



Alliance for a Clean Environment

*Promoting Community Right to Know and Environmental Health and Justice in WA*

Addendum to Submission on the AGVET Review panels report.

Alliance for a Clean Environment  
47 Seventh Avenue,  
Bassendean, WA, 6054.  
[acejane@bigpond.com](mailto:acejane@bigpond.com)  
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To the AGVET Review Panel,

Following our recent submission to the AGVET Review Panel's report, we would like to add these additional comments to our submission in response to the Panel's final report and recommendations to the Minister.

ACE and other stakeholders have consistently raised concerns throughout this review process that there is a lack of scientific evidence provided by the panel and APVMA to support many of the claims made in the review report and recommendations. Rather, there appears to be an underlying assumption – sometimes openly stated by the Panel chair and other industry representatives– that AGVET chemicals are essentially benign and safe when used according to label instructions and merely require an industry self-regulatory, co-regulatory, or other non-legislative mechanism to keep the environment and public health safe, to meet international trade standards and ensure the prosperity and viability of the Australian Agricultural sector.

Yet, increasing numbers of international studies and high-level governance reports state otherwise. These have been provided to the APVMA and review panel by organisations such as the National Toxics Network and other civil

society public health organisations. Yet they continue to be ignored and discounted.

I wish to bring to your attention to two recent UN reports:

1. [UN Human Rights, Office of the High Commissioner and UNEP, \*Human Rights and Hazardous Substances. 2021.\*](#)

This report makes 10 recommendations, all of which directly relate to AGVET chemicals regulation and their inherent hazardous properties.

The 10 Key messages are:

- **Ensure a non-Toxic Environment for present and future generations**  
The AGVET review has failed to address the intergenerational impacts of exposure to AGVET chemicals whether directly through production, use and disposal or as widespread low (and sometimes high) exposure to residues in food and the environment.
- **Cooperate internationally to prevent and combat harms from exposure to hazardous substances**

The APVMA has failed to cooperate internationally to prevent the harm caused by exposure to hazardous substances by failing to align with EU and US AGVET chemical assessments that restrict, control or ban hazardous pesticides. Australia continues to use hazardous pesticides that have long been removed from market overseas even when there is clear evidence of harm occurring in Australia. These foreseeable and preventable adverse impacts on our Australian environment and public health are evidenced in the numerous case studies and published reports on issues such as the damage to the Great Barrier reef, the impacts on fisheries, the ongoing lack of recognition and justice for the Kimberley APB workers in WA, the growing incidence of chronic disease and cancer especially among farmers using these products, to name a few examples. A simple application for a permit allows anyone to use a hazardous pesticide without any further regulatory oversight.

- **Prevent exposure to hazardous substances from business activities**

As a federal regulator, the APVMA does not ensure that businesses involved throughout the full life cycle of AGVET chemicals from production, to use and disposal are ensuring the prevention of exposure to hazardous substances. The Review Panels report does not address this, particularly the erosion of human rights caused by poor corporate behaviour, when advertising and

promoting their products for registration, sale to farmers and the public. This has resulted in product labels that do not meet their function – protection of public health and the environment.

*The polluter pays principle, as outlined in Principle 16 of the Rio Declaration, should be applied. Further, corporate disclosure and reporting should include information about corporate lobbying related to hazardous substances. Businesses should refrain from supporting public information campaigns based on inaccurate, misleading and unfounded assertions which harm the ability of States and the public to make informed decisions.*

- **Guarantee all person's access to information about hazardous substances**

Australian farmers and the public remain unprotected from hazardous AGVET products due to the absence of adequate product label instructions and Material Safety Data Sheets. Some AGVET products are available on the Australian market that are listed as both class 5 and 6 scheduled poisons causing confusion and undermining safe use. The APVMA's focus on a 'risk based' regulatory framework fails to account for hazardous exposures and leaves the public, workers, businesses and farmers without the necessary hazardous substances exposure information they need to use AGVET chemicals safely. This is a serious issue for the use of hazardous AGVET chemicals safely especially in hot and humid climates where the required PPE is difficult to wear and control of use is not enforced.

- **Ensure the meaningful and informed participation of all persons in decision-making processes**

The AGVET review has failed to engage with Australia's first nations peoples where the widespread application of hazardous AGVET chemicals on their unceded lands undermines their human rights. The AGVET reform package is fatally flawed by this absence and requires urgent remedy.

- **Ensure Accountability and effective remedies for human rights harms caused by hazardous substances**

The APVMA and all levels of Australian government have failed to address the ongoing intergenerational adverse impacts caused by the use of hazardous AGVET chemicals in the Kimberley, WA and on other indigenous lands around Australia. Widespread contamination of the environment, particularly groundwater bodies, rivers, wetlands, creeks and the ocean, continue to undermine the rights of all indigenous peoples and their access to cultural sites and their terrestrial and marine food chains. The AGVET review has failed to acknowledge or address this.

- **Protect environmental human rights defenders**
  - **Protect, respect and fulfil the human rights of people who are in particularly vulnerable situations**
  - **Guarantee for all human beings the right to benefit from scientific progress and its applications**
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- **Take a precautionary approach to the handling and management of hazardous substances and potentially hazardous substances.**

The APVMA has not upheld or enshrined a precautionary approach to the production, use, disposal and associated regulation of AGVET products in Australia. Instead, the APVMA allows AGVET products onto the market even when there are clear data gaps in their assessment and the regulatory science submitted by industry when applying for registration. The entire backlog of existing AGVET chemical products that remain unassessed yet available on the Australian market is a damning illustration of the APVMA's failure to uphold and apply the precautionary principle.

Furthermore, it can be seen clearly in the AGVET review panels report that “anecdotal reports” take priority over the increasing volume of peer reviewed and published scientific evidence showing widespread contamination of the Australian and global environment and public health with pesticide residues of which many are classified as hazardous substances. Instead, the AGVET review panel appears willing to hide behind the claim that only “unacceptable risks” – an unscientific concept based on an unscientific methodology – requires regulatory action.

(Page 69)

*“The Panel understands these international chemical review schemes are running considerably behind schedule in each of the markets that conduct reviews on a rolling basis”.*

*“The Panel has heard anecdotal reports that chemical reviews in overseas markets may lead to chemicals being withdrawn – and thus to loss of chemical access for users – for reasons other than unacceptable risk.”*

*“Relevantly, chemicals can also be banned in overseas markets on the basis of political decisions made despite scientific evidence that the chemical does not pose unacceptable risks; the Panel does not support political intervention in what should always be a scientific and evidence-based process”*

## [2. Envisioning a chemical-safe world. Environmental and health impacts of pesticides and fertilizers and ways of minimizing them Summary for Policymakers](#)

The UN Environment Programme (UNEP) has published a report on the environmental and health impacts of pesticides and fertilizers and ways to minimize those impacts. The report was released ahead of the fifth session of the UN Environment Assembly (UNEA-5), which is convening from 22-23 February 2021 in a virtual format.

<https://sdg.iisd.org/news/unep-report-identifies-top-actions-to-minimize-adverse-impacts-of-pesticides-fertilizers/>

The report aims to provide advice to policy makers to:

- Strengthen pesticide management including:
- strengthening control of pesticide distribution and use and enforcing legislation;
- prioritizing development of and access to low-risk pesticides;
- addressing the trade in substandard, illegal, and counterfeit pesticides;
- and supporting the adoption of extended product responsibility by pesticide manufacturers and traders.

*“The report acknowledges the global goal to minimize adverse impacts of chemicals and waste by 2020 was not achieved for pesticides and fertilizers. It notes expanded global demand, production, and use of pesticides and fertilizers, with combined sales growing at about 4.1% per year and projected to reach USD 309 billion by 2025.*

*Pesticide and fertilizer production are increasing as the demand for crops, goods, and services grows, with increased food demand as a main driver, along with demand for crops used for feed, fibers, fuels, and feedstocks. While pesticides and fertilizers do provide benefits, their production and use have costs. For example, pesticides cause both acute and long-term health impacts, with an estimated 385 million cases of non-fatal unintentional pesticide poisonings every year and approximately 11,000 deaths. Pesticide exposure is associated with cancers and neurological, immunological, and reproductive effects, among other health impacts.”*

This report puts to bed the industry and government claim that strong legislated AGVET chemical regulation undermines the profitability of the AGVET chemical sector. It confirms the inherent hazardous nature of AGVET chemicals throughout their entire life cycle. It calls on governments, especially OECD countries to make transformative change to achieve the Sustainable Development Goals that countries like Australia claim to support and implement.

The AGVET review panels report and recommendations is clearly not aligned with these two international policy advisory reports despite claiming through this review to create a “modern, fit for purpose, AGVET chemical regulatory model for Australia that meets international best practice standards.”

Therefore, we request that these two documents be used to measure the intent, effectiveness and outcomes proposed by this current ‘first principles’ AGVET review.

Your sincerely,

A handwritten signature in blue ink, appearing to read "Bremmer". The signature is fluid and cursive, with a large initial letter 'B'.

Jane Bremmer  
Chair  
Alliance for a Clean Environment