

Information session on restricted agricultural remedies and PCOs

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Background

- The Regulations relating to agricultural remedies of 25 August 2023 defines '**restricted agricultural remedies**'.
- The Pest Control Operator (PCO) regulations of 18 February 2011 states that a person handling '**restricted-use agricultural remedies**' must be registered as a PCO, or under the direct supervision of a PCO.

Background

Regulations relating to agricultural remedies of 25 August 2023

Definition

- “restricted agricultural remedy” means an agricultural remedy which the Registrar, out of concern for its human health or environmental risks, has set out additional information to be shown on the label concerning essential conditions in respect of the display, distribution or limitations on use of, or qualifications of persons who may use the agricultural remedy, and such remedy shall comply with the criteria as set out in Annexure A.

Regulation text

- If the agricultural remedy is deemed “restricted”, it will contain the phrase “RESTRICTED AGRICULTURAL REMEDY” at the top of the main display panel of the label along with the appropriate restriction statement. This text will be an appropriate font size compared to the remainder of the text on the label to ensure it is clearly legible and unlikely to be overlooked, the text will be in red and contained in a block to enhance visibility.

Regulations relating to agricultural remedies of 25 August 2023

- Agricultural remedy formulations fulfil the **restricted agricultural remedy** criteria when such agricultural remedy have one or more of the following characteristics:

Criterion 1

Agricultural remedy formulations that meet the criteria of classes 1a or 1b of the WHO recommended classification of pesticides by hazard.

Criterion 2

Agricultural remedy formulations that meet the criteria of acute toxicity categories 1 or 2 of the GHS.

Criterion 3

Agricultural remedy active ingredients and formulations listed by the Rotterdam Convention in its Annex III.

Criterion 4

Agricultural remedy active ingredients and formulations that have shown a high incidence of severe or irreversible adverse effects on human health or the environment.

Pest Control Operator regulations of 18 February 2011

- “For reward” means that a person has been hired to do pest control for monetary consideration and it excludes an employee who performs pest control for his employer in the employer’s property (not for hire). Provided any employee who handles **restricted-use agricultural remedies** without the direct supervision of a registered pest control operator must be registered as a pest control operator.

RESTRICTED USE AGRICULTURAL REMEDY

THIS REMEDY IS RESTRICTED DUE TO ACUTE TOXICITY. THIS REMEDY MAY ONLY BE SOLD TO AND USED BY A REGISTERED PEST CONTROL OPERATOR, OR BY SOMEONE UNDER THE SUPERVISION OF A REGISTERED PEST CONTROL OPERATOR, AND ONLY FOR THOSE USES COVERED BY THE PEST CONTROL OPERATOR’S SCOPE OF REGISTRATION, AND ONLY AS DIRECTED ON THIS LABEL.

Court application and ruling

What we asked for

- Due to ambiguity between the different pieces of legislation, we asked for clarity on whether the term ‘**restricted agricultural remedy**’ used in the ‘regulations relating to agricultural remedies’ are the same as ‘**restricted-use agricultural remedy**’ used in the ‘PCO regulations’.
- Should these terms indeed be the same, we asked for a one year suspension of this requirement to allow industry and government to solve the issues hindering implementation and allowing farmers time to become compliant.

The ruling

- The judge ordered that
 - The class of ‘restricted agricultural remedy’ in Annexure A of the regulations relating to agricultural remedies is not included in the class of ‘restricted-use agricultural remedies’ in the PCO regulations.
 - The class of ‘restricted agricultural remedy’ in Annexure A of the regulations relating to agricultural remedies is not subject to the regulatory control of the PCO regulations.

What does this mean?

- Distributors may sell restricted agricultural remedies without requiring a PCO registration certificate from their customers.
- Farmers can buy and apply restricted agricultural remedies without being registered as a PCO, or being under the supervision of a registered PCO.

Possibility of appeal

- The government has the right to appeal the court's decision.
- An appeal must be lodged within 15 court days (ruling was made on Monday, 26 January 2026).
- An appeal must be heard by the same judge. Government will have to show that the judge made an error with his original decision.
- If an appeal is granted, the decision is reversed (original court ruling becomes null and void).
- Our counsel may however submit an 18(3) application for the original orders to remain in place during the appeal process (while the decision is being reviewed).

Important

- The ruling of the court is due to ambiguity in the legislation relating to the restriction of “restricted agricultural remedies” to PCOs. The government may correct this ambiguity in the legislation and publish amended legislation to achieve restriction of restricted agricultural remedies to PCOs at any time.
- A change in legislation will usually require public consultation.

Other legislation and HHP status

Other legislation

- The court ruling only has an impact on the requirement to be registered as a PCO to purchase and use restricted agricultural remedies as defined in the regulations relating to agricultural remedies, it 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.

The phasing out of highly hazardous pesticides (HHPs)

- Restricted agricultural remedies are HHPs.
- South Africa must “*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 fully supports the intention of government to restrict HHPs to trained individuals and will therefore work with government to implement a fit for purpose system for farmers and farmworkers.

Way forward

Way forward

- CropLife SA, together with other industry associations, submitted a proposal to the Registrar (Act 36 of 1947) in December 2025 to develop a robust, practical and fit-for-purpose strategy for restricted agricultural remedies on farms.
- A multi-stakeholder working group has been established to address the challenges and concerns that have been identified with implementation.
- **During the interim, all CropLife SA members will only sell restricted agricultural remedies to persons who have signed the declaration and comply with the spirit of the PCO regulations.**

Declaration

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.		

The working group will address the following:

- Allow for the recognition of prior experience (exemption from 6 months practical experience where prior experience can be demonstrated).
- Standardise PCO course curriculum for persons wanting to register in the field of 'agriculture and forestry' to use restricted agricultural remedies and remove reference to out of date accreditation schemes.
- Unlike other PCO registration fields, applying agricultural remedies on farms means several areas that could be far removed from each other must be treated at the same time. Instead of direct supervision, allow for a responsible person to oversee the use of these remedies on farms.

The working group will address the following:

- Allow the requirements outlined in the PCO regulations to be reflected in third party audit schemes, allowing farmers that already undergo stringent audits to use such audits to demonstrate compliance with the PCO legislation.
- Amend registration tariffs for farmers that unlike other PCOs, must absorb these costs.
- Alignment of medical requirements with already established medical surveillance and biological monitoring requirements for farmworkers under the Occupational Health and Safety Act (Act 85 of 1993).

Frequently asked questions

By when will we know if the government decides to appeal?

- The government has 15 court days (similar to work days) to lodge an appeal against the court decision. The ruling was made on 26 January 2026.

What happens if the government appeals? Does the court ruling become null and void?

- If the government successfully appeals, the ruling is reversed. However, our legal counsel may submit an 18(3) application to allow for the original court ruling to remain in place during the appeal process.

Does the ruling mean farmers can purchase restricted agricultural remedies without a PCO license?

- Yes, at the moment, farmers may purchase and use restricted agricultural remedies without having a valid PCO licence.

Does this mean persons can stop with the PCO application process if not yet registered?

- Although the court ruled that restricted agricultural remedies are not subject to the PCO regulations, this ruling was based on ambiguity in the legislation. The government may fix this ambiguity any day, whereafter PCO registration may still be necessary. In addition, any proposal made to the Registrar for restriction of remedies on farms will still require persons using these remedies to be sufficiently trained. Consequently, all efforts to register as a PCO, will not be done in vain.

Will the government continue to evaluate PCO applications that have already been submitted?

- Yes, the government will continue to evaluate PCO applications.

Does the court ruling affect the list of restricted agricultural remedies?

- No, the criteria for a remedy to be a 'restricted agricultural remedy' has not changed. These remedies will still have a restriction statement at the top of the main display panel of the label.

If the restriction statement states that the remedy may only be sold to and used by PCOs, is it not against the law to sell it to someone who is not registered as a PCO?

- The label is a legal document and must always be complied with, however a court has ruled that restricted agricultural remedies are not subject to the PCO regulations. CropLife SA will consult with our legal counsel and government for clarity on this matter. Seeing as this is an ongoing matter, restriction statements will remain on labels until we know the way forward – CropLife SA will inform members of any developments.

Are there ongoing efforts to amend the PCO regulations?

- Yes, the working group that has been established will propose specific amendments to the PCO regulations.

Does the court ruling affect the timeline for the phasing out of HHPs?

- South Africa must “phase out HHPs in agriculture **where risks have not been managed...** by 2035”. Restricting HHPs to PCOs was a significant step by government towards managing the risks of using HHPs. It is therefore imperative that all stakeholders continue to manage risks by limiting the sales and use of these remedies to *bona fide* farmers who are sufficiently trained and comply with all other legislation governing restricted agricultural remedies in South Africa. Although the deadline provided is 2035, HHPs are already being phased out in SA and will continue to be phased out before 2035.

Will the tariffs for registration as a PCO be reviewed?

- Yes, the working group will submit a proposal to the Registrar (Act 36 of 1947) for the revision of the tariffs for PCO registration for *bona fide* farmers.

Are there any prospects for the government to accept recognition of prior learning to exempt persons from the 6 months practical experience under the supervision of a PCO?

- A legal opinion obtained by CropLife SA confirmed that the Registrar (Act 36 of 1947) does not have the mandate to allow recognition of prior learning for PCO registration within the current legal framework. Recognition of prior learning can only be used to provide credits towards an accredited course. The working group will propose amendments to the PCO regulations to allow for recognition of prior experience in future.

Does the court ruling mean that any agricultural remedy may be sold to any person, even though some agricultural remedies were restricted to PCOs before the promulgation of the 2023 regulations?

- The court ruling merely means that ‘restricted agricultural remedies’ in the ‘regulations relating to agricultural remedies’ are not the same as ‘restricted-use agricultural remedies’ in the ‘PCO regulations’. Consequently, a person does not automatically need to be registered as a PCO to use a ‘restricted agricultural remedy’ as defined in the ‘regulations relating to agricultural remedies’. However, agricultural remedies that were limited to PCOs before promulgation of the ‘regulations relating to agricultural remedies’, are still limited to PCOs as before (registrations of PCOs in other fields of registration that is not ‘agriculture and forestry’, e.g. fumigations and aerial application).

Thank you

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Important reference information

- Important communication regarding PCOs and restricted ag remedies – 29 January 2026
- Proposal for a phased approach to develop a robust, practical and fit-for-purpose agricultural pest control operator (PCO) strategy for the use of restricted agricultural remedies in South Africa – December 2025
- Information on highly hazardous pesticides – 11 August 2025
- List of highly hazardous pesticides registered in South Africa