

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

19 December 2023

Dear Sir/Madam,

**RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 BY ANIMAL LAW REFORM SOUTH AFRICA**

With reference to the above.

You are receiving this correspondence as you are a supplier of eggs to RFG Foods (Pty) Ltd ("RFG"). RFG has received a request for information made in terms of the Promotion of Access to Information Act, 2 of 2000 ("PAIA") from the Animal Law Reform South Africa ("ALRSA"). Part of ALRSA's request for information relates to the information of certain suppliers of RFG, which RFG is not currently in possession of. Accordingly, RFG now extends this correspondence in terms of section 71(1) of PAIA. You, as the supplier, are now required to consider the request of ALRSA against Part 3 of PAIA.

We note that the request from ALRSA relates to the period 1 December 2022 to 30 November 2023. We kindly request that your response to the request (whether this be to disclose the requested information or refuse access in terms of Chapter 4 (more specifically section 63(1) - Mandatory protection of privacy of third party who is natural person, section 64(1) - Mandatory protection of commercial information of third party, section 65 - Mandatory protection of certain confidential information of third party or section 69(1) - Mandatory protection of research information of third party, and protection of research information of private body) be sent directly to ALRSA either using the Google forms link embedded in the cover letter, or via email to [REDACTED] within 21 (twenty one) days of receipt hereof. You are free to CC us in any such correspondence, if you choose to do so.

Whilst we have attached the list of information required as compiled by ALRSA, we have also listed the requests below. Please note that the requests are copied directly from ALRSA's request and accordingly a reference to "your supplier" is a reference to you, as RFG's supplier. Should there be any other request in the list of requests which is not specifically

[REDACTED]

contained herein which you feel pertains to you as the supplier, and to which you would like to respond, please feel free to do so.

## **ANNEXURE 1: PART A: REQUEST FOR ACCESS TO INFORMATION - ANIMAL WELFARE**

### **1.2. Legal Compliance**

As a role player in the egg supply chain, your company has obligations in respect of various legislation related to the environment and animal welfare. Compliance with various of these legislation is a reasonable legislative measure in the fulfilment of the environmental right. This request was intended to provide insight into your company's understanding of your legal obligations in terms of this relevant legislation. As such, we request records confirming any or all enforcement action taken against the company and/or its suppliers (if applicable) and/or confirming compliance by the company and/or its suppliers with respect to applicable environmental, human health, and/or animal protection legislation, including:

- 1.2.1. Reports, licenses, permits, warnings, citations, notices, directives, and similar enforcement and compliance records, both internal and external) specifically in relation to compliance and/or non-compliance with animal, environmental, and agricultural legislation (including any amendments, rules, lists, notices, regulations, etc. in terms thereof). This legislation includes, but is not limited to:
  - 1.2.1.1. Regulations Regarding the Grading, Packing and Marking of Eggs Intended for Sale in the Republic of South Africa of 31 May 2019, Notice 289 of 2019;
  - 1.2.1.2. The Animals Protection Act 71 of 1962 ("APA"), including any warnings/citations, and/or infringements issued in respect of any employees, contractors or personnel in performing their duties;
  - 1.2.1.3. The Meat Safety Act 40 of 2000;
  - 1.2.1.4. The Animal Identification Act 6 of 2002;
  - 1.2.1.5. The Animal Improvement Act 62 of 1998;
  - 1.2.1.6. The Veterinary and Para-Veterinary Professions Act 19 of 1982;
  - 1.2.1.7. The Animal Diseases Act No.35 of 1984;
  - 1.2.1.8. The National Environmental Management Act 107 of 1998 ("NEMA");
  - 1.2.1.9. The National Environmental Management: Waste Act 59 of 2008 ("NEMWA");
  - 1.2.1.10. The National Environmental Management: Air Quality Act 39 of 2004 ("NEMAQA");
  - 1.2.1.11. The National Water Act 36 of 1998, (the "legislation").
- 1.2.2. Any information recording or containing details of inspections by the South African Police Service ("SAPS"), National Council of Societies on the Prevention of Cruelty to Animals ("NSPCA") and any Societies for the Prevention of Cruelty to Animals ("SPCA"), and any other relevant authority of animal welfare.

### 1.5. Egg production and Supply Chain

Best practice entails a commitment to responsible sourcing and/or sustainable sourcing and/or cage-free production or supply (as applicable). Such sourcing and/or production or supply aids in the promotion, fulfillment and protection of the environmental right. We accordingly request access to records evidencing treatment of chickens impacted as a result of your company's role in the egg supply chain. These records include:

- 1.5.1. Records relating to the number of chickens housed/processed per annum by your company and/or each of your suppliers;
- 1.5.2. Records relating to the number of eggs produced per annum by your company and/or each of your suppliers;
- 1.5.3. Records relating to nutrition of chickens laying eggs produced by your company or its suppliers;
- 1.5.4. Records relating to the use of cages and type of cages used by your company or its suppliers;
- 1.5.5. Records relating to the stocking density of chickens laying eggs produced by your company or its suppliers;
- 1.5.6. Records relating to the number of chickens and chicks culled in the production process of your company or its suppliers.

## ANNEXURE 2: GOOGLE FORM PART B: REQUEST FOR ACCESS TO INFORMATION: ENVIRONMENTAL PROTECTION

### 1.2. Auditing and inspection notices in terms of the National Environmental Management Act 107 of 1998 ("NEMA") and the Specific Environmental Management Acts ("SEMA")

Auditing and inspection notices, as provided for in section 31 of NEMA and relevant SEMAs, are essential tools for regulatory authorities in South Africa. They help ensure environmental compliance, protect the environment, and promote sustainable development. These mechanisms play a pivotal role in upholding environmental laws and standards. As such, we request access to records relating to your company and/or each of your suppliers' environmental audits and inspections.

### 1.5. Duty of care: mitigation measures

Section 28 of NEMA imposes a general duty of care on every person who causes, has caused or may cause significant pollution or degradation of the environment to take "reasonable measures" to prevent significant pollution or environmental degradation, or to minimise and rectify such pollution or environmental degradation where such harm cannot be reasonably avoided or is authorised by law. We request records demonstrating the reasonable measures in place required by section 28 of NEMA, which are necessary to protect the environmental right. This includes records relating to training and education in your company and/or each of your suppliers, measures to investigate, assess, and evaluate the impact of significant pollution on the environment, etc.

### 1.6. Sourcing of feed for layer hens in the egg industry

The poultry industry in South Africa is the highest consumer of animal feed of all agricultural industries. The sourcing of feed for layer hens in the South African egg industry can lead to environmental harms, including deforestation, water pollution, pesticide use, and greenhouse gas emissions, highlighting the need for sustainable feed production practices to mitigate these impacts.

#### 1.6.1. We request the following:

- 1.6.1.1. Records relating to where your company and/or each of your suppliers source feed for layer hens from;
- 1.6.1.2. Records relating to what your company and/or each of your suppliers feed layer hens;
- 1.6.1.3. Records relating to the research/ resources relied upon by your company and/or each of your suppliers when sourcing feed.

### 1.7. Consumer Protection

Consumer protection in the South African egg industry is essential to protect consumers' rights to accurately labeled products, as well as to protect their rights related to the production and consumption of eggs and products containing eggs. By promoting transparency and accountability, these measures contribute to a healthier, more informed, and responsible egg industry.

#### 1.7.1. We request the following:

- 1.7.1.1. Records which show if your company and/or each of your suppliers has been reported to advertising standards agencies / regulatory bodies / tribunals such as the Advertising Regulatory Board of South Africa ("ARB"), the Advertising Standards Authority ("ASA"), the Consumer Protection Commission (part of the National Consumer Commission ("NCC")), the Competition Commission of South Africa ("CCSA"), Consumer Goods Council South Africa ("CGCSA") etc. for complaints about the marketing, advertising, labelling, etc. of their products - or any other matter of an environmental or animal welfare related nature - for the period;
- 1.7.1.2. Records relating to details and outcomes of any proceedings against your company and/or each of its suppliers in respect of point 1 above; and
- 1.7.1.3. Records relating to how your company and/or each of your suppliers label eggs, egg products and/or products containing eggs when being sold and/or advertised to consumers. For example, should your company and/or each of your suppliers sell or make use of eggs that are sourced from caged egg farming practices, do your products have a label with the word 'caged' on it in accordance with the Animal Agricultural Products Standards Act 119 of 1990?

### 1.8. Environmental, Social and Governance ("ESG")

Consumer protection in the South African egg industry is essential to protect consumers' rights to safe and accurately labeled products, as well as to protect their rights related to the production and consumption of eggs and products containing eggs. By promoting transparency and accountability, these measures contribute to a healthier, more



informed, and responsible egg industry. As such, we request records relating to your company and/or each of your suppliers' ESG policies, plans, programmes, etc.

## 1.9. Emergency Incidents

Section 30A of NEMA states that a company may be directed verbally or in writing to carry out a listed or specified activity without obtaining an environmental authorisation contemplated in section 24(2)(a) or (b) of NEMA, in order to prevent or contain an emergency situation or to prevent, contain or mitigate the effects of the emergency situation. We request records relating to any such emergency incidents and activities associated therewith during the period. As such, we request access to records relating to emergency incidents applicable to your company and/or each of your suppliers.

## 1.10. Avian Influenza ("Bird Flu")

As of October 2023, South Africa is experiencing the worst outbreak of bird flu in the country's history. This has resulted in millions of chickens being killed. Chickens are killed even when they are not infected to avoid the spread of the disease. The primary mode of transmission of bird flu is through direct contact with infected birds. If a flock of egg-laying chickens becomes infected with bird flu, the virus can spread rapidly among the birds in close proximity due to the fact that many of them are kept in battery cages. This can occur through respiratory secretions, feces, and other bodily fluids of infected birds. Bird flu affects access to food, food safety, the right to a healthy environment, animal welfare, etc.

1.10.1. We request the following:

- 1.10.1.1. Records relating to whether your company and/or each of your suppliers have been affected by bird flu during the period;
- 1.10.1.2. Records relating to the number of chickens that your company and/or each of your suppliers have killed as a result of bird flu;
- 1.10.1.3. Records relating to policies/ plans put in place by your company and/or each of your suppliers to address bird flu outbreaks; and
- 1.10.1.4. Records relating to your company and/or each of your suppliers' waste management policies /plans for the disposal of infected bird carcasses.

## 1.11. Cage farming in the industry

At least 86% of the approximately 27 million egg laying hens in South Africa live in cages. Cages are considered cruel to chickens because they confine birds in extremely small spaces, leading to health issues, stress, and limited natural behaviors. These cramped conditions are detrimental to the well-being of the hens and have prompted bans or phase-outs in many countries.

1.11.1. We request the following:

- 1.11.1.1. Records relating to your company and/or each of your suppliers' justification of the use of cages. For example, recommendations or scientific studies including, but not limited to a report published by the National Agricultural Marketing Council ("NAMC") commissioned by the South African Poultry Association ("SAPA"); and
- 1.11.1.2. Records relating to costing done by your company and/or each of your suppliers to transition to cage-free egg farming systems.

## 1.12. Energy usage

The agricultural industry is the second largest contributor to anthropogenic greenhouse gas ("GHG") emissions worldwide. South Africa relies heavily on coal for its energy needs, and the country faces challenges such as coal supply disruptions and aging power infrastructure. The energy crisis which South Africa is experiencing has led to the shut down of animal facilities leading to the death of millions of animals and food safety concerns. The egg industry relies on energy for heating, cooling, lighting, and processing. Protecting energy, and upholding the environmental right, involves making use of sustainable and clean energy sources. Corporations have a role in transitioning to cleaner energy sources and reducing their carbon footprint to mitigate the impact of climate change.

1.12.1. We request the following in terms of NEMA and other applicable legislation including the Carbon Tax Act 15 of 2019 and the National Energy Act 34 of 2008:

- 1.12.1.1. Records relating to your company and/or each of your suppliers' reliance on renewable energy sources;
- 1.12.1.2. Records relating to your company and/or each of your suppliers' renewable energy policies or plans;
- 1.12.1.3. Records relating to the percentage of energy that is used for egg production/ keeping Layer Hens/ any other aspect of the egg supply chain by your company and/or each of your suppliers;
- 1.12.1.4. Records relating to your company and/or each of your suppliers' greenhouse gas emissions ("GHG") prevention plans/policies;
- 1.12.1.5. Records relating to the measurement and/or quantity of GHG emissions of your company and its suppliers; and
- 1.12.1.6. Records relating to your company and/or each of your suppliers' mechanisms which are in place to offset loadshedding.

## 1.13. Water usage

The agricultural industry is the largest consumer of fresh water worldwide. Egg production requires significant amounts of water for the hens themselves, as well as for cleaning and processing facilities. Preserving water is vital for upholding the right to a healthy environment. It is a multifaceted issue that touches on human health, ecosystem health, economic stability, social equity and food security. By conserving water resources, South Africa can better maintain a healthy environment for current and future generations as envisaged by the environmental right.

1.13.1. We request the following in accordance with section 19, 21 and 22 of the National Water Act 36 of 1998 ("NWA"), and any other applicable legislation:

- 1.13.1.1. Records relating to your company and/or its suppliers' water use license for the period;
- 1.13.1.2. Records relating to your company and/or its suppliers' annual water usage;
- 1.13.1.3. Records relating to the percentage of water that is used for egg production/ keeping Layer Hens/ any other aspect of the egg supply chain by your company and/or each of your suppliers;
- 1.13.1.4. Records relating to your company and/or each of your suppliers' water use policy; and
- 1.13.1.5. Records relating to your company and/or each of your suppliers' water pollution prevention plans.

#### **1.14. Waste Management**

Waste management in the egg supply chain in South Africa is important for upholding the right to a healthy environment by preventing pollution, improving animal welfare, protecting public health, conserving resources, and promoting sustainability. Responsible waste management is not only a legal requirement but also a moral and ethical obligation to protect the environment and ensure a better quality of life for current and future generations.

1.14.1. We request records related to section 12, 16, 17 and 25, the National Environmental Management: Waste Act 59 of 2008 ("NEMWA"), and other applicable legislation, including:

- 1.14.1.1. Records relating to your company and/or each of your suppliers' waste management policy/ plan;
- 1.14.1.2. Records relating to your company and/or each of your suppliers' waste management policy/ plan for the transportation and disposal of carcasses which are infected with disease;
- 1.14.1.3. Records relating to your company and/ or each of your suppliers' waste management policy/ plan for the disposal of carcasses of male chicks that have been culled;
- 1.14.1.4. Records relating to your company and/or each of your suppliers' implementation of a circular waste feeding system; and
- 1.14.1.5. Records relating to your company and/or each of your suppliers' waste recycling policy/ plan.

#### **1.15. Air Quality**

Improving air quality and preventing air pollution in the egg supply chain in South Africa is essential for upholding the right to a healthy environment by safeguarding human health, protecting the environment, complying with regulations, promoting social responsibility, supporting sustainability, mitigating climate change, and ensuring economic stability. It is a holistic approach that benefits both people and the environment.

1.15.1. We request the following in terms of section 21, 27, 31 and 38 of the National Environmental Management: Air Quality Act 39 of 2004 ("NEMAQA") and other applicable legislation, to assess your company and/or your suppliers' commitment to preventing air pollution and improving air quality effectively:

- 1.15.1.1. Records relating to your company and/or each of its suppliers' air pollution prevention plans / policies;

- 1.15.1.2. Records relating to your company and/or each of its suppliers' emission inventories which record the types and quantities of pollutants released into the air;
- 1.15.1.3. Records relating to your company and or/each of its suppliers' air quality monitoring data; and
- 1.15.1.4. Records relating to your company and/ or each of its suppliers' use of pollution control equipment.

#### **1.16. Soil Quality**

Maintaining healthy soil quality and preventing soil pollution in the egg supply chain in South Africa is an important aspect of upholding the right to a healthy environment. It supports agricultural sustainability, preserves ecosystem health, protects water quality, safeguards human health, promotes biodiversity conservation, ensures regulatory compliance, prevents soil erosion, contributes to climate change mitigation, and supports long-term sustainability. A healthy environment relies on the responsible management and protection of this essential natural resource.

1.16.1. We request the following in terms of section 36, 37, 38, 39, 40 and 41 of the NEMWA and other applicable legislation:

- 1.16.1.1. Records relating to your company and/or each of its suppliers' soil pollution prevention plans / policies;
- 1.16.1.2. Records relating to your company and/or each of its suppliers' soil management plans;
- 1.16.1.3. Records relating to your company and/or each of its suppliers' chemical usage, including for pesticide and fertilizer application, types, quantities, and application rates, etc.;
- 1.16.1.4. Records relating to your company and or/each of its suppliers' soil conservation training; and
- 1.16.1.5. Records relating to your company and/ or each of its suppliers' soil health indicators.

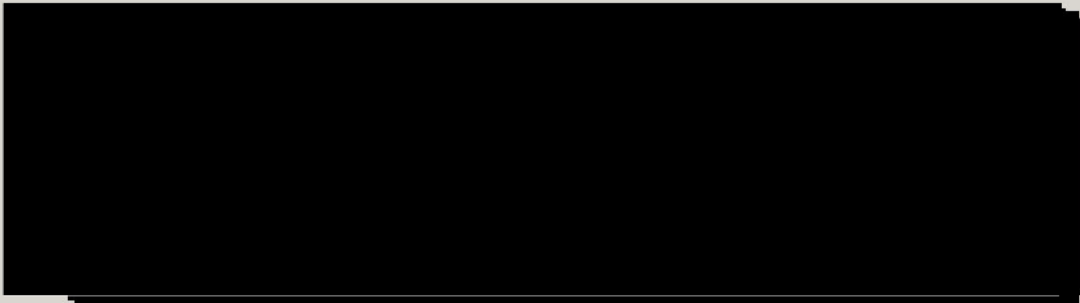
#### **1.17. Environmental or sustainability commitments**

Environmental and sustainability commitments serve as a useful mechanism for upholding environmental rights by guiding actions and policies of corporations towards sustainable practices, pollution reduction, and ecosystem protection, ultimately ensuring a healthier environment for all, including animals.

1.17.1. We request records relating to your company and/or each of your suppliers' environmental commitments, progress towards these commitments, including:

- 1.17.1.1. Sustainability commitments;
- 1.17.1.2. Net Zero (Carbon Footprint) commitments;
- 1.17.1.3. Renewable energy use commitments;
- 1.17.1.4. Water conservation commitments; and
- 1.17.1.5. Other commitments that may be relevant based on the explanation of the Project.





Your co-operation in this respect is appreciated.

