



**SUBMISSION**

**Review of duplication between  
agricultural and veterinary chemical and  
work health and safety legislation**

[labelreview@deloitte.com.au](mailto:labelreview@deloitte.com.au)

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### **About Grain Producers Australia**

GPA is a national Representative Organisation (RO) for the grains industry in accordance with the *Primary Industries and Energy Research Development Act 1989* (PIRD), and has key responsibilities under the *Primary Industries (Excise) Levies Act 1999* and the *Primary Industries (Customs Charges) Act 1999*.

GPA is supported by Grain levy payers in Australia and through direct grower members and state members in GPSA, VFF Grains Group, NSW Farmers Association, WA Farmers Grains Council, WA Grains Group, Tasmanian Farmers and Graziers and Agforce Grains.

Yours sincerely,

Andrew Weidemann

Chairman

Grain Producers Australia

### **Key issue for the GPA**

Reducing duplication of regulation and legislation, which impacts on agriculture has become a key focus of the Federal Government. However, the planned January 2017 implementation of *Safe Work Australia (SWA) Model WHS Regulations 2011* will impose considerable extra regulatory costs on the agriculture sector and ultimately be paid for by farmers.

SWA and the Department of Employment have continued to promote their perception that there is a need for additional “precautionary principle” based hazard warning labels to be placed on all agricultural chemicals, regardless of use patterns, use restrictions or even whether the product formulation itself reduces risks.

It is estimated that the imposition of these additional (and unnecessary) labelling requirements will cost the agriculture sector more than \$55 million, costs which will be borne ultimately by farmers.

SWA and the Department of Employment have thus far refused to recognise the rigour of the APVMA registration and labelling system, instead pushing ahead to impose an additional and in many cases scientifically inferior hazard identification and labelling system with no evidence or either need or benefit.

### **Background**

All 6,500 or so chemicals currently used in the Agriculture are assessed and regulated by the APVMA. Any relevant hazard warnings are applied on the label or label uses are restricted to reduce risk and all pertinent safety information is also included within the safety data sheet (SDS).

Previously, the farming sector has lobbied for Safety data sheets to be compulsorily provided with the sale of all chemicals, SWA did not support our push for this action and yet have argued that the lack of compulsory provision of SDS is a key reason for additional warning labels. The SDS have instead been only provided on first supply of a chemical and must be provided upon request, they are also however available electronically. Most States and Territories require farmers to have a SDS for all chemicals used and stored on farm under their relevant workplace safety or agvet chemical control of use regulations.

Under the SWA regulations additional hazard and warning statements would have to be added to the labels of all Agricultural chemicals. These regulations would currently not apply across Australia but would still impose considerable costs to meet the new and inconsistent regulatory costs across jurisdictions in additional labelling costs to Agvet chemicals. The chemicals industry has estimated these costs to be **more than \$57 million**, all of which will **inevitably be paid for by farmers** as the main users of AgVet chemicals.

It must be noted that at no point has evidence been provided by SWA or the Department of Employment that an investigation of a Workplace Health Safety (WHS) incident has shown that lack of these additional labels were a causal factor in the incident. Neither has evidence been presented which identifies any systemic weakness in the current APVMA regulatory process with regards the current hazard warnings or labelling decisions, making the actions being taken unnecessary.

**The GPA rejects the SWA position** that the current APVMA WHS labels and SDS are in any way deficient regarding provision of information crucial to the health and safety of users of AgVet chemicals. The State based AgVet Control of Use requirements, the compulsory Agvet chemical

training and the volume of risk based technical use advice provided should have been given the credibility it deserves by SWA.

### **The GPA position**

Currently only Victorian and Western Australian state governments have refused to adopt the model regulations. They have recognised that the current APVMA registration and labelling requirements in addition to their state based Agvet Control of Use and OHS laws requiring businesses to store chemicals correctly, maintain records, ensure appropriate training of staff and keep copies of the Safety Data Sheets already more than cover the concerns being raised by SWA.

The GPA supports the Victorian and Western Australian State Governments position.

As of January 2017, in all other jurisdictions it will become illegal to sell chemicals not displaying the additional WHS precautionary principle based hazard labels.

Many of our key competitors in the international market have not implemented the Global Harmonisation System, seeing it as unnecessary given their own countries regulatory process. The Countries most likely to adopt the system have few resources to establish a regulatory regime. However, our larger trade competitors such as the US have exempted agricultural chemicals in recognition of their already rigorous regulatory regime, a regime very similar to that of the APVMA.

The APVMA have consistently expressed their opposition to the scheme, viewing it as introducing potentially confusing and contradictory labelling information and therefore potentially increasing risk to workers, rather than providing any additional level of protection.

**The GPA strongly recognise the superiority of the APVMA safety warnings** and believe the only way to avoid unnecessary duplication and the dangers inherent in allowing confusing additional and potentially contradictory warning labels to be added to an already crowded space.

### ***Option 1 Additional WHS/GHS labelling added to existing AgVet WHS labelling***

The GPA has always firmly opposed the imposition of these regulations, and believes the introduction of a duplicative regulatory process based on the precautionary principle will do nothing to support the health and safety of workers nor in any way protect farmers.

The SWA preferred option of imposing the GHS system requirements over the top of the APVMAs already rigorous system will not provide additional protection to farmers or any workers who may operate on their properties.

The current system of having all label requirements managed by the APVMA ensures a single point of regulation. The system being promoted by SWA does not, it will be self-managed by the chemical companies. Given SWA have recognised the APVMA expertise through their recognition of the APVMA safety warnings.

### ***Option 2 Remove the APVMA WHS labelling requirements for hazardous workplace chemicals***

The APVMA hazard and risk assessment process is recognised as worlds best practice, it provides valuable risk based information to the users of agricultural chemicals. To remove the APVMA WHS labelling requirements would leave the users of agricultural chemicals without access to information that provides actual practical advice.

If the workplace health and safety of farmers is truly the key issue of importance, removing the APVMA WHS labelling would be counterproductive.

***Option 3 Full exemption for AgVet chemicals labelling from WHS workplace chemical labelling requirements***

GPA strongly support this option.

***Option 4 Aligning the FAISD Handbook with GHS and WHS requirements***

The FAISD handbook should be designed to provide practical, clear and consistent advice upon which labels can be based, ideally it promote wording which reflects worlds best practice risk based assessments.

In conclusion, the GPA believes AgVet chemicals must be granted the same exemption from the SWA WHS requirements provided to products regulated by the Therapeutic Goods Administration. To impose a system that allows precautionary principle based generic statements to potentially overshadow risk based, scientific evidence supported, practical warnings and safety instructions cannot be considered in the interests of safety of grain producers or the broader agricultural industry.

Regards,

Andrew Weidemann  
Chairman  
Grain Producers Australia Ltd