

PUBLICATION OF SOUTH AFRICAN POLICY ON ANIMAL FEEDS

I, Lulu Xingwana, Minister of Agriculture hereby publish South African Policy on animal feeds. This document will serve as a framework for the regulation and legislation of animal feeds in South Africa.

SOUTH AFRICAN POLICY ON ANIMAL FEEDS

1. INTRODUCTION

The animal feed industry faces various challenges many of which affect the economy of the country. The industry operates in a highly competitive environment that must continuously respond to the new challenges with regard to safety, efficacy and quality of animal production inputs and these issues are not adequately addressed in the existing legislation and regulatory framework.

Animal feeds encompass feed ingredients, feed additives, pet foods and feeds intended for cattle, sheep, goats, horses, poultry, pigs, wild animals, fresh water and sea fish, birds, dogs and cats and other companion animals, and ostriches. Animal feeds have evolved from a period where using grains and by products from different industries as supplemental feeding to animals, and using techniques which were qualitatively in order to assess the quality of these feeds, to the current situation where quality can now be measured by highly scientific means.

Feedstuffs are a significant link in the chain of production of food products derived from or produced by livestock. They enable animal feed ingredients, many of which are derived from human food industries, to be used in the efficient production of milk, meat or eggs as well as for feeding recreational and companion animals such as horses, dogs and cats.

The animal feed industry has put a lot of emphasis on improving productivity of livestock. The industry has also facilitated the availability and distribution of animal feeds, and provided nutritional information to livestock breeders and producers in order to optimise production. Over the years the inclusion of products known as production enhancers or growth promoters into animal feeds has increased markedly.

There are increasing reports from Scientific and Medical Journals regarding the risks posed to human and animal health by the use of growth promoters in animal production. Food safety through feed safety has become a priority and the application of various global quality standards have been adopted by the feed and animal production industry

The Pet Food Industry deals exclusively with domesticated animals normally maintained as pets. This industry is situated between the agricultural feedstuff industry and the human food industry in the production chain. The pet food industry consumes agricultural by-products generated from food processing as well as primary agricultural products such as grains (maize, sorghum, rice, wheat). This industry also acts as an outlet for value added by products. Pet foods fall within the definition of animal feed and are regulated by the Department of Agriculture. Pet foods also include therapeutic foods which are designed to meet specific nutritional needs of diseased pets. Recently, there has been an increase in the use of substances possessing medicinal properties in pet foods and in supplements. The question is whether or not healthy pets should be allowed to consume food containing these substances on a continual basis.

There are also certain pet foods which may only be sold on prescription by Veterinarians. The challenge with pet nutrition is that it is the pet owner that decides what the pet must eat. Unlike production animals, pets take long to show signs of adverse reaction to a specific feeding regimen. The challenge is to protect the pet owner and the pet.
Animal feed issues in today's environment have evolved past the stage and the scope under which the existing legislation was based.
It is therefore critical that animal feeds receive the attention they deserve in order to make SA globally competitive in an era wherein of the connection between safe feed and safe food is increasingly recognized.

2. PROBLEM STATEMENT AND BACKGROUND

In the recent past concerns about the ability of the state to effectively regulate animal feeds and thus guarantee food safety have been raised. In the light of these and other concerns, detailed in this document, the Department of Agriculture (DoA) has been engaged in a restructuring process and a legislative review in order to improve service delivery.

In order to inform new legislation a policy on animal feed which will serve as a framework for the proposed new legislation and as a guide to the regulatory framework for animal feeds in South Africa has been developed.

2.1 Legislation- Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947)

The scope of the current Act is broad. It covers the regulation of Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies under one act. Although the Act has been amended several times, in 1950, 1970, 1972, 1977 and 1980, to accommodate some of the developments within the agrochemical industry, the Act is outdated. Only animal feeds which are intended for sale are currently regulated by this act. Animal feeds manufactured for own use is exempted.

Consideration of recent developments in agriculture and other Acts which are indirectly involved with the regulation of animal feeds, are not included, with the exception of the Medicine and Related Substance Control Act, 1965 (Act No 101 of 1965).
Some of the Acts not considered in the current legislation are;

* Agricultural Product Standards Act (Act No 119 of 1990) which determines the standards and requirements regarding control of the export of feed products.

* Meat Safety Act, 2000 (Act No 40 of 2000) which governs the use of safe animal products to be used for human and animal consumption.

* Animal Health Act, 2002 (Act No 7 of 2002) which provides measures to promote animal health and to control diseases and regulate the importation and exportation of animals and things. This Act will replace the Animal Disease Act of 1984 (Act No 35 of 1984), which currently provides the legislative framework once the President has proclaimed the Animal Health Act.

* Agricultural Pests Act, 1983 (Act No 36 of 1983).

* National Environmental Management Act, 1998 (Act No 107 of 1998) which provides for cooperative environmental governance by establishing principles for decision making on matters affecting the environment.

* Genetically Modified Organisms Act, 1997 (Act No 15 of 1997) which provides measures for managing activities involving GMOs.

* The National Environmental: Biodiversity Act, 2004 (Act No 10 of 2004) which provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits from bio-prospecting involving indigenous biological resources.

* National Environmental Management Act: Air Quality Act, 2004 (Act No. 39 of 2004) which provides for the regulation of air quality in order to protect the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development , while promoting justifiable economic and social development.

* National Water Act, 1998 (Act No.36 of 1998) which provides for the fundamental reform of the law relating to water resources; to repeal laws; and to provide for matters connected therewith.

* Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) which provides for the health and safety of persons at work.

Currently, 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, which is too low to be a deterrent. Understandably, sentences awarded by courts often have a limited deterrent effect. This makes it a challenge to enforce the Act using the mechanisms available through the Courts.

2.1.1 Powers of the Registrar

Under the current Act the Registrar is accountable to the Minister of Agriculture. The Act also gives provisional discretional powers to the Registrar which are limited to importation of unregistered agricultural production inputs. This provision is intended for emergency situations like drought, etc. However, the current administrative arrangements do not allow for rapid decision making in the event of an emergency. This provision can also lead to decision making which could have negative legal and bio-security implications for the country if made by un-informed individuals, who do not have the necessary expertise.

2.2 Institutional arrangements

Efficient and adequate co-ordination is lacking at operational level amongst relevant government departments and personnel. Upon registration there are no effective surveillance systems to ensure compliance with registration requirements. Long-term monitoring programs essential for monitoring and evaluating the impact of certain feeding practices and the implications of continuing or discontinuing those practices on the competitiveness of South African agriculture are not in place. If government does not collect and maintain adequate and reliable data, it is difficult for the state to assure the public that agricultural products used in the country are of good quality and do not pose any risk to animals, humans and the environment.

2.3 Animal feed safety

Animal feedstuffs should be of a consistent quality to meet expected performance standards, and must protect both human and animal health. Animal feedstuffs must be safe and not pose a risk to human or animal health and to that end various components found in animal feed must be the focus of any policy on animal feed.

2.3.1 Animal feed contaminants

There is a global concern on the presence and prevalence of feedstuff contaminants in animal feed. These contaminants have different effects and pose specific risks to animal health, human health and they can also be a food safety risk.

2.3.1.1 Mycotoxins

There has been an increased number of cases of mycotoxin detection in raw materials used in animal feed and/ or human food, especially in grain cereals and oil seeds. The growth, multiplication and subsequent production of mycotoxins are favored by particular environmental factors. Controlling environmental factors is extremely difficult if not impractical. Therefore contamination of grain cereals and oil seeds is unavoidable, which makes it a challenge to food safety. Although new mycotoxins are being discovered at comparatively high concentrations, few have actually been identified as posing dangerous threat to animal and human health.

The mycotoxins that are considered to be important are the Aflatoxins (AF), Deoxinivalenol (DON), Zearalenone (ZEA), Ochratoxin (AC) and Fumonisin (F), owing to the fact that they are the most common contaminants in foods and feeds. Furthermore, the negative effects that they exert in animals are highly detrimental even at low concentrations.

Detecting mycotoxins is expensive and difficult. An estimate of the precise and accurate levels of mycotoxins in a large bulk feed is difficult, owing to the large variability associated with test procedures. A representative sample from a whole lot must be obtained by proper sampling procedures.

Currently, there are no stringent regulatory and process control systems in place. Animal producers are at risk of ending up with mycotoxin-contaminated grains, oil seeds or feeds. These toxic substances produce a wide range of harmful effects (acute and chronic) in animals. Considerable evidence supports an association between mycotoxins and certain disease syndromes, a condition known as mycotoxicosis. The negative effects of these fungal metabolites range from reduced performance, (poor growth, reproduction, egg production), immuno-suppression leading to susceptibility to infectious diseases and high mortality. These effects will vary on the type of toxin, dosage, duration of exposure, animal species, and age of the animal as well as the purpose for which they are kept. Proper management for effective control, detection, quantification and surveillance of mycotoxins is therefore very important.