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Your Ref: CTS 08147/20

Our Ref: MG/MV/GG032

20 May 2020

Malcolm Letts
Deputy Director-General and Chief Biosecurity Officer
Biosecurity Queensland
GPO Box 46
Brisbane QLD 4001

By Email: malcolm.letts@daf.qld.gov.au

Dear Malcolm

Re: Review of the *Agricultural Chemicals Distribution Control Regulation 1998*

In response to your invitation for feedback, dated 27 April 2020, AgForce Queensland Farmers (AgForce) would like to raise the following points about the *ACDC Regulation 1998*.

AgForce supports the ongoing national harmonisation of agvet chemical regulation and usage¹ for improved efficiencies and streamlined guidelines. Although control of use powers remain the responsibility of states and territories, there needs to be consistent spray application regulations and licensing across state borders. Restricted and unrestricted Commercial Operator's Licences issued in Queensland need to be recognised nationally and vice versa.

The four proposed minor changes outlined in your letter are supported by AgForce. This includes removing Section 30 and expired transitional provisions, removing the competency AHCPMG301 – control weeds and amending Section 31 to only list suburb or town plus postcode, rather than full address of licence holders, on the public register.

Other suggested changes include:

Section 7 (4b) and Section 8 (1a) – Update prescribed qualification to current competency unit

Update the Regulation to the current unit of competency which is AHCCM307 – Prepare and apply chemicals to control pest, weeds and diseases². AHCCM3030 has been superseded.

¹ National Harmonisation of Agvet Chemical Regulation and Usage

<https://www.agriculture.gov.au/ag-farm-food/ag-vet-chemicals/domestic-policy/history-of-coag-reforms/regulatory-model#access-to-agricultural-chemicals-minimum-harmonised-allowable-variations-to-approved-uses>

² Unit of competency details for AHCCM307 <https://training.gov.au/Training/Details/AHCCM307>

Section 8A – Commercial Operator’s Licence – relevant pest management qualification for pest management technician – Act, s 16A.

This section needs to align with new requirements from the Queensland *Medicines and Poisons Act 2019*. AgForce recommends that Biosecurity Queensland consult with the Department of Health – Health Protection Branch to ensure lists of prescribed competencies for licenced pest management technicians are the same³. All persons undertaking pest management activities on a fee-for-service basis in rural, primary production and urban areas require a licence, unless they are an ‘approved person’. Under the *Medicines and Poisons Act 2019*, both licensed pest management technicians and ‘approved persons’ are required to have certain competencies, as prescribed in the draft *Medicines and Poisons (Pest Management) Regulation 2020*. The *ACDC Regulation 1998* needs to update the list to current competency units, instead of superseded units.

Competency requirements for Pest Management Technicians	
<i>ACDC Regulation 1998</i>	<i>Draft Medicines and Poisons (Pest Management) Regulation 2020</i>
CPPPMT3005 / PRMPM05– Modify environment to manage pests.	CPPUPM3005 – Manage pests without applying pesticides.
CPPPMT3006 / PRMPM06– Apply pesticides to manage pests.	CPPUPM3006 – Manage pests by applying pesticides.
CPPPMT3018 / PRMPM18– Maintain equipment and chemical storage areas.	CPPUPM3018 – Maintain equipment and pesticide storage area in pest management vehicles.
	Fumigation. CPPUPM3011 – Manage organisms by applying fumigants to commodities and environments.
Or substantially equivalent and approved by the Chief Executive.	Avicides – Training in pest bird management approved by the Chief Executive of Qld Health.

The ACDC Regulation 1998 does not recognise other user categories such as Commercial Operators and Authorised Officers under the Queensland *Biosecurity Act 2014* and *Nature Conservation Act 1992*, who use restricted Schedule 7 poisons for invasive vertebrate animal control. Restricted S7 poisons are also categorised as agricultural chemicals by APVMA. The proposed *Medicines and Poisons (Pest Management) Regulation 2020* requires these users to have three competencies. Two of these are the same as the Commercial Operator Licence requirements.

- AHCCHM307 – Prepare and apply chemicals to control pest, weeds and diseases.
- AHCCHM304 – Transport and store chemicals.
- AHCPMG312 – Apply poison baits for vertebrate pest control in rural and environmental landscapes.

Part 3 – Aerial and ground distribution

Section 28 (2)

Recommend inserting (c) off-target vegetation.

In addition to crops and stock, it is also important to protect nearby areas of pasture, legumes, domestic rural gardens from spray drift issues.

³ Queensland Health (2019). New medicines, poisons and pest management regulatory framework <https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/medicines/medicines-poisons-act>

Section 33 – Hazardous areas

AgForce recommends that Biosecurity Queensland undertake further consultation in the St George and Mungindi regions to consider feasibility of declaring an additional Hazardous Area (4), due to the range of horticultural and broadacre crops grown in the region.

Diverse horticultural crops such as grapes, broccoli, blueberries and citrus are grown in the area, in addition to broadacre cotton and grains. Spray drift needs to be continuously managed and reinforced through Good Agricultural Practice.

It is timely to consider a review of Hazardous area (1) as per Schedule 1A, since ongoing peri-urban sprawl along the coastline between Redcliffe and Tewantin has reduced the extent of crop and livestock land use area. The relevance of this Regulation to Hazardous Area 1 is questioned.

Section 36 – Smoke generation for aerial distribution

AgForce recommends this section is amended to:

Section 36 – Smoke generation or inversion drift monitors for aerial and ground distribution.

Aerial and ground distribution must not be carried out in a hazardous area unless:

- (a) The aircraft or spray equipment used to carry out the distribution has a smoke generating device or inversion drift monitor installed or attached; and
- (b) the device is used to show air movement immediately before and during the distribution.

Inversions are frequent and rapid. Farmers, pilots and ground-based chemical applicators need to manage spray drift risk and cease spraying during an inversion period. Inversion drift monitors, smart phone applications and smoke detectors are all tools that can help monitor and detect inversions on farm and in aerial and ground application equipment.

Section 37 – Conditions for hazardous area No 1

The interpretation of the ACDC Regulation 1998 by some Regional Councils in Hazardous Area 1 has resulted in the total ban of all picloram products⁴, whereas the Regulation specifies ‘aerial or ground distribution of picloram or ester formulations of MCPA or 2,4-D’, unless there is a distribution permit or authorised technique such as stem injection, cut stump, frill ringing or basal bark treatment. This has excluded use of very effective foliar herbicides, such as Grazon, Grazon Extra and Tordon 75-D for controlling invasive weeds in the coastal shires such as fireweed, lantana, wild tobacco tree and groundsel bush. Ground application of these picloram-containing herbicide products, as per label, by a licensed commercial operator or landholder, pose minimal injury risk to crops and stock (Section 35) in hazardous area 1.

Section 39 – Application for a distribution permit

Section 39 (3) refers to the approved form for a distribution permit in a hazardous area and to apply at least 10 days prior to commencing proposed work. The departmental website does not have this form readily available and refers the inquiry onto the Customer Service Centre 132523 to discuss options⁵. The website indicates distribution permit applications take several weeks to be finalised. Section 39 (5) states the chief executive has up to three months to grant or refuse the application. AgForce recommends this approval time needs to be shortened to one month. Efficient and timely ground and aerial distribution practices need to occur to ensure optimal control of weeds and preventing weeds from seeding. The application form for the distribution permit needs to be available on the website to enable commercial operators to assess risk for off-target damage to crops and stock before selecting the most cost-effective and efficient weed control options in low-risk situations.

⁴ Moreton Bay Regional Council (2019). Pesticide Use Policy 2150-059
<https://www.moretonbay.qld.gov.au/files/assets/public/services/policies/policy2150-059-pesticideuse.pdf> (page 2).

⁵ Business Queensland. How to apply for a distribution permit
<https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/land-management/chemical-controls/herbicides/permit>

For example, control of environmental weeds is often a low-risk situation. Conditions of use across Hazardous Areas 1 and 2 precludes control of environmental weeds in non-crop areas as per APVMA Minor Use Permit 11463⁶. Non-crop areas include bushland, native forests, roadsides, rights of way, vacant lots, wasteland, wetlands, dunal and coastal areas. Unless a distribution permit is granted to a person with a commercial operator's licence for spot-spraying, low volume or splatter gun application of picloram, 2,4-D and /or MCPA products, these effective products are not an option to control environmental weeds such as broadleaf weeds, shrubs, vines, bulbs, woody weeds and cacti in hazardous areas 1 and 2.

Conclusion

Over the last four years, AgForce has been actively involved in national and state discussions on national harmonisation and efficiencies for agvet chemical regulation and usage. AgForce represents 5,700 producer members who protect their crops, livestock and farms from biosecurity matter. AgForce is also a member organisation of National Farmers Federation. National industry stewardship programs such as myAgCHEMUSE⁷, BeeConnected⁸ and industry resources such as the Grains Research and Development Corporation Spray Application Manual⁹ reinforce best practice across the broadacre agricultural industry. Reform in agvet chemical regulation and usage is an ongoing process. The current national harmonisation reform was triggered 12 years ago by the Council of Australian Governments COAG. While states and territories are currently implementing changes to control-of use legislation to align with the national harmonised framework, the Australian Government has recently launched a review and issues paper to identify future reform opportunities for Australia's agvet chemical regulatory system¹⁰.

AgForce remains committed to participate in these discussions to ensure the interests and needs of Queensland broadacre producers are considered and the best options are developed for pesticide technology, crop and livestock protection and stewardship.

If you would like to discuss any of these suggestions further, please contact me or AgForce Policy Officer, Marie Vitelli, on email: vitellim@agforceqld.org.au or phone 0429 062 852.

Yours sincerely



Michael Guerin
Chief Executive Officer

⁶ APVMA Minor Use Permit 11463 for control of environmental weeds in non-crop areas
<http://permits.apvma.gov.au/PER11463.PDF>

⁷ CropLife Australia – myAgCHEMUSE stewardship program
<https://www.croplife.org.au/resources/programs/myagchemuse/>

⁸ CropLife Australia – BeeConnected stewardship program
<https://www.croplife.org.au/resources/programs/beeconnected/>

⁹ GRDC Spray Application Manual <https://grdc.com.au/resources-and-publications/grownotes/technical-manuals/spray-application-manual>

¹⁰ Australian Government (2019). Independent review of the agvet chemical regulatory framework
<https://www.agriculture.gov.au/ag-farm-food/ag-vet-chemicals/better-regulation-of-ag-vet-chemicals/independent-review-agvet-chemical-regulatory-framework>