



National Farmers' Federation

Submission to the Department of Agriculture, Fisheries and Forestry

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National Farmers'
FEDERATION

Member Organisations



CANEGROWERS



CORPORATE
AGRICULTURAL
GROUP



COTTON
AUSTRALIA



Goat Industry Council
of Australia Inc.



GrainCorp



RICEGROWERS' ASSOCIATION
OF AUSTRALIA INC



RIDLEY



*The Pastoralists'
Association of
West Darling*



WOOLPRODUCERS
AUSTRALIA

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Introduction

The NFF recognizes that there are currently a range of processes underway looking at the registration and regulation of Agricultural and Veterinary Chemicals. The development of the National Regulatory Framework and its implementation will have implications for how the proposals outlined in the discussion paper will be implemented and the impact of the proposals. For this reason the NFF will only comment broadly on the proposals set out in the discussion paper, as the detail of their implementation and interaction with the National Regulatory Framework is not clear. Further information will also be required on the costs and compliance aspects of the proposed reforms as they are developed.

In general terms the discussion paper does not recognize the key regulatory outcomes required by farmers as chemical users. These outcomes include how to ensure safe and effective chemicals remain available to chemical users whilst minimizing the cost of regulation, and ensuring that effective mechanisms exist which allow small agricultural industries (i.e. ‘minor-uses’) to access the chemicals when there is a market failure and chemical registrants do not have the incentive to register chemicals for these ‘minor-uses’. Chemicals are an important tool in underpinning the productivity of many farming systems, and it is also important to ensure there is a suite of chemicals available for different purposes to avoid chemical resistance in pests and weeds. Many of the Australian agricultural industries compete with International producers, and it is important that Australian industries have access to the tools which will allow them to remain competitive in both domestic and international markets. It is important that the regulatory framework also look at processes and incentives to encourage new chemicals to be brought to the Australian market as they are developed and made available internationally. For these reasons it is important that changes to regulation recognize and account for the needs of farmers as chemical users.

The focus of the discussion paper appears to be very much on chemical registrants and strengthening the review arrangements with very little discussion as to the implications for chemical users, or evidence to suggest that the current review process is failing to provide an adequate review of chemicals seeking to be registered. The NFF notes that the discussion paper does recognize the need to improve the efficiency of the registration system, and in general supports the intent of these initiatives.

1. Implementing complete risk frameworks for agvet chemicals assessment and review

The NFF supports a transparent evidence based approach to the assessment and review of risks related to agricultural and veterinary chemicals. It is important that this process is based on sound science, which is used to underpin the evidence base for decision making. The proposed framework seeks to manage a range of potential risks from chemicals, including risks to the environment as well as the health of consumers. It is also important that the framework recognize the operational environment in which chemicals are used, and the opportunity for chemicals users to manage these risks. Because of the public good outcomes from the proposed framework, and to ensure there is transparency, there is a role for public funding in the development of the framework as well as the oversight of its operation.

2. Improve the quality and efficiency of agvet chemical assessment and registration processes

As mentioned earlier in this submission, the NFF is not a chemical registrant, and is not directly involved in the registration and assessment process. However, NFF members have an interest in this process, particularly in ensuring that its operation is timely and efficient. The NFF is aware of some instances in which agricultural industries are engaged and consulted informally as part of the application process (on trade risk for example) and believe that this has proved to be of value to both the industry and the registrant.

2.1 Lodging applications

At present the NFF does not have any specific comments relating to this particular policy proposal.

2.2 Assessing applications

The trade and efficacy assessments of chemicals undertaken as part of the assessment and registration process are valued by agricultural industries. Assessments for trade risk are a valuable safeguard for ensuring agricultural industries do not lose access to export markets and that Australian products remain safe for consumers. Efficacy assessments are also important, in particular that efficacy data is relevant to Australian conditions and production systems. The use of chemicals at rates which are not effective can result in resistance build up in disease, weed and pest species resulting in long terms costs to the agricultural industries as well as costs to the environment and the community. For these reasons it is important that these assessments be maintained as a component of the registration process.

However, the NFF recognizes that there may be some classes of applications for which trade and efficacy assessments may not be relevant. This measure may have benefits in reduced timeframes for the assessment of chemicals and reduced costs for assessment. If this is the case, these savings should be passed on. The discussion paper outlines a set of examples for which it is suggested that trade and efficacy assessments may not be required, however further information and discussion with industry is required to determine precisely when applications might be exempt from these assessments. It is important that any framework for allowing exemptions be clear, and not expose agricultural industries to trade risks, or open the Australian chemical market to unscrupulous traders.

2.3 Assessment timeframes

The NFF and its member organizations tend not to be engaged in the registration of chemicals. However, Australian farmers need a system of chemical registration that facilitates the introduction of new chemicals onto the Australian market in a timely and cost efficient manner. Australian farmers compete in International markets, and it is important that they have access to the tools which allow them to produce safe fresh produce in a cost effective manner. The costs of registration and timeframe around this process should not deter registrants from seeking to introduce new chemicals to the Australian market.

The NFF notes that the discussion paper indicates that the development of an accelerated assessment would be considered. Whilst the detail and implications of this accelerated process are unclear, the existence of an accelerated assessment process should not result in increased delays in the 'standard' assessment and registration process.

3. Enhancing the agvet chemical review arrangements

The NFF has significant concerns regarding the proposal to put in place a review process for registered chemicals. The NFF is aware that under existing chemical review arrangements the APVMA has the flexibility to review registrations when new research or evidence has raised concerns about the use or safety of a particular chemical or product. Fundamental concerns exist in the establishment of a new process which may duplicate, add minimal value or reduce flexibility in the existing processes and mechanisms in place, as well as concerns that Australia may be establishing a system which is 'out of step' with the international standards. There are likely to be few benefits to end-users from the additional costs of this process, and the proposed arrangements will also increase the workload of the APVMA.

Australian farmers are very much aware that the agricultural chemical industry is a global industry, and differences in Australian regulation may deny Australian farmers access to useful and effective farm chemicals which are available to our International competitors. The experience of many industries in gaining access for chemicals for 'minor-use' is that where a market for chemicals is small, chemical registrants may not be able to justify the cost to register chemicals if they are unable to get the commercial returns from their products. The NFF fears that generic chemicals, or chemicals which may be close to coming off patent, or losing data protection, will be lost from the market as the chemical registrants would not see the commercial case in generating data and evidence to underpin continued registration. The loss of these chemicals may have significant implications for farmers, for example the loss of valuable control options or removing options for the management of chemical resistances.

4. Using overseas assessments to their full extent

The NFF recognizes that the use of data generated overseas may provide benefits for the Australian registration system by avoiding the cost of generating data in Australia. The use of data from overseas assessments may also offer benefits in supporting applications for chemicals to be used for 'minor-use' applications. However, it is important to recognize that the Australian environment, climate and production systems differ from those of other countries. For this reason policy to support the use of data generated overseas must be implemented with caution, as it may lead to chemicals being denied use in Australia which are in fact safe and effective to use.

5. Establishing an independent science panel

The NFF supports the need for processes which can inform a continuous review and improvement of the review and assessment process within the APVMA. As users of chemicals which are subject to this process we have an interest in ensuring that chemicals are reviewed and assessed in a timely and efficient manner. It is important that the APVMA has the flexibility to implement changes in response to the recommendations of the panel. In considering the role described for the review panel, it is important that the panel's membership is drawn from individuals with experience in management and regulatory processes. Whilst the capacity of these panel members to understand the scientific principles behind the review and assessment of chemicals is important, a key aspect of their work is ensuring that these principles are adhered to whilst delivering an effective and efficient assessment and review process. Further information is sought on the make up of the panel proposed under this reform and the terms of reference for its operation.

6. Enhancing the provision of expert advice

The suggestion to reduce the overheads of APVMA through the use of expert advisor(s) rather than through the convening of an advisory board is supported in principle, however further information is sought on how this might alter the costs of the APVMA's operation and its effectiveness. The ability for APVMA to take advice from a range of different experts, and for the APVMA to be able to seek out a range of experts with relevant expertise and experience, is important in assisting the APVMA in its functions and improving the outcomes of its decision making. To ensure there is confidence in the proposed system, the process to identify, select and appoint experts should be transparent as well as there being clarity on the subject and nature of the advice they are to provide. Given the examples of the types of advice described in the discussion paper it is appropriate that chemical users be included in the list of potential experts.

7. Improving legal interaction with the APVMA

The NFF does not have direct experience with the legal powers of the APVMA to recall products and enforce these types of decisions. However there should be clarity in the legality of the APVMA's decision making powers on issues such as product recalls, and what the extent of these powers are. At present, the discussion paper only mentions the power to withdraw products and it is not clear if additional powers are being considered or covered under this reform. Further information on the scope of this reform is required, including the implications for users of the chemicals and the extent to which they may be exposed to legal action.

8. Improving the APVMA's compliance enforcement capacity

From the description of the reform proposed in the discussion paper, the extent of the proposed changes to the APVMA's compliance enforcement capabilities is not clear. The NFF notes that compliance related to the use of chemicals is undertaken by the respective State and Territories, and this issue is being considered as part of the development of a National Scheme for Assessment, Registration and Control of Use of Agricultural and Veterinary Chemicals. Further information on the proposed scope of this reform and the related compliance measures is required to understand the implications for chemical users.

As users of chemicals, the NFF has concerns that farmers may bear the brunt of harsh compliance decisions handed out to chemical registrants. If a chemical registrant withdrew a agriculturally important chemical from the market, in response to compliance measures applied by the APVMA, then the agricultural industries would require a clear explanation as to the rationale for the compliance measure and the severity of the measure. Significant concerns would be raised if this action led to the loss of key chemicals which particular industries were reliant upon.