Representing the Plant Science Industry

CropLife AUSTRALIA

SECOND SUBMISSION IN RESPONSE TO PRODUCTIVITY COMMISSION STUDY OF CHEMICALS AND PLASTICS REGULATION

10 JANUARY 2008

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1. What are some of the problems caused to human health by releasing chemicals into the environment?

Chemicals that are released into the environment can potentially pose a risk to human health. However, the environmental impacts of chemicals and their management should most properly be considered within the broader chemicals management context.

Agricultural pesticides are designed to be released into the environment. As a result, before any agricultural chemical product can be registered for use in Australia, its environmental impacts must be established, and these potential risks reduced through particular use controls or restrictions. Where potential environmental impacts cannot be adequately mitigated or controlled, then the chemical may not be registered. The Australian Pesticides and Veterinary Medicines Authority (APVMA) is responsible for assessing the environmental risks that a particular chemical might have on river systems, non-target plants and animals, as well as on ecosystems more broadly.

When a chemical product is submitted to the APVMA for registration, the APVMA must consider the impact of that product on human health, the environment and trade. The APVMA considers the nature of the product and the quality of the scientific data used to demonstrate its safety with respect to human, animal and environmental health. Comments and information from manufacturers, Commonwealth government agencies, state and territory governments and other stakeholders are also considered prior to registration.

Companies seeking to register a product must submit data that shows it does not present any unacceptable risks to human and animal safety, the environment or international trade, as well as demonstrate that the product does work.

The APVMA conducts a comprehensive assessment that considers all of the information submitted for assessment of the chemical. The assessment considers the chemistry of the product, its ingredients and the way it was manufactured, as well as any residues left on treated crops or products.

When appropriate to do so, the APVMA also seeks specialist advice from other government agencies and organisations when assessing proposed new products. For pesticides, this includes consultation with the Commonwealth Department of the Environment, Water, Heritage and the Arts on the potential environmental risks, and the Office of Chemical Safety in the Department of Health and Ageing on the human health risks of a proposed new pesticide product.

When it is appropriate to do so the APVMA also consults with state and territory agriculture departments.

If, following assessment, a product is shown to not present a significant risk to health, trade or the environment, the APVMA may register the product for use in Australia. The APVMA also approves the label that will be attached to the product. The label is attached to the chemical to direct chemical users in the actions that are necessary to effectively manage the risks to human health and the environment in the use of that chemical. Management actions that must be taken by users to minimise the drift of the chemical are also applied to the product label.

In determining whether the product label adequately describes the actions that must be taken to manage a chemical's risks, the APVMA examines how that chemical will be used, the proposed application rate, the method of application and concentration levels to ensure maximum efficacy. Preparation, storage, first-aid and application instructions are also carefully assessed to protect human health and the environment.

1. **What are some of the problems caused to human health by releasing chemicals into the environment? (cont.)**

CropLife and its member companies recognise that pesticides all have some level of toxicity and must be handled carefully and safely to avoid unwanted impacts. The crop protection industry puts significant resources into product stewardship activities that seek to minimise the risk presented by these chemicals through promoting improved compliance and a better understanding of the latest science and technology surrounding the application of pesticide products.

The risk of off-target impacts from pesticides and unacceptable residues greatly increase when a product is not used responsibly or in accordance with label directions. CropLife and its member companies undertake significant activities to enhance and promote the responsible use of chemicals.

The risk of off-target impacts from pesticides and unacceptable residues greatly increase when a product is not used responsibly or in accordance with label directions. CropLife and its member companies undertake significant activities to enhance and promote the responsible use of chemicals. This includes supporting activities aimed at improving application and advice through improved training, application equipment and accreditation of advisors.

CropLife is also promoting measures to improve the efficiency of the APVMA so that there are more products for minor cops and less incentive for off-label uses of chemicals. Currently, the liability issues arising from the *Trade Practices Act 1974* seriously hamper the support that pesticide manufacturers are willing to give to minor crop use permits. This results in a negative impact on farmers who are denied access to potentially suitable chemicals for controlling pests, weeds and diseases in minor and specialty crops, and a positive incentive for farmers to use chemicals off-label in circumstances that might have unintended human health and environmental impacts.

Damaging or detrimental impacts from pesticides are reported under a variety of systems. Adverse impacts to human health, the environment or damage to treated crops can be reported through the APVMA's Adverse Experience Reporting Program (AERP). Information on adverse impacts caused by pesticides can then be collated and used by the APVMA in determining whether a particular chemical product should be subject to a review.

Several states and territories have similar programs that are designed to monitor adverse impacts resulting from chemical use. However, adverse impacts detected or reported under a state or territory system may not be reported through to the APVMA. Additionally, some states and territories do not have a centralised reporting system for pesticides, preferring instead to report negative human health, environment or agricultural impacts to different agencies.

The lack of a coherent, coordinated and centralised adverse experience reporting system limits the capacity of the APVMA to make well-informed decisions regarding the management of agricultural chemical products, including whether registration for a particular product or active ingredient should be reviewed.

CropLife suggests that the Productivity Commission could recommend that all states and territories have one centralised agency/system that is responsible for receiving all reports of adverse experiences resulting from pesticide use. The one central agency in each state or territory should also be responsible for ensuring that all the adverse experiences it has received are forwarded to the APVMA under the current AERP. This system would ensure that APVMA decisions to review a particular product are based on solid evidence that the risks from the chemical are not being adequately managed.

2. How does the current agvet and environmental regulatory system address problems from crop dusting, spray drift and off-label uses of chemicals? Are any additional processes needed?

The current science-based system to identify and assess the risks of pesticide products is appropriate. The system uses relevant data and draws upon local experiences in determining what procedures should be put in place to manage risk.

Additional processes to manage the risk to human health, trade and the environment from agricultural chemical products are not necessary as the current system already provides that a pesticide must not be registered in circumstances where it presents an unacceptable risk.

Pesticides are already among the most heavily regulated and controlled chemicals in Australia. As a result, the risk that these chemicals present to human health and the environment is low. Adding to the current regulatory burden is unlikely to significantly reduce this level of risk but would increase the compliance cost for the industry.

CropLife and its member companies are continuing to seek new and improved measures to further reduce the risks associated with the use of pesticides in Australia, however, CropLife believes any additional measures should be self-regulatory. CropLife members already engage in significant self regulation and product stewardship.

- **Product stewardship activities undertaken by CropLife and its member companies**

  All pesticides are rigorously assessed for their environmental and health effects by both the APVMA and industry before being registered for use in Australia. Once registered, all states and territories control the use of pesticides after the point of retail sale. In addition to government regulation, CropLife and its member companies employ a series of stewardship programs that protect humans and the environment while offering benefits to Australian agriculture.

  CropLife's product stewardship activities include:

  - the Agsafe Guardian program that ensures retailers and wholesalers of pesticide products are compliant with all relevant state and territory regulations and training requirements associated with the supply of agricultural chemicals;
  - the ***drum****MUSTER* program that reduces the environmental impact of used and empty agricultural chemical containers through an industry funded container deposit scheme. The ***drum****MUSTER* program ensures that used chemical containers are properly cleaned and collected for recycling. The program is effective in avoiding the human health and environmental impacts of used agricultural chemical containers being stored or disposed of on farm as well as diverting this waste stream from rural municipal waste facilities; and
  - the ChemClear® program that collects and disposes of unwanted or deregistered agricultural chemicals in an environmentally responsible manner.

2. How does the current agvet and environmental regulatory system address problems from crop dusting, spray drift and off-label uses of chemicals? Are any additional processes needed? (cont.)

- **Product stewardship activities undertaken by CropLife and its member companies (cont.)**

Other sectors of the industry also employ self-regulatory regimes to minimise the risks that are presented from pesticide use. The Aerial Agricultural Association of Australia (AAAA) operates a Spraysafe initiative that aims for continuing improvement and professionalism in the application of chemicals by aircraft.

This initiative involves accreditation of agricultural pilots through an externally supervised Spraysafe course and examination. Further, in order to facilitate correct procedures on the ground, loaders and mixers are also offered an accreditation on the correct handling of chemicals around aircraft.

Together these programs reduce the risk from the aerial application of pesticides.

CropLife and its member companies aim to promote the responsible management of pesticides through all stages of their lifecycle. These programs, in particular, aim to minimise the human health and environmental risks from pesticides that may not be adequately addressed through the existing regulatory structure as well as assisting compliance with existing rules and regulations.

- **Improving application and advice**

CropLife also promotes activities that are designed to support the professional and high quality application of pesticides in Australia. High quality pesticide application made on the basis of sound professional advice and taking into account all relevant environmental factors will reduce environmental risks associated with pesticide use. CropLife therefore promotes:

- high quality and up-to-date training for users of agricultural chemicals so that users are aware of their responsibilities to manage the human health and environmental hazards of environmental chemical use, and are appropriately trained with the skills and knowledge required to apply chemicals safely; and

- accreditation and professional development mechanisms that improve the standard and quality of the advice provided to farmers relating to pesticide use.

These, together with the stewardship activities mentioned above, effectively contribute to the safe and responsible management of chemicals in Australia. These programs demonstrate the potential for industry, in collaboration with appropriate and consistent government regulation to effectively manage the human health and environmental hazards of pesticide use.

2. How does the current agvet and environmental regulatory system address problems from crop dusting, spray drift and off-label uses of chemicals? Are any additional processes needed? (cont.)

- **Need for greater national harmonisation**

  CropLife considers that one of the most serious potential risks to human health and the environment comes from a lack of national harmonisation in chemicals management in Australia.

  A lack of harmonisation leads to increased inconsistency and confusion in the application of pesticides between states and territories. Applications that are legitimate and lawful in one jurisdiction may draw legal proceedings in another.

  While remaining aware of, and compliant with, a complicated regulatory structure does impose costs on pesticide registrants, it does not facilitate straight forward compliance on the part of chemical users. A regulatory scheme that is more complex and complicated than necessary makes it more difficult for chemical users to understand their obligations. Where their obligations and responsibilities are more difficult to ascertain, some users are more likely to:

  - simply use the pesticide in ignorance of specific regulatory controls designed to protect human health and the environment; or
  - mistakenly believe that their use is in accordance with specific regulatory controls when it is not.

  In both these cases, the lack of a simple and harmonised national registration system leads to poorer compliance and the potential for greater environmental exposures to pesticides.

3. How effective are MRL regulations in governing pesticide levels in food?

The APVMA determines maximum residue limits (MRLs) and recommends them to Food Standards Australia New Zealand (FSANZ) for adoption into the food code. MRLs are intended to represent levels of pesticide residues that would not be exceeded if pesticides are used in accordance with label instructions. MRLs are used to monitor the correct use of pesticides and are not used to monitor the risk to human health from pesticide residues.

MRLs are always set at levels that are well below that which would indicate a risk to human health. When the APVMA determines that an MRL may approach levels that do indicate a risk to human health, this would need to be considered in the assessment of the chemical and would impact on label instructions.

While not an indicator of health risk, the National Residue Survey monitors pesticide residues in agricultural products. The results of this monitoring survey indicate that the vast majority of pesticide impacts are, if at all detectable, below established MRLs and unlikely to be of concern to human health.

The APVMA recommends MRLs to FSANZ so that the MRLs can be considered for listing in the Food Standards Code. This dual system involving two Commonwealth Government agencies causes unnecessary delays of up to one year in formalising MRLs. It can lead to the situation where farmers can use a registered pesticide product according to the label and follow good agricultural practice to meet the APVMA's recommended MRL, but still not meet the Food Standards Code because of delays in FSANZ assessing, approving and listing the MRL.

3. How effective are MRL regulations in governing pesticide levels in food? (cont.)

Where no MRL has been set for a particular pesticide and food commodity, there must be no detectable residue.

FSANZ consults with food industry and public stakeholders and adopts MRLs by resolution of a Ministerial Council. Completing this process adds up to a year to the process of formalising an MRL for food, which is virtually always consistent with the APVMA's recommended MRL. CropLife considers that delegating adoption of MRLs by the Ministerial Council to responsible departmental officers, and improved consultation between the APVMA and FSANZ has the potential to significantly reduce the time lag for adoption of FSANZ MRLs.