



Submission to the Senate Rural and Regional Affairs and Transport Legislation Committee.

The Alliance for a Clean Environment has been an environmental health and justice NGO in Western Australia for the last 20 years. We thank the Federal Parliament for the opportunity to make this submission particularly for the benefit of the public interest in Western Australia.

While we commend and support the federal governments intention to improve the regulation of AGVET chemicals in Australia through a 'science based risk framework' we wish to compel the government to consider that the regulation of chemicals in general and particularly poisons such as pesticides, requires a multidisciplinary basis underpinned by a whole of government and cross agency framework.

This is because the profound impacts on health and environment that arise from the use of AGVET chemicals in our society also has legal, ethical and social implications that go well beyond the limitations of a science based risk framework.

Children are now born with more than 200 chemicals in their bodies many of which are pesticide residues. Some scientists argue that there are strong links between the increasing levels of chemicals in our children's bodies and the rapid rise in children's cancers and chronic diseases.

Climate change threats and associated public health impacts are driving an urgent need for more sustainable methods of agriculture and greater public health and environmental protection. Chemical residues once locked up in the polar ice caps are now being re-released and increasing the already significant burden the marine environment carries.

Our world is changing rapidly. Hundreds of new chemicals including those that are used in AGVET products are being introduced onto the market every year. Consequently the types and amounts of chemical residues that remain in our bodies and the environment is also increasing. The increasing levels of chemical residues in our bodies and environment are an important trigger to enact the precautionary principle in relation to chemicals regulation and management.

Therefore, any best practice regulatory model must have a 'closed loop mechanism'.

That is, the regulator must be able to measure the effectiveness of the regulation being applied at the grassroots level and be able to adjust or make any changes so as to be continually improving that regulation. Therefore mechanisms for post market surveillance are necessary.

The current regulatory model is focussed on pre market assessments and registration which support industry getting their products onto the market as quickly as possible. This is not a framework that is balanced with the protection of human health and the environment despite being stated in the Bill.

To bring this regulatory model towards balancing the needs of industry (who in fact are part of the community) with the rights of our citizens enshrined under international treaties and conventions (which Australia is a signatory) for a safe and clean environment in which to live, a greater focus is needed to uphold risk management, monitor residues and health impacts and provide for lower risk and less hazardous chemicals underpinned by the precautionary principle.

In WA the community's concerns about AGVET chemicals are increasing because of the failure of risk management.

The use of AGVET chemicals in the urban environment in WA is increasing dramatically and posing considerable public health risks at certain times of the year.

The WA health department has a culture of denying any complaint even in the face of a confirmed exposure by the APVMA. WA citizens are ignored, dismissed, belittled and often resort to leaving their homes for periods of time so as to protect their health without any acknowledgement or support from the WA Department of Health or local government.

Bushland groups in WA are applying vast amounts of AGVET chemicals to control weeds with chemicals that have been scientifically shown to damage native species. The failure to acknowledge impacts to native species is damaging the environment, threatened species and undermining the hard work of environmental volunteers. Local Governments spend large amounts of ratepayer's money to spray their local environment including their verges with AGVET chemicals without any rights to say no or protect their health.

In WA our organisation is concerned that insufficient protections are being afforded to children after parks and gardens have been sprayed. We have witnessed babies and small children rolling around on grass that has been sprayed just 10 minutes prior. Although the chemical may be barely touch dry, the actions of children playing on the grass and particularly mouthing behaviour is exposing these children to the active ingredients. Some of these products contain known carcinogens. (Spearhead, MCPA) This is a preventable and avoidable exposure.

Other members of our organisation have witnessed families walking behind boom sprayers on larger parks and ovals, oblivious to the risk they face walking in the mist of AGVET chemical spraying. These are scenarios that would never happen in an agricultural setting yet are being tolerated by the Local government and State health agencies.

School buildings, ovals and playgrounds are being regularly sprayed with AGVET products containing known carcinogens, yet school principals are not aware of the risks of exposure to the children and often do not limit access.

ACE believes that the risk management of AGVET chemicals and products in the urban environment is woefully inadequate and needs urgent attention.

In summary, ACE supports:

- A national post market surveillance and adverse impact monitoring programme for all AGVET chemicals feeding directly back to the regulatory risk and chemical assessment branch.
- Epidemiological studies into the body burden of AGVET chemicals on the Australian population.
- Increased monitoring of AGVET chemical residues in the environment.
- Strengthened regulations to remove high risk and high hazard chemicals as quickly as possible
- Recognition of EU AGVET chemical assessments, risk and hazard profiles.
- Recognition of overseas bans and restrictions on AGVET chemicals
- Incentives for industry to use and introduce lower risk and lower hazard chemicals
- Shorter timeframes for reviewing and removing chemicals of concern
- Strengthened and expanded chemical assessments to include endocrine disruption impacts, multiple chemical exposures and nanomaterials in AGVET chemicals.
- Stronger assessment of children's specific vulnerability to AGVET chemicals.
- Stronger risk management frameworks
- Stronger MOU's and all communications with state risk managers.
- Stronger powers for the APVMA to ensure risk management is implemented.
- An AGVET toxics reduction and elimination plan.
- A strategy to address the issue of Superweeds.

Some comments in relation to the associated regulations.

Are there different criteria that should be prescribed for determining the end dates for approvals and registrations? Why would you support these different criteria?

Are 'human exposure' and 'broadacre situations' suitable exposure measures or are there alternative measures that would be more appropriate e.g. product sales data, residues exposure, product handling exposure? Are these measures suitable for veterinary chemical products?

Is the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) a suitable basis for categorising hazard aspects of active constituents? For example, is there a need to refer to the GHS categories in the criteria given the other criteria that are proposed?

What other overseas comparable agvet chemical regulators (or regulators with responsibility for agvet chemicals) should be prescribed, if any? Why?

In relation to end dates for approvals and registrations, exposure measures and hazard classifications:

The definitions of health and environment criteria that are defined in the Regulations are limited and insufficient to adequately account for the exposure scenarios that currently exist in Australia. Both risk and hazard to public health and environment is required to adequately regulate AGVET products for the protection of humans and the environment.

The APVMA need to conduct a thorough consideration of all exposure scenarios, including those scenarios that are emerging and which could be identified from an 'increased use pattern' of an AGVET chemical product. There should be no limit on the 'ways of determining' end dates for approvals and registrations. Given that little if any epidemiological studies are undertaken by the Australian Department of Health into AGVET product residues in the human body and environment, relying on residue exposure predictions supplied by manufacturers and importers of AGVET chemicals alone, could be unreliable.

The use of AGVET chemicals in the urban environment particularly, is increasing dramatically. AGVET chemical corporations expend vast amounts of money on creating and advertising new products for use in the home and environment. Local governments increasingly use AGVET products to manage weeds in gardens, parks, urban bushland reserves and on footpaths, kerbs and waterways.

Overall the use of AGVET chemical products is increasing and therefore the determination of risk and hazard exposure scenarios needs to be flexible to account for this increased use. The APVMA needs to be able to track the use patterns of AGVET chemicals in domestic and urban situations just as much as in the Agricultural or Veterinary environment.

ACE supports the acceptance of GHS hazard classifications.

What additional statutory conditions should apply for the approval of an active constituent and registration of a chemical product?

Are the extra situations for issuing permits supported?

What factors should be considered in determining an appropriate scale of amounts for Penalty Infringement Notices e.g. amount of product, number of containers involved in the contravention?

Statutory conditions relating to risk management should be applied to all AGVET chemical and product labels. Risk management must be supported with enforceable conditions, able to be audited by the states.

In relation to the issuing of permits for weed management in native forests and bushlands, a full consideration of the long term impacts on the environment including weed resistance is required.

Do you support the APVMA considering product and container disposal, as well as the first aid and safety directions when reconsidering a label approval without notice?

Are the conditions for licences to manufacture chemical products suitable?

ACE supports product and container disposal information being provided on the label. ACE supports first aid and safety information being provided on the label. The label should also contain important environmental protection information also.

Any conditions for licences to manufacture chemical products should include statutory conditions for the protection of the environment and public health. Conditions should also include safe disposal of wastes, to air, land and water as well as any emissions or chemical releases to the environment.

For and on behalf of ACE.

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