



Submission to:

Department of Agriculture and Water Resources

Review of duplication between agricultural and veterinary chemical and work health and safety legislation – A call for public submissions

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Prepared by:
Organisation: The Western Australian Farmers Federation (Inc)
President: Mr. Tony York
Address: 125 James Street
Guildford WA 6055
Postal Address: PO Box 68
Guildford WA 6935
Phone: (08) 9486 2100
Contact Name: Maddison McNeil
Title: Executive Officer

Background

WAFarmers welcomes the opportunity to comment on Review of duplication between agricultural and veterinary chemical and work health and safety legislation.

As background, WAFarmers is the state's largest and most influential rural advocacy and service organisation. WAFarmers represents more than 3,500 Western Australian farmers from primary industries, including grain growers, meat and wool producers, horticulturalists, dairy farmers, commercial egg producers and beekeepers.

Introduction

In Australia, Australian Pesticides and Veterinary Medicines Authority (APVMA) is recognised as the statutory authority of registration of all agricultural and veterinary chemicals, and therefore they have expertise in the risks and proper application of each chemical within Australia. The implementation of the Global Harmonisation System of Classification and Labelling of Chemicals (GHS) standards in Australia undermines APVMA's capacity to regulate chemicals in Australia, and does not provide evidence that APVMA have not adequately assessed the risks of each chemical registered in Australia.

The GHS is a hazard-based assessment system that is not required in Australia. The current assessment process for chemicals in Australia is based on hazard and risk assessment that is scientifically proven. APVMA regulate chemicals in Australia under the *Agricultural and Veterinary Chemicals Code Act 1994*.

With the implementation of the global harmonisation system of chemicals, Australia should exempt agricultural and veterinary (AgVet) chemicals, unless evidence is provided that the current regulatory system is no longer adequate.

The proposed model Work Health and Safety (WHS) legislation has not been adopted within Western Australia and Victoria, as WA considers the current model WHS legislation too prescriptive, while imposing additional red tape, and may lead to a burden of compliance¹. However, any changes to chemical labelling will impact all of Australia, as chemical manufacturers will not produce state-specific labelling. This will lead to a significant cost imposition on all chemical users.

WAFarmers urges the recognition of APVMA approved labelling standards as the best option for labelling of all chemicals in Australia. The APVMA standards align with those in existence in similar countries, such as the United States of America and Canada. The introduction of global labelling standards under the GHS was developed by the United Nations in 2011².

While WAFarmers supports harmonisation of regulations, it does not support them to the detriment of current effective and established standards. Australian regulation of chemicals is specific to the Australian flora and fauna and, as such, has specific requirements that would potentially be undermined with the implementation of the GHS standards. WAFarmers is yet to see evidence that the current regulation is no longer adequate to address worker health and safety concerns, as well as any market access concerns.

1 – Harmonisation of OHS laws. <http://www.publicsectorsafety.wa.gov.au/occupational-safety-and-health/harmonisation-ohs-laws>

2 – Globally Harmonised System of Classification and Labelling of Chemicals (GHS).

https://www.unece.org/fileadmin/DAM/trans/danger/publi/ghs/ghs_rev04/English/ST-SG-AC10-30-Rev4e.pdf

WAFarmers will not support any changes to chemical labelling for the following reasons:

- There has been no evidence that the health and safety of users of the chemicals will be improved by complying with the GHS.
- There has been no evidence that the APVMA standards do not provide adequate WHS protection and information.
- There is limited information required about the difference of information under GHS, and how it compares with APVMA standards, as well as state-specific regulation of AgVet chemicals, the chemical training requirements, and the volume of risk-based technical use advice.

To assist with the review process, WAFarmers will address each option individually.

Option One – Additional WHS/GHS labelling added to existing agvet WHS labelling

WAFarmers does not support option one as it is imposing additional and unnecessary changes to labels that do not deliver the outcome to improve health and safety.

WAFarmers does not consider the inclusion of precautionary statements to be necessary, as it will duplicate warnings already on labels. There is no evidence that the inclusion of the hazard and precautionary statements will improve health and safety of the users of the chemicals.

The current regulatory system using APVMA standards creates significant efficiencies, and has a minimal risk for duplication. The proposed inclusion of WHS/GHS labelling will allow for Safe Work Australia (SWA) to be involved with regulation of chemical labelling. This is highly likely to impose additional costs and duplication with regulation.

Option Two – Remove the APVMA WHS labelling requirements for hazardous workplace chemicals

WAFarmers does not support the removal of APVMA labelling requirements. APVMA is the regulator of chemicals in Australia, and removal of these requirements is highly likely to jeopardise agricultural worker health and safety.

APVMA conducts hazard and risk assessments of each chemical registered in Australia, and therefore has access to a volume of information that is used to educate the user of the chemical about the risks and other implications of use. The removal of the APVMA labelling requirements will result in significant duplication with APVMA chemical registrations, and the chemical labelling to protect the health and safety of users.

APVMA conducts hazard and risk assessments in conjunction with world's best practice. WAFarmers considers the current scheme to be the most effective to protect agricultural workers' health and safety, and the use of scientific, evidence-based risk assessment is an international benchmark for chemical registrations and labelling.

The removal of the APVMA labelling will lead to significant issues and duplication to ensure Australia would comply with all levels of legislation, as well as additional GHS requirements.

Option Three – Full exemption of AgVet chemical labelling from WHS workplace chemical labelling requirements

WAFarmers fully supports an exemption of AgVet chemicals from the labelling requirements.

The implementation of this exemption would ensure that the agricultural industry is not required to comply with global standards that do not improve health and safety concerns, and may lead to significant issues with duplication and confusion over labelling.

Option Four – Aligning the FAISD Handbook with GHS and WHS requirements

The First Aid Instruction and Safety Directions (FAISD) handbook is an important aspect of the regulation of chemicals in Australia. The handbook should provide clear, consistent, efficient and applicable information for chemical labelling to ensure that agricultural workers are provided with the best information for health and safety purposes.

Conclusion

WAFarmers does not consider the move to comply with WHS and GHS standards to be necessary, particularly given the regulation and oversight of chemical registration to be completed by the APVMA.

WAFarmers considers the current regulation of chemicals, including labelling, WHS assessments, and all other requirements, to be adequate to protect agricultural worker health and safety, as there has been no evidence available to indicate otherwise.

WAFarmers requests an immediate exemption for AgVet chemicals from the proposed changes to labelling, and we request a full cost-benefit analysis of how the proposed labelling changes would improve worker health and safety beyond what is already evident under APVMA labelling regulations.