



# **NGIA Response to the Consultation Regulation Impact Statement “A National Scheme for Assessment, Registration and Control of Use of Agricultural and Veterinary Chemicals”**

A Submission by  
**Nursery & Garden Industry Australia**  
**(NGIA)**

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## Introduction

In providing comment to the Product Safety and Integrity Committee (PSIC) on the Primary Industries Ministerial Council (PIMC) proposal for a single, national framework to improve the efficiency and effectiveness of the regulation of Agvet chemicals, it should be made clear that Nursery & Garden Industry Australia (NGIA) is focused on two key issues. That is, providing access to safer, less toxic new and advanced chemistries through label registration and Minor Use Permits, and costs relevant to current and new products at a farm level.

NGIA supports the application of nationally standardised regulations relevant to pesticides with the proviso that these regulations are inclusive across Australia and have the ability to adapt to specific needs of industry as the situation may dictate. That is they must be flexible in nature. These regulations must not overburden nor increase the costs that growers pay for the use of chemical products that are required to produce their crops and are essential in accessing relevant national and international markets.

**This response endorses the recommendations within the submission by the Australian Minor Use Industries on Reforms to Deliver Sustainable Minor Use Crop Protection Solutions for Australia’s Agricultural Industries (March 2011) submitted to PSIC by Dr Stephen Goodwin.**

First and foremost, NGIA would like to express concern that the June 2011 timeline for PIMC to present a regulatory framework, any necessary intergovernmental agreements and a funding model to the Council of Australian Governments (COAG) is fast approaching. As such, there appears to be few, if any, stakeholder briefings and opportunities for input between now and the June 2011 deadline. Consequently NGIA are uncertain as to what opportunities will be available into the future as this reform process continues. We would like to ask, will there be further rounds of stakeholder consultation in the development of A National Scheme for Assessment, Registration and Control of Use of Agricultural and Veterinary Chemicals?

Despite our concern, NGIA has endeavoured to provide a response to the Consultation Regulation Impact Statement (RIS) “A National Scheme for Assessment, Registration and Control of Use of Agricultural and Veterinary Chemicals” with regards to:

- Policy Options and Impacts of Options – Governance
- Policy Options and Impacts of Options – Assessment and Registration
- Control of Use
- Training and Assessment

It should be noted that although we have provided a response to these areas as requested in the Regulatory Impact Statement, we are extremely concerned over the lack of any detail on the possible funding model(s) that would underpin the framework. No indication of potential costs associated with different options has been determined and written into the Regulation Impact Statement. Consequently, this could potentially have a significant impact on the selection of preferred options we have noted in our submission. We are also concerned about the superficial nature in how many of the options have been portrayed in the RIS.

## NGIA Response to the Consultation Regulation Impact Statement “A National Scheme for Assessment, Registration and Control of Use of Agricultural and Veterinary Chemicals.”

This submission addresses the above Consultation Regulation Impact Statement based on the Sections and Questions as outlined within the document on pages 61–63 under **Section 9 Consultation**. Furthermore, the submission has focused on the questions from the Consultation Regulation Impact Statement that NGIA feels it can meaningfully contribute too. The NGIA response is as follows:

Issue	Page	NGIA Response
Governance	11	<p>NGIA supports Options 1 or 3.</p> <p>In order to support Option 1, and to avoid diversion of regulatory arrangements with regards to control of use, NGIA believes harmonized rules need apply.</p> <p>A hybrid approach detailed in Option 3 is the most likely outcome blending favourable aspects of Options 1 and 2, however harmonized rules across States/Territories need apply.</p>
Assessment and use information	23	<p>NGIA supports Options 1 and 2.</p> <p>The single web based database in Option 2 should be integrated with other options listed throughout the proposal including Page 26 – <i>Facilitating access for minor uses Option 1</i> on labels and 6.3.1 listing products generally regarded as safe (GRAS).</p>
Facilitation of registration of low risk products	24	<p>NGIA supports this and would like to see it expanded to low risk crops – i.e. non-edibles where Maximum Residue Limits are not applicable.</p>
Provision for Minor Use	26	<p>NGIA supports Option 1 however this option does not go far enough to address the issues surrounding provision of minor use. Refer to the submission by the Australian Minor Use Industries on Reforms to Deliver Sustainable Minor Use Crop Protection Solutions for Australia’s Agricultural Industries (March 2011) that details government support <u>MUST</u> continue for provision of Minor Use. Furthermore, increased funding should be injected into this program to ensure it remains competitive and not cost prohibitive.</p>
Access to high risk chemicals	30	<p>NGIA supports Option 1 however the training to handle Restricted Chemical Products should be picked up in ChemCert and other approved courses without additional costs for specialized training required. Record keeping will be a cost borne by businesses as part of day to day activities and there is no mention of this in the RIS.</p>

Issue	Page	NGIA Response
Precautionary principal	34	<p>NGIA supports Option 2. NGIA supports a risk assessment regulatory approach based on the sound principles of risk management and known science. This option would limit costs to registrants or users and should satisfy community stakeholders.</p>
General access categories and permits	35	<p>NGIA supports Options 1 and 2. GRAS list should be integrated into the web database. Efficiency of minor use has been detailed in the across industry submission referred to earlier. Ways in which the APVMA could be improved with regards to the minor use program include:</p> <ul style="list-style-type: none"> <li>• NGIA would recommend that the APVMA have an internal monitoring and measurement program that assesses the performance of service delivery by the APVMA against agreed benchmarks. This will require documented service provisions for set activities e.g. issuing a minor use permit (crop specific), and a refund strategy if/when these service provisions are not met.</li> <li>• NGIA also considers current APVMA timeframes (often ignored) to be excessive and rigid which appears to allow applications to be shelved and provides no incentive to complete ahead of the regulated timeline.</li> <li>• Minor use program should also consider and recognition the relevance of internationally generated data in the assessment process.</li> </ul>
Permissible uses for crops	41	<p>NGIA supports Option 1. This option is a more restrictive approach to off label use with regards to decreasing the risk of product exceeding MRL etc. However, the NGIA supports the position of a flexible instrument that allows responsible off-label use of pesticides within appropriate parameters based on a crop by crop assessment. Thus, NGIA supports Option 1 only if Options 2 is put forward whereby recognition of significant differences between crops and cropping systems, none more evident than that between edible and non-edible crops is duly recognised.</p> <p>It is imperative for regulatory instruments to recognise these differences. NGIA also supports Option 4 whereby approved agronomists could permit off-label use, however details are required to ensure who this would apply to. The reason being, the Australian nursery industry has an industry development officer (IDO) network operating as nursery agronomists that would be capable of dispensing professional advice. Due consideration must be given to this important industry extension network.</p>

Issue	Page	NGIA Response
Management of the chemical portfolio	46	NGIA supports Options 1 and 2 in addressing this issue, however it is difficult to evaluate the merits of each Option without the process clearly articulated of how each would function and the costs both real and hidden borne by the registrant or user. For example, under Option 1 – what is periodically?
Training and licensing	54	<p><b>Fee for reward-users:</b></p> <p>Option 2 is complimentary to Option 1 with both supported by NGIA should there be due recognition provided by APVMA in recognising growers operating under on-farm programs that address the relevant elements mentioned above such as</p> <ul style="list-style-type: none"> <li>• responsible off-label use of chemicals</li> <li>• rapid access to chemicals to address biosecurity emergencies</li> <li>• access to registered high risk chemicals</li> </ul> <p>Industry would like to see due recognition granted for its on-farm risk management program referred to as Nursery Production Farm Management System. License costs should be waived for businesses operating under these programs. For additional peace of mind, the independent auditing process by IDO network delivered by this program should be sufficient to validate this approach.</p> <p><b>Farmer and other occupational users</b></p> <p>Option 1 is supported. Nationally agreed competencies are essential to streamline the handling, use and understanding at a grower level of agrochemical products.</p> <p><b>Sales personnel and resellers</b></p> <p>This area is outside the scope of the NGIA to comment on, however NGIA would like to see nationally agreed competencies and training mandatory for all staff handling agrochemicals including sales personnel, resellers and sales advisors</p>

**Further Information:**

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