

Reference: **CTS 20551/14**

Ms Kareena Arthy  
Chief Executive Officer  
Australian Pesticides and Veterinary Medicines Authority  
PO Box 6182  
KINGSTON ACT 2604

Dear Ms Arthy

I refer to the public consultation on the Australian Pesticides and Veterinary Medicines Authority (APVMA) Preliminary Review Findings Report — Part 2: Food producing uses and revised OHS findings for Part 1: Non-food producing uses and associated technical reports.

I am pleased to provide you with the attached submission by the Queensland Government's Department of Agriculture, Fisheries and Forestry, for consideration by the APVMA.

If the APVMA require any further information, please contact Ms Sarah Corcoran, Acting General Manager, Plant Biosecurity and Product Integrity, Biosecurity Queensland on telephone 07 3087 8105 or email [sarah.corcoran@daff.qld.gov.au](mailto:sarah.corcoran@daff.qld.gov.au) .

Yours sincerely,

**Jack Noye**  
**Director-General**  
**Department of Agriculture, Fisheries and Forestry**

Att (1)

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## **Queensland Government submission to Preliminary Review Findings Report — Part 2: Food producing uses and revised OHS findings for Part 1: Non-food producing uses**

Thank you for the opportunity to comment on the Australian Pesticides and Veterinary Medicines Authority (APVMA) Preliminary Review Findings Report — Part 2: Food producing uses and revised OHS findings for Part 1: Non-food producing uses and associated technical reports.

The Conclusion to delete all pre-harvest use patterns and only retain post-harvest treatment of commodities from the Codex Alimentarius group tropical and sub-tropical fruit- inedible peel is noted.

As you would appreciate, fenthion has formed an important part of fruit fly control and the interstate market access arrangements for many years. The Department of Agriculture Fisheries and Forestry (DAFF) are pleased to report that if the fenthion reviews findings are implemented as documented, all Queensland growers have protocols that they can utilise to seek access to fruit fly sensitive interstate markets. However despite this achievement, the alternative chemicals and systems approach protocols are not necessarily as cheap, easy or as effective as those based on fenthion.

It is understood that the Agvet Code under which the APVMA's chemical reviews are undertaken is written with regard to registrations of chemicals. It is anticipated that there will be a phase out of the no longer acceptable registered use patterns which will give the affected industries and DAFF the time to adjust to the new situation.

However, there are some uses for commodities that are approved via permit which have not, as yet, been considered. Some of the permits have already expired such as those for selected stone fruit. The Queensland government recommends that the APVMA reissue the permits to align with the phase out of the registered uses.

It has also been noted that it is proposed that the following statement be included on labels to manage the environmental exposures from post harvest treatment waste solutions.

*'Dispose of used dip solution and sludge at a rate not exceeding 20 000 L/ha over an area of dedicated and bunded flat land, away from watercourses and any drainage areas, etc, that could contaminate watercourses, and restrict access to humans and stock for a period of at least 3 months.'*

Under the Queensland Government's *Chemical Usage (Agricultural and Veterinary) Control Act 1988* (the Act) the term 'use', in relation to a chemical, means to administer, apply, disperse, inject, spray or spread the chemical or to use the chemical by similar means.

Accordingly, it is questionable if the proposed disposal instructions would be considered a function of 'use' of an agricultural chemical and managed by the Act.

Currently, the *Environmental Protection Act 1994* and subsequent regulations administered Department of Environment and Heritage Protection (DEHP) broadly captures pesticides as regulated waste. This would include fenthion waste. However, to date on-farm disposal activities for agvet dip chemicals have not been subject to regulatory action by DEHP.

The Queensland Government is working with industry and the community to develop a new, industry-led waste strategy, which was released for public consultation in April 2014. One of the priority areas highlighted in the draft strategy is to work with the agricultural industry and other key stakeholders to develop specific waste management measures for agvet chemicals.

Advice is requested on how to interpret the statement with regard to the rate for disposal as it is unclear as to how farmers should manage the issue. If a hectare of land was banded, is the intention that the grower can dispose of the waste by repeated treatments until 20,000 L has been applied to the land in one season? Or would every disposal require a new piece of banded land and that the area of land that the waste is placed on is determined by the amount to be disposed?

It is suggested that the practicality of the proposed disposal obligation requires some further discussion. Advice is being sought from Queensland businesses growing tropical and subtropical fruit- inedible peel commodities accredited under the national Interstate Certification Assurance Scheme regarding the amount of waste generated by an individual business for post harvest dipping, non recirculating low volume flood sprays and recirculating high volume flood sprays. We have received advice from selected regional areas and it is envisaged that further advice will be provided from other regional areas.

The preliminary advice suggests that up to 40,000L of waste might be generated by the single largest business which would require the setting aside of 2 ha of flat arable land that would be required to be banded. Given that the production of tropical and sub-tropical fruit inedible peel tends to be in high rainfall areas and are harvested during the wet season, it is possible that a large flat banded area would become water saturated and would not necessarily absorb 20,000 l/ha of additional water.

Clarification is also requested on whether the risk to packhouse workers who handle treated fruit has been assessed and if personal protective equipment is required as it does not appear to have been addressed in the report.