Australian Government
Australian Pesticides and
Veterinary Medicines Authority

Our reference: LEX 5044

24/04/17

Adam Presnell<foi+request-3221-b22ee366@righttoknow.org.au>

Dear Mr Presnell

Freedom of Information Request
Notice of Intention to refuse request

1. I refer to your revised request under the *Freedom of Information Act 1982* (**FOI Act**) received by the APVMA on **31 March 2017** seeking access to the following information related to:

   All correspondence, including informal reports/correspondence, received by the APVMA in relation to all reports of Adverse Experiences for the chemicals: Gloricide; 2,4- methyl esters, 2,4,5-T; 2-(2-(2-oxo-3-oxazolidinyl)ethyl)-1,2-benzisothiazolin-3-one; 2,4-D and metsulfuron methyl, since 2010.

2. In relation to your request, I can advise that no adverse experiences have been reported for:–

   a. gloricide (as it is not an APVMA registered product but is a name used to refer to a tank mix of registered chemical products approved for certain uses in Queensland under a permit), and

   b. 2,4,5-T (as its use was banned in the 1990's).

3. I am an officer of the Australian Pesticides and Veterinary Medicines Authority (**APVMA**) authorised under section 23 of the FOI Act to make decisions in respect of access requests. I am also authorised to make decisions in respect of the publication of information released in response to access requests.

4. The Adverse Experience Reporting Program (AERP) relies on a database, which records adverse experience reports by chemical product, not by active constituent. Due to the limitations of the database, the APVMA has to manually search records in the database to determine if they meet your request.

5. Answering your request requires the APVMA to check whether there are any records in the AERP database for any chemical products containing one or more of the active constituents. The APVMA has identified over 1000 chemical products that contain a reference to at least one of the four remaining active constituents mentioned in your request. The database will need to be searched manually to determine if any of these 1000 products appear within the database.

6. Please note that this does not mean that these files will contain any adverse experience reports or related material, only that they need to be checked fully to determine whether any such information exists in relation to the particular chemical product containing the relevant active constituent.

7. In other words, in order to process this request, the Adverse Experience database will need to be manually checked by APVMA employees to determine whether any adverse experiences have been reported in relation to that chemical product and if so, whether there is any additional information on file relevant to this request.

8. Please note that the information regarding registered chemical products and their active constituents is publicly available on the Public Chemical Registration Information System Search (PubCRIS) on the APVMA's website at https://portal.apvma.gov.au/pubcris. The search facility can be used to see the extent of chemical product files that would require checking for adverse experience reports in relation to this request.

9. The APVMA is of the view that the resource impact of processing the request would be substantial and unreasonable in accordance with paragraph 24AA(1)(a)(ii) of the FOI Act. The work involved in processing the request would substantially and unreasonably divert resources of the APVMA from its other operations.

10. Further, the FOI charges payable under the FOI Act are likely to be a substantial cost for you.

11. On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to further revise your request. For example, you may wish to either limit the number of active constituents that form the basis of your request, or you may wish the APVMA to limit the number or types of products for which it searches.

12. You have 14 days, from the receipt of this notice, to consult with the APVMA concerning your request. The APVMA will assist you to revise your request so that it will not substantially and unreasonably divert resources of the APVMA from its other operations.

13. Under subsection 24AB(6) of the FOI Act, you are required within the 14 day period to:

    a. Withdraw the request

    b. Make a revised request; or

    c. Indicate that you do not wish to revise the request.

14. If you do not consult with the APVMA or do one of these things within the next 14 days, your request will be taken to have been withdrawn. Even with consultation, if the scope of your request cannot be sufficiently revised, the request may be refused.

15. If you have any questions about how best to formulate the request for access to documents, please contact the FOI team at foi@apvma.gov.au or contact Naomi Taylor on (02) 6210 4833.

Yours sincerely

Margaret Horne

Margaret Horne
Principal Legal Officer
Legal and Compliance Program