

**COMMUNITY CONSULTATIVE COMMITTEE
MINUTES OF MEETING CCC30**

26 February 2004

John Curtin House, Canberra

MEMBERS PRESENT

Jenni Mack (Chair), Ben Cole, Alison Brinson, Sam Beechey, Anne Stanton, Andrew Duncan

APVMA OFFICERS PRESENT

Eva Bennet-Jenkins, Tim Dyke (part), David Loschke (part), Dennis O'Leary (part), Phil Reeves (part), Joe Smith (part), Kathleen Allan, Peter Dagg (part), Mal Arney (part).

APOLOGIES

Sid Cowling, Liz Hanna, Jane Fuller

AGENDA ITEM 1 – WELCOME AND APOLOGIES

The Chair welcomed members and APVMA staff.

AGENDA ITEM 2 – ADOPTION OF AGENDA

The Chair advised members that the agenda was quite full again and indicated the committee needed to find ways to reduce the volume of items at meetings. She noted the Authority was very happy to deal with members issues between meetings. Eva suggested that members who wish to raise specific issues should do so at any time between meetings. The issue can be discussed with APVMA staff as appropriate and a brief summary be provided to all members with the meeting papers. This would help reduce the number of member specific items raised at each meeting. Members are still welcome to raise agenda items that are of interest to the entire group.

The agenda for CCC30 was adopted.

AGENDA ITEM 3 – MINUTES OF CCC28

The minutes of CCC29 were accepted as tabled.

AGENDA ITEM 4 – ACTIONS ARISING FROM THE PREVIOUS MEETING

Action 27.5 Eva to arrange for a presentation on 1080 to be given to CCC members at a future meeting.

Andrew asked when this presentation is likely to occur. Eva advised that at this stage the 1080 review is still at the assessment stage. She thought it appropriate to delay a presentation until some draft recommendations have been prepared. This is likely to

be in the second half of this year. Eva confirmed that a presentation on the 1080 review would be given to the CCC.

AGENDA ITEM 5 – MEMBER REPORTS

5.1 CCC Member Activity

Members were asked to briefly summarise their CCC activity since CCC29 and to nominate major issues of importance to member networks.

Alison Brinson

- Alison provided a written report detailing CCC related activities since the last meeting – report tabled as read.
- Alison advised members that in her capacity as development officer for the berry industry she attended a biocontrol forum. Alison asked whether the APVMA played any role in the regulation of biocontrol methods. Mal Arney clarified that the APVMA regulates micro-organisms when sold as agricultural products. Macro-organisms are usually not regulated by the APVMA. DAFF Biosecurity release bio-control approvals.

Anne Stanton

- Anne provided a written report detailing CCC related activities since the last meeting – report tabled as read.
- Anne (NTN) has received letters from three concerned members of the community. One referred to a dog that had been poisoned, another from a concerned lessee of a rural property who had become ill claiming that the landlord did not advise when spraying would occur. The third letter was from a person who had a fruit tree orchard whose boundary fence had been constructed with CCA treated timber. Eva was interested to know how the NTN responded to such letters or requests. Eva advised that the APVMA is happy to assist in answering such inquiries.

Andrew Duncan

- Aerial spraying of bluegum plantations remains an issue. The main problem is spray drift. There is a WA moratorium on aerial spraying of eucalypt plantations however it appears to be an ongoing problem.
- Ongoing problems with the DrumMuster scheme. The Western Australia Farmers Federation is seeking legal advice into the issue. A number of generic product manufacturers are not part of the scheme however producers still pay the levy as part of the retail price yet do not have access to DrumMuster collection points. APVMA suggested that although the APVMA is not directly involved in the DrumMuster scheme, it may be appropriate for the CCC to write to AvCare about the issue. Eva also advised that the OECD forum is discussing container management at its

next meeting. At this meeting, representative countries will be asked to present details of the countries' schemes and initiatives relating to chemical container management and outline the success and failures of such schemes.

- At a recent QA Grainpool review workshop meeting the issue of batch number durability was again raised and discussed. Members of this forum believe that there should be a mandatory requirement for retailers to record batch numbers at the point of retail sale. This would greatly enhance traceability of specific batches of chemical.

Sam Beechey

- Sam advised members that he had recently met with the Managing Director of BioClip and was invited to see the product applied and the wool harvested from treated sheep. Sam observed that directly after injection and netting, the sheep showed obvious signs of distress such as running around erratically. Tim Dyke advised that there has been very few AERP reports received related to BioClip. He also felt that the change in behaviour could be related to the tight netting rather than the injection. Tim confirmed that the APVMA's role in the regulation of the BioClip technology (including netting, harvesting, injection etc) was limited to registration and approval of the injection (safety and efficacy etc) only.
- Sam advised members that statistics from the Australian Centre for Agricultural Health showed that there has been 30 compensation claims due to chemical exposure over the last 12 months.
- Sam has been successful in gaining a Victorian Worksafe Grant to allow research into the death of Primary Industry Superannuation of Australia (PISA) members. He noted that there has been an increase in the incidence of cancer and suicide over recent years with the average death age of 200 members being 43 years. Phil Reeves advised members that the performance monitoring program project that is currently underway has identified certain issues including the impact of pesticide use on user/farmer health. Alison advised that ChemCert has recently developed a training package "Meeting the Market for Clean Wool". She felt that the availability of this program should be promoted to farmers.

5.3 Member issues

5.3.1 Trifluralin (Anne Stanton)

Members NOTED the background paper prepared by Anne.

Mal Arney, Manager of the Herbicides team within the Pesticides Program was invited to address the issues raised in the paper presented by Anne.

Mal advised members that trifluralin is a pre-emergent herbicide. It is applied at sowing and therefore incorporated into the soil. It breaks down rapidly when subject to UV rays. The chemical is strongly held in the soil and is therefore not readily leached. It is used on a range of crops and is very popular in no-till farming situations.

Mal briefly outlined the active approval process. He clarified that when a new or additional source of a particular active is approved, a whole review of the chemical is not conducted.

Eva advised members that when the APVMA (formerly the NRA) was established, chemicals were nominated for review. Trifluralin was nominated for review however when the agencies looked at all the relevant information, the chemical was not considered a priority for chemical review. Eva also advised that the agencies are asked to provide advice if any new information or evidence becomes available. No such evidence has been received in relation to trifluralin. The APVMA is also constantly looking at the activities of overseas agencies to ensure that Australia keeps up with overseas regulatory activity.

5.3.2 GM crops and the impact on herbicide use regimes (Ben Cole)

Members NOTED the background paper prepared by Ben.

Mal Arney, Manager of the Herbicides team within the Pesticides Program was invited to address the issues raised in the paper presented by Ben.

Mal clarified the role of the APVMA in GM regulation. The APVMA can regulate the chemical or herbicide only. Products for use on genetically modified crops are registered in the same manner as any other products. The legislative criteria that require that products are safe and effective etc must still be met. The APVMA does not get involved in the release of GM crops. The APVMA is satisfied that our risk assessment for herbicide use on GM crops is appropriate. The States and the Office of the Gene Technology Regulator are also involved in the assessment of chemicals to be used on GM crops.

The APVMA is primarily concerned with the change in use pattern of a particular chemical. With the introduction of GM technology a once non-selective herbicide becomes selective. Potential for the build up of resistance does exist, however this is considered as part of the risk assessment. The APVMA also establishes a resistance management plan as part of the conditions for registration. Mal also advised that a committee has been established to look at the issue of resistance to pesticides from use on GM crops. Mal emphasised that the system of regulation for pesticides in GM crops needs to be practical because excessive regulation will not be practically implemented by users.

5.3.3 APVMA Minor use forum (Alison Brinson)

Members NOTED the report prepared by Alison.

Alison reiterated that the Minor Use forum was extremely worthwhile however she felt that promotion of future activities needs to be coordinated by the APVMA Public Relations section and should be promoted more widely amongst minor use stakeholders.

Alison also stated that she thought the taskforce needed more time to respond to the issues raised in the forum.

5.3.4 Liquid fertilisers as carriers for agricultural chemicals (Andrew Duncan)

Members NOTED the background paper prepared by Andrew.

Mal Arney, Manager of the Herbicides team within the Pesticides program was invited to address the issues raised in the paper presented by Andrew.

Andrew said that a major retailer had raised the issue of the use of fertilisers as carriers for agricultural chemicals. He felt it was an issue that needed to be considered by the APVMA.

Mal stated that this issue was a problem for State Control of Use. The APVMA only regulates chemicals up to the point of retail sale. Individual States control the use of pesticides. Mal advised that most labels, if interpreted according to the law, would preclude mixing with things other than water. Mal recommended that the most appropriate action would be for product users to talk to the manufacturers of products to determine whether they are happy for the chemical to be applied with fertiliser as a carrier. Chemical users should lobby companies to put stronger or clearer statements regarding mixing on their product labels.

Andrew felt that a roundtable meeting of all stakeholders (manufacturers, States, users and the fertiliser industry) would be a valuable way of progressing the issue.

Members agreed that it would be appropriate for the committee to send a letter to the APVMA Registration Liaison Committee asking for them to consider this issue at a future meeting.

Action 30.1: CCC to prepare a letter outlining the issue of liquid fertiliser use as a carrier for agricultural chemicals and recommendations for RLC consideration.

5.3.5 Draft cost recovery impact statement (Alison Brinson)

Members NOTED the report prepared by Alison.

Alison advised members that horticulture producers in particular were opposed to the proposed new fee structure for permit applications. She felt the proposed fees are excessive. The cost is prohibitive and may drive minor uses underground with the possible impact being food safety issues.

Alison also expressed concern at the timing of the report and the tight response timeframe (31 January 2004).

Eva clarified the role of the APVMA in the fees review. The APVMA provides input but the issue is driven by DAFF.

Andrew wished to express similar concerns to those raised by Alison.

The committee agreed that short consultations times were not reasonable and urged the APVMA to convey that view to DAFF.

Action 30.2: Eva, on behalf of the CCC, to outline concerns raised over the proposed fees for permits, with DAFF.

5.3.6 Release of CCA review report (David Loschke/Anne Stanton)

David provided members with a brief outline of the review recommendations for the review of arsenic based timber treatments. The five recommendations are that:

1. arsenic based timber treatments, specifically CCA, be declared restricted chemical products
2. all plants that use CCA to treat timber must adhere to strict Australian standards
3. label instructions for treatment processes be strengthened.
4. manufacturers provide worker exposure data to support OH and S criteria
5. use on timber where frequent and intimate contact (decks, play equipment) is likely be removed

Members expressed concern whether treated timber would be clearly identified as CCA treated and therefore only suitable or recommended for certain uses. David confirmed that this issue will be addressed before the review is finalised. Members also asked whether retailers will have sufficient safety or advisory material available when timber is purchased. David confirmed that this issue is being addressed. Industry will need to educate at the retail level. These review recommendations will also involve amendments to existing standards and building codes etc.

David confirmed that at this stage, the recommendations do not include the removal of timber used for trellising or fencing. The recommendation to remove a certain use of CCA treated timber was based on where a significant risk exists such as those uses where frequent and intimate contact will occur.

Anne was concerned about the safety of existing structures. How could future structures be unsafe but existing structures not be considered a risk?

David advised that people are exposed to low levels of environmental arsenic all the time. David showed data from studies on the level of exposure to arsenic and impact of the increased level of exposure on human health. The Australian estimate of exposure is well below WHO levels.

Also the APVMA does not have jurisdiction over existing structures. The APVMA does not have conclusive proof that existing structures are unsafe. At the same time the APVMA does not have evidence to conclude that it can be satisfied that use of CCA treatment on certain timbers is safe.

David confirmed that there are a number of alternative timber treatments including copper-based products.

Members agreed that the use of the term “domestic use” is very vague. David advised that specific uses will be completely clarified as part of the final report.

AGENDA ITEM 6 – PROGRESS OF WORK PROGRAM ITEMS

6.1 Work program review

Members agreed that while most things were done well last year there were some projects could have been done better. The committee agreed that realistically only two main projects could be done really well over the year, plus a couple of smaller projects. Members agreed that a work program that outlined objectives, strategies and outcomes would help the committee remain focused and track its achievements.

Members discussed a number of items to be included in the 2004/05 work program. The proposed work program is at Attachment 2.

Members also held a closed session to review committee operations and the work program.

6.2 AERP Ag proposed communication strategy

Members NOTED the communication strategy that was provided with the meeting papers.

Peter Dagg was invited to address the committee. Peter provided a brief update on the program launch (including details of the Senator's media activity) and response to date.

Peter provided draft copy of the information package, program proposal, information brochure and reporting form. Members were asked to provide feedback/comments as appropriate.

A number of ideas were tossed around including promotion through Chemcert organisations, farmer lobby groups and community organisations. Members noted that the cost of a television campaign was extremely high and well beyond the bounds of the budget for this program. Members suggested that posters for different groups could be valuable ie doctors, resellers, Farmsafe.

Members agreed that the key to promotion was through identifying stakeholder groups and providing them with targeted material. Peter stated that the public relations for the program would evolve over time but that he did need to resolve timeframes for the initiatives nominated.

Peter confirmed that the 1800 number for reporting of adverse experiences should be operational by the end of the financial year.

Action 30.3: Members to provide comments/feedback on the proposed communication strategy and ideas for program promotion to Kathleen by CCC31

Action 30.4: APVMA to consider suggestions raised by CCC.

6.3 Communication/consultation

6.3.1 E-bulletin

Members AGREED with the proposed format, content and production of the CCC e-bulletin as outlined in the paper for item 6.3.1. The e-bulletin is a summary of interesting issues and provides a link for further details/information. The e-bulletin is not a summary of the minutes (these will be available on the CCC webpage).

The APVMA agreed to change the title of the e-mail to APVMA latest news.

Action 30.5: Members to encourage constituents to register with the APVMA list server.

Action 30.6: APVMA to draft an e-mail which can be circulated to member's constituents or networks encouraging them to register with the APVMA list-server.

6.3.2 CCC Information sheet

Members NOTED the draft CCC Information sheet. Members were asked to make any comments ASAP. After discussion about whether an info sheet was necessary Kathleen confirmed the information sheet would be available on the website and as a hard copy publication to be made available on request and at field days etc.

Action 30.7: Members to provide any comments to Kathleen by 18 March 2004.

Action 30.8: Kathleen to make final amendments, seek clearance from Jenni and Eva and arrange production of the CCC Information sheet.

6.3.3 APVMA website community gateway and CCC page

Members NOTED the new APVMA website home page design and content outline. Members also NOTED the proposed community gateway page and links for the website. Feedback on the design and layout was favourable.

Action: Members were asked to provide feedback on the draft website ASAP.

Kathleen advised that a designated CCC e-mail address, ccc@apvma.gov.au would be established. These e-mails would automatically be forwarded to Kathleen's computer. It was agreed that any e-mails received by this address would be forwarded to Jenni for dissemination or action.

It was also agreed that any correspondence to the committee would be tabled at meetings

6.4 Spray drift risk management (David Loschke)

Members NOTED the report distributed with the meeting papers outlining the comments received and issues raised.

David advised members that he was in the process of consolidating all the feedback received. He proposes to hold meetings with specific groups about their concerns that have been identified.

David advised members that the major issues for industry are the possible introduction of no-spray buffer zones and the lack of access to farming or agricultural land that results therefore limiting production choices.

6.5 APVMA Labelling proposal

Members NOTED the list of comments on the labelling proposal that have been received from CCC members to date.

Eva thanked members who have provided comments. She advised that a meeting of the working group will be held on 24 March and any final comments on the proposal should be submitted by 15 March. At this stage, it is proposed that the draft label codewill be completed by June.

Andrew stated that batch number durability is a major issue and was important for traceability.

Members were also concerned that Material Safety Data Sheets (MSDSs) are not always available. Eva advised that MSDS's are available from manufacturers and retailers according to a Code of Practice and must be supplied if requested.

Action 30.9: Kathleen to provide members with a copy of the MSDS Code of Practice.

7 APVMA Reports

7.1 Registration

Members NOTED the Registration Programs' Report.

7.2 Chemical Review

Members NOTED the Chemical Review Report.

7.3 AERP

7.3.1 AERP Vet

Members NOTED the AERP (Vet) Report.

7.3.2 AERP Ag

Members NOTED the AERP (Ag) Report

Peter Dagg advised members that most reports received to date had been as a result of a telephone call with a form then sent to the complainant. As at 26 February 2004, 40 reports had been received.

Anne expressed disappointment that the APVMA did not proceed with the establishment of a reference panel to provide advice to the nominated medical expert.

7.4 Quality Assurance and Compliance

7.4.1 Quality Assurance – Manufacturers Licensing Scheme Report

Members NOTED the Quality Assurance – MLS report

7.4.2 Compliance report

Members NOTED Compliance report.

7.5 Regulatory science quality

Due to time constraints only a few minutes could be allocated to this item.

Members NOTED the paper prepared for this item and comments received from Anne Stanton. Tim was invited to speak to the group about regulatory science quality.

Tim advised members that the APVMA is seeking community involvement in establishing regulatory science quality parameters. Tim confirmed that most people struggle to define quality in general of which science quality is only a small aspect. The issue of regulatory science quality has not been addressed by any agvet chemical regulators throughout the world.

One aspect of the role of APVMA Principal Scientists is to monitor and improve science based quality throughout the APVMA. The aim is to develop a standard for regulatory science quality for both APVMA staff and consumers (registrants).

Tim told members that the APVMA is keen to gain the perception of APVMA regulatory science quality from a range of stakeholder groups.

Members were asked to provide feedback/comments on the concept of regulatory science quality and how the APVMA performs in this regard.

Andrew felt that the fact the APVMA does not do any physical testing or data generation and reliance on registrants to provide data could impact on quality perceptions. Is there a vested interest of those who supplying supporting data? Members were also concerned with a lack of follow up in the field (performance monitoring) and our responsiveness to international reports or regulatory decisions. Members were also concerned with the lack of transparency about product details (ie formulation etc).

Tim asked members to consider the concept of regulatory science quality and provide feedback as appropriate.

Action 30.10: Members to provide feedback on the regulatory science quality proposal by CCC31

AGENDA ITEM 8 – OTHER BUSINESS

8.1 APVMA Chairman's address (Dr Kevin Sheridan)

Jenni introduced Dr Kevin Sheridan, Chairman of the APVMA Board of Directors and invited him to address the committee.

Dr Sheridan thanked Jenni for the opportunity to attend a CCC meeting. Dr Sheridan thanked Ben Cole for his contribution to the CCC over a number of years and wished him well with his overseas venture.

Dr Sheridan advised members that the CCC is an integral part of the APVMA. He stated, based on his experiences, those consultative committees whose charter is to undertake actions on behalf of the community, only work effectively if they have a defined work program linked to clear outcomes. A fully functional CCC is very important for the APVMA.

The APVMA Board is looking at better ways to interact with the CCC. Dr Sheridan told members that they need to feel free to bring things to the Board if they are considered important.

Members were invited to ask questions of Drs Sheridan and Smith.

Andrew said that he had noticed a considerable improvement in the interaction and communication between the APVMA and the CCC over the last 12 months. He believes it is very important for a direct link between the Board and the CCC and that there needs to be ongoing communication mechanisms.

Ben Cole said that often the issues that are raised in the CCC forum are not issues that just the APVMA has carriage over. There is often a need to engage or influence other agencies. Ben thought it would be good for the CCC goal in these situations would be to influence the APVMA to influence other (eg AvCare).

Members agree that it is valuable for CCC members to be on other APVMA committees or working groups eg. virginiamycin. It was also noted that there could be occasions when a CCC member could usefully join a board committee.

Jenni advised Dr Sheridan that the committee can really only pursue one or two major projects a year. She also mentioned that the committee is pleased with the progress of the APVMA website community gateway and CCC page.

Jenni noted that it could be useful for a member of the CCC being involved in the Market Research sub-committee of the Board. Dr Sheridan agreed that it is important to promote the skills and capabilities of all committee members.

Members asked what impact the FTA may have on APVMA activities. Dr Sheridan replied that it is unknown what impact the FTA will have on the data protection legislation. He felt that the FTA could possibly bring the APVMA and US closer

together in regulatory activities especially as far as work sharing is concerned but only as far as if standards and requirements are consistent.

The committee also discussed the issue of minor use. Dr Sheridan advised that quantum leap was required to effectively address minor use. A program needs to present ease for users of chemicals in minor use situations, there needs to be incentive for registrants and effective monitoring and compliance mechanisms need to be established.

Jenni thanked Dr Sheridan for attending.

8.2 2004 Meeting dates

The proposed meeting dates of 20 May, 26 August and 25 November were confirmed.

CLOSE

The Chair thanked members and staff for their attendance.

Meeting closed at 4pm.

Signed

Jenni Mack (Chair)

Kathleen Allan (Secretariat)