Poppy Growers Tasmania Inc

SUBMISSION

"Input on the draft proposal for spray drift risk assessment"

PGT
POPPY GROWERS TASMANIA INC
28 Garfield Street, PO Box 3014 Launceston Tasmania 7250
P: 03 6343 2244 | F: 03 6343 2822 | M: 0418 133 234
E: poppygrowers@bigpond.com | ABN 60 335 664 758 | www.poppygrowers.com.au

Background

The APVMA has called for submissions to be made to it about its move to change the way that spray drift is addressed by the registration of farming chemicals and with a flow on effect to farmers who apply registered farming chemicals. This was put out by announcement in December 2017 and was along with a host of documents and scientific guidelines about the assessment of spray drift.

PGT exists as the peak body for poppy growers within Tasmania. As such, with its members as farmers who all use farming chemicals to manage poppy growing, it has a vital interest in changes to usage for farming chemicals.

PGT welcomes the opportunity to make a submission in respect of the December 2017 call for submissions by the APVMA regarding Spray Drift.

PGT is the peak industry organisation charged with representing the interests of Tasmanian poppy growers in respect of security, governance and commercial matters at all levels of government, state, national and international including ongoing liaison and negotiation with the three licensed and approved Australian poppy companies.

While some poppies are grown on mainland Australia, Tasmania poppy growers provide approximately 50% of the global demand for pain management material derived from opiate poppies."

As a fundamental premise, enlargement of current spray drift buffer (exclusion) zones will have a negative effect on farmers who farm “super prime” agricultural land in Tasmania as less farmland will be usable for arable purposes. This effect will be at its peak across land areas best described as peri-urban i.e. at the fringes of large country towns such as Scottsdale and all across the North West Coast of Tasmania.

PGT will be seeking to engage with other stakeholders about Spray Drift and fellow users of farming chemicals.

PET wishes to be engaged in next steps such as direct consultations and meetings.

Introduction

From the outset, it is clear that here is a lot of detail in the APVMA invitation as set out in what we will call the "Spray Drift documents". The most critical document assessed by PGT is the **Spray Drift Risk Assessment Manual**.

This is referred to in this submission as the Risk Assessment Manual or the Manual. Emphasis is put to the use of the word "Risk" in the title of the document. This sets the scene for some challenging debates into the future as the general drift, if one will excuse the pun, is to set scientifically set new stricter boundaries around chemical use on labels.

It is PGT's conclusion after reading the Risk Assessment Manual that this move is portrayed as being an *inevitable* long term refinement of risks and hazard and is due to *assessed harm to the environment due to the use of agricultural chemicals*.

The logical consequence of the new farming chemical usage framework is that it will, in no particular order:

- Add expense to the registration of chemicals under the APVMA system in Australia
- Add time to the registration of chemicals
- Limit and restrict the usage of certain chemicals across various situations – perhaps make some unable to be used in farming situations such as near residences
- Establish new and enlarged definitions of what is a sensitive situation of use

… *and so on*

The counter argument is that it will reduce the environmental burden of chemicals and potential exposure of humans within the environment to chemicals.

The consultation period is open **until 30 March 2018**.

In short, the Risk Assessment Manual is both technically powerful and a masterpiece in persuasive writing. The PGT view is that the persuasion is in such a way as to bypass the legitimate concerns of farming chemical users – the farmers themselves in contrast to unspecified "concerns".

Discussion

This submission adopts a chronological review of the Manual and is divided into sections with section headings as these were determined through the Manual.

1. **The base concern is that the Spray Drift changes are a sophisticated plan to restrict the use of farming chemicals.**
   Having been active in the campaign by Poppy Growers Tasmania to prevent state base changes to the usage of farming chemicals, it is an early and easily formed opinion that this issue has been designed to set up similar levels of restrictions on conventional farmers as to chemical use. At the same time, the manner in which the issue has been

framed is much more sophisticated than say the unsuccessful efforts by Tas DPIPWE in 2012.

2. **An underlying assumption of concern without it being particularised.**
   Without exception, from the very beginning the Risk Assessment Manual is coloured by statements of ***risk*** and ***harm*** to ***the community and the agricultural industry***. The first sentence in the Preface to the Manual says *exactly that*. These sentiments are counter to the otherwise validated levels of farming chemical traces in the environment under existing registrations.

   As was noted by PGT years ago, levels of chemical contamination can occur without any significant regulatory intrusion in a family home from insecticides that operate on the nervous system of flying insects (fly sprays) and household chemicals (chlorine, ammonia etc) yet rates and methods of application for less harmful substances are the subject of regulation as to use by the requirement of to follow label directions as a legal requirement. The phrase is as valid now as it was years ago – *the label is the law*. Changes in labelling will see new levels of red tape on farmers.

3. **Comment is sought on technical grounds**
   Stakeholders are being invited to make submissions focused on *spray drift risk management* in the manner set out in the manual, some of which is highly technical as to deposition curves of spray which can only be done by those with direct technical knowledge as to substances, nozzles, atmospheric variables and the like. These things are entirely outside PGT's capacity in a short space of time. Nevertheless, there is enough plain English to make comment on certain matters.

4. **The *purpose* of new systems for Spray Drift Control is said to be already set.**
   The APVMA says that in 2013 it began a project for a new framework for *more reasonable* buffer zones to be set. It is claimed that *various sectors of industry, largely coordinated through the National Working Party on Pesticide Application have generated information … that has assisted or been incorporated into the … new APVMA spray drift approach (see Preface p1)*. As a validation tactic, the reader is thus given the impression that this is both an inevitable change and backed by a wide-set group of participants. This is obviously news to groups such as PGT!

5. **Is there always a problem with spray drift?**
   One of the recurring themes in the Manual is that there *is a problem*, which introduces into the mind of the reader the fixed position of risk of harm caused by farming chemicals. Do they pose a hazard? Does how it is applied result in risk outside the target area? The two questions lead to establishment of *sensitive areas*. What is potential exposure? These two concepts lead to *Regulatory Acceptable Levels (RAL) and exposure (deposition curves).* When combined, RAL and deposition curves lead to the making of *Buffer Zones*.

6. **How is the problem described?**

Attention is quickly drawn to page 14 of the Manual about buffer zones for human bystanders, when it is considered when the presence of infants to the application of chemicals to turf is used as a basis to establish levels. From oral absorption through to bodyweight, there is much to speculate about. Although not scientifically familiar with such assessment, PGT must query why APVMA says that in relation to absorption through the skin, dermal absorption factor, suitable scientific data using a "valid scientific argument" can be applied when product specific data is missing (p15). The formula used is a US Environmental Protection Authority formula from 1997, updated in 2012 and relates to residential exposure assessments.

7. **Water bodies. Bees. Vegetation. Livestock.**

All of the above issues are emphasised in the Manual.

8. **300 metres as a baseline concept**

The Deposition curve measure is linked to a 2009 study (Teske 2009) that indicates, it is shown in diagrams, the *detectability* of chemicals from boom sprayers at 300 metre distances from a site. It is said that this study is *in the public domain since 2015* courtesy of the National Working Party as if to indicate that it has both rigour and acceptance. PGT would expect that few if any farmers have any knowledge of this at all. Despite the detectability of chemicals up to 300 metres from a site, an average is put forward at p30 for bystanders at 20 metres, water, pollinators and vegetation at 3 and livestock 100 metres.

9. **Use instructions will see individual buffer zones**.

A spray drift management tool, set up on the internet and to do with wind, temperature, type of nozzle etc, may allow lesser amounts but otherwise Labels will say DO NOT apply by boom sprayer unless… (buffer) x (rate) x (nozzle) x (pressure)

10. **SDMT – the Spray Drift Management Tool.**

The use of the noun *tool* is an example of persuasive writing, especially when in red coloured font the introduction to Chapter 7 says that it will be used by APVMA to set up buffer zones in stage 1 and in stage 2 *its use may be expanded as outlined in this section to allow users to reduce buffer zones where they are restricting the way the product is used to a greater extent that required by the approved label or permit.*

Farmers may be rightly skeptical about the eventuality of anyone lawfully lowering a buffer zone even more so when the APVMA says that it has developed on *conservative assumptions.*

SDMT users seeking to lower buffer zones will need to be savvy – the prototype system will require internet access, log in and more and will be open to all. Such a scenario will realistically only be pursued by the largest of chemical interests, putting boutique farming

chemicals such as those involved in poppy registrations at the bottom of the APVMA registration food chain, to use a phrase.

11. SDMT is about worst case scenarios

Again predicting the future, the APVMA aims for lesser buffer zones in stage 2 of the new system, e.g. p57. The language used inherently adopts the assumption that buffer zones will be sought to be lessened, which can be submitted to be an indication of how *realistic worst case risk assessments* will be onerous on users and may be unnecessary for the environment.

Effort will be need to be made to assess wind speed, droplet size, lesser rates and more. How this might play out is entirely speculative and of course dependent on however it is that "Stage 2" will be set into operation.

12. Subordinate legislation – Tasmania will be included.

The SDMT is not an advisory system. It will be the law as at the time of the regulatory decision on each product (p49). The Agvet Code is the cooperative scheme between all states that sees mirror laws at state and commonwealth level

Conclusions

While the introductory comments suggest the framework will *initially* only apply to new farming chemicals, the move is all about a move to a new chemical usage culture.

The highly technical nature of the assessments combined with the worst-case baseline will inevitably lead to new rules that are not understood and when passed on to farmers by those who are capable of understanding, such as intermediaries like agronomists, poppy processors and the like, the impact will be felt. Overtime, small area new chemistries as are vital to poppies, will be hit hard as cost barriers to entry must be expected to rise.

Of course, concerns raised here by PGT may stand to be corrected but the language and style of the Risk Assessment Manual and the description of the SDMT all point to increased red tape, great restrictions and new need for capital items and technical skills.

Philip Loane
President, Poppy Growers Tasmania Inc
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