Australian Government

Australian Pesticides and Veterinary Medicines Authority

Trade Advice Notice on sulfoxaflor for use on lentils

Submissions received

September 2023

25 August 2023

The CMAU Officer
Case Management and Administration Unit
Australian Pesticides &
Veterinary Medicines Authority
GPO Box 3262
Sydney NSW 2001

Re: Trade Advice Notice on sulfoxaflor for use on lentils Emergency Permit 93834 August 2023

Dear Sir/ Madam,

I refer to the Trade Advice Notice on sulfoxaflor for use on lentils, Emergency Permit 93834 August 2023 and wish to provide comment on matters that the APVMA is required by legislation to take into account in deciding whether to grant the application.

Please see the following pages and completed coversheet as requested

Yours Sincerely

Simon Christen

Simon Christen
Manager

AMPA CONSULTING 66 BERKLEY DR N BROWNS PLAINS QLD 4118 AUSTRALIA
ABN: 86 217 110 575 Phone: +61 413 597 258 Email: ampaconsulting1@gmail.com

Re. Response for TAN for emergency permit use of sulfoxaflor on lentils, consultation period 14 - 28 August 2023.

Although it appears the permit may be commendable to proceed, but the APVMA have failed to address and communicate important issues which also need to be considered before making an informed decision on the merits or otherwise of this permit consideration.

1. When is a crop considered a major crop for meeting Trade Advice Notice, and when is it not.

As stated, the APVMA firstly confirm that pulses are a major export food commodity group, but the current entry (https://apvma.gov.au/node/1017) is specifically only showing the following crops:

Pulses – lupins, field peas, chickpeas, faba beans, navy beans, mung beans

So in this respect, by the APVMA's own definition of 'major crop' , it is not inclusive of lentils. The APVMA then proceed to include this crop as major on the basis of current export value. You may think this is being flexible, but such approach is not intuitive to know when/what/ if a new crop situation should also fall into this category. Say for instance, if the crop value was to decline in the following years, does it then fall out of 'major crop' status and therefore no additional TAN is required in such case?

Conclusion. The APVMA need to better define and communicate the classification of major crops for reason to include export consideration. The current process appears to be made adhoc and has little meaningful ability to understand how the policy is implemented. This should be rectified.

2. Issuance of sulfoxaflor for lentils under emergency permit

Because the TAN is issued as public notice, it should also detail the reasons for invoking the provisions of an Emergency Permit for the proposed use. There is no communication available addressing the emergency permit reasons. Sulfoxaflor has been registered for many years (since 2014) and from all accounts the production of lentils requires additional control of aphids, but why is this considered as an emergency, and this should also be communicated.

Conclusion: Please explain your reasoning for consideration of sulfoxaflor usage on lentils under an emergency permit application.

3. Establishment of T0.7 mg/kg MRL for lentils (dry) without mutual recognition in key overseas markets

As detailed in summary on pages 9-10, the proposed finite lentil 0.7 mg/kg MRL is not supported by any of Australia's current major export markets (India 0.01 mg/kg and Bangladesh =Codex, where no current codex MRL exists) and similarly by Egypt and UAE markets. Accordingly, it would present a risk to trade if such treated produce is exported, and shipment determined to be in contravention of local MRLs. Pulse Australia through the APVMA should be able to communicate why such issuance of chemical usage is deemed acceptable already knowing the international trade scene in such

important markets. Is there avenue available for recognition of such MRLs by these markets that would allow such export commodity acceptable with respect to residues? Would there be active residue monitoring conducted either in Australia or export country to demonstrate finite residues are detected, and how would it be then managed. If tested positive residues, would the shipment need to be quarantined, or diluted with NIL residue crop in order to comply? What is the applicant proposing in order to manage the risks to the market?

Conclusion: What is the Applicant's perceived risk to the market and how would they propose to manage this risk. Pulse Australian's position should be clearly stated and possible another round of consultation before going ahead with the permit issuance and if such risks are perceived to be warranted. And the APVMA should conduct a full risk assessment to quantify such grounds of approval.

4. Lack of residue data and lack of communication how the temporary MRL would be managed in the future

As shown on page 6, the APVMA have proposed a temporary MRL of T0.7 mg/kg largely based upon the previously assessed pulses use-pattern (set only adzuki beans, mung beans, navy beans). As noted, the existing pulses use-pattern has a 14 day WHP, whereas for lentils, a 28 day harvest WHP is proposed. Although this would seem to be reasonable to expect no greater residues from double the WHP, the APVMA has not communicated the extent which residues remain following a longer WHP and if this is advantageous for further reducing residue levels. Are residues likely to decline further from a longer WHP, and what impact would this have for setting a longer 28 day WHP?

Conclusion: The APVMA should communicate the expected residue decline profile for sulfoxaflor in lentil crop and how this will impact upon the proposed MRL and proposed longer WHP compared to other pulse crops. As the proposed lentil MRL will be temporary, and to understand the data gap further, what further trial data should the applicant provide the APVMA if the permit and/or registration of this use-pattern should be extended. Such provision should also be canvassed by the APVMA.

To:

Executive Director
Risk Assessment Capability
Australian Pesticides and Veterinary Medicines Authority
GPO Box 3262
Sydney NSW 2001
Via email: enquiries@apvma.gov.au

Date: 25 August 2023

To whom it may concern

I write in response to a request for comments on an application from Pulse Australia Limited for the use of sulfoxaflor on lentils. The proposed emergency permit is for use in South Australia only for a period of 3 years (between July and November). It is estimated that up to 250,000 ha of lentils may be treated.

This submission is presented on behalf of the National Working Party on Grain Protection (NWPGP) and deals with red lentils only.

1. The NWPGP:

- Is the industry body responsible for providing management and leadership to industry in the areas of post-harvest storage, chemical use, market requirements and chemical regulations.
- Is facilitated by Grain Trade Australia and the Chair is funded by Grains Australia.
- Has members across the entire grain supply chain.
- Hosts an annual conference providing participants with the latest research and developments, in the area of post-harvest storage and hygiene, chemical usage and outturn tolerances, international and domestic market requirements, and regulations.
- Co-ordinates and provides government with industry views on chemicals in use on grain and associated products.
- For further details, refer to http://www.graintrade.org.au/nwpgp

2. Industry Non-Support for the Application

Based on the information provided in the Trade Advice Notice (TAN), industry does not support the registration as proposed. Comments on this view include:

a) Industry recognises there are substantial insect resistance issues in certain parts of South Australia, and the need for alternative chemistry to support and replace existing tools. There was a recent request for an emergency permit for the use of alternative chemistry (Spirotetramat), which industry supported.

b) The TAN states the use is proposed for South Australia only for a duration of 3 years with an estimated area of use of approximately 250,000 ha. If the previous emergency permit application is not successful, then this maximum treated area may apply.
c) There is no Codex MRL in place for red lentils.
d) Many key red lentil markets do not have an MRL in place (i.e., Bangladesh, Nepal, Pakistan, Sri Lanka). Other key markets such as Egypt, India, Malaysia, Turkey, UAE have a default only of 0.01mg/kg which is significantly lower than residues arising from trials as indicated in the TAN.
e) Of the many markets that do not have an MRL in place, several key markets default to Codex. As no MRL is in place at Codex, a nil tolerance applies.
f) As stated in the TAN, use of this product is expected to give rise to residues. While the STMR is not "relatively high", the residues advised from trial results indicate individual parcels of treated grain may exceed many of those market MRLs where they exist, noting these markets with higher MRLs are not key export markets.
g) Industry cannot mitigate the risk of residues arising in exported commodity through the usual practices such as grower declarations, segregation, blending, sample testing, stock selection, given that any detection of a residue will violate most market MRLs.

Based on the above, the industry does not support this application as it poses unacceptable marketing risks that cannot be managed.

Should you have any questions on this submission please do not hesitate to contact me.

Regards

Gerard McMullen

Chair
National Working Party on Grain Protection
Address : 76 Bruce Street, Coburg VIC 3058, Australia
Mobile: +61 419 156 065
Email: gerard@mcmullengrainagricultural.com | www.graintrade.org.au/nwpgp

Produced through Grains Australia Limited funding of this activity