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Your Ref :

Date : 23 October 2019

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BY EMAIL

**THE MINISTER FOR AGRICULTURE,
LAND REFORM AND RURAL DEVELOPMENT**

Per Email: PA.Minister@daff.gov.za

CC:

**THE PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA**

Per Email: president@po.gov.za

Per Email: malebo@presidency.gov.za

CC:

**THE DEPUTY PRESIDENT OF
THE REPUBLIC OF SOUTH AFRICA**

Per Email: Deputypresident@presidency.gov.za

Per Email: yasmeen@presidency.gov.za

CC:

**THE MINISTER OF ENVIRONMENT,
FORESTRY AND FISHERIES**

Per Email: msipilica@environment.gov.za

CC:

THE MINISTER OF HEALTH

Per Email: manduy@health.gov.za

CC:

THE MINISTER OF EMPLOYMENT AND LABOUR

Per Email: albertina@barlow@dpw.gov.za

Per Email: pamella.salusalu@labour.gov.za

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THE MINISTER OF TRADE AND INDUSTRY

Per Email: ministry@economic.gov.za

Per Email: ineethling@thedti.gov.za

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**THE MINISTER OF HUMAN SETTLEMENTS,
WATER AND SANITATION**

Per Email: francois.hugo@dhs.gov.za

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THE MINISTER OF FINANCE

Per Email: minreg@treasury.gov.za

Per Email: mary.marumo@treasury.gov.za

CC

THE MINISTER OF TRANSPORT

Per Email: mulangal@dot.gov.za

Dear Honourable Minister

LAW REFORM – CHEMICAL REMEDIES

1. We act on behalf of The Real Thing Food Supplements (Pty) Ltd (“The Real Thing”) trading as The Real Thing. The Real Thing is a manufacturer and distributor of all-natural health products which aims to promote affordable, holistic and sustainable health.
2. The Real Thing is a public spirited South African company which is concerned about public health, sustainable living, and protection of the environment. The ethos of the business of our client is its belief that we should all be able to make informed choices about the risks, the content, the processes and the impacts of the products we eat and use based on full and accurate information.
3. We have been instructed to prepare a set of submissions (“the submissions”) relating to law reform in the chemical remedies sector. The underlying concern is that there is a critical need for comprehensive law reform in this sector. The current legal framework is outdated, fragmented and ineffective and fails to secure the protection of multiple constitutional rights. The consequence is that every day serious risks are posed to public health and the environment. Everyone is adversely affected, but vulnerable groups especially so.

4. In support of the submissions, we have engaged the services of a renowned expert in the field, Prof of Public Health, Prof Leslie London. Professor London has prepared a comprehensive report (“the London report”). The submissions and the London report are supplied herewith.
5. As you will see, the submissions call on the State promptly to re-invigorate a process of comprehensive law reform of the sector in collaboration with civil society in order to meet its constitutional duties and its duties under international law. Detailed and specific requirements of such a process are itemized including those to ensure adequate transparency in a notoriously secretive sector. Importantly, the State itself committed to embark on such a process in the 2010 Pesticide Management Policy for South Africa (“the Policy”). We note that the Policy has not been given effect to in any material way.
6. Our client appreciates that it will take your office some time to consider the submissions made and determine a reasonable plan of action to address the issues raised, and to do so in co-operation with other affected Departments.
7. Furthermore, our client is open and willing to support and assist the State with the necessary processes. This tender is, of course, made in addition to our client’s wish to assert its rights as an interested party to participate in democratic processes of law reform.
8. The issues identified for legislative reform in the submissions concern the State’s compliance with constitutional duties. While there may be a wide range of constitutionally compliant options available to the State to comply with these duties, our client will not countenance a scenario whereby no meaningful legislative reform is made.
9. We are instructed to request that you revert to our offices **within a period of three months** from date hereof with full details regarding the programme of action that you either have or intend to put in place to address the issues raised in the submissions with due expedition and within a reasonable period of time. Should no meaningful action be taken by your Ministry within the required time period, our client will take whatever further action it may be advised to take in the circumstances.
10. We look forward to hearing from you.

Yours faithfully



**TREVOR SIMON
FLUXMANS INC.**