

Teresa McMichael

agvetreview@acilallen.com.au.

Re: Acil Allen discussion paper: operation of the amendments in the agricultural and veterinary chemicals legislation amendment act 2013.

Growcom owns and operates the online agvet database Infopest and the comments we submit are from the perspective of the dealings we have with this Act via Infopest. We would specifically like to offer comment on:

Theme 6: Variations to relevant particulars and conditions

Relevant label particulars and how they are defined are of great interest to us. We feel that the following points should be noted:

1. Registrant and/or brand is an important identifier of an agvet chemical product. It should be a relevant label particular. Currently the registrant is not included as a relevant label particular. Linking with this, in our dealings with products that are marketed by international companies, a number have been noted from China using the contact details of a lawyer or accountant as their Australian contact for the product. Frequently, this person has no knowledge that they are listed on the label for this purpose. Having the Registrant or Brand as an RLP may help to alleviate this issue.
2. When a registrant takes over or merges with another registrant's line of products, we believe APVMA should approve new relevant label particulars. For example in the case of the Dow/Dupont/Corteva merger and subdivision, the companies would like to have the latest correct branding on their RLPs as shown on Infopest and PUBCRIS but as the change of registrant is seen as a notifiable variation, it is up to the registrant to supply Infopest updated labels directly. The public should have access to RLPs showing the most current correct information. Infopest is not a regulatory body, it should only be showing RLPs that have the APVMA approved stamp on them.
3. The name of a product is probably the most widely used descriptor for an agvet chemical product. The LAN (label approval number) should be a unique identifier for any one product label. The LAN is made up from the Product code and Approval number. When a product name does not match up with the product code on PUBCRIS, it creates uncertainty and users may question if the product really registered. We believe that there should not be multiple different concurrently approved product names for the one product code, particularly when the APVMA's search engine is not capable of showing them.

The Agvet Code currently provides for the variation of relevant particulars and conditions of an approval or registration (Division 3 of Part 2 of the Agvet Code – sections 27 to 29B). The Agvet Code also provides that some variations to relevant particulars of approval or registration may be made by ‘notification’ (Division 2AA of Part 2 of the Agvet Code – sections 26AA to 26AD) or as a ‘prescribed variation’ (Division 2A of Part 2 of the Agvet Code – sections 26A to 26D). These notifiable variations and prescribed variations only allow some relevant particulars to be varied and do not authorise conditions to be varied as notifiable variations and prescribed variations. As outlined in the examples above, this can prove problematic and confusing.

It is noted that notifiable variations and prescribed variations can contain incorrect information. To this end we supply our comments on the issues we feel should be resolved. If the Registrant / Brand were to be included as an RLP, this would ensure that international companies marketing their generic products in Australia have valid contact details for the supply of information on the product with regards to Safety Data Sheets. Having a nominal administrative fee for Registrant / Brand changes per product would enable companies to have their products branded correctly with the consumer confidence that the registration is approved by the regulator. Issuing new label approval numbers for products which change name will also prevent confusion and offer consumer confidence with products.

Thank you for the opportunity to comment on this discussion paper.