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**Review of duplication between agricultural and veterinary chemical and work
health and safety legislation**

To Whom It May Concern

Dear Sir/Madam

The Pastoralists and Graziers Association of WA (Inc) (PGA) is aware that Deloitte Touche Tohmatsu has been commissioned by the Department of Agriculture and Water Resources to conduct a review of any duplication of effort and unnecessary costs, in relation to agricultural and veterinary (“agvet”) chemical products, that arises from complying with both work health and safety legislation and AgVet chemical legislation.

The PGA is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions in Western Australia.

As a state farming organization and representative body for end users, the PGA has a genuine interest in retaining access to cost effective agricultural and veterinary chemicals to assist in farming operations.

It seems clear that imposing GHS/WHs requirements on AgVet labelling will impose direct quantitative costs to end users without any corresponding improvement in end use safety.

According to a paper prepared by the Office of Chemical Safety and Environmental Health, Department of Health and Ageing, industry advice is that the cost of amending labels (design, artwork, printing plates, regulatory costs etc) can be of the order of \$5,000 per label. This is conservative and can be much more particularly when labels other than paper or plastic are involved e.g. screen-printing of metal drums.

According to Crop Life Australia, there are in excess of 6,500 agricultural chemical products registered by the APVMA impacted by WHS Regulations, each with an average two pack sizes per product.

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Therefore, a simple sum indicates that it could cost as much as \$65 million to change labels that offer no additional protection to end users. Inevitably, this cost will be passed back to the primary producer.

Obviously, the PGA's preferred option is;

Option 3 – Full exemption for AgVet chemicals labelling from WHS workplace chemical labelling requirements

The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) is a hazard-based system that is unnecessary for agricultural chemicals in Australia as they are already effectively regulated by the Australian Pesticides and Veterinary Medicines Authority (APVMA) under the Commonwealth *Agricultural and Veterinary Chemicals Code Act 1994*.

Consequently, the occupational safety and health information on AgVet chemical labels is risk based – that is, particular hazards are risk assessed against recommended methods of use.

The APVMA's expert technical hazard and risk assessment results in meaningful safety warnings on the approved label for hazards that have been evaluated to present an actual risk. Hazard and precautionary statements for intrinsic hazards, such as carcinogenic or combustible, can be completely irrelevant when risk mitigation such as prescribed use or formulation removes the risk of the hazard.

It is unlikely that many of those primary producers who are end users will have the technical ability or would have access to the technical ability necessary to undertake the type of risk assessment that the APVMA promulgates in its labelling requirements.

Including these generic hazard statements on APVMA approved labels only serves to dilute the specific safe use instructions for users of AgVet chemicals, delivering the opposite to that intended by SWA, and inherently increasing risk to end user health and safety.

Based on peak industry advice, the PGA further supports;

Option 4 – Aligning the FAISD Handbook with GHS and WHS requirements

If the implementation of the WHS Regulations were to proceed without amendment to reinstate the recognition that APVMA approved labels comply with WHS regulations, then aligning the First Aid Instruction and Safety Directions (FAISD) handbook with GHS terminology could be supported.

This is due to the alignment potentially improving consistency in the determination by registrants of which GHS hazard and precautionary statements conflict or duplicates APVMA safety warnings, and therefore do not need to be affixed to the label.

This would reduce the likelihood of two different companies having differing GHS hazard and precautionary statements on identical products, reducing confusion by users and therefore risk to workers.

The PGA does not agree with SWA when it indicates in its policy statement and information sheets that AgVet chemical label content often does not include information on chronic hazards such as carcinogenicity or physio-chemical hazards such as flammability.

The purpose of an AgVet chemical label is to prevent exposure to these hazards by ameliorating the risks. The most likely cause of exposure is undoubtedly at the point of use. As stated above, these labelling requirements should not be obscured by generic hazard statements.

SWA's position on the accessibility of chemical safety data sheets is also difficult to accept when considered in the context of the wide general availability of portable electronic devices and the employers' general duty of care to make safety data sheets accessible.

If Australian farmers are to continue to meet the productivity challenge of producing more with fewer inputs, it is essential that government work with industry to reduce regulation that is not commensurate with risk.

Consequently, the previous exemption that APVMA approved agricultural chemical labels complied with WHS regulations must be reinstated urgently to avoid unnecessary cost to manufacturers and therefore Australian farmers, as well as the inherent increased risk to worker health and safety.

Yours faithfully



Ian Randles

Policy Officer – Grains, Livestock and Climate Change