

Role of Biosecurity SA and other Government agencies

Biosecurity SA is responsible for receiving reports of agricultural and veterinary chemicals misuse. It will record reports and, where appropriate, will respond by providing education to minimise future incidents, taking regulatory action and advising other agencies where they may have additional jurisdiction.

In South Australia the primary legislation regulating use of agricultural and veterinary chemicals is the *Agricultural and Veterinary Products (Control of Use) Act 2002*. This Act controls the use of the products from the point of sale to the user, through to the disposal of the container and any unwanted chemical.

Chemical users are required under this Act to use the product in accordance with the label directions.

This Act is specifically designed to:

- Encourage the responsible use and disposal of agricultural and veterinary chemical products and fertilisers
- Manage the risks of chemical use in terms of threats to trade, plants, animals, human health and the environment and;
- Provide legal powers to control persons who choose not to use agricultural and veterinary chemicals responsibly

The Australian Pesticides and Veterinary Medicines Authority (APVMA) is responsible under Commonwealth legislation, the *Agricultural and Veterinary Chemicals Code Act 1994*, for controlling the manufacture, importation, formulation, packaging, labelling and retail sale of agricultural chemicals.

Reporting Agricultural and Veterinary Chemical Misuse

Biosecurity SA Rural Chemical Operations

Phone: 1300 799 684

Email: PIRSA.RuralChemicals@sa.gov.au

Biosecurity SA

www.pir.sa.gov.au/biosecuritysa/ruralchem

Agricultural and Veterinary Products (Control of Use) Act 2002

www.legislation.sa.gov.au



Guidelines for Reporting Agricultural and Veterinary Chemical Misuse

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PREMIUM
FOOD AND WINE FROM OUR
CLEAN
ENVIRONMENT



The misuse of Agricultural and Veterinary Chemicals has the potential to put at risk

- Human health (safety of workers, neighbours and the general public)
- Product integrity (South Australia's clean, green image)
- The environment (native vegetation and waterways); and
- The availability of chemicals for future use

Observations of serious misuse should be reported immediately to:

The Biosecurity SA Agricultural and Veterinary Chemicals

Hotline: Phone: 1300 799 684 or

Email: PIRSA.RuralChemicals@sa.gov.au

Reporting chemical misuse

A report may be lodged about suspected incorrect or irresponsible use of agricultural and veterinary chemicals when it is believed that an agricultural or veterinary product has not been used according to label instructions. Some examples include; spray drift, off-target poisoning, chemical residues, incorrect disposal of chemicals or containers and off-label use.

Information required when reporting chemical misuse

While an initial report with brief details will be accepted by telephone, as much information as possible in writing may be required to initiate further action. Essential information required includes:

- The complainant's name and contact details
- Description of the alleged incident (including date, time, location, product name and adverse effect)
- Person and or company alleged to be applying or using the chemical
- Details of how the chemical was applied (e.g. boom sprayer, plane etc)
- Weather and atmospheric conditions at the time of the incident (e.g. wind conditions, temperature and humidity)
- Details of any witnesses and the availability of supporting evidence (photos, videos etc); and
- Effects, symptoms or damage caused by the incident

The complaint will then be assessed by a compliance officer from Rural Chemical Operations, Biosecurity SA and investigated where appropriate.



(Above): Example of inversion conditions, when spraying should not take place. (Right): Group I herbicide damage on grape vine leaf.

Responses to chemical misuse reports

Depending on the nature of the report, and the information obtained during investigations, the chemical user can expect one of the following actions:

- Communication and education
 - Assisting with communication between the neighbours
 - Meeting with and educating chemical applicators
 - Using local chemical liaison committees; and
 - Meeting with professional associations
- Referring the incident, where necessary, to another government agency or conducting a joint investigation
 - Environment Protection Authority (for environmental incidents)
 - Health (for incidents involving licensed contractors); and
 - SafeWork SA (transport and on farm storage)
- Regulatory measures
 - An advisory or warning letter
 - Compliance order; or
 - Prosecution
- No action (unconfirmed reports, user has followed appropriate instructions, trivial incidents)



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While any investigation will take into account the expected response from persons reporting an incident, the final decision about any action to be taken will be determined by the Rural Chemicals Operations group of Biosecurity SA.

Investigations are conducted with the principal purpose of checking compliance with State legislation, and are not conducted to assist compensation claims for any alleged damage.

Compensation for damages caused by chemical misuse must be sought through civil action.

It is not the role of Biosecurity SA or the government to investigate trivial incidents that are being reported as a means of involving third parties in personal disputes or to investigate incidents involving the malicious use of agricultural or veterinary products.