



**Representing the Plant Science Industry**

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20 April 2011

Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
**CANBERRA ACT 2600**

Dear Committee Secretary

On behalf of CropLife Australia and AgStewardship Australia, I provide the attached responses to questions taken on notice during the course of the appearance of Mr Stapley, Ms Gomez (AgStewardship Australia) and myself as witnesses at the Senate Environment and Communications Inquiry into the Product Stewardship Bill 2011 on Wednesday 13 April 2011.

Please do not hesitate to contact me or CropLife's Policy Manager for Crop Protection and Stewardship (Mr Ben Stapley) should you require clarification in respect to any aspect of this submission.

Yours sincerely,

Matthew Cossey  
**Chief Executive Officer**

*Attach:*

## Senate Environment and Communications Inquiry into the Product Stewardship Bill 2011

**Witnesses:** CropLife Australia and AgStewardship Australia  
Wednesday 13 April 2011 - Questions Taken

- 1. CHAIR I am still confused. You indicated 50 per cent and Ms Gomez is saying 75 per cent. I am not sure if the document that was tabled clarifies that issue. If not, can you take on notice the difference and explain that difference to the committee.**

The 75 per cent figure relates to the total amount of agricultural chemical packaging waste that has been diverted from landfill. This is made up of two different components. The first is the agricultural chemical containers that have entered the environment being collected and recycled under **drumMUSTER**, which in 2009 collected approximately 41.8 per cent of the drums by weight eligible under the scheme.

The second component is container waste avoided from entering the environment altogether through measures taken by industry to minimise the production of packaging waste. These include using returnable containers, alternative product formulations (which reduce the amount of packaging required) and new packaging systems that minimise and remove the need for collection and recycling schemes, such as water-soluble packages. Moves by industry towards the supply of pest and weed control services can use bulk chemical containers, which are also expected to avoid the need for single-trip user packaging.

In total, measures to collect and recycle plastic and steel containers represent only part of a broader strategy by industry to take responsibility for reducing waste. Hence in order to understand the total contribution to diverting packaging waste from landfill, the avoidance measures described above need to be included

It should be noted that drum collection rates can also be estimated on a per drum basis, in addition to the weight of the waste collected. Current performance suggests that on average around 50 per cent of drums eligible for the **drumMUSTER** program have been collected (20 litre equivalent basis).

While numbers of chemicals that are recycled are an important indicator of scheme performance, it is just as important that we offer this recycling and disposal service in regional and remote areas that may not have adequate infrastructure that can deal with this sort of waste.

- 2. Senator LUDLAM I will put my last question on notice, because I think you took some from the Chair as well. I am interested, as the Chair was, about what proportion of industry coverage and material coverage you think you have.**

The **drumMUSTER** participants, including CropLife members, represent over 90 per cent of the agricultural chemical market by volume.

There is uncertainty in precisely how much non-participating organisations sell each year, especially with one-off importers that may not consistently sell into the Australian market.

The focus of the scheme is on commercial products used by farmers and other users. Smaller volume products used in the home and garden sector are not covered by the program. Some veterinary chemicals such as animal drenches are also included where appropriate.

For chemicals, it is unclear what bank of very old chemicals might be held in rural areas. This makes it difficult to estimate at any one time what proportion of chemical would come under the ChemClear® program. However, for currently marketed chemicals that could participate in the scheme, we estimate that around 90 per cent of those eligible chemicals are subject to the scheme.

The remaining 10 per cent of the market that is not covered by the **drumMUSTER** and ChemClear® programs is made up of chemicals and products that are approved for use by the pesticides regulator, but the product registrant fails to take responsibility for the end of life management of their products. For the objectives of the Product Stewardship Bill to be met, it will be important that this source of potentially hazardous waste is addressed. For non-participating registrants, this should be by requiring them to meet equivalent standards in product stewardship, but to do so in a manner that does not impose additional costs on the existing **drumMUSTER** and ChemClear® programs.

Beyond this, there is also a potentially large market of illegal and unregistered products. While there are no reliable figures for the size of these illegal imports, it potentially comprises of tens of millions of litres of product and appears to be growing. For illegal importers detected by the Australian Customs Service, a mechanism should be available to require them to collect, dispose or destroy the chemical product.

3. **Senator FISHER Ms Gomez, you referred to the pipeline and to the beginning of it and the end of it. How do you know that this bill does not apply to the stuff in between? Returning to chemicals and pesticides, could this bill not be applied, for example, to substances within chemicals or within pesticides during their life and during their use, particularly bearing in mind the product stewardship criteria listed (a) to (f)? I would ask you to take that question on notice. I would ask you to go away and look at it in the context that any two of those criteria from (a) to (f) could be the trigger for the application of mandatory standards. I would ask you to look at it in the context of whether this bill could apply, even in the limited context of chemicals and pesticides, to something other than mopping up that which is left over and collecting the drums.**

Section 5 of the Bill is sufficiently broad to potentially include all products sold in the Australian market. It certainly could capture agricultural chemical products. Section 5 and the definition of *product* in the Dictionary are sufficiently broad that they may potentially apply to a substance or active constituent of an agricultural chemical product.

Any stewardship of pesticide products themselves (as opposed to the stewardship of their wastes) is strongly opposed as duplicative, unnecessary, costly and potentially damaging due to the strict controls under existing Commonwealth, state and territory legislation. Currently, users are required to use agricultural chemical products in accordance with the strict instructions on labels, with some exceptions in various states. Failure to comply with those instructions when using, storing, or disposing of an agricultural chemical product can subject a user to prosecution under state laws.

Mandatory product stewardship is indistinguishable from regulation. There is the potential for mandatory product stewardship to impose requirements on users that would conflict with existing use requirements imposed by the APVMA. This must be avoided. Should a mandatory product stewardship scheme impose differing requirements for users of agricultural chemicals with respect to waste management or disposal of containers or unwanted chemical, this could lead to poorer environmental or safety outcomes through users being confused as to what appropriate action should be taken when managing agricultural chemical product waste.