

Department of Agriculture and Water Resources  
Agvet Label Review

Attention: Deloitte Touche Tohmatsu

Email: [labelreview@deloitte.com.au](mailto:labelreview@deloitte.com.au)

Dear Madam/Sir

Accord Australasia provides the following submission on the *Review of duplication between agriculture and veterinary chemical and work health and safety legislation – A call for public submissions* (the Consultation Document).

Accord is the peak national industry association representing the manufacturers and marketers of formulated hygiene, cosmetic and specialty products, their raw material suppliers, and service providers. Accord member companies make and/or market fast-moving consumer and commercial goods primarily in Australia and New Zealand. A list of Accord's members is provided as Attachment 1.

Accord supports the submission made by CropLife Australia. In addition to the comments by CropLife, Accord provides the following comments.

We note that the Consultation Document has explored four potential options to resolve the issue of potential duplication between agricultural and veterinary chemical and work health and safety legislation. However, the Consultation Document indicates that not all of the options are able to be properly explored.

It is our understanding that while Accord's preferred option, option 3 (full exemption for agvet chemical labelling from work health and safety chemical labelling requirements) will be analysed, there will be no recommendations relating to it. We are disappointed that an option that we believe delivers the most efficient solution cannot be seriously considered.

The most significant issue arising from the application of work health and safety label elements on agvet product labels, is the involvement of at least two regulatory bodies for compliance.

Prior to the implementation of Work Health and Safety legislation, agvet chemicals were exempt from workplace labelling requirements. This allowed a single set of rules for assessing and managing the risks associated with the use of agvet products, including what information is provided on the label. This provided clear delineation of responsibilities between regulators which in turn minimised regulatory inefficiency and confusion, and provided certainty for the regulated sector.

Regulatory inefficiencies created through the mandatory addition of new work health and safety label elements to agvet labels include:

- Two label requirements for companies to review and comply with,
- Review of every agvet chemical label for compliance to the new requirement,
- Redesign of agvet labels to fit new work health and safety statements on already overcrowded labels,

- More frequent label reviews for companies as there are two sets of legislative requirements that will change over time (GHS internationally is amended every two years – some of these amendments impact on classification and labels), and
- Minimum of two regulatory agency involvement in agvet product label compliance (work health and safety requirements are implemented at State and Territory level, which could involve multiple State and Territory regulators).

The addition of these regulatory inefficiencies represent a significant increase in regulatory red tape. The addition of new work health and safety label statements are based on a perceived potential gap in the regulatory system by a policy body that historically had not held responsibility over agvet labelling. We note that Safe Work Australia (SWA) has not been able to identify real life examples of failures in the existing agvet labelling system.

There is genuine confusion over the new additional label requirements for agvet labels in industry. Some of the questions raised include:

- If the APVMA safety label statements are similar but not identical to the work health and safety label statements, do the work health and safety statements still need to be included?
- When contradictory requirements are dictated by the APVMA and work health and safety labelling, which law should be complied with?
- If a company is found not to be compliant with one of the regulations due to compliance with the other, can the regulator issue non-compliance notices, fines, etc.?

These questions demonstrate that having two sets of regulations/multiple regulators detract from safety by causing confusion, and redirecting resources that could be used for improving safety to technical compliance.

Having identified that a single regulator/single set of rules provides the most efficient regulatory outcome, we believe that a choice must be made between:

1. maintaining the current agvet chemical regulation and removing the additional work health and safety label elements, and
2. implementing the work health and safety regulatory system for agvet chemicals and removing the current agvet risk management system.

Agvet products have not required workplace labelling for well over two decades. There have been no demonstrated failures in the agvet labelling system or risk management system over that time. Removal of work health and safety label elements from agvet labels will not have any significant impact on the agvet product risk management system, other than improving efficiency.

On the other hand, removal of agvet labelling system, underpinned by expert risk assessment, is likely to have a significant detrimental impact on the risk management of agvet products. It is clearly nonsense to contemplate removing information such as how to/how not to use the product (including safety information), withholding periods, dosage rates, types of crops/animals that the product can/cannot be used on, etc. There would be significant impact on farmers, other workers, the public and export trade if this information was to be removed.

It is therefore our view that option 3 in the Consultation Document is the only viable option for maintaining an efficient agvet chemical risk management system.

This is not to suggest that the current agvet chemical management system is perfect – no system, (including the agvet risk management and the work health and safety labelling system) is perfect and all regulators should strive to improve the existing system. However, any proposed improvements should ideally be within the existing risk management framework, or work in harmony with the existing framework, and ensure that all impacts are properly considered to deliver real progress.

If Safe Work Australia has identified a genuine failure in labelling of agvet chemicals, the Department of Agriculture and Water Resources and the APVMA should be approached for a solution to ensure

that all aspects of risk management is considered. This would be preferable to imposing new requirements without proper consideration of the impact on the existing system.

We thank you for this opportunity to provide comments. If you have any queries, or for more information, please do not hesitate to me on (02) 9281 2322, or by email [coh@accord.asn.au](mailto:coh@accord.asn.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Catherine Oh".

Catherine Oh  
**Regulatory & Technical Manager**

30 May 2016

## *Members*

### **Consumer, Cosmetic and Personal Care**

Advanced Skin Technology Pty Ltd	KAO Australia Pty Ltd
Amway of Australia Pty Ltd	Keune Australia
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*April 2016*