

**Senate Rural Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates October 2010

**Agriculture, Fisheries and Forestry**

**Question:** APD/APVMA 01

**Division/Agency:** Australian Pesticides and Veterinary Medicines Authority

**Topic:** Meeting between the APVMA and the states and territories on methyl bromide

**Hansard Page:** 121 (20/10/2010)

**Senator Colbeck asked:**

**Senator COLBECK**—I am looking to get some revised protocols that have been listed by AQIS in particular and, I think, perhaps brought on by the events earlier this year in Tasmania, where there was an issue with the fumigation of a log ship out of Burnie. I understand that there have been requirements for a period of time, based on some work that the APVMA have done, for ventilation of containers and recapture of methyl bromide in the fumigation process and a process for opening containers that have been fumigated overseas with methyl bromide. I just want to get some clarification on that.

**Dr Bennet-Jenkins**—The APVMA's involvement in recent times has been that we reviewed methyl bromide for the environmental effects, particularly the ozone depletion effects, to make sure that the use pattern and the label instructions complied with the Montreal protocol requirements. So it was largely an environmental review that we conducted. As part of that, we did consider the use of recapture technology.

**Senator COLBECK**—There were some health effects from the product too, though, from my recollection.

**Dr Bennet-Jenkins**—That review, though, was principally the Montreal protocol review. At that time those health effects were not specifically raised with us as requiring a review. We did look at recapture technology, but again that was mostly in terms of environmental effects, and at that stage we did not mandate that people use recapture technology because not all businesses were able to do that. My recollection is that the issues we responded to a few months ago were in relation to providing advice in terms of the label instructions that carry instructions on how people should be using methyl bromide and what precautions they should observe. In addition to that, the fumigation industry, as well as the Maritime Safety Authority, have protocols that they follow and it is really a matter for the state authorities as to how they enforce those particular protocols and how they enforce their label instructions.

**Senator COLBECK**—My recollection was that there were different protocols in each state and I think that at that stage Tasmania had had a mandatory recapture process, particularly for containerised fumigation, since about 2006.

**Senate Rural Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates October 2010

**Agriculture, Fisheries and Forestry**

**Question:** APD/APVMA 01 (continued)

**Dr Bennet-Jenkins**—There is going to be a meeting on 5 November between the states and territories. The APVMA is hosting that meeting and it is going to be looking at some of those issues. I do not have the details of that meeting with me, but we could provide you with some information on the agenda for that meeting and what is going to be discussed, and I think that at that stage we will look at some of those issues.

**Senator COLBECK**—If you could take it on notice, that would be fantastic, and perhaps it is possible to provide us with some information on the outcomes of that meeting. I recognise that that may be beyond a certain date that we have discussed a couple of times here today, but I certainly would appreciate getting some feedback on that.

**Dr Bennet-Jenkins**—Certainly.

**Answer:**

The Australian Pesticides and Veterinary Medicines Authority (APVMA) facilitated a meeting between state and territory and other agencies on 5 November to provide an update on the status of methyl bromide, in particular discussion around public exposure to methyl bromide, occupational health and safety exposure, recapture technology and state legislation.

The outcomes of the meeting were:

1. It was noted that the use of methyl bromide is governed at multiple levels. It is controlled under legislation relating to:
  - the Montréal protocol, which deals with the risks of ozone-depleting gases and requires the phase out of non-quarantine and pre-shipment uses
  - AQIS (for quarantine<sup>1</sup> uses)
  - the APVMA, for labelling
  - the states and territories for control of use.
2. The remit of the APVMA ceases at point-of-sale. Each state and territory has its own control-of-use legislation and the control of methyl bromide emissions is included in this or other state legislation (e.g. health or environmental legislation). Responsibility for locating fumigation facilities, licensing, competency standards and compliance may similarly be spread across different state and territory departments.

---

<sup>1</sup> The AQIS Fumigation Standard now applies to pre-shipment fumigations (i.e. for export). Previously it only applied to quarantine (import) fumigations.

**Senate Rural Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates October 2010

**Agriculture, Fisheries and Forestry**

**Question:** APD/APVMA 01 (continued)

3. The Queensland Department of Employment, Economic Development and Innovation will outline the issues regarding potential public and third party exposure to methyl bromide in a paper to be presented to the Product Safety and Integrity Committee.
4. The basis on which the APVMA could conduct a new review of methyl bromide was clarified. It was noted that anyone can nominate a chemical for review – whether a review is undertaken depends on the decision of the CEO. Swift action on legal requirements regarding ventilation of treated containers is the responsibility of state and territory regulators.
5. The Ozone & Synthetic Gas Team within the Department of Sustainability, Environment, Water, Population and Communities will invite the attendees to be part of their Annual Methyl Bromide Stakeholder forum, which deals with issues relating to methyl bromide and the Montréal Protocol.
6. In the future, at least two states (Tasmania and WA) may require state-based permits for large-scale fumigations, such as ships.
7. APVMA will provide all states with a copy of ICA-04<sup>2</sup> (Interstate Certification Assurance: Fumigation with Methyl Bromide) and a link to the recent New Zealand report on their review of methyl bromide and restraints that will be put into place (e.g. increased minimum buffer zones).
8. SafeWork Australia will provide a copy or link to a Dutch report on assessment of public health and fumigant exposure.

---

<sup>2</sup> ICA-04 documents procedures for inter-state or intra-state quarantine certification of methyl bromide treated produce/goods. ICA-04 is accepted as fulfilling quarantine conditions-of-entry by some areas of Australia.

**Senate Rural Affairs and Transport Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Supplementary Budget Estimates October 2010  
**Agriculture, Fisheries and Forestry**

**Question:** APD/APVMA 02

**Division/Agency:** Australia Pesticides and Veterinary Management Authority

**Topic:** Endosulfan; Spray Drift Reviews

**Proof Hansard Page:** Written

**Senator Heffernan asked:**

1. Why does the APVMA continue to narrow the options for farmers for cost effective chemical options in managing the production because of risk assessment for example on endosulfan look at the impacts of poor management. Farmers in Australia are highly regulated in chemical use, all have to undertake extensive training and having to abide by onerous storage and usage requirements. Yet APVMA continue to look at the worst case scenarios. Does APVMA do any economic impacts assessments on the decisions taken by your agency
2. APVMA is working on amines by enforcing buffer zones that make it impossible to control the weeds and pests the chemicals are designed for. Do you look at the alternative options when imposing over zealous controls?

**Answer:**

1. The *Agricultural and Veterinary Chemicals (Code) Act 1994* requires the Australian Pesticides and Veterinary Medicines Authority to consider whether the use of a chemical product, when used in accordance with label instructions, is likely to cause harm to human health, result in unintended adverse effects on the environment or unduly prejudice trade of agricultural produce with other countries. Under the legislation, the authority has no power to consider the economic impacts of the regulatory decision or outcome.
2. Before acting on the outcomes of a review that identifies concerns about the on-going use of a registered chemical, the authority is required to consider options for risk mitigation. Before making a final decision on risk mitigation measures, the authority publishes a preliminary review finding and seeks public comment.

The public comment phase provides an opportunity for registrants and chemical users to comment on, and/or provide evidence for, alternative risk mitigation options. The authority then considers the public comments and information and consults further with state and territory agencies before making a final decision on the risk mitigation measures to be implemented.

**Senate Rural Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates October 2010

**Agriculture, Fisheries and Forestry**

**Question:** APD/APVMA 03

**Division/Agency:** Australian Pesticides and Veterinary Management Authority

**Topic:** Spray Drift Reviews

**Proof Hansard Page:** Written

**Senator Heffernan asked:**

1. Does the Authority have any idea what the costs of the proposed zones for the chemical 2,4-D are likely to cost firstly, the chemical industry and then farmers who will have their spraying programs severely compromised by the regulations?
2. Can you inform the committee how old the data used to calculate the impact of spray droplets is?
3. Do the proposed regulations take into account the great advances made in spraying technologies?
4. Is there any mechanism for the Authority to take into account economic and practical concerns when setting new guidelines”?

**Answer:**

1. The Australian Pesticides and Veterinary Medicines Authority has no power under the *Agricultural and Veterinary Chemicals (Code) Act 1994* to consider the likely costs of implementing restrictions on existing products. Actions taken by the authority must be based on ensuring the statutory tests of likelihood of causing harm to human health, the environment or trade from continued use under current label directions are satisfied.

However, when developing the new spray drift operating policy, the authority considered the costs to various industry groups as well as benefits to the general community and published a draft regulatory impact statement in February 2008. The document is available at the following link:

[http://www.apvma.gov.au/use\\_safely/docs/spraydrift\\_ris.pdf](http://www.apvma.gov.au/use_safely/docs/spraydrift_ris.pdf)

Several rounds of public consultation occurred during 2008 and 2009, including workshops with users and chemical manufacturers and farmers groups. The outcomes of these consultations are available on the authority’s website at the following web page:

[http://www.apvma.gov.au/use\\_safely/spray\\_drift/](http://www.apvma.gov.au/use_safely/spray_drift/)

**Senate Rural Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates October 2010

**Agriculture, Fisheries and Forestry**

**Question:** APD/APVMA 03 (continued)

2. Computer models for predicting spray deposition and dispersal have been developed, and rigorously validated, over a period of 30 years. The data used for the models was generated in the 1990s through to 2000. There is a published *Operating Principles* document that describes in detail how various deposition profiles and distances have been calculated, based on droplet size. This document is available at the following link:

[http://www.apvma.gov.au/use\\_safely/docs/spraydrift\\_op\\_principles.pdf](http://www.apvma.gov.au/use_safely/docs/spraydrift_op_principles.pdf)

3. The risk assessments that have been conducted for the new spray drift changes are based on equipment, practices and application technologies that are currently used by the farming industry. The authority recognises that with new types of nozzles and spraying equipment, the technology continues to improve.

The authority is looking at ways to provide incentives for farmers to take up newer drift reducing technologies. This involves the development of a framework whereby user groups and industry can develop new technologies and provide data that demonstrate that identified risks are mitigated. Any new information that is provided to the authority can be used to reduce or modify restrictions imposed by label instructions for those that choose to use the newer technology.

4. Yes. When setting new guidelines, the authority is required to publish a regulation impact statement, which considers the economic effect of proposed guidelines on affected businesses.