

ISSUES PAPER ON CHEMICALS AND PLASTICS REGULATION

AUSVEG Ltd is the peak national industry body representing the interests of Australian vegetable and potato growers. Consequently AUSVEG is pleased to have an opportunity to contribute to the Productivity Commission study into the regulation of chemicals and plastics in Australia. Given the broad diversity of vegetable production in Australia, in terms of location, cultural background of growers, crop types and production systems, AUSVEG believes that the processes involved in chemical regulation should aim to be relatively uncomplicated and consistent. Unfortunately, from experience, Australian vegetable growers often find that this is not the case.

AUSVEG therefore believes that the outcome of this review should be a more harmonised regulatory system that reduces the regulatory burden on farmers, while ensuring safe use of chemicals. To this end AUSVEG believes consideration needs to be given to achieving harmonisation in the regulation of pesticides at the State level and the setting of maximum residue limits (MRLs).

Control of Use

Unfortunately, the existing system for the control of pesticide use is of particular concern as AUSVEG believes that the current approach does not always achieve nationally consistent outcomes. This situation occurs because individual jurisdictions have adopted very different approaches to the management of control of use. These differences can serve to adversely impact on growers' capacity to compete domestically, as the dissimilar State based regulations effectively offer different levels of pesticide access. This situation is particularly acute in the area of minor or specialty crops.

Growers of minor crops are perpetually beset by the problem of lack of access to suitable pest management options. Gaining access, whether to conventional or biorational pesticides can be particularly problematic in these crops due to their small size, i.e. manufacturers do not see an opportunity for an economic return on investment. The differing control of use regulations have ostensibly created easier

access in some States but in doing so have in effect placed much of the risk manager's role with the pesticide user. AUSVEG believes that this is a burden that many farmers are ill-equipped to carry.

AUSVEG believes that the difficulty this situation creates has been recognised by government and that there have been attempts, through various Standing Committees, to achieve harmonisation, unfortunately with only limited success. AUSVEG would strongly urge that an outcome of the review be a recommendation for harmonised State Control of Use regulations.

Maximum Residue Levels

AUSVEG is particularly concerned with the current apparent disconnect in timeframes between the Australian Pesticides and Veterinary Medicine Association (APVMA) and Food Standards Australia New Zealand (FSANZ) in establishment of MRLs, i.e. delays in promulgation between the two agencies. Protracted delays create situations where approval for use has been granted, making it legal to apply a pesticide to a crop but once the crop is harvested it is, in effect, illegal to have the residue in the raw agricultural commodity derived from that crop. Such delays can and have resulted in growers being found in breach of the Food Standards Code. This potentially puts them at risk of non-compliance with State regulations and any quality assurance scheme under which they may operate.

Allied to the above is the added concern of the apparent inability of FSANZ to accommodate temporary MRLs established by the APVMA. These MRLs are frequently the result of permit applications submitted on behalf of minor vegetable crops at the instigation of AUSVEG. The absence of these MRLs from the Food Standards Code has potentially serious implications for many growers. Many State authorities and accreditation bodies rely upon the Code to assess compliance resulting in legitimate uses prompting enforcement action. AUSVEG therefore believes that greater efforts are needed to ensure that the MRL setting process in Australia is harmonised to ensure that such anomalies no longer occur.