

**COMMUNITY CONSULTATIVE COMMITTEE  
MINUTES OF MEETING CCC33**

2 December 2004

Salvation Army House, Canberra

**MEMBERS PRESENT**

Jenni Mack (Chair), Liz Hanna, Jane Fuller, Anne Stanton, Andrew Duncan, Sid Cowling, Sam Beechey, and Alison Brinson

**APVMA OFFICERS PRESENT**

Eva Bennet-Jenkins, Dennis O'Leary, Kathleen Allan, Ron Hogg (part), Sharon Pike (part), Phil Reeves (part), Tim Dyke (part), Bruce Johnson (part) and Penny Linnett (part)

**APOLOGIES**

Jo Immig

**AGENDA ITEM 1 – WELCOME AND APOLOGIES**

The Chair welcomed members and APVMA staff and noted that CCC member Jo Immig was an apology.

**AGENDA ITEM 2 – ADOPTION OF AGENDA**

The draft agenda circulated with the meeting papers was adopted with the addition of a discussion of the correspondence received from Mr William Tinker at Item 4.1.

**AGENDA ITEM 3 – MINUTES OF CCC32**

The minutes of CCC32 were accepted as a true and accurate record of CCC meeting 32 (26 August 2004) with one minor change suggested to include Dr Phil Reeves as an APVMA staff member present for part of that meeting.

**AGENDA ITEM 4 – CORRESPONDENCE**

The meeting noted the summary of correspondence In/Out.

The question was raised about how to handle emails sent to [ccc@apvma.gov.au](mailto:ccc@apvma.gov.au). It was agreed that emails would be forwarded by APVMA to all CCC members. The Chair will be responsible for either preparing a response or liaising with the APVMA about the best way to deal with the enquiry. It was agreed that the APVMA would acknowledge all emails as received. Members wishing to have input to responses to emails should send their comments to the Chair within 10 days of receipt of the email. It was also agreed that where a technical response was required the APVMA provides such a response, that CCC members be provided with a copy for their information.

**4.1 Correspondence received – Mr William Tinker**

The meeting discussed a letter to the Committee by a Mr Tinker. It was noted that Mr Tinker is concerned about three issues; the precautionary principle and its place in the

management of pesticides and veterinary medicines, the effect of ‘chemicals’ on persons with the condition known as Multiple Chemical Sensitivity (MCS) and perceived shortfalls in the administration of the AERP Ag. The meeting agreed that there is a great deal unknown about the condition MCS or the specific risks associated with pesticides and veterinary medicines compared to environmental or other chemicals. Due to the lack of information about the condition, the meeting agreed to invite a medical expert to address the meeting on this issue. It was also agreed that the Office of Chemical Safety should be invited to give a presentation. This would help increase the level of understanding about MCS. Members noted that MCS is having an impact on the AERP Ag. The meeting agreed that the CCC should respond to Mr Tinkers.

*Action 33.1 The Chair to draft a letter of response to Mr Tinker.*

## **AGENDA ITEM 5 – ACTIONS ARISING FROM THE PREVIOUS MEETING**

### **5.1 Precautionary principle (Action 32.5)**

The Chair invited Mr Steve McCutcheon from DAFF to give the Government’s perspective on the application of the precautionary principle in relation to the regulation of pesticides and veterinary medicines.

The meeting noted that in line with Australian Government policy, the regulatory framework for the management of pesticides and veterinary medicines is not defined in terms of the precautionary principle (ie zero tolerance of risk). In place the Australian Government relies on a science-based conservative approach. This science-based system underpins a risk assessment and risk management regime where decision makers use the evidence available to manage any identified risks.

### **5.2 Scammel report (Action 32.9)**

Members NOTED the APVMA response to an enquiry from Mr Jonkers in relation to the application of pesticides in Tasmanian plantations and the Scammell report.

### **5.3 PSIC NGO workshop (Action 30.5)**

The Chair advised members that a letter had been received from DAFF in response to the CCC’s letter. Members NOTED the response. Members reiterated their interest in being involved in NGO workshops but were concerned about the lack of funding available for participation by community organisations. The issue was raised with Steve McCutcheon who noted that DAFF is committed to an effective and inclusive consultative process but that current policy did not provide for specific funding for community participation. In order to address the concerns of the Committee DAFF will give consideration to a possible review of the funding policy.

### **5.4 Liquid fertilisers used as carriers/diluents for pesticides (update)**

Members noted the response provided by the Chemistry and Residues Program relating to the use of liquid fertilisers as carriers/diluents for pesticides. Members

noted that further consultation would take place with the APVMA's registration Liaison Committee including whether statements about the suitability of such practices be included on approved labels. A Committee member stressed the importance of clear instructions to users of pesticides whether or not liquid fertilisers could be used as carriers/diluents.

## **AGENDA ITEM 6 – MEMBER REPORTS**

### **6.1 CCC Member Activity**

- Andrew Duncan
  - the Western Australia Department of Agriculture has launched an education campaign for producers on spray drift
  - ongoing concern about traceability of pesticides (by batch number at retail level) and container durability
- Sam Beechey
  - AWU member concern about high number of shearer injuries due to the increased size of rams
  - Vic Worksafe alert about Gudair self-injection risk
  - Ban on the use of CCA treated products by Government workers unless there is a risk assessment carried out
- Liz Hanna
  - was one of six community representatives that attended a community engagement forum for NICNAS
  - intrigued by the perceived gap between the APVMA and the States (now a member of the Vict. DPI Chemical Standards Branch committee)?
  - recently visited Washington and presented a paper at the Public Health Conference on the Australian regulatory framework – gaps and limitations
- Anne Stanton
  - The meeting NOTED Anne's activity report
  - NTN major campaign for 2005 is 'Children's Environmental Health' including calling for a Centre for Children's Environmental Health
  - NTN members disatisfied with the Chemcert conference
- Alison Brinson
  - satisfied with the revised Cost Recovery Impact Statement
  - finding residue analysis work as part of industry development quite challenging
  - ongoing interest in the restrictions on ammonium nitrate and the impact of the hydroponics industry
  - the meeting NOTED Alison's report from her attendance at the APVMA Chemical Review Forum held in November
- Sid Cowling
  - ongoing concern with pesticide drum disposal and the effect on real estate especially with regards potential for organic use

- disappointed with industry feedback on issues relevant to the committee
- Jane Fuller
  - enquired about the 1800 number for AERP Ag
  - Problems with notification of pesticide application for plague locusts and the effect on mobile bee hive operations
  - APVMA reliance on the information highway not appropriate for reaching all stakeholders

## **6.2 CCC Member brief**

The Chair invited Andrew Duncan who represents the Western Australia Farmers Federation (WAFF) to provide the meeting with details about his member constituency. The meeting noted that there are approximately 7000 broadacre farmers in WA. There are two main producer organisations in Western Australia, the Pastoralists and Graziers Association that has 800 – 1000 members and the Western Australian Farmers Federation that has 3500 members. Together these organisations represent approximately 50% of Western Australian producers. There has been a 50% reduction in the number of primary producers in recent times.

Andrew outlined the WAFF structure that consists of a Board (Andrew is a member of the Board) that is supported by an Executive Council (that consists of representative from State Zones). There are also commodity councils representing Grains, Meat and Wool. WAFF has an annual budget of \$2M with membership subscriptions based on production levels ranging from \$450 - \$1500 per year.

## **6.3 Member issues**

Other specific issues raised were addressed as part of the agenda items.

# **AGENDA ITEM 7 – PROGRESS OF WORK PROGRAM ITEMS**

## **7.1 Review of APVMA Chemical Review Program**

The Chair provided the meeting with an update on the progress of the work plan item on chemical review. The CCC focus group including Alison Brinson, Anne Stanton and Jenni Mack met with APVMA staff and discussed the issues that had been identified in order to formulate CCC recommendations. The meeting NOTED the CCC review of the chemical review process recommendations. The meeting discussed the proposed recommendations.

The meeting noted that it was not appropriate that the APVMA promote the availability of ‘organic’ alternative treatments where it had not assessed or registered them. However the APVMA could refer interested parties to APVMA registered alternatives and where they can seek other information. It was agreed to amend recommendation 5 to reflect about the outcome of these discussions..

The meeting agreed to approve the proposed recommendations subject to the amendment to recommendation 5 as discussed. The Chair will prepare a covering letter for the recommendations and forward it to the Authority. The letter will ask the Authority to respond to the CCC’s recommendations. APVMA Management

indicated it planned to submit the CCC paper and provide its own covering paper outlining its intended action in relation to the recommendations for the Board's consideration.

*Action: The Chair to prepare a covering letter for the recommendations for submission to the Authority.*

*Action: APVMA Management to prepare a response to the CCC paper for consideration by the Board at the February meeting.*

## **7.2 Agvet chemical container management**

Members NOTED the responses received on container management and the summary of the issues raised. The meeting agreed that it needed to seek comments from product users in order to have detailed understanding of the issues surrounding container management. The meeting noted that NFF had not responded to the CCC's letter.

The meeting agreed that container disposal is a significant issue. The APVMA advised the meeting that the OECD recently held a meeting about container management. Canada has quite a successful program with 70% return but there is a cost for producers.

The meeting discussed how to progress this project. It was agreed that members need to gather more information from the various stakeholder groups and then develop recommendations for the APVMA in the three areas of: container design, durability, transfer and user friendliness; disposal and labelling.

It was agreed that the committee would conduct another extensive consultation process to identify the issues relating to container management. A letter will be sent to a number of stakeholders on January 16 with comments due on 31 March. APVMA CCC Secretary will then summarise the issues raised and the Chair will prepare a 'issues paper' for consideration and development of recommendations.

## **7.3 AERP Ag**

The Chair invited Drs Tim Dyke, Bruce Johnson and Penny Linnett to provide the meeting with a brief update on the AERP Ag. The meeting noted that since the last CCC meeting there had been significant promotional activities in relation to the AERP Ag including the distribution of more than 100 letters to farmer organizations, health and community groups. Brochures had also been provided to the NTN. The APVMA has also met with Anne Stanton and Dorothy Bowes of the NTN to discuss the program. The APVMA is actively exploring ways to distribute information about the AERP Ag and considers the progressive promotional strategy is appropriate because continual promotion of the program is required.

A Committee member expressed concern about producer level awareness and considered that the APVMA should not rely on producer organizations to disseminate information to the grower level.

Another Committee member suggested that the APVMA contact Chemcert and other training organisations to explore the possibility of including AERP Ag information in training materials.

The meeting noted that people who are chemically sensitive could be disheartened by processes underlying the APVMA's response to their reports. .

The meeting noted the case study presented by Dr Bruce Johnson outlining the process for assessing adverse experience reports.

#### **7.4 Communication/consultation**

Members NOTED copies of the APVMA corporate credentials document 'Introducing the Australian Pesticides and Veterinary Medicines Authority', the APVMA Annual report 2003–04, the new CD and information materials folder.

### **8 APVMA Reports**

#### **8.1 Pesticides program**

The meeting NOTED the Pesticides Program report

##### **8.1.1 CCA review update**

The APVMA advised that the assessment of the public submission in response to the draft review report had been completed. The information provided did however not alter the review findings. The APVMA was now developing the appropriate regulatory framework for the review outcome in particular in relation to new CCA product label instructions. Recent legislative change now requires the APVMA to have before it a new, varied label before it can finalise the review. The development of the label instructions as well as the requirement to have copies of printer's proofs or marketed labels will mean that the review is unlikely to be finalised before early 2005.

#### **8.2 Veterinary medicines program**

The meeting NOTED the Veterinary Medicines Program report.

#### **8.3 Quality Assurance and Compliance program**

The meeting NOTED the Quality Assurance and Compliance Program report.

#### **8.4 Board meetings – 13 October**

The APVMA briefly summarised the activities of the recent Board meeting held on 13 October 2004. The meeting noted that the Board considered updates on the cost recovery arrangements and the introduction of the data protection regime, review updates for virginiamycin, CCA and atrazine, program reports and the publication of reports for antimicrobial sales data.

## **ITEM 9 – OTHER BUSINESS**

### **9.1 2005 meeting dates**

The meeting agreed on the following meeting dates for 2005.

Thursday 17 February, Thursday 19 May, Thursday 25 August and Thursday 1 December

### **9.2 DAFF update**

The Chair invited Mr Steve McCutcheon from DAFF to address the meeting and provide a brief update on DAFF activities relevant to the APVMA and the CCC. The meeting noted that Data Protection and the APVMA cost recovery arrangements were the two most significant DAFF activities relating to APVMA activities. Data protection had been on the policy agenda for a number of years and the recently passed US FTA legislation included provision for the establishment of a data protection regime in Australia. The regime is due to commence on 1 January 2005 with all companies seeking to register products after that time, subject to the new arrangements companies could be entitled to 8 years worth of data protection with the possibility of extension where there is potential for the data to be used to support an extension of use. The data protection scheme provides incentive for companies to have use patterns approved and therefore reduce the reliance on minor use permits.

A member queried the effect that data protection could possibly have on the use of AERP data. Steve stated that data protection does not preclude the monitoring capabilities of the APVMA. The meeting also noted that the early disclosure provisions part of the data protection regime. The APVMA will be required to publicly disclose application details when received increasing the transparency of the regulatory system.

The meeting was provided with an update on the proposed cost recovery arrangements for the APVMA. The meeting noted that the same cost recovery regime had been in place in 1996 except for a decrease in the levy rate. The National Competition Policy Review that was endorsed by the Australian Government places an emphasis on a user pays system. The proposed cost recovery framework for the APVMA is focussed on a levy which apportions costs to users but that does not bias small business. A revised Cost Recovery Impact Statement was released on 16 November with comments due on 16 December. The meeting was advised that it is important that the revised cost recovery arrangements are in place by 1 July 2005.

A member commented that the proposed nominal fee of \$310 for primary producers was far more manageable than proposed in the first CRIS and she felt it quite acceptable. The meeting noted that the permit fee would apply for renewals however this needs to be considered in the context that the APVMA is consolidating the permit renewal process in accordance with the Board focus on minor use reform agenda.

The Chair thanked Mr McCutcheon for addressing the meeting.

### **9.3 CCC member recruitment (brief update)**

The APVMA provided the meeting with a brief update on the new CCC member recruitment process. The APVMA had written to a number of target organisations and placed an advertisement in the Weekend Australian and The Canberra Times. There was significant response to the APVMA's promotional efforts (18 nominations had been received) Applications have been received from broad interest groups including farmer, environmental and health groups. The meeting noted that the aim was to have the Board approve the four new CCC members at their February meeting. The first meeting for the new committee members would be in May 2005.

Members expressed concern about the staggered approach to appointing members to the committee. Some members thought the APVMA should consider a single appointment for 3 years.

### **CLOSE**

The Chair thanked members and staff for their attendance and wished everyone a happy Christmas.

Meeting closed at 3.45pm.

Signed

Jenni Mack (Chair)

Kathleen Allan (Secretariat)