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**Inquiry into the Agricultural and Veterinary Chemicals Legislation Amendment  
(Removing Re-approval and Re-registration) Bill 2014**

This submission is a joint response from the following horticultural industries bodies: Almond Board of Australia, Apple and Pear Australia Ltd, Australian Banana Growers Council Inc., Australian Lychee Growers Association, Australian Macadamia Society Ltd, Australian Mango Industry Association Ltd, Australian Melon Association Inc., Australian Mushroom Growers' Association, Australian Nut Industry Council, Australian Onion Industry Association Inc., Australian Table Grape Association Inc., AUSVEG, Avocados Australia Limited, Canned Fruits Industry Council of Australia, Cherry Growers Australia Inc., Chestnuts Australia Inc., Citrus Australia, Custard Apples Australia, Dried Fruits Australia Inc., Growcom, Hazelnut Growers of Australia Inc., Nursery and Garden Industry Australia, Passionfruit Australia Inc., Pistachio Growers Association Inc., Raspberries & Blackberries Australia Inc., Strawberries Australia Inc., Summerfruit Australia Ltd, Tasmanian Farmers & Graziers Association. Collectively, representing more than 20,000 horticulture farming enterprises nationally.

The above industry groups seek to represent the interests of their grower members on issues that impact on farm productivity and sustainability. It is from this viewpoint the industries welcome the opportunity to provide a submission to the Senate's Rural and Regional Affairs and Transport Legislation Committee inquiry into the proposed Agricultural and Veterinary Chemicals Legislation Amendments.

Agvet chemicals, irrespective of whether they are synthetic or natural in origin, are needed to effectively manage the many weeds, diseases and pests encountered in commercial crop production. Unfortunately, horticultural industries are finding it increasingly difficult to gain and maintain access to these vital products. It is from this perspective that industries had significant reservations over

aspects of the proposed re-approval scheme fearing they would impact negatively on the long-term availability of many agvet chemicals, to the detriment of growers.

Horticultural industries recognize that an important element of the regulatory framework is the re-assessment of older chemicals against contemporary standards. Nevertheless, industries were extremely concerned that the approach taken in the legislation signified a more prescriptive regulatory approach which appeared to be moving away from current risk-based assessments with the potential to adversely impact on agvet chemical access.

From an industry perspective the area of primary concern related to the criteria covering the re-registration timeframes under Section 17A and 17B subsection 8. In particular, the fact that the Regulation adopted the EU classifications with respect to aquatic hazard (Acute I or Chronic I)<sup>1</sup> as one criteria in determining the priority and re-assessment period for agvet chemicals, i.e., compounds categorised under the EU Acute I or Chronic I classification would be subjected to shorter re-registration timeframes of 10 years.

The impact of such an approach would have been significant from both an APVMA and user perspective as the number of compounds meeting the EU criteria is substantial. An analysis of the EU Regulation found over 120 agvet chemicals, old and new, currently approved for use in Australia that fell within the EU classification. These included relatively new chemicals, e.g., azoxystrobin, and etoxazole, many older compounds, e.g., maldison and ziram, disinfectants, e.g., quaternary ammonium compounds and sodium hypochlorite, and compounds used in organic crop production such as copper sulphate and pyrethrins.

Industry groups struggle to understand the rationale behind the adoption of an essentially EU approach to aquatic hazards and cut-off criteria. Environmental toxicity of chemicals can be affected by several factors, such as the magnitude, duration and frequency of exposure. From that perspective the relevance of an EU hazard classification to risk assessment, under Australian conditions, is unclear.

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<sup>1</sup> REGULATION (EC) No 1272/2008

The required earlier re-assessment of such a large number of ‘priority’ compounds would have had significant resourcing and workload implications for the APVMA and allied agencies. Under Section 81 of Schedule 1 “**End dates and last renewal dates for existing approvals and registrations**”<sup>2</sup> it is indicated under subregulation 3 that

- a) the end date for the approval of the active constituent mentioned in subregulation (4) is 30 June 2015;
- b) the last renewal date for the registration of the chemical product containing an active constituent mentioned in subregulation (4) is 30 June 2015.

Subregulation 4 (o) (ii) indicates the end date of June 30<sup>th</sup> 2015 applies to any compound classified as Aquatic Chronic 1 in Table 3.1 of Annex VI of the European Community Regulation Number 1272/2008 as in force on the registration date. This would potentially require the APVMA to schedule over 120 agvet chemicals for re-assessment within 10 years of June 30, 2015, irrespective of whether any evidence existed of environmental or human health concerns, i.e., purely due to their presence on the EU aquatic hazard list. Such an overly-prescriptive approach would likely have led to a disproportionately expensive regime, for the APVMA, the registrants and the users.

Coupled with this would have been the requirement for supporting data to be provided for those compounds undergoing review. Given the primary driver for registrants is financial return it is likely that many agvet chemicals would be unsupported due to a need to for registrants to prioritise their resources on a return on investment basis. Further the costs incurred in re-registering agvet chemicals would add significantly to the costs passed on to users, i.e., the growers, placing them at further competitive disadvantage. The allocation of resources would also have been the scenario facing horticultural industries wishing to support continued access to any agvet chemicals under re-assessment, i.e., industry funding to support nominated compounds could not be provided in the requisite timeframes. The unforeseen outcome of which would have been the loss of access to many needed agvet chemicals, irrespective of any identified concerns, thereby, reducing available pest, disease and weed management options.

The legislation also contains a trigger for the APVMA to consider the need for a review when 2 or more of 7 ‘prescribed’ foreign regulatory authorities have prohibited use<sup>3</sup>. Industry concern over such a provision stems from the fact that countries can seek to prohibit uses based on factors other than science. The outcome of which would be such agvet chemicals would automatically have to be

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<sup>2</sup> Agricultural and Veterinary Chemicals Legislation Amendment (2013 Measures No. 2) Regulation 2013  
Select Legislative Instrument No. 179, 2013

<sup>3</sup> Regulation 22D

considered for re-assessment by the APVMA, again a prescriptive approach, irrespective of any identified concerns locally.

In the light of regulation 20 on Reconsideration work plans and regulation 21 which prescribes the time period required to provide data it is clear that industry groups would have limited time in which to consider the implications of and develop a response to a reconsideration, e.g., generate data to support a particular use pattern. The prescriptive nature of these two regulations would result in industry groups having limited opportunity to participate in the reconsideration of agvet chemicals process, effectively raising barriers to meaningful industry involvement.

As a consequence the industries believe formal provisions for greater communication between the APVMA and user groups should be introduced into the reconsideration and re-assessment process. The aim being to ensure industry groups are given sufficient opportunity to engage with the APVMA well before a review is initiated. Such an initiative would be beneficial to both the APVMA and users. Firstly, it would allow user groups input, prior to APVMA scoping a reconsideration or developing work plans, helping ensuring accuracy and relevance, i.e., that the basis for a review is not founded on inaccurate or flawed information about chemical use. Secondly, it would provide industry groups an opportunity to consider potential outcomes, in advance of a chemical's reconsideration, and begin to plan accordingly. Introducing such dialogue would provide greater flexibility for the regulator and users and help ensure the efficiency and relevance of the reconsiderations undertaken.






In conclusion, the industries understand that repealing the legislation will not remove the requirement for reconsideration but will help ensure an approach to agvet chemical review that is less prescriptive and proportionate to risk. Consequently, the undersigned industries support the proposed amendments to repeal re-registration requirements.

Yours sincerely,








K P Bodnaruk

Co-ordinating on behalf of the following Horticultural Industries Bodies:

Signature	Name/ Organisati on	Position Title	Logo	No. Of growers
	Ross Skinner  Almond Board of Australia	Chief Executive Officer		190
	Derek Foley  Australian Lychee Growers Association	President ALGA		153
	John Dollisson  Apple and Pear Australia Limited	Chief Executive Officer		600
	Jolyon Burnett  Australian Macadamia Society	Chief Executive Officer		800
	Jim Pekin  Australian Banana Growers' Council	Chief Executive Officer		700
	Trevor Dunmall  Australian Mango Industry Association	Chief Executive Officer		800
	Dianne Fullelove  Australian Melon Association Inc	Industry Development Manager		350

Signature	Name/ Organisation	Position Title	Logo	No. Of growers
	Greg Seymour  Australian Mushroom Growers Association	Chief Executive Officer		70
	Jeff Scott  Australian Table Grape Association Inc.	Chief Executive Officer		900
	Chaseley Ross  Australian Nut Industry Council	Chief Executive Officer		Included in nut (1500)
	William Churchill AUSVEG	Communications & Public Affairs Manager		7000
	Simon Boughey  Cherry Growers Australia Inc	Chief Executive Officer		450
	John Tyas  Avocados Australia Ltd	Chief Executive Officer		600

Signature	Name/ Organisati on	Position Title	Logo	No. Of growers
	Trevor Ranford  Chestnuts Australia Inc	Industry Developme nt Officer		80
	Judith Damiani  Citrus Australia Limited	Chief Executive Officer		2000
	Simon Mills  Canned Fruit Industry Council of Australia.	Chairman		138
	Ros Smerdon  Custard Apples Australia	President		150
	Phil Chidgzey  Dried Fruits Australia	Chief Executive Officer		450
	Lechelle Earl  Onions Australia	Acting CEO		300
	Alex Livingstone  Growcom	Chief Executive Officer		80
	Keith Paxton  Passionfruit Australia Inc	President		135

Signature	Name/ Organisati on	Position Title	Logo	No. Of growers
	Sallianne Faulkner  Hazelnut Growers of Australia Inc	President		80
	Robert Prince  Nursery and Garden Industry Association	Chief Executive Officer		1500
	Trevor Ranford  Pistachio Growers' Association Inc	Executive Officer		60
	John Moore  Summerfruit Australia Ltd	Chief Executive Officer		600
	Jonathan Eccles  Raspberries & Blackberries Australia Inc	Executive Officer & Industry Developme nt Manager		200
	Len O'Connor  Strawberries Australia	Chief Executive Officer		400
	Nick Steele. Tasmanian Farmers & Graziers Association	Rural Affairs Manager		5000