

Registrar: Act No. 36 of 1947
Department of Agriculture
Private Bag X343, Pretoria, 0001
20 Steve Biko Road, Agriculture Place, Arcadia, Pretoria
Email: MalutaM@nda.gov.za
Cc:

- Ms. Dina Pule: Portfolio of Agriculture Committee Chair
akakaza@parliament.gov.za
- Ms. Philile Ntuli: SAHRC Commissioner
pntuli@sahrc.org.za



25 February 2026
7 pages

Re: Submission regarding intention to ban Terbufos (Gazette no. 6993)

Dear Mr Maluta

The South African People's Tribunal on AgroToxins (SAPToA) welcomes the opportunity to provide comment on Gazette No. 6993, in which Minister Steenhuisen formally announces his intention to ban Terbufos. SAPToA strongly supports the ban and urges the Department to take decisive, immediate measures to protect public health, prevent further loss of life, and uphold constitutional and regulatory obligations.

SAPToA's work is grounded in extensive community-based evidence, public health science, and human rights principles. The Tribunal has drawn extensively from the research of leading South African experts, including Prof. Leslie London and Prof. Andrea Rother, whose internationally recognised scholarship has documented the severe health impacts of highly hazardous pesticides (HHPs), structural weaknesses in South Africa's regulatory regime, failures in stewardship, and the disproportionate burden borne by rural communities, farmworkers, and children.

Their findings reinforce our central position: Terbufos is too dangerous to remain in circulation under any conditions, and South Africa's pesticide governance must urgently transition to a system that prioritises public health. These findings draw extensively on testimonies from affected communities, frontline health workers, farmworker organisations, and families who have lost loved ones to Terbufos poisoning. These lived experiences, combined with the formal scientific research conducted in South Africa, reveal a pattern of predictable, preventable harm. The State has been repeatedly alerted to these dangers over many years. Acknowledging and responding to this accumulated evidence is essential for justice and for preventing further fatalities.

SAPToA has extensively documented the dangers posed by Terbufos and the compelling legal and scientific basis for its prohibition. Please refer to our attached communications with Minister Steenhuisen from 5 December 2024 to 14 March 2025 for the full record.

Key points:

- Terbufos must be banned with immediate effect.
- No derogation process must be allowed. The derogation process must be reviewed and scrapped, as such processes have historically enabled continued harm and amount to offloading hazardous chemicals onto the public.
- Existing stockpiles must be safely and lawfully disposed of, not disposed of on the South African public through a 'phase out period.'
- Prevent substitution with equally toxic chemicals.
- The Department of Agriculture must publish a clean enforcement plan, developed with SAPS and other agencies, to prevent illegal distribution and hold violators accountable.
- The results of the Department's investigations into the stewardship breaches that resulted in Terbufos becoming accessible through illicit channels must be disclosed in full.
- The government must affirm legal accountability for deaths and injuries associated with Terbufos, including compensation mechanisms.
- South Africa's legislation relating to pesticides needs to be overhauled from the current 'rubber-stamping' process to one that rigorously safeguards human and environmental health and ensures consequences for those causing death and injury. Such legislation must align with our Constitution and the Bill of Rights, scientific evidence, and global best practice.
- Effective inter-departmental governance of pesticides must be established.
- The Department of Agriculture must put the database of registered chemicals into the public domain and update this quarterly, as required by 39 of the Regulations and as promised in writing by Minister Steenhuisen in his letter dated 5 March 2025.

We attach here our letter of demand to Minister Steenhuisen 5 December 2024, his response to us dated 5 March 2025, and our further response to him dated 14 March 2025.

In addition to the substantive information sent to Minister Steenhuisen in those letters, as well as our demands, we would like to add:

1. Concerns regarding the delay in actioning the Cabinet’s decision

Why has it taken so long to action the decision made by Cabinet? The Cabinet announced its decision to ban terbufos on 12 June 2025. Yet the intention to ban was only gazetted on 1 December 2025, and the comment period had to be extended to 27 February 2026 due to procedural amendments.

This delay has potentially had fatal consequences.

The Ministerial Advisory on the banning of Terbufos confirms¹ that In 2023 and 2024 alone, mortuary data recorded at least 350 Terbufos-related deaths, with children making up 35% of these fatalities. Based on this trend, over 100 additional preventable deaths may have occurred during the period of government inaction.

We request an explanation of the delay and the steps the Department will take to prevent similar failures in future public health decisions.

2. Vulnerable Populations

Extensive evidence from South African public-health scholars, particularly Profs. Leslie London and Andrea Rother, demonstrate that highly hazardous pesticides disproportionately harm vulnerable populations, including children, pregnant women, farmworkers, and rural communities living near agricultural operations. Their research highlights how the combination of weak regulatory systems, inadequate labelling, limited protective equipment, and socio-economic vulnerability results in heightened exposure and severe health outcomes. Terbufos, given its extreme toxicity and prevalence in informal markets, amplifies these risks, making urgent regulatory intervention a constitutional and moral imperative.

3. Publication of Terbufos Investigation Findings

We note that the Department of Agriculture announced an investigation into the source of the leaked Terbufos and was awaiting the outcomes of testing done on Terbufos. In response to questions regarding reparations for victims, the Parliamentary Committee on Agriculture was assured that the test results would be handed over to SAPS². Furthermore, it was reported that investigations so far had ‘revealed manufacturer and distributor non-compliance in training, record-keeping, labelling, and sales’³. This is in stark contradiction to Minister Steenhuisen’s strenuous assertions that the problem lay

¹ Available at: <https://www.health.gov.za/wp-content/uploads/2025/12/BANNING-OF-TERBUFOS-advisory.pdf>.

² <https://pmg.org.za/committee-meeting/39885/>

³ <https://pmg.org.za/committee-meeting/40162/>

outside our borders, not with local industry players. This is on record at the Parliamentary Portfolio hearings held on 19 November 2024 and 4 February 2025.

In the interests of transparency, accountability, and regulatory improvement, we respectfully request:

- Full publication of the investigation report
- Identification of systemic failures in stewardship
- Corrective measures implemented or planned
- Details of sanctions imposed.

This is essential for public trust and for ensuring that similar regulatory breaches do not recur.

4. Management of Stockpiles and Post-Ban Compliance

Once the ban on Terbufos comes into effect, clarity is sought regarding the Department's plan to ensure the safe and lawful disposal of existing stockpiles; prevent further purchase and distribution; and monitor compliance across the value chain. We reiterate that a 'phase out' period essentially amounts to the disposal of stockpiles on the public rather than industry and government taking the trouble to properly dispose of this substance that has been deemed too dangerous to be in circulation. This is unacceptable, contradicts public health science, and is inconsistent with South Africa's obligations to protect life and dignity; hence, we argue that no phase-out period should be allowed.

Effective implementation and enforcement will be essential to ensure that the ban achieves its intended protective purpose.

5. Ongoing Street-Level Availability and Inter-Agency Coordination

There is anecdotal evidence that Terbufos remains available in informal or illicit markets. City of Johannesburg spokesperson Nathatise Modingoane maintains that 'Where suspected illegal activity involving Terbufos is identified, the city alerts the relevant national and provincial authorities responsible for regulating agricultural pesticides⁴.

We further seek clarity on:

- How the Department responds to reports of illegal sales.
- The nature of coordination with SAPS in addressing illegal distribution.
- The enforcement measures are currently underway.
- How communities can safely report illegal distributors and be assured of swift and effective action without risk of reprisal.

⁴ <https://www.msn.com/en-za/news/other/how-many-more-must-die-the-deadly-terbufos-pesticide-linked-to-over-20-child-deaths-in-gauteng-continues-to-be-sold-for-r10/ar-AA1V8dzK#:~:text=How%20many%20more%20must%20die,to%20be%20sold%20for%20R10>

6. Accountability, Liability, and Victim Support

There has been serious harm associated with the illegal distribution of Terbufos. We respectfully request clarity on:

- Whether criminal investigations or prosecutions are being pursued.
- The Department's position on liability for harm arising from past stewardship failures.
- What mechanisms exist for compensation of affected families, and
- What long-term support may be available to individuals suffering from chronic health consequences?

7. Implementation of the 2010 Pesticide Management Policy

The 2010 Policy commits South Africa to the gradual elimination of highly hazardous pesticides. Fifteen years later, implementation remains incomplete.

SAPToA submits that:

- Full implementation is long overdue.
- A transition away from HHPs must include structural reforms to agricultural production, labour rights, environmental protection, and rural health
- Substitution with other toxic chemicals or a narrow focus on biopesticides is insufficient

As demonstrated during SAPToA's 2025 Tribunal⁵, a holistic food-system transition is essential for meaningful safety and sustainability.

8. Constitutional and Human-Rights Obligations

The continued circulation of Terbufos is directly inconsistent with the State's constitutional obligations to protect life (Section 11), dignity (Section 10), an environment not harmful to health (Section 24), and children's rights (Section 28).

South Africa's human rights commitments, including under the African Charter on Human and Peoples' Rights, further require the State to take active measures to prevent foreseeable public health harms. Allowing Terbufos to remain in circulation despite well-established scientific evidence of its lethality constitutes a breach of these obligations and exposes the State to potential legal challenge.

⁵ <https://agrotoxinstribunalsa.co.za>

9. Food Security Considerations

The Minister has expressed the view that banning highly hazardous pesticides will have significant implications for food security; In fact, the claim was that banning just 1 pesticide – Terbufos – would have ‘devastating impacts on food security’⁶. We would welcome the opportunity to review the evidence, modelling, or risk assessments underpinning this position. The Pesticide Management Policy of 2010 committed to phasing-out and banning of certain categories of highly hazardous pesticides - there has been a 15-year window for research into pesticide-free alternatives, yet seemingly nothing has been done, and industry continues to assert that using its life-threatening products is the only way to produce food. This excuse can no longer remain unexamined.

SAPToA respectfully requests:

- Access to the modelling, evidence, or risk assessments underpinning this claim.
- Clarification on why such evidence appears inconsistent with international findings that phasing out HHPs can occur without food security disruption when supported by appropriate transition policies.
- Explanation for the lack of investment in research into holistic pesticide-free alternatives despite the 2010 Pesticide Management Policy commitment to phasing out HHPs and numerous policy commitments to adopt sustainable agricultural practices.

For more than fifteen years, researchers have highlighted the urgent need for alternatives, and the government has had ample opportunity to commission transition research and support farmers in adopting safer systems.

Conclusion and Requested Actions

The ongoing availability of Terbufos in informal markets points to systemic regulatory failure, not isolated stewardship breaches. SAPToA’s community documentation—corroborated by expert analysis from Profs. London and Rother—show persistent gaps in monitoring, enforcement, supply chain control, and industry compliance. These failures are not accidental; they are structural and long-standing, reflecting weaknesses in the framework of Act 36 of 1947. Without a fundamental overhaul of the pesticide registration, monitoring, and enforcement regime, similar crises will recur even after Terbufos is banned.

SAPToA respectfully requests that the Department:

1. Finalise and publish the ban on terbufos without derogation or phase-out.

⁶ <https://pmg.org.za/committee-meeting/40162/>

2. Publish the findings of the terbufos investigation.
3. Provide its enforcement and disposal plan.
4. Clarify interagency coordination measures.
5. Provide a written response to all questions raised in this submission.
6. Engage with SAPToA, public health experts, and affected communities to design safer pesticide governance systems.

We request written acknowledgment of this submission and confirmation of the Department's response timelines.

Yours faithfully,

Haidee Swanby

For the South African People's Tribunal on AgroToxins (SAPToA)

E-mail: haidee@polka.co.za

Tel: 082 459 8548

Website: <https://agrotoxinstribunalsa.co.za>

Affiliates:

- African Centre for Biodiversity (ACB)
- Commercial, Stevedoring, Agricultural, and Allies Workers Union (CSAAWU)
- Groundwork, Friends of the Earth South Africa
- Khanyisa Education and Development Trust (Khanyisa) /Kouga Workers Forum
- Southern Durban Community Environmental Alliance (SDCEA)
- Trust for Community Outreach and Education (TCOE)
- Women on Farms Project (WFP)