

17 July 2009

Ms Jenny Ritchie Department of Agriculture, Fisheries and Forestry GPO 858 Canberra ACT 2601

By email: jenny.ritchie@daff.gov.au

Dear Ms Ritchie,

Requirements for improved national regulation of agvet chemicals

Thank you for the opportunity to provide advice for the discussion paper being developed by the Product Safety and Integrity Committee Secretariat on what is required to deliver a more effective and efficient national regulatory framework of agricultural and veterinary (agvet) chemicals.

CHOICE (Australian Consumers' Association) is Australia's leading consumer voice and publisher of Choice Magazine and Choice Online. CHOICE is a not for-profit, non-government, non-party-political organisation established in 1959. CHOICE works to improve the lives of consumers by taking on the issues that matter to them. We arm consumers with the information to make confident choices and campaign for change when markets or regulation fails consumers.

Australian consumers expect a strong and consistent framework for agricultural and veterinary chemicals that keeps consumers safe whilst helping deliver the outcomes they want: including flourishing gardens, clean vermin free comfortable homes with healthy occupants and pets, clean pools, and abundant nutritious food. It is vital that the government establish how to achieve and maintain chemicals regulation without compromising safety and efficacy.

Australia should be able to afford adequate funding of regulatory activities for agvet chemicals, in order to protect its people from chemicals that are unsafe, and their misuse. National improvement of agvet chemicals regulation should mean achieving world's best practice — and should never mean settling for the lowest common denominator across the different States and territories.



Five essential principles should underpin the regulatory framework for agvet chemicals.

- 1. The precautionary principle
- 2. Openness and transparency
- 3. Community engagement in decision making and priority setting
- 4. Consistency across the States and territories.
- 5. World's best practice.

To deliver on these principles, CHOICE notes particular improvement is necessary in at least the following areas:

Compliance, monitoring and enforcement

- Single and consistent framework across all States and territories. Regardless of where people live the same level of protection should exist.
- More extensive and nationally consistent post-market surveillance of compliance of product composition, labelling and residues testing of local and imported goods – including foods.
- Monitoring of environmental and health impacts.

Funding and cost recovery

- Ensure adequate funding of the APVMA, so that its performance can meet community expectations - avoiding delays in bringing newer low risk chemicals to market and reviewing old chemicals.
- Strong processes and practices to avoid actual and perceived regulatory capture and the perception of influence by chemicals industry that is a risk flowing from a direct cost recovery funding model.
- Costs need to be annually indexed to CPI if the APVMA is to be financial sustainable.

Risk assessment

- Strong application of the precautionary principle to all agvet chemicals. The responsibility should be on manufacturers and importers to prove safety, before market access is granted. Lack of evidence of harm is not evidence of safety. To ensure that Australia is not lagging behind other countries and to assure consumers that government is acting to protect their safety we must place the precautionary principle at the heart of our agvet regulation and should act swiftly when new evidence comes to light that may raise concerns about the safety of approved chemicals.
- Thorough and timely assessment, review, and investigation of (domestic or international) adverse events relating to chemicals by the APVMA, triggered by overseas voluntary or mandatory withdrawals, as well as complaints and concerns domestically.
- Consider "sunset" registration or a periodic (every ten years) registration process to ensure older chemicals are appropriately assessed against modern science.
- APVMA developing, as a matter of urgency, criteria and processes (as the US and EU have done) for bringing reduced risk or softer chemicals to market in the most efficient and effective way possible.
- Taking into account the cumulative risks of long-term exposure to particular agvet chemicals and the cocktail effect of exposure to a range of chemicals...
- Detailed risk assessments made publicly available, including the evidence on which a decision is based.
- Assessment of efficacy if a chemical is not effective but causes harm, then more
 efficacious alternatives that cause less harm should be sought.



Stakeholder engagement

 There is a need for an independent review committee with strong consumer, public health and environment representation. The committee secretariat should include representatives of the agencies that support the agvet chemicals regulatory process, namely health and environment departments.

Information and education

- Full and reliable information provision for consumers, including mandatory declaration of all product ingredients on the label so that consumers needing to avoid certain chemical compounds can begin to do so.
- Information and training or education for commercial and domestic users of chemicals: in a variety of languages, including specifications for use, e.g. what chemicals can be used on which plants; and risk reduction methods.

Two recent CHOICE Magazine articles are also directly relevant to the PSIC's discussion paper:

- Hazardous pesticides¹: This CHOICE investigation found many chemicals widely used in household insecticides are no longer registered in the European Union (EU) or soon to be removed – either because they were deemed to pose a risk or insufficient information was provided to permit their use. It highlights a permissive, wait-and-see approach by the APVMA to pesticide regulation that is out of step with world's best practice application of the precautionary principle.
- Strawberries²: CHOICE tested strawberries available from retail outlets and found that some samples had residues that exceeded the maximum residue limit, contained residues of chemicals that were not permitted for use on strawberries, and/or contained cocktails of pesticide residues. The results raise questions for consumers about cocktail effects and long-term exposure to pesticides. The results also highlighted the need for regular, consistent, national, independent, and publicly available post-market testing and the mis-match between food standards and pesticide use limits.

CHOICE will be interested in the broader stakeholder consultation process later this year, foreshadowed in your letter. Should you wish to discuss any issues raised in this submission, please feel free to contact me on (02) 9577 3246 or grenouf@choice.com.au.

Yours sincerely

Gordon Renouf

Director Policy and Campaigns

¹ Available at www.choice.com.au/viewArticle.aspx?id=106830

² Available at www.choice.com.au/viewArticle.aspx?id=106157