

7 July 2017

Mr Peter Lawson  
A/g Director – Hazardous Materials, Chemicals and Radiation  
NSW Environment Protection Authority  
PO Box A290  
**SYDNEY SOUTH NSW 1232**

Email: [chemicals.reform@epa.nsw.gov.au](mailto:chemicals.reform@epa.nsw.gov.au)

Dear Mr Lawson

On behalf of CropLife Australia (CropLife), the national peak industry organisation representing the agricultural chemical and biotechnology (plant science) sector in Australia, I provide comments on the proposed *NSW Pesticide Regulations 2017* (the Regulations) and the associated Regulatory Impact Statement.

The plant science industry's crop protection products include fungicides, herbicides and insecticides (generally referred to as pesticides), which are critical to maintaining and improving Australia's agricultural productivity and are crucial tools for environmental land managers in protecting Australia's native flora. CropLife represents the innovators, developers, manufacturers, formulators and registrants of crop protection products. I was pleased that the Regulatory Impact Statement acknowledged this.

I note that the Regulations seek to satisfy commitments to national harmonisation arising from the *Intergovernmental Agreement on Agricultural and Veterinary Chemicals* and implement the provisions of the March 2015 Memorandum of Understanding (MoU) between the New South Wales Government and the New South Wales Farmers' Association. CropLife is a strong advocate for the removal of unnecessary regulatory duplication, inconsistencies and costs to industry. Accordingly, the proposed changes are supported as they meet those objectives. Furthermore, I commend the EPA for pursuing changes that are consistent with the feedback given to them last year by a number of key stakeholders.

It appears the proposed Regulations will deliver nationally harmonised approaches to pesticide use record keeping, minimum competencies for users of Schedule 7 chemicals and licensing. The inclusion of an alternate pathway for maintaining user competency after initial training, by recognising industry quality assurance programs in line with the MoU, is also supported. This new approach will hopefully provide an incentive for farmers to implement better farm practices regarding the way they use pesticides in their business, while at the same time reducing red tape associated with compliance of the Pesticide Regulations.

While as a matter of principle CropLife does not support the off-label use of registered agricultural chemical products, I acknowledge that these Regulations are simply clarifying the existing circumstances under which a pesticide may be used on a plant or crop for a pest other than that specified on the product label. These off-label uses are not risk assessed by a scientifically competent regulator and may therefore result in unacceptable risks to users, consumers, trade or the environment. While CropLife and our members advocate that only registered products should be used and only for their respective registered purposes, we acknowledge that there are some pest challenges faced by farmers in Australia for which there are no registered products with permitted use on the market. This is caused by a cost prohibitive regulatory failure in the federal registration system. This is a matter that CropLife is continuing to work with the Federal Government to correct. These provisions to clarify the circumstances under which a pesticide may be used on a plant or crop for a pest other than that specified on the product label are important.

Please do not hesitate to contact CropLife's Director of Agricultural Chemical Policy, Mr Alastair James ([alastair.james@croplife.org.au](mailto:alastair.james@croplife.org.au)) should you require any additional information in respect of this issue.

Yours sincerely

(SIGNED)

Matthew Cossey  
**Chief Executive Officer**