

Minister for Agriculture

**SENATE QUESTION**

Question No 90

**Senator Siewert** asked the Minister for Agriculture, upon notice – with reference to gloricide, on 20 January 2014.

- (1) Has the product been assessed and approved under the correct category or label at both state and federal levels.
- (2) Is the implementation of the relevant ‘permit’ being adequately monitored, with required due diligence, in a manner that covers the actual use of the product which, it has been suggested, is beyond what has been licensed.
- (3) Is the Material Safety Data Sheet currently supplied with the product sufficient.
- (4) Have the synergistic effects of mixing the product’s two constituent chemicals, and mixing the product with town water containing chlorine been researched and sufficiently understood.
- (5) Is the current extent of use clearly understood and sanctioned by the authorities and, in particular, by the Australian Pesticides and Veterinary Medicines Authority (APVMA).
- (6) Which federal and/or state authorities are responsible for:
  - (a) correct ‘permitting’ and
  - (b) compliance control.
- (7) Are reports of alleged damage resulting from use of the product being properly followed up and who is responsible for such investigations.
- (8) What are the legal requirements for the monitoring of compliance and for dealing with complaints concerning non-compliance and, in particular:
  - (a) complaints concerning insufficient or unclear regulation(s) with respect to the use of the product around waterways and its potential use on areas far larger than allowed under the applicable permits, and
  - (b) complaints concerning conflicts of interest given that a certain council is the designer, manufacturer, distributor and (through contractors) user of the product.
- (9) Is the Minister aware of allegations that some contractors have been dismissed following their refusal to use the product in what they believe is an illegal manner and, in

that context, what is APVMA's responsibility when state authorities are said not to have taken sufficient action.

(10) Who bears responsibility for any legislative and regulatory shortcomings should there be independent proof in the future of any detrimental effects to human health or the environment, as a result of the past, current or future use of Gloricide.

**The Hon. Barnaby Joyce MP** – The Minister for Agriculture has provided the following answer to the senator's question:

There have been no decisions or actions at a federal level in relation to the mixing of two herbicides (2, 4-D and metsulfuron-methyl), since responses to previous Questions on Notice that were provided in February and May 2013.

References to responses to previous Questions on Notice included below all refer to the Rural and Regional Affairs and Transport Committee.

(1) Please refer to the answer to Part 6 of Question 46 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Additional Budget Estimates hearing in February 2013. Relevant detail is as follows:

*“‘Gloricide’ is not a registered chemical product. The department understands that it is a name used by some people to refer to a tank mix of registered chemical products approved for certain uses in Queensland under a permit.”*

Please refer to the answer to part 2 of Question 46 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Additional Budget Estimates hearing in February 2013. Relevant detail is as follows:

*“A tank mix of registered chemical products is not itself another chemical product. The making of a tank mix is not an offence under state control of use legislation, unless product labels specifically prohibit mixing of one product with another.”*

The APVMA has advised me that it has assessed and approved the labels of all registered products that may be used under permits or may be used in tank mixes under state or territory control of use laws.

(2) I am aware that this matter has been the subject of previous Questions on Notice. Please refer to the answer to Question 48 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Budget Estimates hearing in May 2013. Relevant detail is as follows:

*“The Australian Pesticides and Veterinary Medicines Authority does not monitor the use of chemical products; the control of use of products is a State and Territory responsibility.”*

The APVMA is responsible for the regulation of chemical products up to the point of retail sale.

Please refer to the answer to Questions 12 and 22 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Additional Estimates hearing in February 2013. Relevant detail is as follows:

*12. "The relevant state authority (Qld DAFF) is responsible for the enforcement of the permit conditions, label conditions and restrictions, as they relate to use of the products."*

*22. "The APVMA conducted a compliance audit and found no breach of its requirements by the permit holder."*

(3) The Material Safety Data Sheet (MSDS) was prepared by a private company engaged by the local council. The MSDS was prepared to satisfy the relevant state workplace authority. It is not appropriate for me to comment on whether this is appropriate for these requirements.

The APVMA registers chemical products and approves the label instructions. I understands that these label instructions include safety directions and first aid directions as set during the assessment of these products.

(4) A response on this matter has been provided in response to previous Questions on Notice. Please refer to the answer to Question 36 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Budget Estimates hearing in May 2013. Relevant detail is as follows:

*"The Australian Pesticides and Veterinary Medicines Authority is not aware of any dangers of mixing 2,4-D with town water. Where there is a known risk arising from mixing with other chemical products, there will be restrictions on product labels or permits."*

Please refer to the answer to Question 53 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Budget Estimates hearing in May 2013. Relevant detail is as follows:

*"Specialised knowledge is required to properly assess the risks from chemical products. The Australian Pesticides and Veterinary Medicines Authority (APVMA), supported by experts in the Department of Health and Ageing and the Department of Sustainability, Environment, Water, Population and Communities, carry out various risk assessments."*

*Section 161 of the Agricultural and Veterinary Chemicals Code Act 1994 (the AgVet Code) requires that 'interested persons' (e.g. registrants) and holders of permits submit 'relevant information' to the APVMA as soon as possible."*

*Under the law, interested persons and permit holders need to provide information to the APVMA if information becomes available that alters or might alter the conclusions that the APVMA would have made about the product had the information been available at the time of registration or issue of permit.*

*Such information can become available as a result of:*

- new studies being conducted that show different information to that previously available*
- experiences obtained as a result of manufacture, supply or use of the product, eg. adverse experience reports, residues monitoring, epidemiological studies.*

The APVMA has not received any information under s161 or from any other sources that suggest that this is a significant risk.

(5) Use at a state and territory level is the responsibility of the relevant states and territories and accordingly it is not appropriate for me to comment on the understanding of the states and territories. In relation to the responsibilities of the APVMA, please refer to the answer to Question 68 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Budget Estimates hearing in May 2013. Relevant detail is as follows:

*“The Australian Pesticides and Veterinary Medicines Authority (APVMA) cannot comment on matters referring the use of agricultural chemical products as this is the responsibility of relevant State and Territory governments.*

*The APVMA has responsibility to investigate the matters relating to the supply of unregistered agricultural chemical products. The APVMA is not aware of the supply of unregistered agricultural chemical by any councils.”*

(6) (a) The Australian Pesticides and Veterinary Medicines Authority registers chemical products and approves the instructions for use on product labels. The APVMA can consider applications for permits that allow for the legal use of chemicals in ways different to the uses set out on the product label.

Additionally in some states and territories the control of use legislation allows for state-based permits or allows particular uses of registered chemicals that might not be explicitly described on labels approved by the APVMA.

Control-of use for agvet chemicals is the responsibility of each state and territory authority, details of which are listed at [www.apvma.gov.au/about/nrs/index.php](http://www.apvma.gov.au/about/nrs/index.php).

(b) The regulatory framework for managing pesticides and veterinary medicines in Australia is collectively referred to as the National Registration Scheme for Agricultural and Veterinary Chemicals (NRS). The NRS is a partnership between the Commonwealth and the states and territories, with a shared division of responsibilities.

Under the NRS, the APVMA is responsible for the assessment and registration of pesticides and veterinary medicines and for their regulation up to and including the point of retail sale in Australia. The APVMA is also responsible for monitoring compliance in the marketplace.

State and territory governments are responsible for controlling the use of pesticides and veterinary medicines beyond the point of retail sale. In some states, more than one agency is involved.

(7) The matter has been the subject of previous responses to Questions on Notice. Please refer to the answers to Questions 12 and 22 Agricultural Productivity Division/Australian Pesticides and Veterinary Medicines Authority from the Additional Estimates hearing in February 2013. Relevant detail is as follows:

*12. "The relevant state authority is responsible for the enforcement of the permit conditions, label conditions and restrictions, as they relate to use of the products."*

*22. "The APVMA conducted a compliance audit and found no breach of its requirements by the permit holder."*

(8) (a) and (b) Under the National Registration Scheme, the state and territory governments, as opposed to federal or local government, are responsible for monitoring and controlling the use of pesticides and veterinary medicines beyond the point of retail sale and ensuring that the use of products is in accordance with APVMA label instructions and permit conditions. The use of Gloricide is in Queensland.

The APVMA is responsible for the regulation of chemical products up to the point of retail sale including ensuring appropriate label instructions and permit conditions are in place in relation to protection of human health and the environment.

(9) The engagement of contractors within states and territories is not a matter that is appropriate for comment at the federal level, noting that under the National Registration Scheme, the state and territory governments, not the Commonwealth, are responsible for controlling the use of pesticides and veterinary medicines beyond the point of retail sale. Therefore, any allegations about the use or misuse of a pesticide would be a matter for relevant state and territory government, not the Minister for Agriculture.

(10) The APVMA uses a science-based approach to decision-making, which necessitates consideration of all available data at a particular point in time. If new, credible data or information becomes available or is submitted, previous conclusions must be reconsidered in light of this new information.