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**RECTIFICATION NOTICE**

Notice is hereby given that the **regulation number** in the preamble of *Government Gazette* No. 32105 of 6 April 2009 was incorrectly published. The number should read as follows: **Regulation Gazette No. 9074.**

# GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 590

29 May 2009

AGRICULTURAL PRODUCT STANDARDS ACT, 1990  
(ACT No. 119 OF 1990)

### REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF APPLES INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) --

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on date of publication; and
- (c) read together with section 3(2) of the said Act, repealed the prohibition published by Proclamation No. R. 22 of 1973 as amended by No. R. 2859 of 29 December 1989, as well as the regulations published by Government Notice Nos. R. 2208 of 10 November 1978, R. 625 of 28 March 1980, R. 1002 of 13 May 1983, R. 271 of 13 February 1987, R. 812 of 28 April 1989 and R. 925 of 27 April 1990 with effect from the said date of commencement.

#### SCHEDULE

##### Definitions

1. In these regulations, unless inconsistent with the text, any word or expression to which a meaning has been assigned in the Act, shall have a corresponding meaning, and --

"**Arthropoda**" means any stage in the life cycle of an invertebrate member of the Animal Kingdom that is bilaterally symmetrical with a segmented body, with jointed limbs that are paired and a chitinous external skeleton;

"**apple**" means the fruit of the cultivars which are grown from the species *Malus sylvestris*;

"**bitterpit**" a physiological state characterized by light yellow discoloured spots with darkbrown corky layer;

"**blemish**" means any external skin defect, excluding sunburn, russetting, rough marks, wind marks and hail marks on the surface of the apple, which detrimentally affects the appearance of the apple;

"**bruise**" means any bruise which shows an indentation or results in discoloration directly under the skin;

"**calcium spot**" small darkbrown spots visible on the lenticels of the apple;

"**chemical residues**" means residues of agricultural remedies which in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), are permissible for the treatment of pests and diseases and which do not exceed the prescribed maximum residue limit;

"**cold damage**" means any damage caused by too low temperatures, excluding superficial cold storage scald;

"**consignment**" means --

- (a) a quantity of apples of the same cultivar, belonging to the same owner, and delivered at the same time under cover of the same delivery note, consignment note or receipt note, or delivered by the same vehicle, or
- (b) in the case of a quantity of apples that is divided into different cultivars, classes, counts, count groups, pallet loads, trade marks or types of packaging, every quantity of each of the different cultivars, classes, counts, pallet loads, trade marks or types of packaging;

"**container**" means the immediate container in which apples are packed directly, the outer container in which prepacked units are packed and bulk containers, excluding prepacked units and shipping containers in which pallet loads are shipped;

"**core rot**" means --

- (a) progressive core rot (wet) that extends into the flesh of the apple which extends more than 10 millimetres into the flesh of the apple; and
- (b) non-progressive core rot (dry) which does not extend more than 10 millimetres into the flesh of the apple;

"**count**" means the number of apples packed into a container;

"**decay**" means a state of decomposition, fungus development excluding stem, internal insect infestation or internal insect damage with signs of tissue collapse or insect excrement, which detrimentally affects the quality of the apple;

"**diameter**" means the largest diameter measured at right angles to the longitudinal axis of the apple;

"**dirty fruit**" means apples that are visible soiled or marked with foreign matter excluding chemical residues;

"**food business operator (FBO)**" means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business as under his or her control and including both the management of the food business as well as the person with overall authority on site or in the specific establishment;

"**food safety**" means assurance that a food product is acceptable for human consumption according to its intended use;

"**foreign matter**" means any material or substance not normally present in, on or between the apples;

"**hail marks**" means marks which have been caused by hail, which have healed completely or become callused and which exceed 2 millimetres in depth;

"**hazard**" means a biological, chemical or physical agent in or condition of, a food product with the potential to cause an adverse health effect;

"**injury**" means any wound or puncture which has penetrated the skin of the apple and exposes the flesh, with the exception of such wounds or punctures which have healed completely or have become callused or skin punctures on York Imperial apples;

"**inspector**" means the Executive Officer or an officer under his or her control, or an Assignee or a qualified employee of an Assignee;

"**internal breakdown**" means a state of physiological deterioration affecting the internal quality of the apple detrimentally;

"**prepacked unit**" means any single packing unit for presentation such as to the consumer consisting apples and the packaging into which the apples were put before being offered for sale;

"**suitable**" means to be suitable according to the opinion of the Executive Officer;

"**the Act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"**traceability**" means the ability to trace and follow a food product or any substance intended to be, or expected to be incorporated into a food product through all stages of production, packing, processing, packaging, handling and distribution;

"**weight**" means mass in grams measured on a calibrated balance; and

"well-formed" means that the apples have a shape which is normally typical of the cultivar concerned.

**Control over the sale of apples**

2. (1) No person shall sell apples in the Republic of South Africa *other than imported apples referred to in subregulation (3)* --

- (a) unless the apples are sold according to the classes referred to in regulation 3;
- (b) unless the apples comply with the Standards for apples regarding quality referred to in regulation 4;
- (c) unless such apples are packed in a container and in accordance with the packing requirements as set out in regulations 5, 6, 7, 8 and 9
- (d) provision concerning presentation as set out in regulation 10;
- (e) apples comply with the traceability requirements as set out in regulation 11;
- (f) unless such apples are marked with the particulars and in the manner prescribed in regulation 12; and
- (g) if such apples contain a substance(s) that render them unfit for human or animal consumption or for processing into or utilization thereof as food or feed;
- (h) if the apples contains a substance prescribed as a substance which it may not contain according to Act 36 of 1947; and
- (i) if the apples contains biological or chemical contaminants in quantities or at levels that exceed the maximum limits prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act No. 54 of 1972).

(2) Apples sold by vendors in streets (excluding retailers and supermarkets) and other public places are excluded from the stipulations in subregulation 2(1) (a), (b), (c), (d), (e), (f), (g), (h), and (i), Provided that if such apples are marked in terms of item 12 and 13 it shall be subjected to the aforementioned stipulations.

(3) Imported apples may be exempted from the provisions of subitem (1), provided that the apples --

- (a) comply with either the Codex, UNECE (United Nations Economic Commission for Europe) or OECD (Organisation for Economic Co-operation and Development) standards; and
- (b) according to bilateral agreement accompanied by certificate issued by a relevant government authority responsible for quality control of fresh fruit and vegetables and in which it is certified that the quality of the apples as verified through inspection conforms to the relevant standard;
- (c) do not contain a substance prescribed as a substance which it may not contain according to Act 36 of 1947; and
- (d) do not contain biological or chemical contaminants in quantities or at levels that exceed the maximum limits prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act No. 54 of 1972).

(4) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she deems necessary, from the provisions of subitem (1).

**QUALITY AND FOOD SAFETY STANDARDS*****Classes for apples***

3. There are two classes of apples, namely Class 1 and Class 2.

***Standards for apples***

4. (1) Apples shall—
- (a) be fit for human consumption; and
  - (b) contain no chemical residues that exceed the prescribed maximum residue levels;
- (2) Apples shall comply with the specifications set out in Tables 1, 2, 3 and 4.
- (3) No consignment of apples "Class 1" or "Class 2" shall contain --
- (a) any organisms which may be a source of danger to the human being; and
  - (b) Arthropoda infestation including the organisms which according to paragraph (a) do not form part of plant injurious organisms, excluding organisms which may be a source of danger to the human being, on more than 3% of the apples or three free live Arthropoda per pallet load or part thereof in the consignment: Provided that it does not exceed a maximum of one Arthropoda per container.

**PACKING REQUIREMENTS FOR APPLES*****Requirements for containers***

5. Containers in which apples are packed shall --
- (a) be clean, dry, undamaged and suitable;
  - (b) not impart a foreign taste or odour to the apples;
  - (c) be free from any visible sign of fungus growth;
  - (d) be free from Arthropoda infestation; and
  - (e) be strong and rigid enough to ensure that the original shape be retained and not bulge out, dent in, break or tear, to the extent that apples are damaged or are at risk of being damaged, during normal storage, handling or transport.

***Packing requirements***

6. (a) Only apples of the same quality, cultivar, ripeness and size shall be packed together in the same container.
- (b) Class 1 apples in the same container must be uniform in colour.
- (c) Each container shall be packed firmly and to capacity.
- (d) Apples shall be sized by diameter or weight: Provided that sizing shall be optional in the case of Class 2 apples.
- (e) If apples are packed in prepacked units, such units shall be packed in a suitable manner in an outer container: Provided that the prepacked units are clean, dry, undamaged and suitable.

***Packing material***

7. If packing material is used inside the containers, such packing material shall be clean, dry, odourless and of a quality such as to avoid causing any external or internal damage to the apples.

***Stacking of containers on pallets***

8. If containers containing apples are palletised --

- (a) the pallet shall be clean, undamaged and suitable;
- (b) local pallets shall have visible signs of fungus growth and Arthropoda infestation. This is only applicable to export. Imports will be covered by the ISPM 15;
- (c) the containers shall be stacked firmly and square with each other and the pallet;
- (d) only containers of the same dimensions shall be stacked in the same layer on the pallet; and
- (e) the containers shall not be stacked upside-down on the pallet.

***Strapping of the pallet loads***

9. (1) A pallet load of containers shall be strapped in a suitable manner.

(2) If containers without lids are being used, a suitable covering shall be placed on top of the pallet load of containers, before the pallet load is strapped.

***Provisions concerning presentation***

10. (1) Uniformity

The contents of each package must be uniform and contain only apples of the same origin, variety, quality and size (if sized) and the same degree of ripeness. The visible part of the contents of the package must be representative of the entire contents except for mixed sizes and varieties.

**TRACEABILITY REQUIREMENTS**

11. Food business operators shall:

- (a) establish the traceability of apples at all stages of production, packing, handling and distribution;
- (b) be able to identify any person or supplier from whom they have been supplied with apples, or any substance intended to, or expected to be used in the production or processing of apples;
- (c) have in place systems and procedures to identify other businesses to which their apples have been supplied;
- (d) ensure that adequate procedures are in place to withdraw apples from the trade where such apples present a serious risk to the health of consumers;
- (e) immediately withdraw apples from the trade which were identified as food products that present a serious risk to the health of consumers;
- (f) immediately inform the Executive Officer of such withdrawal;
- (g) immediately make available to the Executive Office, on request any relevant information or documentation mentioned in (a), (b), (c), (d), (e) or (f); and

- (h) keep records of the information mentioned in (g), as well as any other relevant information for at least two years.

#### MARKING REQUIREMENTS FOR APPLES

12. (1) Each container containing apples shall be marked clearly, indelibly, legibly and not untidy, upside-down or askew in block letters and numerals on any visible short or long side of the lid or container, where lids are not used, by printing, stamping or by means of specially designed labels with the following particulars: Provided that all particulars shall be grouped on the same side:

- (a) The expression "Apples".
- (b) The appropriate cultivar.
- (c) The applicable minimum and maximum diameter: Provided that it --
  - (aa) may be replaced with the applicable count, preceded by the expression "Count", in the case of apples packed in layers; or
  - (bb) shall be replaced with the applicable minimum diameter followed by the expression "and over", in the case of Class 2 apples which are not sized;

or
- (d) The applicable minimum and maximum weight: Provided that it --
  - (aa) may be replaced with the applicable count, preceded by the expression "Count", in the case of apples packed in layers; or
  - (bb) shall be replaced with the applicable minimum weight followed by the expression "and over", in the case of Class 2 apples which are not sized.
- (e) The appropriate class in accordance with regulation 3.
- (f) The name and physical or postal address of the producer or owner of the contents of the container.
- (g) The producer's code or the packhouse code (excluding imported apples) which is registered with the Executive Officer by the producer or packhouse, as the case may be: Provided that --
  - (i) the packhouse code shall be used if the origin of the apples cannot be traced back to the producer;
  - (ii) if a producer has more than one farm, each farm shall be registered separately; and
  - (iii) such code shall be preceded by the expression "Producer", "Packhouse", "Packer", "PUC", "PHC", "FBO" or any other suitable term having a similar meaning.
- (h) The country of origin.
  - (i) Indication of date code/date on at least 90% of the containers and prepacked containers: Provided that if the packing date is expressed in date code, it shall be registered with the Executive Officer.

(2) Subject to the provisions of subitem (1), each outer container containing prepacked units shall be marked with an indication of the total number of prepacked units per outer container: Provided that if the total number of prepacked units is visible from the outside, it does not have to be indicated on the outer container.



- (3) No indication highlighting a special grading, presentation weight or size shall be indicated on the same side as the particulars in subitem (1).
- (4) The net weight must be indicated on jumble cartons.
- (5) If apples are displayed for sale in loose quantities --
- (a) any quantity of a particular class, size group or cultivar shall not be displayed mixed with apples of any other class, size group or cultivar; and
  - (b) if imported, the country of origin of the apples shall be indicated in clear, legible block letters on a notice board placed at the quantity of apples.

### PROHIBITED PARTICULARS

13. No wording, illustration or other means of expression which constitutes a misrepresentation or which directly or by implication, creates a misleading impression of the contents, shall appear on a container which contains apples.

#### *Display*

14. (1) If apples in containers for sale are being displayed, such container shall be placed in such a manner to ensure that the prescribed markings on the containers or labels, as the case may be, are clearly visible.
- (2) If apples are displayed for sale other than in containers, --
- (a) any quantity thereof of a particular class, size group or cultivar, as the case may be, shall not be so displayed mixed with apples of any other class, size group or cultivar; and
  - (b) the class and cultivar of such quantity of apples shall be displayed in clear legible block letters of at least 10 mm in height on a notice board prominently placed at such quantity of apples.

### SAMPLING PROCEDURES

#### *Obtaining a sample of the consignment*

15. At least two per cent of the containers in a consignment shall be drawn at random for inspection purposes and an inspector shall be satisfied that the containers so drawn are representative of the consignment concerned: Provided that in the case of bulk containers, at least 25 per cent of the bulk containers or two bulk containers, whichever is the greatest, shall be drawn at random as sample of the consignment.

#### *Obtaining an inspection sample*

16. An inspection sample shall --
- (a) in the case of containers, excluding bulk containers, be drawn from each container obtained in accordance with item 15 and shall, in the case of --
    - (i) containers with 50 apples or less, consist of the entire contents of the container; or
    - (ii) containers with more than 50 apples, consist of 50 apples drawn at random from the container;
  - (b) in the case of bulk containers, be obtained by randomly drawing three quantities of 50 apples each, respectively from the middle and two opposite corners, from each bulk container obtained in accordance with item 15; and

- (c) for the determination of uniformity in size, in the case of apples --
- (i) packed in layers, with or without trays, be obtained by randomly drawing a single layer of apples from each container obtained in accordance with item 15; and
  - (ii) packed in any packaging consists of the entire contents of each container obtained in accordance with item 15.

***Deviating sample***

17. If an inspector should notice during the process of drawing the random sample or during the inspection, that some of the containers derived from any part of the pallet load, truck load or consignment, contain apples which are noticeably inferior to or differ from the contents of containers which represent the remainder of the pallet load, truck load or consignment, the inspection result shall only be based on the containers derived from the deviating portion of the pallet load, truck load or consignment, and further samples required for inspection shall be drawn from this deviating portion.

**METHOD OF INSPECTION**

***Determination of the external appearance, condition and size***

18. For the purpose of analysis in respect of external appearance, condition and size, the whole sample drawn in accordance with regulation 15, shall be used.

***Determination of uniformity in size***

19. The uniformity in size of apples in the same container is determined by:
- (a) Selecting the 10 apples from the sample drawn in regulation 15 which prominently displays the greatest difference in diameter.
  - (b) Tabulating the diameter of the 10 apples in one millimetre grading.
  - (c) If three or more apples per any count in a sample of 10 apples drawn, do not comply with the variation in diameter, the count or counts shall be deemed not to be suitable.

***Determination of internal quality defects including core rot***

20. The internal quality defects of apples shall be determined by selecting 10 apples in the sample drawn in terms of regulation 15, which in the opinion of the inspector are those most likely to have been affected and by bisecting them on their equatorial axes and calculating the number of such apples affected, as a percentage of the total number of apples selected.

***Determination of minimum ripeness***

21. The minimum ripeness for apples shall be determined as follows:
- (i) Take as working sample 10 apples at random from the inspection sample obtained in accordance with sub-regulation 16(a).
  - (ii) Cover the cut surface of one half of each of the 10 bisected apples evenly with an iodine solution of one per cent.
  - (iii) Leave the apple halves for at least one minute before the results are recorded.
  - (iv) Determine the percentage surface of each of the apple halves which did not turn black in colour.
  - (v) Add up the percentage obtained from all the apple halves and divide the figure by the number of readings.

- (vi) Compare the results obtained in subparagraph (iv) with the minimum requirements in Table 3 for the particular cultivar.
- (vii) The inspection sample shall be regarded as mature if the starch content of the apples at least comply with the minimum average percentage starch conversion for the cultivar concerned, as set out in Table 3.

***Determination of minimum diameter size***

22. (a) The minimum diameter size of apples shall be determined by using a suitable calibrated apparatus with round openings of which the diameter coincides with the minimum diameter prescribed in item (d) in Table 1.
- (b) The minimum size shall be determined as follows:
- (i) Take as working sample the apples that noticeably appear to be the smallest in diameter from the inspection sample obtained in accordance with regulation 16(a).
  - (ii) Place the apples of the cultivar concerned gently, one after the other, with their stems facing upwards on the corresponding opening of the apparatus mentioned in paragraph (a).
  - (iii) If an apple falls through the prescribed size of the opening through the action of its own gravity, the apple is deemed to be too small.
  - (iv) Calculate the number of apples thus found to be too small as a percentage of the total number of apples in the inspection sample.

***Determination of minimum and maximum weight***

23. (a) The minimum weight of apples shall be determined by using a suitable calibrated balance.
- (b) The minimum weight shall be determined as follows:
- (i) Take as working sample the apples that noticeably appear to be the smallest/largest from the inspection sample obtained in accordance with subitem 16(a).
  - (ii) Place each apple of the working sample gently, individually one after the other, on the balance mentioned in (a).
  - (iii) If an apple weighs less than the prescribed minimum weight, the apple is deemed to be too small.
  - (iv) Calculate the number of apples thus found to be too small/large as a percentage of the total number of apples in the inspection sample.

***Determination of over-maturity/overripeness***

24. (a) Overripeness of all apple cultivars in a consignment shall be determined with a handheld penetrometer or a penetrometer mounted on a drill stand with a plunger of 11,2 millimeter in diameter.
- (b) Overripeness shall be determined as follows:
- (i) Take as working sample 10 apples at random from the inspection sample obtained in accordance with subitem 16(a): Provided that such apples shall be free from defects such as sunburn and pests or disease damage, which may have affected the normal ripening process.
  - (ii) Remove a thin slice of skin from opposite sides of each apple.

- (iii) Hold the apple firm with one hand: Provided that if a handheld penetrometer is used, your hand should rest on a rigid surface.
  - (iv) Zero the penetrometer and place the plunger head of 11,2 millimeter in diameter on the spot where the skin was removed.
  - (v) Apply steady downward pressure on the penetrometer until the plunger has penetrated the flesh of the apple up to the depth mark of the plunger.
  - (vi) Remove the plunger and note the reading on the penetrometer, to one decimal.
  - (vii) Repeat the process on the opposite side of the same apple after first zeroing the penetrometer.
  - (viii) Calculate the average of the two pressure readings of each apple.
- (c) The apples shall not be regarded as overripe, if they conform to the minimum pressure readings for the cultivar concerned as set out in Table 3.

#### **OFFENCE AND PENALTIES**

25. Any person who contravenes or fails to comply with the provisions of these regulations, shall be guilty of an offence and may upon conviction be liable to a fine or to imprisonment in terms of section 11 of Act No. 119 of 1990.

**TABLE 1**  
**QUALITY AND FOOD SAFETY STANDARDS FOR APPLES**

| <b>Quality factor</b>                             | <b>Class 1</b>   | <b>Class 2</b>   |
|---|--|--|
| (a) Appearance                                    | Sound and attractive according to cultivar requirements  | Sound and fairly attractive and true to cultivar requirements  |
| (b) Shape   | Well-formed according to cultivar requirements   | -  |
| (c) Colour (all cultivars)                        | As set out in Table 4  | As set out in Table 4  |
| (d) Minimum size/diameter                         | 80 g or 54 mm  | 80 g or 54 mm  |
| (e) Size groups (diameter if jumble packed)       |  |  |
| (aa) Extra large                                  | Larger than 80 mm  | Larger than 80 mm  |
| (bb) Large  | 70 mm to 80 mm   | 70 mm to 80 mm   |
| (cc) Medium                                       | 60 mm to 70 mm   | 60 mm to 70 mm   |
| (dd) Small  | 54 mm to 60 mm   | 54 mm to 60 mm   |
| (f) Maturity                                      | As set out in Table 3  | As set out in Table 3  |
| (g) Bruises                                       | Larger than 20 mm in diameter or which has a surface area larger than 400 mm <sup>2</sup> : Provided that no apple may have a bruise larger than 28 mm in diameter | Larger than 25 mm in diameter or which has a surface area larger than 500 mm <sup>2</sup> : Provided that no apple may have a bruise larger than 35 mm in diameter |
| (h) Blemishes                                     | Less than 250 mm <sup>2</sup>  | Less than 300 mm <sup>2</sup>  |
| (i) Sunburn                                       | As set out in Table 4  | As set out in Table 4  |
| (j) Russeting                                     | As set out in Table 4  | As set out in Table 4  |
| (k) Core rot                                      |  |  |
| (aa) progressive                                  | May not deviate to the extent set out in Table 2   | May not deviate to the extent set out in Table 2   |
| (bb) non-progressive                              | May not deviate to the extent set out in Table 2   | May not deviate to the extent set out in Table 2   |
| (l) Bitter pit                                    | As set out in Table 4  | As set out in Table 4  |
| (m) Foreign matter                                | May not deviate to the extent set out in Table 2   | May not deviate to the extent set out in Table 2   |
| (n) Any other external or internal quality defect | May not deviate to the extent set out in Table 2   | May not deviate to the extent set out in Table 2   |
| (o) Hail marks - Isolated and scattered           | As set out in Table 4  | As set out in Table 4  |
| (p) Calcium spot                                  | As set out in Table 4  | As set out in Table 4  |
| (q) Fusicladium                                   | 50mm <sup>2</sup>  | 100mm <sup>2</sup>   |

**TABLE 2**  
**MAXIMUM PERMISSIBLE DEVIATIONS BY NUMBER**

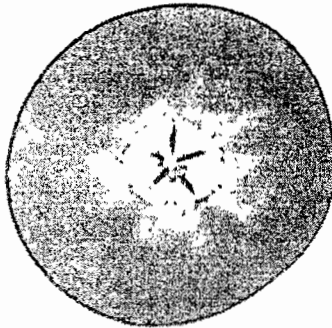
The maximum permissible deviations allowable are as follows:

| Quality factor   | Class 1 | Class 2 |
|--|---------|---------|
| (a) Decay:   |         |         |
| (aa) Decomposition or fungus development   | 2%      | 4%      |
| (bb) Internal insect damage  | 2%      | 4%      |
| (b) (aa) Progressive core rot or bitter pit, lenticell pit individually and cold damage  | 6%      | 10%     |
| (bb) Non-progressive core rot  | 10%     | 15%     |
| (c) Visible spray residue  | 3%      | 6%      |
| (d) Injuries   | 6%      | 8%      |
| (e) Blemishes  | 10%     | 15%     |
| (f) Bruises  | 10%     | 15%     |
| (g) Deviations in items (a), (b), and (d) collectively: Provide that such deviations shall individually be within the specified limits | 10%     | 15%     |
| (h) Minimum size/weight  | 10%     | 15%     |
| (i) Colour   | 20%     | 30%     |
| (j) Minimum size/weight  | 10%     | 15%     |
| (k) Colour   | 20%     | 30%     |
| (l) Foreign matter   | 10%     | 15%     |
| (m) Any other external or internal quality defects   | 10%     | 15%     |
| (n) Immature fruit/over mature fruit   | 0%      | 0%      |
| (o) Deviation for the above (f), (g), (h), (i), (j), (k) and (l)   | 20%     | 30%     |

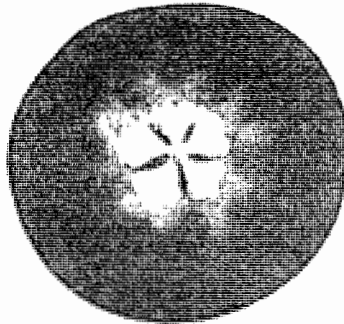
**TABLE 3**  
**MINIMUM STARCH AND PRESSURE REQUIREMENTS (ALL CULTIVARS)**

| <b>Cultivar</b>         | <b>Minimum starch requirement</b> | <b>Minimum pressure requirement</b> |
|-------------------------|-----------------------------------|-------------------------------------|
| All Red Delicious types | 10%                               | 4.5                                 |
| Cripps' Pink            | 15%                               | 5.5                                 |
| Cripps' Red             | 30%                               | 5.5                                 |
| Fiesta (Red Pippin)     | 15%                               | 4.5                                 |
| Tenroy (Royal Gala®)    | 15%                               | 5                                   |
| Gala                    | 15%                               | 5                                   |
| Golden Delicious        | 15%                               | 4.5                                 |
| Panorama Golden         | 15%                               | 4.5                                 |
| African Carmine         | 20%                               | 5                                   |
| Braeburn                | 20%                               | 5.5                                 |
| Fuji                    | 20%                               | 4.5                                 |
| Granny Smith            | 20%                               | 5                                   |
| All other cultivars     | 15%                               | 4.5                                 |

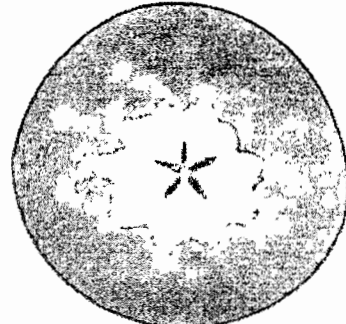
**PART 2/DEEL 2  
STARCH CONVERSION CHART/STYSELOMSETTINGSKAART**



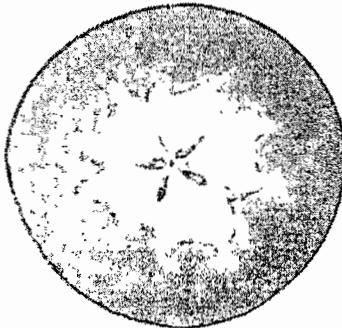
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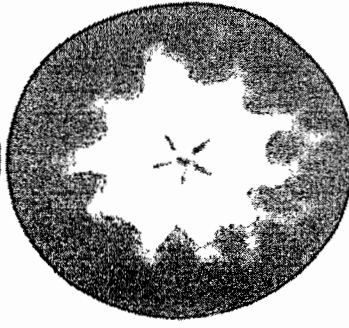
10%



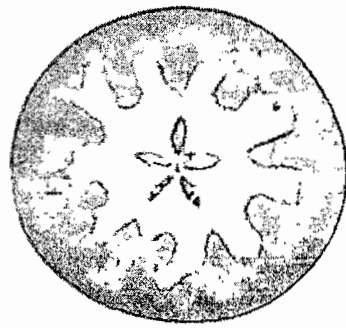
20%



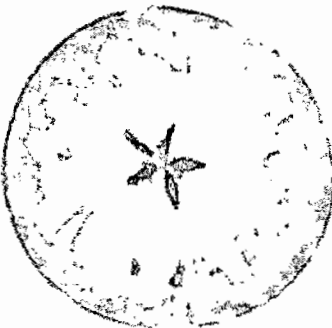
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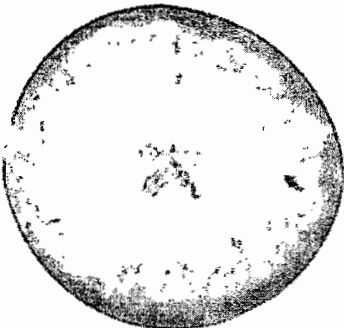
30%



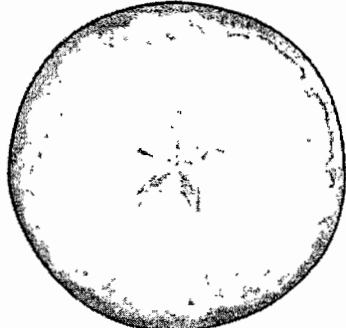
40%



60%



70%



80%



**TABEL 4/TABLE 4**  
**ILLUSTRASIES VAN TOEPASSING OP APPELS: KLAS 1/**  
**ILLUSTRATIONS APPLICABLE TO APPLES: CLASS 1**

| <b>Kleurkaart No./ Colour Chart No.</b> | <b>Gehaltesfaktor/ Quality factor</b>        | <b>Kultivar/ Cultivar</b>                      | <b>Standaard/ Standard</b>  |
|---|--|--|---|
| A.19                                    | Kalsiumvlek/Calcium spot                     | Alle kultivars/All cultivars                   | Maksimum kleurafdruk nr. 5/Maximum colour print no. 5   |
| A.20                                    | Sonbrand/Sunburn                             | Golden Delicious                               | Maksimum kleurafdruk nr. 4/Maximum colour print no. 4   |
| A.27                                    | Kleur/Colour                                 | Jonathan                                       | Minimum kleurafdruk nr. 2/Minimum colour print no. 2  |
| A.28                                    | Kleur/Colour                                 | Golden Delicious                               | Maksimum kleurafdruk nr. 7/Maximum colour print no. 7   |
| A.29                                    | Haelmerke – verspreid/Hail marks – scattered | Alle kultivars/All cultivars                   | Maksimum kleurafdruk nr. 5/Maximum colour print no. 5   |
| A.30                                    | Haelmerke – enkel/Hail marks – isolated      | Alle kultivars/All cultivars                   | Maksimum kleurafdruk nr. 5/Maximum colour print no. 5   |
| A.31                                    | Stingelentverruwing/Stem-end russeting       | Alle rooi kultivars/All red cultivars          | Maksimum kleurafdruk nr. 10/Maximum colour print no. 10   |
| A.33                                    | Sonbrand/Sunburn                             | Granny Smith                                   | Maksimum kleurafdruk nr. 7/Maximum colour print no. 7   |
| A.34                                    | Kleur/Colour                                 | Starking (Starking Delicious, Stark Delicious) | Maximum colour print no. 9  |
| A.34                                    | Kleur/Colour                                 | Red Delicious                                  | 30% colour  |
| A.35                                    | Kleur/Colour                                 | Topred   | Minimum kleurafdruk nr. 11 aan die swakste gekleurde kant/Minimum colour print no. 11 on the worst coloured side  |
| A.36                                    | Kleur/Colour                                 | Starkrimson<br><br>Splendour                   | Minimum kleurafdruk nr. 8 aan beide kante/Minimum colour print no. 8 on both sides<br><br>Minimum kleurafdruk nr. 11 aan een kant/Minimum colour print no. 11 on one side |

| <b>Kleurkaart<br/>No./<br/>Colour<br/>Chart No.</b> | <b>Gehaltefaktor/<br/>Quality factor</b>   | <b>Kultivar/<br/>Cultivar</b>      | <b>Standaard/<br/>Standard</b>  |
|---|--|------------------------------------|---|
| A.37  | Netagtige verruwing/<br>Retiform russeting | Alle kultivars/All cultivars       | Maksimum kleurafdruk nr. 6<br>as teenwoordig op albei<br>kante en no. 8 as teen-<br>woordig op een kant/Maxi-<br>mum colour print no. 6 if<br>present on both sides and<br>no. 8 if present on one side |
| A.38  | Kleur/Colour                               | Granny Smith                       | Maksimum kleurafdruk nr.<br>7/Maximum colour print no.<br>7   |
| A.40  | Stingelentverruwing/Stem-<br>end russeting | Granny Smith                       | Maksimum kleurafdruk nr.<br>11/Maximum colour print<br>no. 11   |
| A.42  | Colour                                     | Tenroy (Royal Gala®)               | 50% of the fruit must have<br>red colouring   |
| A.42  | Colour                                     | Gala                               | 10% of the fruit must have<br>red colouring   |
| A.43  | Stingelentverruwing/Stem-<br>end russeting | Golden Delicious/Blushed<br>Golden | Maksimum kleurafdruk nr.<br>10/Maximum colour print<br>no. 10   |
|   | Kleur/Colour                               | Braeburn                           | 10% colour  |
|   | Kleur/Colour                               | Fuji                               | 10% colour  |
|   | Kleur/Colour                               | Cripps' Pink                       | 10% colour  |
|   | Kleur/Colour                               | Cripps' Red                        | 25% colour  |
| Pink Lady®  | Sonbrand/Sunburn                           | Cripps' Pink                       | Maksimum kleurafdruk nr.<br>5/Maximum colour print no.<br>5   |
| Pink Lady®  | Sonbrand/Sunburn                           | Cripps' Red                        | Maksimum kleurafdruk nr.<br>5/Maximum colour print no.<br>5   |

**TABEL 5/TABLE 5**  
**ILLUSTRASIES VAN TOEPASSING OP APPELS: KLAS 2/**  
**ILLUSTRATIONS APPLICABLE TO APPLES: CLASS 2**

| <b>Kleurkaart<br/>No./<br/>Colour<br/>Chart No.</b> | <b>Gehaltesfaktor/<br/>Quality factor</b>    | <b>Kultivar/<br/>Cultivar</b>                  | <b>Standaard/<br/>Standard</b>   |
|---|--|--|--|
| A.19  | Kalsiumvlek/Calcium spot                     | Alle kultivars/All cultivars                   | Maksimum kleurafdruk nr. 6/Maximum colour print no. 6  |
| A.20  | Sonbrand/Sunburn                             | Golden Delicious/Blushed Golden                | Maksimum kleurafdruk nr. 6/Maximum colour print no. 6  |
| A.28  | Kleur/Colour                                 | Golden Delicious                               | -  |
| A.29  | Haelmerke – verspreid/Hail marks – scattered | Alle kultivars/All cultivars                   | Maksimum kleurafdruk nr. 5/Maximum colour print no. 5  |
| A.30  | Haelmerke – enkel/Hail marks – isolated      | Alle kultivars/All cultivars                   | Maksimum kleurafdruk nr. 6/Maximum colour print no. 6  |
| A.31  | Stingelentverruwing/Stem-end russeting       | Alle rooi kultivars/All red cultivars          | Maksimum kleurafdruk nr. 12/Maximum colour print no. 12  |
| A.33  | Sonbrand/Sunburn                             | Granny Smith                                   | Allowed provided no secondary burn (alternatively no. 8)   |
| A.34  | Kleur/Colour                                 | Starking (Starking Delicious, Stark Delicious) | Maximum colour print no.9  |
|   | Kleur/Colour                                 | Red Delicious                                  | 30% colour   |
| A.35  | Kleur/Colour                                 | Topred   | Minimum kleurafdruk nr. 11 aan die swakste gekleurde kant/Minimum colour print no. 11 on the worst coloured side   |
| A.36  | Kleur/Colour                                 | Starkrimson                                    | Minimum kleurafdruk nr. 11 aan beide kante/Minimum colour print no. 11 on both sides   |
| A.37  | Netagtige verruwing/Retiform russeting       | Alle kultivars/All cultivars                   | Maksimum kleurafdruk nr. 7 as teenwoordig op albei kante en no. 9 as teenwoordig op een kant/Maximum colour print no. 7 if present on both side and no. 9 if present on one side |
| A.38  | Kleur/Colour                                 | Granny Smith                                   | -  |

| <b>Kleurkaart<br/>No./<br/>Colour<br/>Chart No.</b> | <b>Gehaltefaktor/<br/>Quality factor</b>   | <b>Kultivar/<br/>Cultivar</b> | <b>Standaard/<br/>Standard</b>                                |
|---|--|-------------------------------|---|
| A.40  | Stingelentverruwing/Stem-<br>end russeting | Granny Smith                  | Maksimum kleurafdruk nr.<br>12/Maximum colour print<br>no. 12 |
| A.42  | Colour                                     | Tenroy (Royal Gala®)          | 50% of the fruit must have<br>red colouring                   |
| A. 42   | Colour                                     | Gala                          | -   |
| A.43  | Stingelentverruwing/Stem-<br>end russeting | Golden Delicious              | Maksimum kleurafdruk nr.<br>12/Maximum colour print<br>no. 12 |
|   | Kleur/Colour                               | Braeburn                      | 10% colour  |
|   | Kleur/Colour                               | Fuji                          | 10% colour  |
|   | Kleur/Colour                               | Cripps' Pink                  | 10% colour  |
|   | Kleur/Colour                               | Cripps' Red                   | 10% colour  |
| Pink Lady®  | Sonbrand/Sunburn                           | Cripps' Pink                  | Maksimum kleurafdruk nr.<br>5/Maximum colour print no.<br>5   |
| Pink Lady®  | Sonbrand/Sunburn                           | Cripps' Red                   | Maksimum kleurafdruk nr.<br>5/Maximum colour print no.<br>5   |

**TABEL 6/TABLE 6  
PERMISSIBLE CULTIVARS (CLASS 1, CLASS 2)**

| Cultivar/Variety  |
|---|
| African Red (African Carmine <sup>TM</sup> )  |
| Autumn Blush  |
| Blushed Golden  |
| Braeburn  |
| Cripps' Pink (Pink Lady <sup>®</sup> )*   |
| Cripps' Red (Sundowner <sup>®</sup> )*  |
| Empire  |
| Fiesta  |
| Fuji  |
| Gala  |
| Gingergold  |
| Golden Delicious  |
| Granny Smith  |
| Joburn (Red Braeburn <sup>TM</sup> )  |
| Jonagold  |
| Jonagored   |
| Jonathan  |
| Lady Williams   |
| Oregon Spur (Oregon Red Spur)   |
| Panorama Golden (Golden Delicious)  |
| Royal Beaut   |
| Splendour   |
| Starking (Starking Delicious)   |
| Starkrimson (Starkrimson Delicious)   |
| Tenroy (Royal Gala <sup>®</sup> )   |
| Topred (Topred Delicious)   |
| York Imperial   |
| Any other suitable cultivar not mentioned above and which has been approved by the Registrar of Plant Improvement Act |

<sup>®</sup> Indicates a registered trademark

<sup>TM</sup> Indicates a trademark

\* Quality standards for the trade name might be higher than those specified. If necessary consult the relevant license holder.

**No. R. 592****29 May 2009****FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK  
REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)****PROHIBITION NOTICE REGARDING THE USE OF  
CERTAIN AGRICULTURAL REMEDY**

I, Lulama Xingwana, Minister of Agriculture, acting under Section 7bis of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947) hereby prohibit the use of Agricultural Remedy containing lindane (gamma – BHC) as an active ingredient.

L. Xingwana,  
Minister of Agriculture.

No. R. 597

29 May 2009

AGRICULTURAL PRODUCT STANDARDS ACT, 1990  
(ACT No. 119 OF 1990)

**REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF PEARS DESTINED  
FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture has under Section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) --

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on the date of publication;
- (c) read together with section 3(2) of the said Act, repealed the regulation published by Proclamation Nos. R. 22 of 22 February 1973, R. 2859 of 29 December 1989, Government Notices Nos. R. 2177 of 3 November 1978, R. 623 of 28 March 1980, R. 1001 of 13 May 1983, R. 2677 of 19 December 1986, R. 680 of 14 April 1989 and R. 1924 of 27 April 1990.

**SCHEDULE**

**Definitions**

1. In these regulations, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and --

**"Arthropoda"** means any stage in the life cycle of an invertebrate member of the Animal Kingdom that is bilaterally symmetrical with a segmented body, with jointed limbs that are paired and a chitinous external skeleton;

**"blemish"** means any external skin defect, excluding sunburn, russeting, rough marks and wind marks on the surface of the pear which detrimentally affects the appearance of the pear;

**"bruise"** means any bruise which shows indentation or results in discolouration directly under the skin;

**"chemical residues"** means residues of agricultural remedies which in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), are permissible for the treatment of pests and diseases and which do not exceed the prescribed maximum residue limit;

**"consignment"** means --

- (a) a quantity of pears of the same cultivar, belonging to the same owner, and delivered at the same time under cover of the same delivery note, consignment note or receipt note, or delivered by the same vehicle; or
- (b) in the case of a quantity of pears which is divided into different cultivars, classes, counts, pallet loads, trade marks or type of packaging, every quantity of each of the different cultivars, classes, counts, pallet loads, trade marks or types of packaging;

**"container"** means the immediate container in which pears are packed directly, the outer container in which prepacked units are packed and bulk containers, excluding prepacked units and shipping containers in which pallet loads are shipped;

**"count"** means the number of pears packed in a container.

"**decay**" means a state of decomposition, fungus development excluding stems, internal insect infestation or internal insect damage with signs of tissue collapse or insect excrement, which detrimentally affects the quality of the pears;

"**diameter**" means the largest diameter measured at right angles to the longitudinal axis of the pear;

"**dirty fruit**" means pears that are visible soiled or marked with foreign matter excluding chemical residues;

"**Food business operator (FBO)**" means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business as under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

"**food safety**" means the assurance that a food product is acceptable for human consumption according to its intended use;

"**foreign matter**" means any material or substance not normally present in, on or between the pears;

"**hail marks**" means marks which have been caused by hail, which have healed completely or become callused and which exceed 2 mm in depth;

"**injury**" means any wound or puncture which has pierced the skin of the pear and exposes the flesh, with the exception of such wounds or punctures which have become completely callused;

"**inspector**" means the Executive Officer or an officer under his or her control, or an assignee or a qualified employee of an assignee;

"**internal breakdown**" means a state of physiological deterioration affecting the internal quality of the pear detrimentally;

"**pears**" means the fruit of the cultivars which are grown from the species *Pyrus communis*;

"**prepacked unit**" means any single packing unit for presentation as such to the consumer consisting of pears and the packaging into which pears were put before being offered for sale;

"**suitable**" means to be suitable according to the opinion of the Executive Officer;

"**the act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"**traceability**" means the ability to trace and follow a food product or any substance intended to be or expected to be incorporated into a food product through all stages of production, packing, processing, packaging, handling and distribution;

"**weight**" means mass in grams measured on a calibrated balance; and

"**well-formed**" means that the pears have a shape which is normally typical of the cultivar concerned.

**Control over the sale of pears**

2. (1) No person shall sell pears in the Republic of South Africa, other than imported pears referred to in subregulation (3) --

- (a) unless the pears are unclassified or sold according to the classes referred to in regulation 3;
- (b) unless the pears comply with the Standards for classified pears regarding quality referred to in regulation 4;



- (c) unless such pears are packed in a container and in accordance with the packing requirements as set out in regulations 5, 6, 7, 8 and 9;
- (d) provision concerning presentation as set out in regulation 10;
- (e) pears comply with traceability requirements as set out in regulation 11;
- (f) unless such pears are marked with the particulars and in the manner prescribed in regulation 12; and
- (g) if such pears contain a substance(s) that render them unfit for human/animal consumption as for processing into or utilization thereof as food or feed;
- (h) if the pears contains a substance prescribed as a substance which it may not contain according to Act 36 of 1947; and
- (i) if the pears contains biological or chemical contaminants in quantities or at levels that exceed the maximum limits prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act No. 54 of 1972).

(2) Pears sold by vendors in streets (excluding retailers and supermarkets) and other public are excluded from the stipulations in subregulation 2(1) (a), (b), (c), (d), (e), (f), (g), (h) and (i): Provided that if such pears are marked in terms of item 12 and 13 it shall be subjected to the aforementioned stipulations.

(3) Imported pears may be exempted from the provisions of subitem (1), provided that the pears --

- (a) comply with either the Codex, UNECE (United Nations Economic Commission for Europe) or OECD (Organisation for Economic Co-operation and Development) standards;
- (b) according to bilateral agreement accompanied by certificate issued by a relevant government authority responsible for quality control of fresh fruit and vegetables and in which it is certified that the quality of the pears as verified through inspection conforms to the relevant standard;
- (c) do not contain a substance prescribed as a substance which it may not contain according to Act 36 of 1947; and
- (d) do not contain biological or chemical contaminants in quantities or at levels that exceed the maximum limits prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(4) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she deems necessary, from the provisions of subitem (1).

## QUALITY AND FOOD SAFETY STANDARDS

### *Classes for pears*

3. There are two classes of pears, namely Class 1 and Class 2.

### *Standards for classes*

4. (1) Pears shall --

- (a) be fit for human consumption; and
- (b) contain no chemical residues that exceed the prescribed maximum residue levels.

- (2) Pears shall comply with the specifications set out in Table 1, 2, 3 and 4.
- (3) No consignment of pears "Class 1" and "Class 2" shall contain –
  - (a) any organisms which may be a source of danger to the human being; and
  - (b) Arthropoda infestation including the organisms which according to paragraph (a) do not form part of plant injurious organisms, excluding organisms which may be a source of danger to the human being, on more than 3% of the pears or three free live Arthropoda per pallet load or part thereof in the consignment: Provided that it does not exceed a maximum of one Arthropoda per container.

#### **PACKING REQUIREMENTS FOR PEARS**

##### ***General***

5. Containers in which pears are packed shall --
  - (a) be clean, dry, undamaged and suitable;
  - (b) not impart a foreign taste or odour to the pears;
  - (c) be free from any visible signs of fungus growth;
  - (d) be free from *Arthropoda* infestation; and
  - (e) be strong and rigid enough to ensure that the original shape be retained and not bulge out, dent in, break or tear, to the extent that the pears are damaged or are at risk of being damaged, during normal storage, handling or transport.

##### ***Packing requirements for pears***

6. (1) Only pears of the same quality, cultivar, ripeness and size shall be packed together in the same container.
  - (2) Class 1 pears in the same container must be uniform in colour.
  - (3) Each container shall be packed firmly and to capacity.
  - (4) Pears shall be sized: Provided sizing shall be optional in the case of Class 2 pears.
  - (5) If pears are packed in prepacked units, such units shall be packed in a suitable manner in an outer container: Provided that the prepacked units are clean, dry, undamaged and suitable.

##### ***Packing material***

7. If packing material is used inside the containers, such packing material shall be clean, dry, odourless and of a quality such as to avoid causing any external or internal damage to the pears.

##### ***Stacking of containers on pallets***

8. If containers containing pears are palletised --
  - (a) the pallet shall be clean, undamaged and suitable;
  - (b) local pallets will have visible signs of fungus growth and Arthropoda infestation. This is only applicable to export. Imports will be covered by the ISPM 15;

- (c) the containers shall be stacked firmly and square with each other and the pallet;
- (d) only containers of the same dimensions shall be stacked in the same layer on the pallet;  
and
- (e) the containers shall not be stacked upside-down on the pallet.

**Strapping of the pallets loads**

9. (1) A pallet load of containers shall be strapped in a suitable manner.

(2) If containers without lids are used, a suitable covering shall be placed on top of the pallet load of containers, before the pallet load is strapped

**Provisions concerning presentation**

10. (1) Uniformity

The contents of each package must be uniform and contain only pears of the same origin, variety, quality and size (if sized) and the same degree of ripeness. The visible part of the contents of the package must be representative of the entire contents except for mixed sizes and varieties.

**TRACEABILITY REQUIREMENTS**

11. Food business operators shall:

- (a) establish the traceability of pears at all stages of production, packing, handling and distribution;
- (b) be able to identify any person or supplier from whom they have been supplied with pears, or any substance intended to, or expected to be used in the production or processing of pears;
- (c) have in place systems and procedures to identify other businesses to which their pears have been supplied;
- (d) ensure that adequate procedures are in place to withdraw pears from the trade where such pears present a serious risk to the health of consumer;
- (e) immediately withdraw pears from the trade which were identified as food products that present a serious risk to the health consumers;
- (f) immediately inform the Executive Officer of such withdrawal;
- (g) immediately make available to the Executive Officer, on request any relevant information or documentation mentioned in (a), (b), (c), (d), (e) or (f); and
- (h) keep records of the information mentioned in (g), as well as any other relevant information for at least two years.

**MARKING REQUIREMENTS FOR PEARS****General**

12. (1) Each container containing pears shall be marked clearly, indelibly, legibly and not untidy, upside-down or skew in block letters and numerals on any visible short or long side of the lid, or container. Where lids are not used, by printing, stamping or by means of specially designed labels with the expression "pears": Provided that all particulars shall be grouped on the same side.

- (a) The expression "Pears".

- (b) The appropriate cultivar;
- (c) The applicable minimum and maximum diameter: Provided that it --
  - (aa) may be replaced with the applicable count, preceded by the expression "Count" in the case of pears packed in layers; or
  - (bb) shall be replaced with the applicable minimum diameter followed by the expression "and over" or ">", in the case of Class 2 pears which are not sized.
- (d) The class namely "Class 1" or "Class 2" as the case may be.
- (e) The name and physical address or trademark of the producer or owner of the contents of the container.
- (f) The producer's code and the packhouse code which is registered with the Executive Officer by the producer or packhouse, as the case may be: Provided that --
  - (i) the packhouse code shall be used if the origin of the pears cannot be traced back to the producer;
  - (ii) if a producer has more than one farm, each farm shall be registered separately; and
  - (iii) such code shall be preceded by the expression "Producer:", "Packhouse:", "Packer:", "PUC", "PHC", "FBO" or any other suitable term having a similar meaning.
- (g) The country of origin.
- (h) Indication of date code/date on containers at least 90% of the containers and prepacked containers: Provided that if the packing date is expressed in date code, it shall be registered with the Executive Officer.

(2) Subject to the provisions of Subitem (1) each outer container containing prepacked units shall be marked with an indication of the total number of prepacked units per outer container: Provided that if the total number of prepacked units are visible from the outside, it does not have to be indicated on the outer container.

(3) If no indication highlighting a special grading, presentation or size shall be indicated on the same side as the particulars in subitem (1).

(4) If pears are displayed for sale in loose quantities—

- (a) any quantity of a particular class, size group or cultivar shall not be displayed mixed with pears of any other class, size group or cultivar; and
- (b) if imported, the country of origin of the pears shall be indicated in clear, legible block letters on a notice board placed at the quantity of pears.

(5) In the case of Forelle pears, a sticker with a four digit shipping code, the first two numbers being the harvest week (or official release week if harvest occurred before the official release week) and the second two numbers being the shipping week, must be attached to the pallet.

**Prohibited particulars**

13. No wording, illustration or other means of expression which constitutes a misrepresentation or which directly or by implication, create a misleading impression of the contents, shall appear on a container which contains pears.

**Display**

14. (1) If pears in containers for sale are being displayed, such container shall be placed in such a manner to ensure that the prescribed markings on the containers or labels, as the case may be, are clearly visible.

(2) If pears are displayed for sale other than in containers, --

- (a) any quantity thereof of a particular class, size group or cultivar, as the case may be, shall not be so displayed mixed with pears of any other class, size group or cultivar; and
- (b) the class and cultivar of such quantity of pears shall be displayed in clear legible block letters of at least 10 mm in height on a notice board prominently placed at such quantity of pears.

**SAMPLING PROCEDURES****Obtaining a sample of the consignment**

15. At least two per cent of the containers in a consignment shall be drawn at random for inspection purposes and an inspector shall be satisfied that the containers so drawn are representative of the consignment concerned: Provided that in the case of bulk containers, at least 25 per cent of the bulk containers or two bulk containers, whichever is the greatest, shall be drawn at random as sample of the consignment.

**Obtaining an inspection sample**

16. An inspection sample shall:

- (a) in the case of containers, excluding bulk containers, be drawn from each container obtained in accordance with item 15 and shall, in the case of --
  - (i) containers with 50 pears or less, consist of the entire contents of the container; or
  - (ii) containers with more than 50 pears, consist of 50 pears drawn at random from the container.
- (b) in the case of bulk containers, be obtained by randomly drawing three quantities of 50 pears each, respectively from the middle and two opposite corners, from each bulk container obtained in accordance with item 15; and
- (c) for the determination of uniformity in size, in the case of pears --
  - (i) packed in layers, with or without trays, be obtained by randomly drawing a single layer of pears from each container obtained in accordance with item 15; and
  - (ii) packed in any other packaging consists of the entire contents of each container obtained in accordance with item 15.

***Deviating sample***

17. If an inspector should notice during the process of drawing the random sample or during the inspection, that some of the containers derived from any part of the pallet load, truck load or consignment, contain pears which are noticeably inferior to or differ from the contents of containers which represent the remainder of the pallet load, truck load or consignment, the inspection result shall only be based on the containers derived from the deviating portion of the pallet load, truck load or consignment, and further samples required for inspection shall be drawn from this deviating portion.

**METHODS OF INSPECTION*****Determination of firmness***

18. (a) The firmness of pear cultivars in a consignment shall be determined with a handheld penetrometer or a penetrometer mounted on a drill stand with a plunger of 8,0 millimeter in diameter.
- (b) The firmness of all pear cultivars shall be determined as follows:
- (i) The ten pears which are in the opinion of the inspector unripe or overripe, shall be taken as a working sample from the inspection sample obtained in accordance with item 16(a): Provided that such pears shall be free from defects such as sunburn and pests or disease damage, which may have affected the normal ripening process.
  - (ii) Remove a thin slice of skin from opposite sides of each pear where the pear has the largest diameter.
  - (iii) Hold the pear firmly with one hand: Provided that if a handheld penetrometer is used, your hand must rest on a rigid surface.
  - (iv) Zero the penetrometer and place the plunger head of 8, 0 millimeter in diameter on the spot where the skin was removed.
  - (v) Apply steady downward pressure on the penetrometer until the plunger has penetrated the flesh of the pear up to the depth mark of the plunger.
  - (vi) Remove the plunger and note the reading on the penetrometer, to one decimal.
  - (vii) Repeat the process on the opposite side of the same pear after first zeroing the penetrometer.
  - (viii) Calculate the average of the two pressure readings of each pear.
- (c) (i) The pears shall be regarded as sufficiently firm if they conform to the following conditions in any combination set out in subparagraph (ii):
- (aa) Condition A: Where pears are drawn for testing from four or less containers in accordance with item 16, the pears in not more than one container may deviate from the prescribed average minimum or maximum pressure reading as set out in Table 3.
  - (bb) Condition B (not applicable on pallet load inspection): Where pears are drawn for testing from five or more containers in accordance with item 15, the pears in not more than two containers may deviate from the prescribed average minimum or maximum pressure reading as set out in Table 3.
  - (cc) Condition C: A minimum of eight pears, drawn from each container in accordance with item 15, shall conform to the prescribed average minimum or maximum pressure reading as set out in Table 3.

- (dd) Condition D: In the case of the cultivars Blushed Williams, Bon Rouge and William's Bon Chrétien, a minimum of nine pears drawn from each container, in accordance with item 15, shall conform to the prescribed average minimum pressure reading as set out in Table 3.
- (ii) The combination of conditions is as follows:
  - (aa) A and C.
  - (bb) A, B and C, not applicable to pallet load inspection.
  - (cc) A and D.
  - (dd) A, B and D, not applicable to pallet load inspection.

***Determination of internal breakdown and other internal quality defects***

19. Internal breakdown and other internal quality defects of pears shall be determined as follows:
- (i) Take as working sample the ten pears which are, in the opinion of the inspector, the most likely to have been affected by internal breakdown and other internal quality defects, from the inspection sample obtained in accordance with the sampling procedure.
  - (ii) Cut each of the ten pears.
  - (iii) Calculate the number of pears thus found to be affected by internal breakdown and other internal quality defects, as a percentage of the total number of pears in the inspection sample.

***Determination of uniformity in size***

20. The uniformity in size of pears in the same container shall be determined as follows if –
- (a) packed in layers:
    - (i) Take as working sample the ten pears which noticeably appear to have the greatest difference in diameter drawn in accordance with the sampling procedure.
    - (ii) Tabulate the diameter of the ten pears in one millimetre grading.
    - (iii) Determine the number of pears, which do not comply with the variation in diameter, set out in Table 1, as an average of all the inspection samples taken in accordance with the sampling procedure.
  - (b) jumble packed:
    - (i) Take as working sample the entire contents of the inspection sample taken in accordance with the sampling procedure.
    - (ii) Tabulate the diameter of all the pears in one millimetre grading.
    - (iii) Determine the number of pears, which do not comply with the variation in diameter, set out in Table 1, as an average of all the inspection samples taken in accordance with the sampling procedure.

**Determination of minimum size**

21. (a) The minimum size of pears shall be determined by using a suitable calibrated apparatus with round openings of which the diameter coincides with the minimum diameter prescribed in item (i) in Table 1.
- (b) The minimum size shall be determined as follows:
- (i) Take as working sample the pears which noticeably appear to be the smallest in diameter from the inspection sample obtained in accordance with the sampling procedure 16(a).
  - (ii) Place the pears of the cultivar concerned gently, one after the other, with their stems facing upwards on the corresponding opening of the apparatus mentioned in paragraph (a).
  - (iii) If a pear falls through the prescribed size of the opening through the action of its own gravity, the pear is deemed to be too small.
  - (iv) Calculate the number of pears thus found to be too small as a percentage of the total number of pears in the inspection sample.

**OFFENCE AND PENALTIES**

22. Any person who contravenes or fails to comply with the provisions of these regulations, shall be guilty of an offence and may upon conviction be liable to a fine or to imprisonment in terms of section 11 of Act No. 119 of 1990.



**TABLE 1**  
**QUALITY AND FOOD SAFETY STANDARDS FOR PEARS**

| Quality factor   | Class 1  | Class 2  |
|--|--|--|
| (a) General appearance   | Sound, attractive and true to cultivar   | Sound, attractive and true to cultivar   |
| (b) Shape  | Well-formed for the cultivar concerned   | Fairly well-formed for the cultivar concerned  |
| (c) Blush  |  |  |
| (aa) Presence of blush for all cultivars, excluding Bon Rouge, Forelle, Red D'Anjou, Rosemarie, Sempre, Starkrimson, Vermont Beauty and Victoria Blush | -  | -  |
| (bb) Bon Rouge, Victoria Blush, Red D'Anjou and Starkrimson  | A minimum of 50% blush shall be present: Provided that if the amount of blush varies between 10% and 70%, the containers shall be marked as Victoria Blush       | -  |
| (cc) Forelle   | As depicted in colour plate no. P.16 photos 1-10   | As depicted in colour plate no. P.16 photos 1-10   |
| (dd) Rosemarie and Sempre  | If without blush it shall be marked as Sempre  | If without blush it shall be marked as Sempre  |
| (ee) Vermont Beauty  | As depicted in colour plate no. P.16 photos 10-12  | As depicted in colour plate no. P.16 photos 10-12  |
| (d) Malformation   | As depicted in colour plate no. P1A photo no. 2  | As depicted in colour plate no. P1A photo no. 4  |
| (e) Skew calyx-ends  | As depicted in colour plate 19, Photo no. 4  | As depicted in colour plate no. 19 photo no. 5   |
| (f) Pelican necks  | The angle formed by the stem of the pear and an imaginary line drawn through the middle of the pear parallel to the longitudinal axis, shall not exceed 45°      | The angle formed by the stem of the pear and an imaginary line drawn through the middle of the pear parallel to the longitudinal axis, shall not exceed 90°      |
| (g) Stem   | May be absent: Provided that the adjacent skin shall not be damaged and that if the stem is present, it may not be damaged                                       | May be absent: Provided that the adjacent skin shall not be damaged and that if the stem is present, it may not be damaged                                       |
| (h) Bruises  | Larger than 20 mm in diameter or which has a surface area larger than 400 mm <sup>2</sup> : Provided that no pear may have bruises larger than 28 mm in diameter | Larger than 25 mm in diameter or which has a surface area larger than 500 mm <sup>2</sup> : Provided that no pear may have bruises larger than 35 mm in diameter |

|   |  |  |
|---|--|--|
| (i) Minimum and maximum ripeness            | As prescribed in item 18:<br>Provided that in the case of the cultivar Forelle/Vermont Beauty a consignment shall only be exported if --<br><br>(i) a period of at least 8 weeks has elapsed after the picking date; or<br><br>(ii) The Executive Officer grants written approval that the consignment may be exported before the minimum period of 8 weeks: Provided further that such approval shall be subject to an examination of the pears by an acknowledged independent institution and confirmation by that institution that the pears shall ripen normally | As prescribed in item 18:<br>Provided that in the case of the cultivar Forelle/Vermont Beauty a consignment shall only be exported if --<br><br>(i) a period of at least 8 weeks has elapsed after the picking date; or<br><br>(ii) The Executive Officer grants written approval that the consignment may be exported before the minimum period of 8 weeks: Provided further that such approval shall be subject to an examination of the pears by an acknowledged independent institution and confirmation by that institution that the pears shall ripen normally |
| (j) Minimum diameter                        | 55 mm  | 54 mm  |
| (k) Size groups (diameter if jumble packed) |  |  |
| (aa) Extra large                            | Larger than 80 mm  | Larger than 80 mm  |
| (bb) Large                                  | 70 mm to 80 mm   | 70 mm to 80 mm   |
| (cc) Medium                                 | 60 mm to 70 mm   | 60 mm to 70 mm   |
| (dd) Small                                  | 54 mm to 60 mm   | 54 mm to 60 mm   |
| (l) Blemishes excluding rough marks         | A combined surface of not more than 400 mm <sup>2</sup>  | A combined surface of not more than 500 mm <sup>2</sup>  |
| (aa) Hail marks - all cultivars             |  |  |
| (i) Isolated                                | Maximum allowable 3 mm deep  | Maximum allowable 5 mm deep  |
| (ii) Scattered                              | Maximum allowable P12 no. 8  | Maximum allowable P12, no. 10  |
| (bb) Windmarks                              | Maximum allowable up to No. A5, B5 of P.14   | Maximum allowable up to No. A6, B6 of P.14   |
| (m) Rough marks                             | 50 mm <sup>2</sup> : Provided that the rough marks do not detract from the general appearance of the pears   | 100 mm <sup>2</sup> : Provided that the rough marks do not detract from the general appearance of the pears  |
| (n) Sunburn                                 | Maximum allowable up to No. 7 of P.13<br>No brown discolouration or secondary burn   | No secondary burn  |

|      |   |  |   |
|------|---|--|---|
| (o)  | Stem-end shrivelling  | A maximum length of 20 mm, measured from the basis of the stem and parallel with the longitudinal axis, without any discolouration of the skin, shall be allowed | A maximum length of 20 mm, measured from the basis of the stem and parallel with the longitudinal axis, allowing discolouration of the skin, a maximum of 60% ( $\frac{2}{3}$ ) discolouring shall be allowed |
| (p)  | Russeting excluding the following russeting cultivars: (Beurre bosc; Golden Russet Bosc; General le Clerc; Abate Fetel; Conference; Concord and Winter Nelis) |  |   |
| (aa) | Solid   | A maximum allowable of up to colour print No. 6 of colour print No. P.17   | A maximum allowable of up to colour print No. 8 of P.17   |
| (bb) | Retiform  | A maximum allowable of up to colour print No. 7 of colour print No. P.18   | A maximum allowable of up to colour print No. 8 of colour print No. P.18  |
| (q)  | Uniformity of size in the same container if --  |  |   |
| (aa) | packed in layers; and   | Uniform: Provided that pears in the same container shall not differ more than 8 mm in diameter from one another  | Uniform: Provided that pears in the same container shall not differ more than 10 mm in diameter from one another  |
| (bb) | jumble packed   | Uniform: Provided that pears in the same container shall not differ more than 10 mm in diameter from one another   | Uniform: Provided that pears in the same container shall not differ more than 10 mm in diameter from one another  |
| (r)  | Unspecified internal quality defects not mentioned above  | May deviate to the extent set out in Table 2   | May deviate to the extent set out in Table 2  |
| (s)  | Unspecified appearance defects not mentioned above  | May deviate to the extent set out in Table 2   | May deviate to the extent set out in Table 2  |

## NOTE

- No specification
- \* Not applicable

**TABLE 2**  
**MAXIMUM PERMISSIBLE DEVIATIONS BY NUMBER**

The maximum permissible deviations allowable by number per container are as follows:

| Quality factor  | Class 1   | Class 2   |
|---|---|---|
| (a) Decay   | 2%  | 4%  |
| (b) Internal breakdown, cold damage, corky spot or unspecified internal quality defects, individually   | 4%  | 6%  |
| (c) Visible chemical residues   | 3%  | 6%  |
| (d) Deviations in items (a), (b) and (c) of this table collectively: Provided that such deviations shall individually be within the specified limits  | 4%  | 8%  |
| (e) Injuries  | 6%  | 8%  |
| (f) Appearance, bruises, blemishes (excluding wind-marks on the cultivars General le Clerc and Packham's Triumph), hail marks, sunburn, russeting, skin cracks, spray burn marks, dust deposits or unspecified appearance defects, individually | 10%   | 15%   |
| (g) Maximum firmness  | As prescribed in table 3  | As prescribed in table 3  |
| (h) Deviations in items (a), (b), (c), (e) and (f) of this table collectively: Provided that such deviations shall individually be within the specified limits  | 15%   | 20%   |
| (i) Lack of uniformity in size in the same container  | 10%: Provided that there shall not be deviated with more than 5 mm from the prescribed minimum diameter | 15%: Provided that there shall not be deviated with more than 5 mm from the prescribed minimum diameter |
| (j) Lack of red blush/faulty colour in the case of the blushed Williams, Bon Rouge, Forelle and Rosemarie   | 20%   | -   |
| (k) Minimum size  | 10%   | 15%   |

**NOTE**

- No specification

**TABLE 3**  
**\*AVERAGE MAXIMUM PRESSURE READINGS IN KILOGRAM**

| <b>Cultivar</b>                                 | <b>Maximum</b> |
|---|----------------|
| Abate Fetel                                     | 7,3            |
| Beurre Bosc                                     | 8,1            |
| Beurre Hardy                                    | 6,4            |
| Blushed Williams                                | 10,5           |
| Bon Rouge (Victoria Blush)                      | 10,5           |
| Clapp's Favourite                               | 8,6            |
| Conference                                      | 7,7            |
| Coscia  | 6,8            |
| Doyenne du Comice                               | 6,8            |
| Flamingo  | 8,2            |
| Forelle (Vermont Beauty)                        | 6,8            |
| General le Clerc (Amber Grace®)                 | 8,1            |
| Golden Russet Bosc                              | 7,7            |
| Harrow Delight                                  | 8,2            |
| Highland  | 7,7            |
| Josephine                                       | 6,4            |
| Kieffer   | 7,7            |
| Packham's Triumph                               | 8,0            |
| Red D'Anjou                                     | 7,7            |
| Rosemarie (Sempre)                              | 8,2            |
| Starkrimson                                     | 8,6            |
| William's Bon Chrétien                          | 10,5           |
| Winter Nelis                                    | 8,6            |
| Any other suitable cultivar not mentioned above | 10,0           |

**NOTES**

® Indicates a registered trademark

**TABLE 4**  
**PERMISSIBLE CULTIVARS (ALL CLASSES)**

| <b>Cultivars</b>  |
|---|
| Abate Fetel   |
| Beurre Bosc (Kaizer Alexander) <sup>®</sup>   |
| Beurre Hardy  |
| Bon Rouge (Victoria Blush)* [Red Williams] <sup>®</sup>   |
| Clapp's Favourite   |
| Concorde  |
| Conference  |
| Coscia  |
| Doyenne du Comice   |
| Duncan's Gold   |
| Flamingo  |
| Forelle (Vermont Beauty)*   |
| General le Clerc (Amber Grace) <sup>®</sup>   |
| Golden Russet Bosc  |
| Harrow Delight  |
| Highland  |
| Josephine   |
| Kieffer   |
| Lily  |
| Morettini   |
| Packham's Triumph   |
| Red D'Anjou   |
| Rosemarie (Sempre)*   |
| Starkrimson (marked Crimson)  |
| William's Bon Chrétien (Blushed Williams)* [Bartlett; Bon Chrétien; Williams; Green Williams] <sup>®</sup>            |
| Winter Nelis  |
| Any other suitable cultivar not mentioned above and which has been approved by the Registrar of Plant Improvement Act |

- \* Cultivar name indicated on the container is determined by the amount of blush present on the fruit  
<sup>®</sup> Indicates synonym for cultivar name  
<sup>®</sup> Indicates a registered trademark

**DEPARTMENT OF SOCIAL DEVELOPMENT  
DEPARTEMENT MAATSKAPLIKE ONTWIKKELING**

No. R. 591

29 May 2009

**SOCIAL ASSISTANCE ACT, 2004**

**AMENDMENT: REGULATIONS RELATING TO THE APPLICATION  
FOR AND PAYMENT OF SOCIAL ASSISTANCE AND THE  
REQUIREMENTS OR CONDITIONS IN RESPECT OF ELIGIBILITY  
FOR SOCIAL ASSISTANCE**

The Minister of Social Development has, in terms of section 32 of the Social Assistance Act, 2004 (Act No. 13 of 2004), made the regulations in the Schedule.

**SCHEDULE**

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R.898 of 22 August 2008, as amended by Government Notice No. R.67 of 28 January 2009 and Government Notice No. R.208 of 26 February 2009.

**Insertion of regulation 26A in the Regulations**

2. The following regulation is hereby inserted after regulation 26 of the Regulations:

**"Circumstances under which deductions may be made directly  
from social assistance grants**

26A.(1)The Agency may allow deductions for funeral insurance or scheme to be made directly from a social grant where the beneficiary of the social grant requests such deduction in writing from the Agency.

(2) Subject to the provisions of subregulation (1), the Agency may only allow deductions to be made directly from a social grant where the insurance company requiring such deduction or to whom the money resulting from the deduction is paid, is a financial services provider as defined in section 1 of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002) and authorised to act as a financial services provider in terms of section 7 of that Act.

(3) Notwithstanding the provisions of sub-regulation (1), the Agency may only authorise one deduction for a funeral insurance or for a funeral scheme not exceeding ten percent of the value of the beneficiary's social grant.

### **Commencement**

3. These regulations will come into effect on the date of publication of this notice.



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM  
DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME**

No. R. 614

29 May 2009

**NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004  
(ACT NO. 39 OF 2004)**

**REGULATIONS FOR IMPLEMENTING AND ENFORCING THE VAAL TRIANGLE AIR-SHED  
PRIORITY AREA AIR QUALITY MANAGEMENT PLAN**

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of section 20 of the Act, publish the regulations for implementing and enforcing the Vaal Triangle Air-shed Priority Area Air Quality Management Plan, as set out in the Schedule hereto.



**MARTHINUS VAN SCHALKWYK,  
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

**SCHEDULE**  
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2. Purpose
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9. State bound
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## Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned unless the context otherwise indicates-

**“ambient air quality objectives”** means the ambient air quality standards for common pollutants as adopted to be the air quality objectives for the Vaal Triangle Air-shed Priority Area, as set out in Table 7 of the VTAQMP;

**“emission reduction interventions”** means the interventions, contained in the emission reduction strategies, to minimise or prevent emissions to which the identified stakeholders have undertaken to implement within the target date;

**“emission reduction strategies”** means the emission reduction strategies prepared and submitted by the identified stakeholders, at the end of June 2008, that aims to minimise or prevent emissions;

**“identified stakeholders”** means the major stakeholders that have been identified in Chapter 5 of the VTAQMP. This stakeholders includes the Department of Environmental Affairs and Tourism, the Department of Minerals and Energy, Department of Health, Department of Housing, Gauteng Department of Agriculture, Conservation and Environment, Free State Department of Tourism, Environmental and Economic Affairs, Sedibeng District Municipality, Fezile Dabi District Municipality, City of Johannesburg Metropolitan Municipality, ArcelorMittal South Africa (Vanderbijlpark and Vereeniging Works), Davsteel (Cape Gate), Samancor Meyerton (Metalloys), New Vaal Colliery, Sigma Colliery, Douglas Dolomite Quarry, Sasol Chemical Industries (SCI), Omnia Fertilisers, National Petroleum Refiners of South Africa (Natref), Eskom – Lethabo Power Station and the Vaal Environmental Justice Alliance (VEJA);

**“national framework”** means the National Framework for Air Quality Management in the Republic of South Africa, as amended;

**“national air quality officer”** means an officer in the Department appointed and designated by the Minister in terms of section 14(1) of the Act as the national air quality officer;

**“person”** includes a juristic person;

**“priority area”** means the declared Vaal Triangle Air-shed Priority Area as declared in Government Gazette No. 28732 under General Notice No. 365 dated 21 April 2006 and as amended by Notice No. 711 published in Gazette No. 30164 dated 17 August 2007;

**“VTAQMP”** means the Vaal Triangle Air-shed Priority Area Air Quality Management Plan;

## **2. Purpose of these Regulations**

- (1) The purpose of these regulations is to regulate the submission and review of emission reduction strategies, implementation, review and enforcement of the VTAQMP, in order to ensure that the ambient air in the priority area is brought into compliance with the air quality objectives of the priority area by:
  - (a) identifying and developing appropriate and feasible emission reduction interventions that aim to minimise or prevent emissions;
  - (b) providing timeframes for the review and submission of such interventions to the Minister; and
  - (c) providing timeframes for the implementation of such interventions.

## **3. Submission of emission reduction strategies**

- (1) The identified stakeholders must review and submit, by no later than the end of June 2014, to the national air quality officer their revised emission reduction strategies. The emission reduction strategies must in a table format contain-

- (a) Stakeholder name;
  - (b) Emission reduction intervention;
  - (c) Full description of the emission reduction intervention; and
  - (d) Compliance date (day/month/year).
- (2) For the purposes of sub-regulation (1) above, emission reduction strategies must be informed by the "SMART" principles as set out in paragraph 1.4 of the national framework.
- (3) The VTAQMP must incorporate the emission reduction strategies submitted in terms of these regulations.

#### **4. Review of the emission reduction strategies**

- (1) The review of the emission reduction strategies must be undertaken by the identified stakeholders and submitted to the national air quality officer by the end of June 2014.
- (2) Thereafter the identified stakeholders must review and submit, to the national air quality officer, their emission reduction strategies every five (5) years.

#### **5. Review of the VTAQMP**

- (1) The first review of the VTAQMP will be in September 2014.
- (2) Thereafter the VTAQMP must be reviewed every five (5) years.
- (3) Before publishing any amendment to the VTAQMP, the Minister must follow a public participation process in accordance with section 57 of the Act.

**6. Power to issue a directive**

If the national air quality officer is not satisfied that an identified stakeholder has complied with regulations 3(1) and 4, he may issue a notice directing such person to comply with the relevant provisions of the regulations.

**7. Offences**

(1) A person is guilty of an offence if that person-

- (a) provides incorrect or misleading information in the emission reduction strategies submitted in terms of these regulations; and
- (b) fails to comply with regulations 3(1) and 4;
- (c) fails to comply with a directive issued by the national air quality officer in terms of regulation 6.

**8. Penalties**

(1) A person convicted of an offence referred to in regulation 7 is liable to a fine not exceeding R2 million, or to imprisonment for a period not exceeding two (2) years or both a fine and such imprisonment.

(2) A fine contemplated in sub-regulation (1) must be determined with due consideration of –

- (a) the severity of the offence in terms of its impact, or potential impact, on health, well-being, safety and the environment;
- (b) the monetary or other benefits which accrued to the convicted person through the commission of the offence; and
- (c) the extent of the convicted person's contribution to the overall pollution load of the area under normal working conditions.

**9. State bound**

These regulations are binding on all the identified national departments, provincial departments and municipalities except in so far as any criminal liability is concerned.

**10. Exemptions**

No exemptions from the provisions of regulations 3(1) and 4 must be granted to any of the identified stakeholders.

**11. Short title and commencement**

This regulation is called the Vaal Triangle Priority Area AQMP Implementation Regulations, 2009 and comes into operation on the date of publication in the *Government Gazette*.

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