

## Pesticide Action Group of Western Australia



### Review of Agvet Chemicals Regulatory Framework

#### Draft Report - Submission



#### Synopsis

In line with our extensive research, members of the Pesticides Action Group are concerned about the apparent lack of connection in the Review Draft Report, between proposed changes and their potential effects on public health. The Report does not provide evidence in support of the Panel's rationale and key recommendations. Disturbingly it has revealed that NGO Stakeholders were not involved in the Group Consultation prior to publication of the Issues Paper. Our Submission proposes oversight of National Pesticides Regulation, including control-of-use, by a stronger APVMA that will prioritise its role *to protect the health of humans, animals and the environment* upon which our economy, trade and agriculture, including Organic and Biodynamic, depend. We are dismayed at the Panel's proposals for reduced regulation and *speedier access to more imported pesticides* in light of our clearly stated concerns. The risk mitigating measures available in the agricultural context, such as buffer zones and restricted re-entry intervals are not available to protect urban communities. We cannot accept the Panel's premise that pesticides are "safe" when used according to label instructions and respond accordingly to the Panel's key recommendations.

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## Submission on the draft report of the review of agvet chemicals regulatory framework

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### Confidentiality

No part of this Submission is confidential

### Applicant declaration

I declare that the information I have provided is true and correct. I understand that it is a criminal offence under the *Criminal Code Act 1995* to knowingly give false or misleading information to a Commonwealth officer exercising powers under Commonwealth law. This offence carries a maximum penalty of 12 months' imprisonment.

I have read and understood the privacy notice and Privacy Policy.



Full Name    Alexandra Jones  
Date         26/02/2021

## Introduction

We have identified flaws in the Panel’s review of the regulatory process and do not accept the Draft Report as an accurate reflection of community and NGO Stakeholder input. The Draft Report has not responded to the issues raised in our Submission on the Issues Paper, nor to the concerns raised at our Zoom meeting with the Panel on the 12<sup>th</sup> June, 2020. The Report reflects a lack of independence in both the **Consultation process** and rationale under the **Terms of Reference**. The Panel’s recommendations do not address the growing awareness in the community that our economy, trade and agriculture, including organic and biodynamic, are dependent on a healthy and unpolluted environment that protects the health and well-being of all its inhabitants. The Panel has not provided evidence of how it would be in the long-term national interest to have speedier access to more imported polluting and toxic Agvet chemicals and reduced pre market assessment and regulation by our Federal Regulator, APVMA. There is no evidence that speedier access to pesticides that are registered by foreign regulators, including the USEPA, over whom we have no authority or oversight, would be in the national interest. We are strongly opposed to key Recommendations in the Draft Report because they will weaken the APVMA’s role to protect human health, the environment, animals and wildlife. We recommend that the Panel be expanded to include independent environmental and medical experts on pesticide-related harm to ensure that safeguarding and protecting the health of the environment, humans and animals will remain a top priority of the Regulatory System for years to come.

## Response to the Panel’s Foreword

The Panel’s rationale is ambiguous. The proposed reform package is not a *holistic reform package* that will deliver a *modern, fit-for-purpose regulatory system for the foreseeable future*. There is no supporting evidence that the *streamlined, reduced red tape* system will provide *speedier access* to more *safe pesticides*. As stated by the former WA Auditor General, pesticides are *inherently toxic*. They are hazardous, polluting chemicals (poisons) that are designed to kill various forms of life. We raised concerns about the **Permit** system that has led to the off-label use of approximately 30 toxic herbicides for use in the urban chemical “war on weeds”. Effectively ignoring the risks to communities associated with these special Permits that have been granted by the APVMA to the WA Department of Agriculture, the Panel now proposes augmenting **Exemptions** that allow access to more products that would otherwise be **unlawful**. We question how this represents the interests of our stakeholders, the environment and human health. A *modern fit-for-purpose* system should be based on the premise that pesticides are hazardous substances whose purpose is to poison pests. There should be no tinkering with the definition of “pesticides”. The proposal to exclude rodenticides or any other “-cides” used to kill “pest” vertebrates from the generic definition of “pesticide product” does not add clarity to the system. A fit-for-purpose regulatory system requires greater support for a stronger, dedicated Federal Regulator who acknowledges the risks associated with exposure to pesticides in all contexts of use: domestic, urban, non crop and agricultural. *Shared responsibility* should lend support for and not diminish Regulatory oversight by the APVMA.

## Response to the Panel's Consultation Process (Draft Report Annex 2)

- Contrary to the Report's following statement that Non-Government Organisations declined the invitation to participate in the Stakeholder Group and Issues Paper, it appears that we were not invited. We would not have declined the invitation had we knowingly been invited. ***The Panel commenced its consultation process by convening an Agvet Chemicals Review Stakeholder Group. This Group included pesticide and veterinary medicine companies, farming industry groups, grower and producer groups, the veterinary profession and other related organisations. Non-Government Organisations were invited to participate as part of the group but declined***

**Question 1** Could the Panel please provide a copy of the invitation for our records?

***The Panel initially convened and met with a special purpose Consultative Committee, comprising a broad range of stakeholders with diverse backgrounds.***

**Question 2** Did the ***special purpose Consultative Committee*** include experts in the field of pesticides as environmental pollutants?

**Question 3** Did the ***Consultative Committee*** include medical opinion on environmental exposure to pesticides and their contaminants, including adverse effects on the developing child?

**Question 4** Did any Committee members bring to the Panel's attention evidence of pesticide – related harm to the health and well-being of humans, animals and the environment?

- The Panel's consultation process, the Issues Paper and the Draft Report Recommendations have effectively sidelined our concerns regarding the out-of-control and contentious spraying of pesticides on public land in urban areas..
- We bring to the Panel's attention relevant information in our Submission to the *Senate Committee of Inquiry into the APVMA, 2018*. The document was only published on the parliamentary website on the proviso that large sections of supporting evidence from eight individuals be redacted. Although we did not agree with the reasons given, we complied with the requested redactions and the Submission was published on the parliamentary website. To our dismay, however, the Submission was published with further redactions that we had not authorized as they had not been requested. This **anomaly** was reported in an email to the Senate Committee. In the interest of transparency and full disclosure in this ongoing consultation process with the Panel, we attach by separate email to the Panel, our un-redacted *Submission to the Senate Committee of Inquiry into the APVMA*. We also advise that we called for a **Royal Commission** in 2014 (*Petition 833/1300*) and will continue to do so.

## Response to the Panel's Executive Summary

The Executive Summary indicates a failure to meaningfully consult with community Stakeholders:

- ***pesticides are critical to agricultural productivity and competitiveness***

This claim ignores the negative financial, health and emotional impact of **chemical trespass** on organic and biodynamic farmers due to the actual or potential decertification of their farms.

This claim also ignores the fact that consumers are increasingly demanding organic/biodynamic/pesticide-free produce. Governments, however, fail to take action on **chemical trespass** that sabotages farmer's efforts to satisfy consumer demand for "clean, green" produce. Community stakeholders with concerns about involuntary exposure to pesticides in the urban environment generally have an interest in pesticide-free produce as well as pesticide-free parks and public spaces.

- ***pesticides significantly contribute to environmental sustainability***

This statement ignores the evidence that pesticides are polluting, scheduled poisons with residual and cumulative adverse effects on the environment as well as the health and well-being of humans and animals.

- ***there is a greater awareness and understanding of the potential impact from the misuse of pesticides***

This statement ignores the fact that the "use" of pesticides causes environmental pollution and harm to the health and well-being of humans, animals and ecosystems. The reference by industry, government entities and pesticide users to the "misuse" of pesticides ignores evidence that it is their "lawful" use and not merely their misuse that pollutes our air, soil, surface and ground water, causing long-term adverse effects on the environment and all its inhabitants.

- ***the licensing of the supply of internationally registered products into the Australian market***

This proposal indicates the extent to which the Panel has ignored the risks associated with speedier, easier access to more imported pesticides. Consumers have an expectation that these toxic products will be independently assessed by our Federal Regulator pre market for cancer-causing dioxins and other contaminants. We are strongly opposed to this proposed licensing of supply of internationally registered Agvet products into the Australian market. This proposal is based on the false premise that labels provide protection and that foreign regulators have acted and will continue to act transparently and in the public interest.

## The Terms of Reference (Draft Report Annex 1)

The Panel's review was to *examine the aims* of the Agvet regulatory framework and to make recommendations to ensure that it is *fit-for-purpose*. Importantly, the Panel was to *consider what the goal of Australian agvet chemicals regulation should be*.

- The Panel has not seized the opportunity for much needed change provided by the Terms of Reference and the numerous issues raised in NGO submissions on the Issues Paper. Concerns raised included evidence of pesticide-related adverse health effects such as Endocrine Disrupting Chemicals (EDCs), Cancers, Neurological and Autoimmune Diseases, Allergies and Obesity, as well as environmental harm. The Panel has made claims about the benefits of change but has failed to provide any evidence that hazardous chemicals will not proliferate to an even larger extent than under the current system.
- The Panel recommends timely access to more imported pesticides and reliance on **assessment and registration by other regulators over whom we have no control**. This would further reduce the responsibilities, strengths and independence of our Federal Regulator. As community stakeholders we are concerned that the Panel's response to **streamlining and reduced red tape** will render the Regulatory Framework less fit-for-purpose in protecting the health of humans, animals and the environment.
- FOI documents have revealed that the **US Environmental Protection Authority** has failed to be independent of the industry that it is entrusted to regulate. The USEPA is now being sued for its continued registration of Glyphosate products. The APVMA should be adequately funded to fulfil its role. It should exercise due diligence and duty of care to protect the health of humans, animals and the environment and not to effectively rubber stamp imported pesticides that have been registered by foreign regulators.
- Groups Sue EPA Over Yet Another Approval of Glyphosate, Despite Dangers to Humans, Bees and Butterflies  
<https://www.nrdc.org/sites/default/files/glyphosate-petition-for-review-20200320.pdf> Petitioners v. USEPA  
<https://www.fas.usda.gov/data/mexico-mexico-proposes-ban-ge-corn-and-glyphosate>

- **The Terms of Reference, 2019**, provided an opportunity for the Panel to consider what the *aims* and *goal* of the Agvet Regulatory Framework should be. The Panel's rationale and recommendations, however, have fallen well short of a vision for change that protects human health and the natural environment. This failure is particularly relevant in urban spraying programmes where agricultural buffer zones do not apply. There is no protection for local communities from pesticide drift, volatilising chemicals on public land and chemical trespass onto nearby residential properties. The evidence and probability of passersby and unidentified receptors being involuntarily exposed and adversely affected by pesticides is a serious concern that has been well reported.
- To satisfy the **Term of Reference**, importantly, we advised the Panel that there is no environmental monitoring of local ambient air, surface water, ground water and contaminated surfaces during and following urban spraying programmes.
- We recommend that the Panel be expanded and seek informed and independent **medical and environmental opinion to guide its response** to the Terms of Reference. The Panel's key recommendations that are based on a false premise that pesticides are safe when used according to label instructions cannot satisfy the Terms of Reference.
- We urge the Panel to meet its obligations and Vision to protect the health of humans, animals and the environment, in line with international best practice, including the numerous **Canadian municipal and provincial bans** that were initiated and supported by the following organizations:

Canadian College of Family Physicians,  
 Canadian Association of Physicians for the Environment,  
 Registered Nurses Association of Ontario,  
 Canadian Cancer Society,  
 Medical Officer of Health, Toronto,  
 David Suzuki Foundation,  
 Association of Municipalities Ontario,  
 Ontario Public Health Association and  
 Lawncare Commodity Group, landscaping Ontario.

<https://news.ontario.ca/en/backgrounder/1907/support-for-a-cosmetic-pesticide-ban>

## Response to The Panel's Vision

- It is inconceivable that the *health of humans, animals, plants, and ecosystems* in Australia could be protected in the long-term under a regulatory system designed to promote speedier, easier access to more imported pesticides over whose assessment and registration process we have no control and oversight.
- We have raised concerns on numerous occasions about the absence of environmental monitoring by the managing entities as well as the APVMA's failure to routinely test imported pesticides for cancer-causing dioxins that are produced as a by-product of a cheap, speedy manufacturing process.
- The Panel repeats the reference to "safe pesticides" but does not provide any specific examples of safety to either the users or to the many unknown, unrecorded and involuntary receptors in the community. The Panel's Vision states:

***A trusted and nationally consistent regulatory system for pesticides and veterinary medicines that enhances and protects the health of humans, animals, plants, and ecosystems while improving access to safe products and uses"***

- The second part of the Vision statement requires evidence of product "safety", independent assessment and quality control as there is little consumer confidence in the assessment processes in countries from whom we currently import many pesticides. These include China, India and Indonesia. Evidence also shows that consumers do not have confidence in the transparency and independence of the USEPA.
- We have raised concerns previously at the federal level regarding **unfair trade** deals that burden our country and public health with high risk agricultural poisons:  
*Call for a Royal Commission into the Use of Pesticides and Harm to Public Health* (Petition 833/1300, tabled 2014)

High levels of dioxin in imported 2,4-D

<https://www.abc.net.au/news/2013-07-22/four-corners-dangerous-dioxins/4833848>

Cheap Imported pesticides dumped in Australia

[https://www.industry.gov.au/sites/default/files/adc/public-record/011 - submission - australian industry -](https://www.industry.gov.au/sites/default/files/adc/public-record/011_-_submission_-_australian_industry_-_)

<https://www.farmweekly.com.au/story/5670901/dumping-duty-a-surprise-to-importers/>



## Recommendation to fact- check the following prior to the Panel's Final Report

1. Australia has the world's highest cancer rate, with 1 in 2.5 residents who will develop cancer in their life time. Pesticides are linked to cancer and other life threatening illness.
2. Australian manufactured pesticides are exported to countries such as Canada because of their superior quality, whilst we import the majority of our pesticides from China, India and Indonesia with the uncertainty of their manufacturing practices and Dioxin contamination. NB. There is no routine testing by the APVMA for levels of cancer-causing Dioxins in imported\_pesticides.
3. Consumers globally demand more organic produce placing stresses on supply and leading to higher prices in our retail trade (assessed at yearly growth rates of 15% worldwide). Organic products such as infant milk formula and foods are now conspicuous on supermarket and pharmacy shelves. *Hence the Regulatory system should support reduced use of pesticides, not speedier, easier access to more cheaply manufactured imported pesticides.*
4. Pesticides have adversely impacted on flora and fauna and led to the export of our bees to pollinate US crops in broad-acre farming areas. Australia now has a shortage of bees.
5. Protection of ecosystems, air, water, soil, flora and fauna are a top human priority for our good health and survival. *Hence the regulatory system should not promote pesticide pollution of the environment by speedier, easier access to more imported pesticides.*
6. The promises of GMOs such as RoundUp Ready Canola have not been delivered in terms of production costs, productivity and price premiums. *Hence the Federal Regulator should continue to have oversight and consider the impact of pesticides that are applied on or emanating from GMO crops.*
7. The question of increasing our pesticide use goes against what our major export markets demand such as Vietnam and China, alerting our farmers that they will not take our cereals and canola in the very near future, as of 2024 because of the high levels of pesticide residues. *Hence the Regulatory system should not facilitate speedier, easier access to more pesticides but rather promote reduced applications.*
8. There is independent scientific, peer-reviewed research on pesticides that has raised concerns about their risks to our health and environment as many are known or suspected to be: endocrine disruptors, carcinogens, mutagens, neurotoxins, allergens and chemical obesogens. Importantly, pesticides can have serious foetotoxic and teratogenic effects on the human foetus. Similarly, there are risks to pets, farm animals and wildlife and yet common sense and best practice of employing the Wingspread Precautionary Principle is rarely applied.
9. The NSW Local Government Insurer, State Cover, has cautioned Councils over Roundup use.
10. Successful US litigation over the Roundup Cancer Link revealed that the manufacturer **failed to tell the truth on the product label about the health risks**. Many Material Safety Data Sheets and Label instructions are misleading and lacking in vital information to the reader and user.

**For the Panel's further consideration:**

1. There appears to be justifiable resistance to the Panel's proposals. Some states or regions may want to protect non GM crops, organics and bio dynamics due to higher returns and increasing consumer demand. The Panel's report also alludes to resistance from the APVMA to the proposed changes. Hence the Panel should reconsider its proposals with a view to strengthening resourcing and support for the APVMA by the appointment of a Commissioner to complement the work of the Regulator and to ensure the freedom of states to protect organic and non GM agriculture from the highly contentious **chemical trespass** that continues to adversely affect many growers.
2. **As community stakeholders we see it as the role of the Federal Regulator as well as the proposed Commissioner to also protect our rights in the urban context. We have clearly stated that we do not want pesticides that pollute the built and natural environment where we live. We have urged for the removal of this scourge from our suburbs. However, the Draft Report, along with other government response to citizens' concerns regarding this obvious source of harm have been silent. We are dismayed at recommendations for speedier and easier access to more of the imported poisons that threaten our health and well-being.**
3. The current labour shortages of our horticulture and farming sectors may be correlated to the successful US litigation against Bayer's Roundup products and the impact on this workforce.
4. **In the urban context we can foresee that the many pesticide sprayers, who are often young men and women, will over time become better informed about the risks to their health and fertility.**
5. The Panel's report has lacked supporting evidence for claims that appear to have been made from an emotive and narrow perspective that satisfies the needs of a polluting industry rather than the fundamental right of our young and future generations to an unpolluted environment and a healthy life.
6. Few local and state entities in Western Australia have adopted the precautionary approach and independence shown by the City of Subiaco to protect the safety of their employees and community from exposure to pesticides in the urban environment.
7. For all of the above reasons it would be prudent for the Panel to further consider the key recommendations in light of the available scientific and medical evidence of pesticide- related harm prior to presenting the final Report to the Minister.

***Chemical Pesticides and Human Health: The Urgent Need for a New Concept in Agriculture***

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4947579/>

## Our Conclusion

We regret that the Panel appears to have paid lip service to the important Regulatory role of **protecting the health and safety of humans, animals, plants and ecosystems**. We recommend that significant changes be made to adequately address the immediate need to protect urban communities from the relentless and out-of-control toxic spraying programmes. We do not approve of post market environmental monitoring as a substitute for pre market hazard assessment and registration by the Australian Federal Regulator. The Panel was advised that there is an absence of environmental monitoring during and following urban spraying programmes in Western Australia. **This has not been addressed**. The Draft Report contains ambiguous and conflicting information in its rationale and recommendations. The Panel has not provided supporting evidence for claims that have been made from an emotive and narrow perspective that satisfies the needs of a **polluting industry** rather than the fundamental right of our young and future generations, in both urban and rural communities, to an unpolluted environment and a healthy life. We have clearly stated our view on key recommendations and now recommend that they be **re-evaluated** prior to the Panel's final Report to the Minister. As previously stated, we cannot accept the **Panel's premise** that pesticides are "safe" when used according to label instructions. Nothing short of a **Royal Commission** will shed light on a Regulatory System that has failed to acknowledge mounting evidence of the use of pesticides and harm to public health, Petition 833/1300, tabled in the House of Representatives, 27<sup>th</sup> February 2014 (current).

Please see our response to the Panel's recommendations in Annex 1

Yours sincerely,



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## Annex 1

### Responses to Key Recommendations

#### Recommendation 1 Vision

The second part of the Panel's recommended Vision Statement implies that pesticides (poisons) are "safe". The Panel should provide evidence of "safe pesticides" or remove the word "safe". This expression is often repeated like a mantra also by the managing government entities and spraying contractors involved in urban operational spraying programmes. It is a misleading contradiction in terms.

#### Recommendation 2 Objective Aims

The Panel's list of 4 objective aims designed to underpin the Vision Statement does not include the "safeguard" and "protection" of the environment and human health upon which all other objective aims hinge. Without objective aims to safeguard and protect the environment and human health the Vision Statement is hollow and the Vision would be no more than a "pie in the sky". The Panel states: ***the vision for Australia's future pesticides and veterinary medicines regulatory system should be underpinned by 4 equally weighted objectives that would:***

- ***safeguard animal health and welfare***
- ***support primary industries***
- ***protect Australia's trade***
- ***contribute to biosecurity preparedness,***

We recommend that the list be expanded to 6 objectives that prioritise:

- ***safeguard and protect environment***
- ***safeguard and protect human health and well-being***

The intended policy outcomes will remain untenable without strong regulation to protect the *health of humans, animals, plants, and ecosystems*

#### Recommendation 3 Hazard v Risk

We are strongly opposed to a focus on risk as this has been open to interpretation by managers and operators who have shown disregard for public safety and a misunderstanding of the risks associated with their spraying of hazardous substances on public land. Lax Permits granted by the APVMA to the WA Department of Agriculture, for environmental weeding on public land, authorize the use of approximately 30 products (hazardous s5 & s6) by "persons generally". (See PER13333 and PER13236)

#### **Recommendation 4**

***The Panel recommends that the Australian Government work with states and territories, in the first instance, to implement a single national applied law approach to control-of-use regulation. This would be hosted by the Commonwealth and operate on the basis of full Commonwealth constitutional reach.***

Whilst it would be desirable to have a ***single national applied law approach to control-of-use***, the Panel's Rationale and Recommendations have not indicated any acknowledgement of the issues faced by community stakeholders regarding the urban, non crop, widespread application of polluting and toxic pesticides (scheduled poisons). We would need to see significant changes in the Regulatory System and the Panel's recommendations to have confidence in either the State or Federal Regulators to protect communities and the environment.

#### **Recommendation 7**

It would be in the public interest to establish a statutory office holder, who is independent of industry, in the Department of Agriculture, Water and the Environment, to be known as the Commissioner for Pesticides and Veterinary Medicines Stewardship.

#### **Recommendation 8**

It would only be in the public interest to have a Commissioner with responsibility for control-of-use functions, including associated licensing activities, if the Commissioner's functions were to adopt the Precautionary Principle and prioritise protection of the health of humans, animals and the environment from the polluting and toxic effects of pesticides. We do not agree that the Commissioner should have a role in the processing of grants.

#### **Recommendation 9**

We agree with the Panel's recommendation that the Commissioner should advise Government on the performance of the regulatory system as a whole, based on public reporting of whole-of-system performance measures. The Commissioner should complement the role of the APVMA, not weaken its role to protect the health of humans, animals and the environment.

**Recommendation 10 Commissioner to prioritise protection of health and environment**

The Commissioner's responsibility for convening Expert Advisory Panels, Stakeholder Forums and Operational Forums should prioritise the public interest to protect the environment and public health from pesticide related adverse effects.

**Recommendation 11 Commissioner to monitor APVMA grants role**

We do not agree with the Recommendation that the Commissioner should administer grants programmes as this would result in loss of confidence in the Commissioner's independence. The Commissioner should work to complement the role of the APVMA and not to usurp the role of the Federal Regulator.

**Recommendation 13 APVMA Board should include environment and health expertise**

Although we do not agree with key recommendations of the Panel's reform agenda, we support the establishment of a board that is skills-based and includes as a priority experts in environmental science (pesticide pollution) and medicine (pesticide-related chronic and acute adverse effects).

**Recommendation 14**

We support this recommendation

**Recommendation 15**

As we do not agree with the Panel's key recommendations the Terms of Reference for the Stakeholder and Operational Forums are not relevant at this stage.

**Recommendation 16**

We agree with this recommendation for performance measures to address: health impact, industry impact, community impact, regulator performance and responsiveness to community concerns. However, the Panel's key recommendations that propose speedier, easier access to more pesticides are incongruent with these apparent concerns.

### **Recommendation 17 Evidence of Pesticide-related adverse health**

We support the establishment of health risk indicators for Australia, however, this lengthy process should not prevent immediate action by all levels of government and parliamentary committees on the evidence of pesticide-related complaints and adverse effects presented to the APVMA,(including community calls for a royal commission petition 833/1300 , tabled 27 February,2014).

### **Recommendation 19 Environmental monitoring**

We support a surveillance system to analyse data and monitor residues in produce and the environment. Importantly, there needs to be routine environmental monitoring of **local ambient air**, soil, vegetation, surface and ground water in urban areas. In the absence of environmental monitoring the control-of-use Regulator should prohibit urban spraying of pesticides on public land.

### **Recommendation 20**

We support this recommendation to curate sources of information and enhance data accessibility.

### **Recommendation 22 Monitoring Produce**

Concerned consumers would have more confidence in a publicly funded independent domestic produce monitoring programme.

### **Recommendation 23 Ultra trace level analysis for each commodity**

The programme should be transparent and undertake best practice laboratory analysis for **ultra trace levels** of commonly used pesticides. The results for residues of all pesticides used on each commodity should be made publicly available to provide a true indication of the potential for **mixture toxicity**, particularly to children. Multiple spraying **events** in the growing and processing of produce are of concern, particularly if different pesticides are used. There is lack of support in urban communities for “tank mixes” of more than one pesticide due to there being no evidence of safety. Consumers are also concerned about risks to human health from the multiple pesticides applied to produce.

### **Recommendation 24**

We support the recommendation for the Commissioner to finalize the design of the domestic produce monitoring programme.

### **Recommendation 25 Monitoring local ambient air, soil, water and waterway**

We need a monitoring programme in urban areas that tests local ambient air during and following operational spraying on public land or where residents poison verge grass or cause chemical trespass on neighbours' properties.

### **Recommendation 26**

Environmental monitoring of local ambient air as well as soil and water should be a **priority** during and following the operational pesticide spraying programmes on public land in urban areas. Other areas of priority monitoring should be where there is a risk of chemical trespass in rural communities affected by aerial spraying, nearby agricultural spraying events or environmental chemical weeding.

### **Recommendation 27**

The risk-based methodology is not based on best practice and the precautionary principle. The methodology in the urban context of use is open to interpretation by individuals who ignore the scientific and medical evidence of harm and are not qualified to determine the health and environmental risks. Operational spraying events in urban areas expose local communities and passersby to pesticide drift, volatilising chemicals and contaminated surfaces.

### **Recommendation 28**

MRLs should be based on international best practice and sound independent medical and environmental advice. MRLs should not be raised to accommodate increasing levels of contamination of potable and non potable water.

### **Recommendation 29**

As local and state government entities are responsible for pesticide pollution of vast areas of public land, government funding should cover the higher testing costs for ultra trace levels of pesticides that are sprayed during operational programmes. Laboratories should not be funded to set high limits of detection (LOD) that may show negative results. Lack of transparency in residue testing and LOD results is not in the public interest.



## **Recommendations 30 – 34**

The Adverse Experience Reporting Programme, AERP, is not user-friendly, particularly for citizens involved in urban-use pesticide exposure. There has been frustration with the lack of timely action in response to complaints. We question the intended purpose of the current programme and a review would be in the public interest.

### **Recommendation 36**

We agree ***that the residue monitoring results of domestic produce, drinking water, environmental water, soil, vegetation, local ambient air and adverse experience reports should be publicly available, providing the community with assurance that pesticides and veterinary medicines are being used safely, or in cases of exceedances, that response action is being taken.***

### **Recommendation 37**

We agree ***that the results of these programs should be collated and published in an informative and educational manner. The data must be de-identified and privacy concerns must be addressed prior to publishing, consistent with the Australian Privacy Principles.***

### **Recommendation 38**

We agree to ***improving the transparency and responsiveness of the chemical review process. This will be achieved by establishing a formal trigger (such as a relevant international decision in specific circumstances) for a chemical review to the APVMA.***

### **Recommendation 39**

***The Panel recommends that the trigger should not result in repeated near identical reviews within a 3-year period.*** The expression “near identical” is open to interpretation and examples should be provided.

### **Recommendation 40**

***The Panel recommends that, if in its judgement the APVMA does not consider that the trigger is relevant to Australian circumstances, it may determine not to undertake a review. The APVMA would be required to publish a statement of reasons for its decision, disclosing any information relied on to inform its decision.***

As this failure of the APVMA to review has been controversial the reason given should be reviewed by an independent panel, including community and NGO stakeholders.

#### **Recommendation 41**

We agree with the Panel that the *APVMA continue to be able to initiate a review if it is concerned that the risks of a product are not being suitably managed.*

#### **Recommendation 42**

We agree with the recommendation that *the Commissioner have responsibility for referring substances to the APVMA for review where issues have been identified through its system-wide surveillance program.*

#### **Recommendation 43 -**

#### **Recommendation 44**

As numerous animals are vertebrates, including rats and birds, any poison used to kill “pest” vertebrates should continue to be listed under the generic term “pesticide”. The removal of rodenticides and other poisons used to kill vertebrates from the generic term “pesticide” only leads to obfuscation of the intended purpose of the product.

We are generally opposed to poisons being applied in the environment and to the culling of animals however, we agree with the introduction of a humaneness score for vertebrate pest control products, as recommended by the Panel

#### **Recommendation 45**

We do not agree with reducing the responsibility of oversight by the Federal Regulator. However, we agree with the Panel’s recommendation *(concurrent with the recommendations for achieving nationally consistent control-of-use) that general product obligations should apply to dealings with pesticides and veterinary medicines to formalise and acknowledge responsibilities of all users across the life cycle of a product from design to disposal.*

#### **Recommendation 46-**

#### **Recommendation 47**

We agree with this recommendation

#### **Recommendation 51**

We agree with this recommendation

**Recommendation 52**

We agree with this recommendation

**Recommendation 53** We do not agree with unassessed access to internationally registered products.

**Recommendation 54**

We do not agree with this recommendation as it is open to interpretation and likely to reduce standards for qualification and licensing.

**Recommendation 55**

We agree with this recommendation

**Recommendation 56**

We agree with this recommendation

**Recommendation 57**

We do not agree that labels support “safe use” and handling. Labels should provide relevant risks to health and the environment associated with exposure and contamination.

**Recommendation 58**

We do not agree with reducing the APVMA’s role to assess imported products and their labels as information covered by other regulatory systems may not be adequate for the protection of the health of humans, animals and the environment. The APVMA as national regulator must maintain oversight of regulatory and label specifications and not simply rely on the standards of other regulators over whom we have no control.

**Recommendation 59**

We do not agree with this recommendation as it will weaken the role of our national regulator, the APVMA, to assess imported products and their labels. This may place the user, the general public and the environment at risk.

#### **Recommendation 60**

We do not agree with completion of a labelling standard as a condition for the licence to supply overseas registered products as this would simply be an administrative process with no APVMA pre market assessment and quality control. This would weaken the APVMA's role and further erode public confidence in the regulatory system's ability to protect the health of humans, animals and the environment.

#### **Recommendation 61**

We agree with this recommendation

#### **Recommendation 62**

Registration holders should conduct a review of label content whenever emerging scientific evidence or consumer concerns cast doubt over product safety and label instructions. Registration holders should be instructed by the Regulator to undertake a review as a registration requirement and not be permitted to allow potentially misleading information to remain on the product label.

#### **Recommendation 64**

We agree with this recommendation

#### **Recommendation 65**

We agree with this recommendation

#### **Recommendation 66**

We agree with this recommendation

#### **Recommendation 67**

We agree with this recommendation

### Recommendation 73

We are concerned that the single national law for control-of-use would deny certain states and their citizens the right to opt for safer options to pesticides. An example is the South Australian Department of Agriculture's control of fruit fly without the use of Fenthion insecticide due to its harmful effects in the environment and human health. Western Australia, controversially, continued to use Fenthion even though its own Department of Agriculture supplied sterile fruit flies to SA over more than a decade for the control of fruit fly in stone fruit. States must maintain their right to employ less polluting alternatives to pesticides. State and Local Governments entities as well as growers often defer to the APVMA in response to complaints about pesticides. It is our expectation that the federal Regulator, having regulatory oversight and a duty of care to protect the health of humans, animals and the environment, will advise the entities involved accordingly and not simply protect the interests of the pesticide industry.

### Recommendation 75

- *target assessment effort towards risk*
- *provide a **stronger identity** to the regulatory system*
- *provide **safe access** to **pesticides** and Veterinary medicines*

This statement requires clarification as we do not accept that labels and signage mitigate the risk of environmental pollution and adverse effects from pesticides in the current urban context of use.

### Recommendation 76

Rodenticides kill rats and various pesticides kill birds. As these creatures are **vertebrates** we do not agree that these poison should be removed from the definition of "pesticide product". Confusing the definition of "pesticide" does not **provide a stronger identity to the regulatory system** nor does it increase consumer confidence in the system. The Panel should retain the literal definition of "pesticide" as a product that kills "pests" (real or perceived pests)

### Recommendation 77

We are opposed to the removal of home garden, non crop and domestic use products from pre market regulation as these products should not be of **low regulatory concern**.

#### **Recommendation 80**

The APVMA and the OGTR should both play a role in the assessment of Roundup Ready Canola, BT Cotton and any GM product that has pesticidal effects in the environment.

#### **Recommendation 81**

We do not agree that products ***registered by one or more equivalent international regulatory authorities*** should be supplied and used in Australia without pre market assessment by our federal Regulator.

#### **Recommendation 84**

We strongly disagree with this and all other recommendations that undermine the role, responsibility and duty of care of the APVMA. We do not accept the Panel's rationale that it would be in the national interest to approve the sale of pesticides that are registered by foreign regulators in order to facilitate speedier consumer access to increasing quantities of these hazardous and toxic chemicals. Consumers would not have confidence in such an unsustainable system that clearly places our environment and all its inhabitants at great risk. The Panel's rationale and recommendations display a strong bias towards a highly polluting industry and should be reconsidered.

#### **Recommendation 85**

We strongly disagree with the below recommendation. The Panel's focus is on marketing and speedier, easier access to imported pesticides (poisons). This focus on marketing and augmenting the use of **EXEMPTIONS** to enable the use of pesticides whose use would otherwise be unlawful is incongruent with the Panel's VISION of a system that *protects the health of humans, animals and the environment*. The Panel's Rationale is of concern:

- *identify equivalent regulatory systems among major launch markets for pesticides*
- *This highly focused supply approach would augment the minor use exemptions (see Section 5.5) and*
- *help to improve access to low volume products by a new collaborative relationship between international manufacturers and their user customers.*

#### **Recommendation 86**

We disagree with the sale of internationally registered products that have not been assessed pre market by the APVMA. We have raised concerns about failed risk management for hazardous products under the current regulatory system and have even greater concerns about risk management under the complex and nebulous arrangements for internationally regulated and registered pesticides.

### **Recommendation 87**

We disagree with this recommendation because it diminishes the responsibility of the APVMA to be informed about the imported products that are approved for sale and use in Australia. Confidential information relating to imported products should be held by the APVMA scientists and not with the proposed Commissioner whose technical and medical expertise is as yet unknown. This proposal will further erode public confidence in the Federal Regulator's ability to protect the health of humans, animals and the environment:

***The lack of disclosure to the APVMA, but accessible to the Commissioner, means that product information will remain a trade secret of the Australian licence holder, unavailable for use in the Australian registration of other products.***

### **Recommendation 88**

We do not agree with this role of the Commissioner who would be usurping the responsibility of the Federal Regulator by undertaking a role that is lacking in transparency, with oversight on confidential technical matters. This lack of transparency between the Commissioner and the APVMA would lead to tensions between the two offices and further weaken the regulatory system whose role it is to protect the health of humans, animals and the environment from pesticides. It should not be the role of the APVMA, nor of the proposed Commissioner, to promote and facilitate ever increasing quantities of imports that are polluting to our country and toxic to its inhabitants.