

Tasmanian Agricultural Productivity Group Ltd

ABN 39 009 590 783 • Address: PO Box 210, LONGFORD TAS 7301
• Ph: 0407 287 537 • Email: terry.brient@gmail.com



Agvet Chemicals – Early Harvest and APVMA Reforms Team
Agricultural Productivity Division
Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601

Subject: Response to Policy Discussion Paper

Reference: *Discussion Paper: Better Regulation of Ag & Vet Chemicals*

Introduction:

- **The Tasmanian Agricultural Productivity Group Limited was formed in 1989. It is the only single body in the State representing intensive agriculture, fresh and processed food producers and associated service industries. The Group is entirely funded from member contributions and is in a unique position as it represents the full range of primary, secondary and related activities in the agriculture and forestry industries. No other specialist industry body has this vertical integration of membership. This allows for issues facing industry to be addressed by the Board who have access, with-in its own membership, to expertise from the continuum of growing, processing, marketing and their related industry services.**
- **TAPG appreciates the opportunity to continue its engagement with issues related to Ag & Vet Chemical Regulation We regard this as a high priority area for government revision and support the concept of “*early harvest reform*” as it applies to this topic.**
- **Consistent with our previous submission in response to the proposed National Scheme for Assessment, Registration and Control of Agricultural and Veterinary Chemicals, TAPG has commissioned a response team from within its Board that collectively represent leadership, expertise and experience across the entire spectrum of industry activity in dealing with Agricultural Chemicals including:**
 - **A representative from Plantation Forestry**
 - **A representative from the Poppy Growers Association**
 - **A representative from a specialised Crop Protection Company**
 - **A representative from a specialised Agricultural Advisory Company**

- Two Vegetable Managers from large Vegetable Processing Companies with International Markets
- An experienced Researcher and Collator

While the make-up of this group is clearly heavily weighted to the “practitioner” end of the spectrum with respect to chemical usage, TAPG feels this is consistent with Minister Ludwig’s intention in his Foreword where he states: *“The reforms aim to cut unnecessary red tape for farmers and business and encourage the development of modern, cleaner and safer chemicals”*.

Our response group is entirely committed to this aim.

General Response to Proposed Commonwealth Reforms:

While understandably light on specific detail at this early stage of development, the Policy Discussion Paper has been reviewed carefully by our Group and some aspects of it have received cautious approval. Much of our reservation stems from discomfort with its “Relationship with the COAG single national framework for Ag/Vet chemicals”.

While this matter is touched on in the Outline of the new paper it is possible to take the view from the statements included in this section that a level of “unanimity” was achieved around the previous consultation and that the consultation RIS, due for release in early 2011, was a mere formality. As active participants in the entire process to date, including the Canberra Workshop, this would not have been the conclusion we would have drawn to describe the current status. While it is accepted that the proposed “early harvest” reforms have a focus around the role of APVMA it is felt that the two cannot easily be advanced separately without running the risk of suggesting reforms that may have adverse effects each to the other.

Our second general observation specifically concerns the role of APVMA. It is possible to position APVMA on a broad spectrum of Role Focus ranging from “Compliance” through to “Facilitation”. At the Compliance end we would see a group monitoring, policing and penalising incorrect Chemical usage. Conversely, a group pursuing Facilitation as its goal would be using its expertise and resources to “create and support a farming regime that modelled best practice”. Accordingly, the critical question that is not answered in the paper is: “What is the preferred structure of APVMA?”

Is it expected to be successfully active across the entire spectrum as described above or will it have a bias to one end that absorbs the majority of available resources?

If our review group had to answer this question from the evidence provided by the discussion paper we would be suggesting that there appears to be a strong movement towards enforcement.

It is felt very strongly that this would be an unfortunate and unnecessary focus as the reality of the impact of the stringent Quality Assurance Protocols required to operate within the Australian Market make this approach superfluous.

Indeed our group would go further and suggest that self-regulation within this market driven environment will exact even higher standards than will enforced compliance. The Australian Producer is very professional in their practice and the Market itself underpins and guarantees these standards. Because of our belief in the need to keep the single national framework in mind when considering this current paper we have summarised our original responses and used them as a baseline marker when considering the “Better Regulations” discussion paper.

To that end they are included as follows:

- *There is a need for consistency of regulations across all states and territories*
- *A flexible and timely system is needed to handle emergency permits*
- *Much more recognition of international data is needed in support of registration or permits*
- *The permit system cannot be ‘loaded’ with excessive costs prohibiting industry from proceeding with applications*
- *Approval of a national standard of aerial application*
- *Develop national standards on ground spraying SEPARATE from aerial regulations*
- *Approve national standards and approaches to monitoring*
- *Remove Agriculture and Veterinary chemicals from sale at retail outlets such as super markets and hardware stores.*
- *Develop a ‘Harmonised Approach’ which basically keeps the current state and territory infrastructure in place but makes it more consistent and efficient. (National Work Place Safety initiatives provide a workable model for consideration)*

Other Comments and Observations

1. Implementing complete risk frameworks for agvet chemicals assessment and review.

While the general notion of an overarching risk framework is supported this is clearly an area of such complexity that useful comment cannot be made without access to a draft example. Further to this point is the question of target audience for the framework? Without this clarification of “audience” the commendable goal of transparency will be easily lost.

2. Improve the quality and efficiency of agvet chemical assessment and registration processes.

2.1 Lodging Applications: We have made the assumption that process relates to “Registration” as compared to “Permits”? The concept of initial assistance is strongly supported and consistent with our view that APVMA’s role should be at the supportive end of the spectrum as explained earlier. Again, the initiatives detailed in this section to speed up the process are also strongly supported as the existing practice simply wastes time.

2.2 Assessing applications: While generally this section was supported the need for APVMA assessing “efficacy” was challenged and relates to the role clarification detailed earlier. Perhaps our industry requires the “user risk principle”, as soil type, regional influences, crop tolerance and local knowledge are all specific to those recommending and those using the product. Labels are guidelines to help the end user with a safety buffer but field results can vary throughout every region of Australia.

2.3 Assessment timeframes: Apart from the obvious response that this should be an established practice now we would add a request for “Key Performance Indicators” to be detailed. We were confident that both the Minister and Industry generally would be reassured by such a provision that could be reported against on an annual basis. The question also arose regarding whether Minor Use Permits would be considered as a “fast track” request. This is related to a general view that the process is too expensive now and cost continues to act as a barrier to companies wishing to register chemicals. Our group believes that the goal here is for low impact cost for farmers balanced with scientific rigour!

3. Enhancing the agvet chemical review arrangements: While fully supporting the intention behind this section of ensuring “best practice and application of latest scientific knowledge/developments”, Annex 1 could be used as a defacto “banning” process for older chemical re-registration. It is envisaged that a chemical company

may decide that the process with its many hurdles was too expensive to bother with re-newal. In some instances this could leave the industry without a legitimate tool for crop management.

4. **Using overseas assessments to their full extent:** This section was enthusiastically supported. Indeed there is a view that a National Framework and the work of APVMA will only succeed when International Scientific Research has a legislated place in our approval process. We would also add that this should be balanced with knowledge of local conditions in the final decision regarding application and that, within reasonable limits; the end user should bear the risk. This statement is prefaced by our earlier commentary on Market Driven QA ensuring high standards of decision making.
5. **Establishing an independent science panel:** While the general intention of this section was appreciated there were several critical pieces of information not provided that would have enhanced our ability to comment: What would be the Modus Operandi of the panel. How would the Key Performance Indicators be measured? Who would approve the KPI? There would also be the expectation that the established criteria would be peer reviewed.
6. **Enhancing the provision of expert advice:** The legitimate argument for the proposed changes in this section is acknowledged. Of more critical concern to our group is the nature of the qualifications and experience of those expert advisors who would form the “pool” of suitable candidates. We would see a huge opportunity for Industry representation by people who are currently engaged with the reality of the challenges being faced on a daily basis in agriculture. Supplementing these people with unbiased scientific expertise is clearly a required ingredient. We do not see a role for public servants in this mix as the CEO will have support from this group once “implementation” of the expert panel’s decisions is required. Consideration should be given to the issue of tenure for members of the pool as a completely ad-hoc membership may not allow full utilisation of their expertise when balanced alongside understanding of structures and process. Our recommendation would be that “working parties” be formed around either single or related topics and then collapsed at the end of the task.
7. **Improving legal interaction with the APVMA:** Any appeals process eventually developed will be largely determined by the final decisions around clarifying APVMA’s role. Were a package of reforms to be successfully implemented it is conceivable that the resultant culture change would encourage lawful development of registrations as opposed to unregistered distribution as quoted in the example. In the

instance where companies have invested heavily in the registration process and then suddenly had the registration withdrawn through no fault of their own, it is recommended that a graduated scale of compensation be developed. This scale should take into account the registration costs versus the period of time that a commercial return would have been available to the company. Proactive measures such as this will mitigate appeals.

8. **Improving APVMA's compliance enforcement capacity:** We would repeat that "role clarification" is required before sensible commentary is possible on this topic

Concluding comments:

All of the above comments are offered in good faith and are based on the information contained in the discussion paper combined with the collective experience of our response group as end users of the system.

In no way are any of these suggestions meant as criticism of the APVMA or its officers.

We are on the public record in stating that we believe they are underfunded to perform the role they currently undertake and, indeed, the focus of this current discussion paper supports this view.

We would conclude by extending an invitation to any or all of the review team to meet with us and work through our observations/experiences. This matter is of the highest importance to the Tasmanian Agricultural Industry and we are prepared to engage in further dialogue at your convenience.

Mr Les Murdoch
Chairman
Tasmanian Agricultural Productivity Group
Wednesday, 19 January 2011