

Agricultural Chemical Use by Grower Groups

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PREMIUM
FOOD AND WINE FROM OUR
CLEAN
ENVIRONMENT



**Government
of South Australia**

Primary Industries
and Regions SA

The regulatory background

The use of agricultural chemical products in SA is regulated through the *Agricultural and Veterinary Chemicals (Control of Use) Act 2002*.

The *Agricultural and Veterinary Products (Control of Use) Regulations 2004* describe permitted and prohibited uses of registered agricultural chemical products.

The regulations allow limited extensions to the specific directions of use on the label in certain situations where there is no perceived change to the level of risk to trade, OH&S and the environment



“Unregistered / Off-Label” ?

There are two potential scenarios that need to be considered for any protocols around agricultural chemical use by grower groups in trials/demonstrations:

1. An agricultural chemical product is considered ‘**unregistered**’ if it has no APVMA registered use (ie an approved label or permit).
2. **Off-label use** of agricultural chemicals is where a product does have an APVMA registration for a use but that use is not described on the label (ie crop or situation, pest, rate)



Unregistered Products

If the product has no APVMA registration or specific permit in Australia, it is illegal to use in trials/demonstrations unless it meets the conditions of **Permit 7250** (Permit to allow the conduct of small-scale trials with agvet chemicals).

Risks

- Trade – No Australian MRL, OHS&W for users, Environment and Human Health – no risk management in the form of a label or permit
- Offence to use or possess an unregistered product (prosecution of up to \$35,000)

Alternative Option

- Apply for a research permit



Conditions of Permit 7250

1. Person who can conduct trials under this permit

'All persons who are trained or experienced in the handling and use of agricultural or veterinary chemicals and who handle and use agricultural or veterinary chemicals as part of their normal duties in their employment for an organisation for which they are conducting a trial'.

Our understanding is the APVMA have a broad interpretation of the 'persons' allowed under this condition that would include trained or experienced producers/consultants for grower group trials/demonstrations.

Check this with APVMA for design of any documented protocol



Conditions of Permit 7250

3. Products that can be used under this permit

Any active constituent or chemical product except:

- *One which is or contains a genetically modified organism*
 - *If the product or constituent is prohibited under SA control of use legislation*
 - *If the product or constituent is prohibited under APVMA legislation*
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- Prohibited products are mostly Organochlorines and other similar types of products that have international prohibitions for use/manufacture/importing/exporting
 - Check/reference the appropriate legislation for any documented protocol



Conditions of Permit 7250

4. Purpose/Situation

Trials conducted to generate data relating to efficacy, residues, crop or animal safety other scientific information outside the confines of a research facility where the size of the trial annually does not exceed the following:

a. A total of 5 hectares nationally, with a maximum of 1 hectare in in any one jurisdiction in the case of any food and/or fibre crop



Conditions of Permit 7250

Additional Conditions

5. Do not dispose of any produce from plants or animals treated during a trial that can result in direct or indirect consumption of this produce by humans for a period of 12 months from the application of the chemical.

6. Do not dispose of or allow the use of any treated commodity or item that will allow in direct or indirect exposure of humans to the chemical used in the trial.

7. Persons handling/applying the chemical for the trial must wear appropriate PPE to minimise their exposure to the chemical via the eyes, skin, nose or mouth



Conditions of Permit 7250

Additional Conditions

9. *The organisation or individual for which the trial is being conducted must maintain detailed records listing:*
- a. *The date the trial is conducted*
 - b. *For trials outside a research facility, the jurisdiction and specific location within each jurisdiction*
 - c. *The trial details, including plants, animals or items treated, the pest controlled or reason for treating, the rates and frequency of application*
 - d. *The active constituents or chemical products used plus the total amounts used.*
 - e. *The method of disposal of produce from treated plants*
 - f. *The names of the persons conducting or controlling the trial*
(records must be kept for a period of not less than 2 years)



Off-Label use for trials/demonstrations

Agricultural chemical products can be used off-label for trials and demonstrations under the following circumstances:

1. If the situation/use for the trial is already on the label for another State (regardless of pest)
 - As long as not above label rate or frequency for the use described in another State
2. If there is an existing off-label permit for that use.
3. If the use is conducted under Permit 7250 (permit to allow the conduct of small-scale trials with agvet chems)



Off-Label use for trials/demonstrations

Risks

- Controlled if situation/use allowed in other states as trade, OHS&W and environment risks have already been considered. The risk is whether it will work on the pest.
- Controlled by conditions of permits
- Offence to not observe Mandatory Instructions on the label or the conditions of the permits (prosecution and up to \$35,000)

Alternative Option

- Apply for a trial permit



Summary

For trial/demonstration involving an unregistered chemical, it is illegal unless:

- conducted under Permit 7250 or a Trial permit is obtained

For trial/demonstration involving “off/label use” it is illegal unless:

- Crop/Situation is on label for another State
- There is an existing “off-label” permit
- Permit 7250 can be used



Summary

For design of a protocol for trials:

- Determine if the trial use is “unregistered” or “off-label”
- For unregistered:
 - Refer to Permit 7250
 - Check size limitations, banned lists of APVMA and PIRSA and ensure PPE used and records kept
 - Otherwise apply for “trial permit”
- For off-label:
 - Check for existing “off-label” permits (APVMA website)
 - Check if the Situation/Crop is allowed in another State
 - Refer to Permit 7250 (including all conditions as above)
 - Otherwise apply for a “trial permit”

PIRSA website: www.pir.sa.gov.au/biosecuritysa/ruralchem

