Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012

Introduction

Sumitomo Chemical Australia is a member of CropLife and is fully supportive of the CropLife submission.

In addition,
We'd like to comment on the points that the legislation is meant to address below. Aims of the legislation are in bullets and italics. Sumitomo's comments are in regular text:

- *Enhance the consistency, efficiency and transparency of agvet chemical approvals, registrations and reconsiderations through development, publication and implementation of a risk framework, which the APVMA must have regard to and legislative amendments to align regulatory effort with chemical risk.*

The aim is worthwhile, and it is important for the regulatory framework to be entirely risk based; however, overall it seems that the APVMA will have a higher workload. Since it is difficult to attract and keep suitably qualified and dedicated personnel, this goal may be difficult to achieve. In addition, , the regulatory burden in Australia is disproportionately large in relation to the market size; as a result, no investment in developing and registering minor uses or niche products can be justified as the return on investment is too small.

- *Ensure the ongoing safety of agvet chemical approvals, registrations and reconsideration arrangements by implementing a mandatory re-approval and re-registration regime, designed to identify any potentially problematic chemicals while minimising any negative impacts on affected businesses.*

The proposed re-registration scheme is an unnecessary additional burden on the APVMA without bringing tangible benefits. As the CropLife submission points out, the use of hazard criteria undermines the risk based approval system that point one above is mentioning.

- *Improve the efficiency and effectiveness of assessment processes for agvet chemicals applications for approval, registration and variation and providing the timeliness of agvet chemical approvals, registrations and reconsiderations.*

The additional workload for the APVMA is unlikely to improve Efficiency and effectiveness. The dependence of the APVMA on OCSEH and DSEWPaC for toxicology and Environment assessments will prevent the APVMA from being in control of timelines. In-house Toxicologists and Environment assessors would correct this situation.

- *Improve the ability of the APVMA to enforce compliance with its regulatory decisions by introducing a power to apply statutory conditions to registrations and approvals.*

The graduated approach to enforcement of compliance is commendable; however, as long as States and Territories have varying control of use legislations, compliance at the user level remains elusive. Without strict nation-wide control of use, the APVMA will have very limited capability to ensure that all products used are compliant with regulations.

- *Improve consistency in data protection provisions and remove disincentives for industry to provide data in support of ongoing registration of agricultural and veterinary chemicals.*

The new data protection provisions are commendable; however, lack of a regulation regarding 'taskforces' or similar of registrants for reviews is an omission that puts primary registrants at a disadvantage regarding data compensation in chemical reviews.

- *Address perceptions of a conflict of interest by providing for an agency other than the APVMA to collect the chemical products levy, should it be cost effective to do so.*

We have no comment regarding this point.