AERIAL APPLICATION ASSOCIATION OF AUSTRALIA LTD.

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27 March 2018

AAAA Submission on APVMA Proposed Approach to Spray Drift Management

AAAA Position

AAAA is ***strongly supportive*** of the proposed APVMA approach to spray drift management outlined in the draft APVMA Spray Drift Risk Assessment Manual and related material.

However, AAAA has several concerns, as outlined below, that require clarification or attention before the proposed new approach can be successfully implemented.

AAAA Concerns

Timing of the introduction of the New Approach

AAAA ***does not support*** the proposed approach of a staged introduction as this will mean the primary benefits of the proposed system will not be realised until the introduction of Stage 2.

AAAA strongly ***recommends*** both State 1 and 2 are implemented as soon as possible so that the clear benefits of the SDMT can be realised in the field.

AAAA is very concerned at the lack of formal consultation with the States and Territories and the implications for implementation of the proposed approach.

This lack may have significant impact on the likely success or failure of the proposed approach – up to and including its recognition and validity within the different jurisdictions – as well as the timing of any implementation strategy.

The few States present at various NWPPA meetings have indicated the practical difficulties they may have with recognising the proposed scheme through their legislation. Some have indicated there will need to be significant legislative change before they can implement / recognise the new approach.

Industry and especially chemical users should not be placed into the position of uncertainty that may be created by different jurisdictions taking a different approach to adoption of the proposed new approach.

Accordingly, AAAA ***recommends*** that urgent high-level consultation with the States and Territories – up to and including Ministerial level – be undertaken before the proposed system can be advanced.

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Removal of the bias against aerial application

AAAA ***recommends*** the identification and removal of unwarranted bias against aerial application currently in APVMA policies, procedures and assessments.

The need for specific approval of 'aerial' on label is not a risk-based or scientific approach. AAAA accepts that the risks that do arise from aerial application must be managed appropriately – which they are due to the training and competence of pilots and operators.

If anything, aerial application is based on better training, greater accountability and better performance than other application methods and is backed by a professional approach to application including ongoing training, accreditation and licencing.

While AAAA strongly supports the use of available predictive models to provide useful guidance to aerial applicators, along with spray quality requirements and a limited number of other parameters, the lack of transparency around APVMA processes and the inability of the aerial application industry to either be involved in or to challenge APVMA assumptions creates a practical bias against aerial application.

Feedback from registrants seeking aerial approvals on label is such that, based on APVMA guidance, many registrants are *not* including aerial on label in the first instance to ensure the APVMA is not able to unnecessarily delay market access because of the time taken to undertake additional aerial assessment tasks.

In addition, no consideration is taken by APVMA when considering registration of products for aerial use of industry stewardship that is readily available, including AAAA programs:

- Spraysafe – a three tier competence and compliance driven accreditation program covering mixers, pilots and businesses
- PPP – continuing professional development program for pilots
- AIMS – Aerial Improvement Management system – a full integrated, independently audited accreditation program based on QA, Safety and Risk, Environmental Protection (including drift management), Communication and Training systems.
- Ongoing training – face-to-face training on drift management and 'Label to Nozzle' courses that consolidate competency and provide technical updates on best practice.

AAAA ***recommends*** that APVMA initiate an independent review into the assessment process for aerial application in cooperation with AAAA with the aim of reducing assessment times and complexity to the same or similar as required of ground application.

Removal/expunging of old policies

Previous policies embedded the non-sensical claim that aerial application poses a greater risk than ground application, but this straw-man argument is simply not sustainable under any scientific approach to risk management where an aerial platform is well set-up and well operated.

It is noteworthy that the States/Territories charged with chemical control of use regulation consistently report that ground applications – especially in inversion conditions – are the cause of significant drift events, not aircraft.

Treatment of 'legacy' chemicals

Clarification is required as to how the APVMA proposes to deal with the significant number of legacy chemicals that were registered under previous policies, as well as those registered under the more recent policy that requires mandatory buffers.

AAAA understands that the most current policy for drift management has only been applied to some 60 chemicals, consequently leaving a huge number of legacy chemicals that are unlikely to be affected by any new policy as they do not have mandatory buffers.

While the number of chemicals covered by the current policy could increase significantly with the finalisation of key chemicals under review (e.g. 24D), the intent of APVMA in managing both new chemicals coming through the system for registration and older 'legacy' chemicals needs to be clarified.

A broad approach to clarifying this position would provide significant improvement to the current confusing status of chemicals as to whether they require a specific approval to be applied by air or not.

A 'universal' approach to improving all chemical labels should be investigated by APVMA in cooperation with the States/Territories and peak industry bodies, including AAAA.

A key concern is that aerial application access to chemical labels should be enhanced based on a level playing field with ground application, using transparent risk and science-based assessments.

Improvement of transparency of aerial approval process

AAAA has been trying to work with APVMA to establish an independent review of the requirements for attaining a 'aerial' approval on label. The aim of such a project is to improve transparency, consistency and certainty for registrants and the aerial application industry.

A key concern is the inability of AAAA to provide expert input into problems that may have been identified with any particular registration. The ongoing restrictions – in terms of only being able to deal with registrants - on APVMA in working cooperatively with broader industry peak bodies in delivering better labels remains a major impediment.

The restrictive approach APVMA applies to dealing only with registrants is not conducive to improving access to chemicals, improving label statements and language or addressing drift management or WHS exposure concerns.

A parallel outcome of an adoption of the proposed drift management approach should be a cultural shift within APVMA to building partnerships with industry peak bodies to engineer 'win-win' scenarios based on better practices and outcomes.

AAAA strongly ***recommends*** the APVMA work with AAAA to establish an independent review of aerial application approval processes and improved label statements/information with an aim of greater transparency and certainty in addition to adoption of the proposed new drift management approach.

Important Information Required to Support the Proposed System

Additional information may be required to support the proposed new system, notably:

- transparent and easily accessible RALs and,
- potentially, more information from registrants on coverage requirements to maintain efficacy.

Without a clear pathway to access RALs, buffer reduction calculations cannot be made without 'reverse engineering' the original buffer on label, which may introduce a potential for error as well as the obvious complexity and knowledge required.

In addition, more information on coverage from the registrant in terms of minimum coverage required for efficacy may also be required, as the APVMA SDM Tool is used to reduce active constituent rates, increased droplet sizes or changed carrier/water rates.

While this information would not have to be on label – it could be provided in the form of a technical note or similar by the registrant – it will be important to buttress the system so that efficacy problems are not created out of drift management solutions.

Improved Consultation and Use of Expertise

APVMA consultation systems need a major overhaul to:

i. ensure APVMA can avail itself of broader expertise in highly technical areas such as aerial application and

ii. ensure APVMA can bring the States and Territories along with new policies by improving understanding of the legislative and policy requirements of chemical control of use regulators that have the difficult task of enforcing label requirements and recognising the proposed new system of drift management that relies on 'off-label' directions via the Spray Drift Management Tool

It is simply not sustainable for APVMA to propose significant new policy directions without consulting comprehensively with other stakeholders in the National Registration Scheme, including industry as well as other jurisdictions.

It will be a great pity if such a meritorious proposal as the new APVMA approach to spray drift management fails to progress due to a lack of consultation and cooperation with the States and Territories.

As a minimum, the use of the proposed Spray Drift Risk Assessment Tool and the consequent reduction of buffers should be coupled in the first instant with the APVMA permit system to facilitate the States/Territories working within already existing systems.

AAAA strongly ***recommends*** that APVMA recast its permit system (long the subject of industry complaint) to accommodate the proposed new system and to further encourage wider risk-based access to chemicals by the aerial application sector.

In the medium to longer term, there is a need for improved APVMA consultative structures to establish a new culture of chemical assessment, review and problem solving to improve access to appropriate crop protection products for Australian agriculture.

AAAA ***recommends*** that APVMA urgently establish an aerial application technical working group that includes AAAA and known industry experts to help address these issues.

A Better Permit System

A critical concern for the State/Territory jurisdictions is the difficulty they claim to have with recognising any off-label references to either a drift assessment model (e.g. AgDISP) or a new APVMA tool.

One way forward would be to consider an amendment to the *Ag Vet Chemical Code Regulations 1995, Part 6-Permits, Clause 57(2).* This current list of 3 permit types could simply be extended by a new permit type called 'Better Practice Permit' or similar and potentially a permit category for aerial application as an interim measure.

This, in combination with a clear APVMA system, could enable a user meeting certain prerequisites (such as training or industry accreditation) to use a prescribed approach to drift assessment (e.g. AgDISP modelling) to arrive at smaller buffers (for example) based on good science and a more accurate in-field assessment of conditions.

Having printed out the output of the approved model or system, the user could then access the APVMA website and print out a 'standard' permit for better practice that provides a legal underpinning, relevant to all jurisdictions, for actions that are better than available from the actual label which is, as always, based on worst case scenarios, such as highest rate.

Alternatively, the APVMA proposed SDM Tool could come with the standard permit attached – again for printing and record keeping.

Further simplifications could also be considered where one set-up or model run could be used for all future applications with the same parameters.

The various State/Territory control-of-use requirements for accurate assessments of conditions, record keeping etc, would all then come into play as usual, with the print-outs as above forming part of the system of record keeping required for each application - and again, as usual, being transparent for audit or investigations.

The innovation of a 'better practice' permit category would be a relatively straight forward improvement that would address the concerns of the States/Territories, while delivering to industry a strong incentive for the adoption of better practice spraying.

The need for a review of the current structure of the permit system and the policy directing it is also clear from a broader aerial application access perspective.

AAAA has been advised on many occasions by APVMA that the permit system is unable to cater suitably for aerial application because of the *policy* limitations of the existing permit categories.

These policy limitations on existing permit categories - being 'minor use', 'research' and 'emergency use' - seem to be quite contradictory when potential aerial uses are compared to the way ground uses are routinely approved. It may be that a review of the policy surrounding the permits may identify additional greater flexibility for APVMA than previously imagined.

Importantly, an initiative such as an aerial application permit would address the long- standing problem of products that may not have aerial on label, and because they are now 'generic', have no registrant support likely in terms of further research or development that would allow a label change.

Crop Grouping Program

In addition to consideration of a new drift management approach, APVMA should consider improving the previously announced Crop Grouping Program to help remove anomalies in access to chemicals on

similar crops which are currently not permitted due to historical differences between States or other reasons.

While AAAA has had preliminary discussions regarding this program with APVMA, there does not appear to be a clear pathway to moving forward.

AAAA ***recommends*** that APVMA provide a stronger focus on the Crop Grouping program in concert with the proposed new approach to drift management.

Improved label language

Improved label statements have been pursued through various government processes over the last 20 years, with very little evidence of any progress in terms of improved simplicity or utility.

Many older chemical labels continue to use language that is either outdated or plain wrong – especially in terms of spray quality, equipment and droplet size.

In addition, labels are now so complex that the complexity itself is a potential impediment to good practice and understanding of the label.

The hangover of State-by-State use patterns and approvals is no longer relevant and should also be considered for review with the potential development of a 'universal' approach to cover all labels.

AAAA ***recommends*** that APVMA start to work with registrants, industry and the States/Territories on a means of addressing the significant number of legacy labels that have very poor statements.

AAAA also ***recommends*** that APVMA start to work with registrants, industry and the States/Territories on improving labels through the pursuit of simpler approaches evident on labels overseas that are based on science and current sound practice and which are far simpler for users to understand e.g. pictograms.

Maintenance of the principles established in the Operational Notice for Spray Drift Management

APVMA recognised a number of important principles in its Operational Notice (https://apvma.gov.au/node/28036) of March 2010, including recognition of the AAAA Nozzle Calculator and the assessment of aerial spray quality at Dv0.1 rather than all three assessment points (Dv0.1, 0.5, 0.9) required by ASAE s572 standard.

AAAA ***strongly recommends*** the maintenance of this approach in any future spray drift management system or standard.

Further Information

If further information or explanation is required in support of this submission, please do not hesitate to contact AAAA on 02 6241 2100.

Yours sincerely

Phil Hurst
CEO - AAAA