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Agvet Chemicals - Early Harvest and APVMA Reforms Team  
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To the Agvet Chemicals –Early Harvest and APVMA Reform Team

Thank you for the opportunity to comment on the Exposure Draft of the *Agricultural and Veterinary Chemicals Legislation Amendment Bill 2011.*

As you would be aware we have very serious concerns about the way agricultural and veterinary chemicals (agvet) chemicals are regulated under the Australian Pesticides and Veterinary Medicines Authority (APVMA). WWF is particularly concerned about the impacts of diuron and other pesticides on the Great Barrier Reef and the ongoing failure of the regulator to adequately take account of those impacts in its risk management of diuron and other pesticides.

We have assessed the draft Bill for its delivery of ALP election commitments for the better regulation of chemicals as well as our initial response to the discussion paper that preceded the draft Bill. Please refer to the attached Table.

While some of proposed reforms are welcome and will make a difference to the efficiency of the APVMA, overall our assessment is that the Bill fails to deliver on core election commitments.

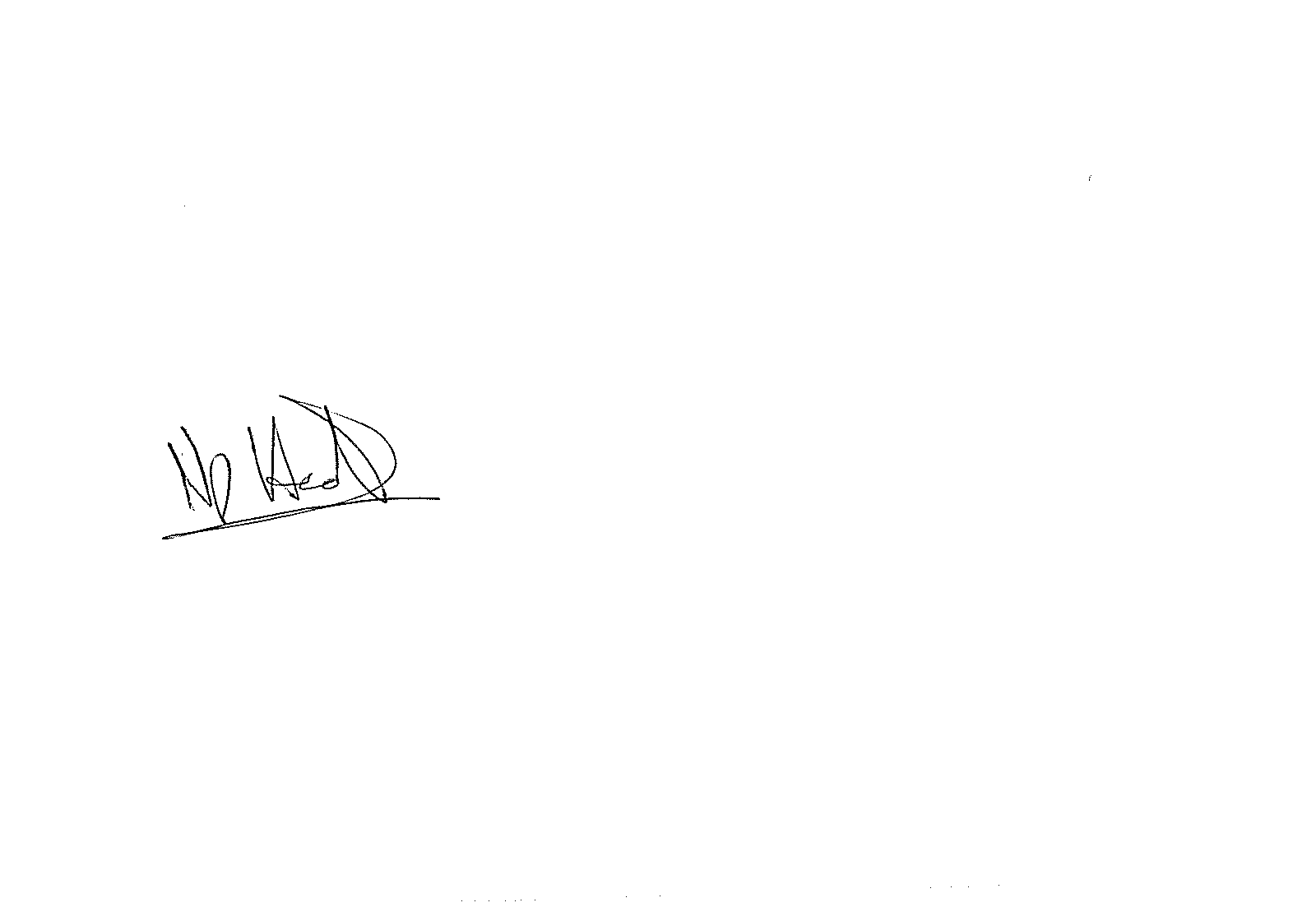
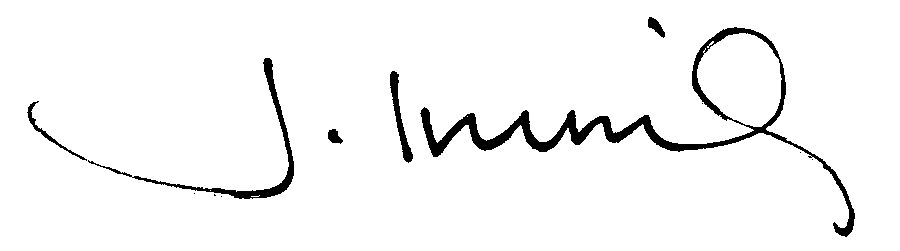
The Bill does not substantially change outcomes to ‘better protect human health and the environment’ and ‘deliver modern, cleaner, greener and safer chemicals’[[1]](#footnote-1), which are our key tests.

Areas where the legislation fails to meet the election commitments and our concerns include:

* No priority given to the better protection of human health and the environment in the Object of the Act – the Bill is more focussed on ‘cutting red tape’;
* No legislative line in the sand defining irreversible and unmanageable risks such as persistent, bioaccumulative and carcinogenic chemicals – the risk framework is ‘business as usual’ outside the legislation;
* Nothing to ensure that chemicals refused, restricted or banned in comparable markets overseas automatically trigger a review in Australia;
* No reversal of the burden of proof – chemical companies will not have to prove their ‘4000 grandfathered’ chemicals and products are safe against contemporary health and environmental standards creating an uneven playing field for new registrants;
* No systematic re-registration process is delivered – the proposed ‘continuation of approvals’ scheme will not quickly rid the system of unmanageable chemicals to make way for safer, greener chemistries;
* No substantive improvements to the choked-up chemical review system – data cut off will help speed up assessments, but applying the same risk management framework will deliver the same outcomes resulting in the continued presence of unmanageable chemicals on the market, putting the environment and human health at continued risk;

We will propose a number of amendments which would help to rescue the ALP commitments and substantially improve the Bill, giving better protection to human health and the environment.

Yours sincerely,



NICK HEATH JO IMMIG

Freshwater Program Leader Coordinator

WWF-Australia National Toxics Network

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| ALP COMMITMENT | DELIVERED? | WHAT’S NEEDED? |
| * Better protect human health and environment | * New compliance tools * No priority for health or environment * No role for health or envt ministers * No ban of unmanageable pesticides * Health/Env’t advice can be overruled | * Prohibit ‘unmanageable’ pesticides * Put reduction of health and environment risks in Act objects * Ensure APVMA can’t override Health or Environment Agency advice * Allow Health and Environment Ministers to order reviews |
| * Encourage modern, cleaner, greener, safer chemicals | * No risk based fees and charges * No level playing field – old is easy * No ban of unmanageable pesticides | * Prohibit ‘unmanageable’ pesticides * Old pesticides must meet same standards as new pesticides * Charge fees based on risk, not volume |
| * More efficient reviews | * Industry data cut-offs * No ban of unmanageable pesticides | * Prohibit ‘unmanageable’ pesticides * Set 3yr deadline for new reviews; but only 1yr for existing reviews >5yrs |
| * Put onus on companies to prove safety at regular intervals in line with US/EU | * No re-registration like EU/US * Continuation is only ‘tick and flick’ * Less data required than new registration * Burden of proof still with review team * 7yr interval too long for high risk | * Prohibit ‘unmanageable’ pesticides * Introduce re-registration system like the EU/US as promised, not ‘continuation’ * Same evidence thresholds as new registrations, EU or US * 5 year maximum term for high risk pesticides |
| * If banned overseas, trigger review | * No automatic review trigger * No review for the 7% or 80 EU pesticides that failed full assessment * No *requirement* to use o/s info Re- * Re-registration priorities ignore o/s bans | * Prohibit ‘unmanageable’ pesticides, as they have overseas * Enshrine automatic review trigger of products banned or restricted overseas |
| * Focus effort on risk | * Efficacy/trade issues less essential * Re-registration priorities ignore real risks * No ban of unmanageable pesticides * Risk criteria not law, buried in manuals * No change to old risk framework | * Prohibit ‘unmanageable’ pesticides * Legislate re-registration priorities based on risk – not age, etc |
| * Boost funding by 2016, with greater cost recovery | * Insufficient funds to clear backlog * Big backlog, no new funds, 6 staff ! | * Re-allocate $15m over 5yrs to APVMA review team to clear backlog * Charge fees based on risk, not volume |
| * Establish Ind. Science Panel | * Some promise, low on detail | * Keen to advise more on this |

1. ALP election commitment “Better Regulation of Chemicals’ Tony Burke, 14 August 2010 [↑](#footnote-ref-1)