



Information current as of 9 November 2023

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1.Executive Summary

Department of Primary Industries and Regions – Rural Chemicals Operations (RCO) administers the *Agricultural and Veterinary Products (Control of Use) Act 2002*. This is the primary legislation regulating use of agricultural and veterinary chemical products in South Australia.

An agreement has existed between State and Local Government agencies since 2001/02 that Department of Primary Industries and Regions will be the lead agency to receive reports of suspected misuse of agricultural and veterinary chemicals in SA. Members of the public are encouraged to report suspected chemical trespass incidents to RCO.

Since that date, RCO has maintained a database of chemical trespass reports and publishes an annual chemical trespass summary. Annual reports are available on request from RCO and the latest issue can be downloaded from the Department of Primary Industries and Regions website:

https://www.pir.sa.gov.au/_data/assets/pdf_file/0006/428379/2021-22_Chemical_Trespass_Annual_Report.pdf

This document reports the chemical trespass complaints and incidents received by RCO in 2022/23.

The information collected through RCO's Chemical Trespass Management System allows individual chemical trespass complaints and incidents to be resolved, and provides information to assist chemical trespass management at a state-wide level.

The statistics and trends from the reported incidents are used for a variety of purposes including:

- The targeting of education to minimise chemical trespass complaints and incidents
- The identification of areas where regulatory action may be required to minimise chemical trespass
- The provision of advice to Australian Pesticides and Veterinary Medicines Authority regarding the registration of agricultural and veterinary chemicals.

These statistics only encompass the chemical trespass events that are reported to RCO. The number and nature of chemical trespass events in SA that are **not** reported to RCO is unknown.

2. Introduction

History of Chemical Trespass Management in SA

Prior to 2001/02, an informal system was in place in government to manage chemical trespass incidents. Incidents were reported to various agencies including Department of Primary Industries and Regions, Environment Protection Authority (EPA), SA Health and Local Government (Councils). Each agency independently followed up on incidents and cooperation between agencies occurred without formal guidelines.

To provide efficient and productive government service to respond to chemical trespass incidents, it was agreed that incidents would be reported to one government agency.

Department of Primary Industries and Regions was deemed the most appropriate government department to deal with chemical trespass incidents, due to its primary role in reducing the causes of unacceptably risky use of chemicals. It is now the gateway for complaints and other observations concerning chemical trespass incidents, coordinating responses and providing education to minimise future incidents.

It is necessary that other agencies (EPA, SA Health, Local Government & SafeWork SA) will, for particular adverse outcomes, have responsibility to use their legislated powers to deal with the effects of chemical trespass incidents, and are to be advised of all incidents that come under their jurisdiction.

RCO's Current Chemical Trespass Management Program

The aim of RCO's Chemical Trespass Management System is to provide an efficient and productive government service in responding to, and minimising, chemical trespass incidents. This aim is achieved by effectively managing the chemical trespass incidents that are reported to RCO, and undertaking targeted education to minimise the occurrence of chemical trespass.

In September 2001, Department of Primary Industries and Regions appointed a Chemical Trespass Coordinator to manage reported chemical trespass incidents and coordinate the trespass management system. The role of the coordinator is to:

- Receive all reports of incidents.
- Maintain an up to date database on all incidents.
- Coordinate appropriate responses to incidents including education and investigation.
- Develop and promote educational resources to minimise the risk of future incidents.
- Keep other government departments informed of relevant chemical trespass incidents.

In addition to the Chemical Trespass Coordinator, Department of Primary Industries and Regions has allocated further resources to chemical trespass management to focus on education and policy setting to reduce the risk of future chemical trespass incidents.

Following the appointment of the Chemical Trespass Coordinator in 2001, detailed records on chemical trespass incidents began to be collected in 2002 with the Primary Industries Information Management System (PIIMS) database holding detailed records from 2004.

Primary Industries Information Management Systems (PIIMS)

In general terms, Primary Industries Information Management Systems (PIIMS) allows Department of Primary Industries and Regions to develop a property history of incidents and events relevant to its business operations. In 2003/04 PIRSA Rural Chemicals Program (now RCO) and DMR Consulting (Fujitsu) developed and implemented the Rural Chemicals approach for PIIMS (part of Phase 2 of the PIIMS project).

With regard to reported chemical trespass complaints and incidents PIIMS provides the ability to:

- Record details on the reported complaint or incident including the chemical involved and any adverse effect.
- Spatially represent and record the properties involved, and details on those properties.
- Identify property owners and record their contact details and role.
- Identify neighbours and their enterprises.
- Record details of activities RCO undertook in response to the reported complaint or incident.

Control of Use Legislation

RCO administers legislation as a means of managing risks in relation to use of agricultural and veterinary chemical products. The *Agricultural and Veterinary Products (Control of Use) Act 2002* aims to encourage responsible chemical use in the community by providing a clear framework for chemical users based on knowledge, skill and responsibility. It sets out what constitutes responsible use and gives powers to control persons who choose not to exercise that responsibility. The “General Duty” section of the Act is applicable to chemical trespass.

The corresponding *Agricultural and Veterinary Products (Control of Use) Regulations 2017* define label directions that must be followed, restrictions on certain chemicals and standards for fertilisers. Links to the Act and fact sheets on the Act are available from the Department of Primary Industries and Regions website at https://pir.sa.gov.au/biosecurity/rural_chemicals

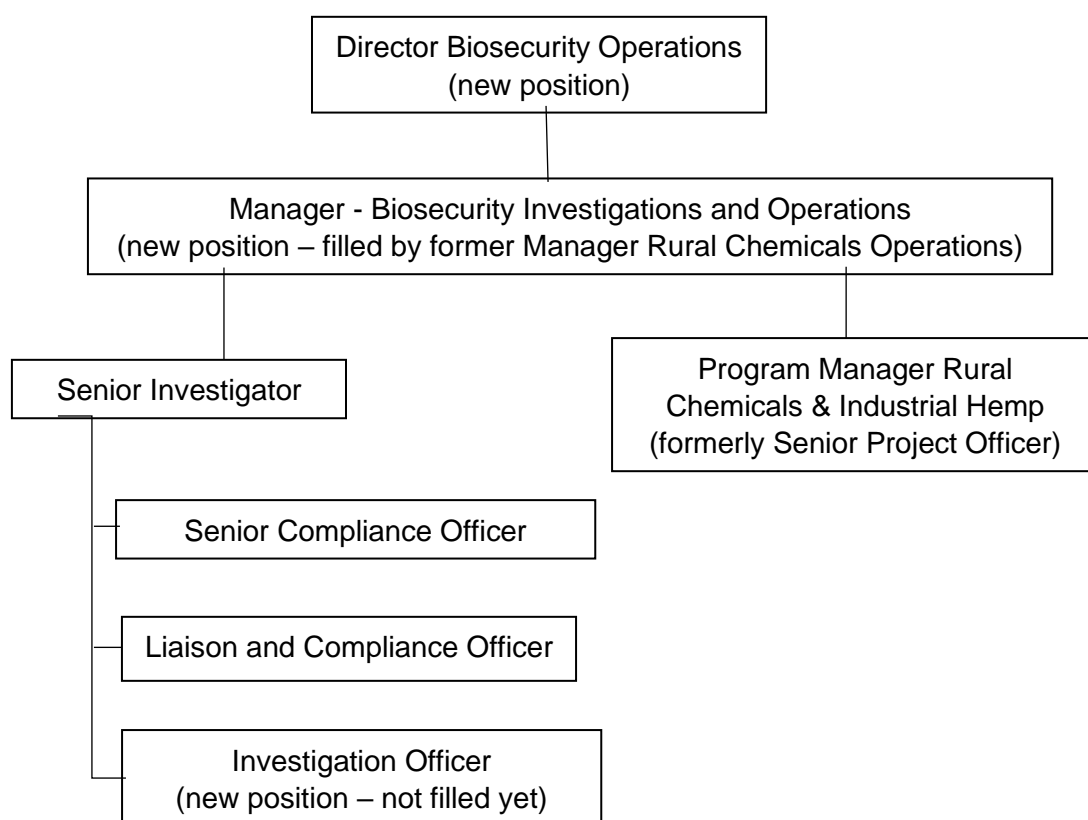
Staff

Until February 2023, RCO comprised 3.5 FTE staff:

- Manager Rural Chemicals Operations (1.0 FTE)
- Senior Compliance Officer (Chemical Trespass Coordinator) (1.0 FTE)
- Liaison and Education Officer (1.0 FTE)
- Senior Project Officer (0.5 FTE)

A review of Biosecurity Division resulted in adoption of a revised organisational structure in February 2023. A Biosecurity Operations branch was formed within the Division. The position of RCO staff in this branch is shown in the following diagram.

Biosecurity Operations



The Senior Investigator is an existing position in Biosecurity Division and has responsibility for other compliance staff and activities, in addition to the three Rural Chemicals positions shown in the diagram. At the time of writing, there has been little change in previous operating procedures but that will develop with time. The Senior Compliance Officer has primary responsibility for chemical trespass management, but other staff can contribute as required.

3.Managing Chemical Trespass Incidents

What is a “Chemical Trespass Incident”?

The term “**chemical trespass incident**” is used to describe events where agricultural or veterinary chemicals are used or disposed of in a manner that results in the chemical contaminating land, water, animals or plants outside the target area, or causing harm to human health or the environment within or outside of the target area. These incidents usually occur when chemicals are used or disposed of in an unacceptably risky manner.

Who can report a Chemical Trespass Incident?

Anyone can report Chemical Trespass Incidents to the Chemical Trespass Coordinator. In the majority of cases, incidents are reported over the phone directly by the affected or concerned person (complainant). Other government agencies such as the EPA and Local Government (Councils) also regularly refer calls to the Chemical Trespass Coordinator. Industry bodies such as regional Grape Grower associations also encourage concerned members to report suspected herbicide damage to the Chemical Trespass Coordinator.

Reporting a Chemical Trespass Incident

In March 2002 Department of Primary Industries and Regions developed the fact sheet “Guidelines for Reporting Chemical Trespass Incidents” to notify relevant State and Local Government public contact points about where and how to refer notifications of chemical trespass incidents. This fact sheet was updated in 2012/13.

The fact sheet defines chemical trespass incidents and explains the information about the chemical trespass incident that needs to be reported to the Chemical Trespass Coordinator (e.g. Date, Location, Name and Contact Details of chemical user if known, how the chemical was applied, weather conditions and the effect of the incident).

Evaluation of Chemical Trespass Reports

Chemical Trespass reports are evaluated through a set of risk-based procedures based on risk to trade, the environment and/or health. Reports that might be considered trivial from a risk perspective are recorded as “chemical trespass incidents” in PIIMS but might be handled through education. Reports that are considered to be not trivial are also classified as trespass incidents and require investigation. This enables further details to be collected to more accurately establish the cause and effect of the reported incident.

Investigation of Chemical Trespass Incidents

RCO is responsible for investigating Chemical Trespass incidents throughout SA. This has necessitated greater adoption of “desktop” investigations, with collection of information by telephone, email and internet resources such as Google Earth. Field investigations are conducted for incidents that are assessed as “higher-risk” or where it is convenient to make a site visit. Investigations may be conducted on both the complainant’s property and the chemical user’s property where the chemical user is known or suspected. The purpose of the investigation is to:

- Confirm whether chemical trespass was the cause of the incident (this may include the collection of samples for analysis)
- Identify the chemical use practices responsible for the incident and any potential breaches of the General Duty or other provisions in the *Agricultural and Veterinary Products (Control of Use) Act 2002*
- Provide on-the-spot education/suggestions to improve chemical use practices where appropriate
- Report the results for input into the PIIMS database

Where a number of incidents are reported from one region and may have a related cause, investigations may take place on a regional basis rather than on the properties of individual complainants.

Investigations are not conducted to provide a damage assessment report to affected parties for insurance purposes. Complainants are advised to contact private consultants to conduct damage assessments from chemical trespass incidents for use in insurance or litigation claims.

Responses to Chemical Trespass Incidents

When investigation of a Chemical Trespass Incident is completed, RCO responds to the investigation findings with one of the following responses:

- Providing an Education letter to the chemical user
- Providing a Warning letter to the chemical user
- Conducting a legal investigation
- Conducting Regional Education to chemical users
- Providing an information letter explaining the investigation findings to the parties involved when the investigation determined the incident was not a chemical trespass incident

Not all incidents that are reported and investigated are confirmed as chemical trespass incidents and it is not always possible to identify the chemical user responsible.

Further Information

Further information, including fact sheets on chemical trespass, is available from the Department of Primary Industries and Regions website at https://pir.sa.gov.au/biosecurity/rural_chemicals

4. Chemical Trespass Incidents – Statistics and Discussion

Summary

32 chemical trespass incidents were recorded by RCO in 2022/23, and 24 were investigated.

Based simply on number of incidents, Rural Living and Township Living were the main affected land uses. However, the statistics need to be interpreted with the understanding that there were two Regional Trespass incidents in 2023. These are recorded as single incidents but both involve multiple complainants. Widespread off-target herbicide damage to grape vines in the Clare Valley was reported by 14 grape-growers and is a significant trade risk to the grape and wine industry in that region. Over 25 reports, mostly from Township Living properties, about off-target garden damage by Overwatch® Herbicide, were received from Yorke Peninsula and nearby in June 2023.

As a source land use, Field Crops generated half of the chemical trespass complaints in 2022/23. The herbicide source(s) causing the grape vine damage in the Clare Valley is not identified but is thought to be herbicides used for summer weed control on surrounding cropping properties. Similarly, the source(s) of Overwatch® Herbicide causing off-target damage on Yorke Peninsula is very likely to be applications prior to sowing field crops of wheat, barley, canola, field peas and faba beans. Both of these scenarios advance Field Crops as the main land use source for chemical trespass in 2022/23.

Over 60 percent of the complaints were made by owners of properties smaller than 5 ha. For the chemical use properties, there was a fairly even spread from one to over 500 ha.

Boom-sprayer applications produced the greatest number of complaints, followed by air-blast sprayers (orchard and vineyard sprayers).

Half of the chemical trespass complaints in 2022/23 involved a separation distance of less than 50m between the complainant and the chemical use.

Perceived health effects was the main reported adverse effect, followed by perceived environmental damage.

Weather during use was the principal suspected cause of chemical trespass, followed by Surrounding Land Use.

RCO performs a risk assessment of each incident to help determine the most appropriate response. Two-thirds of the complaints received in 2022/23 were considered to be low risks of various types.

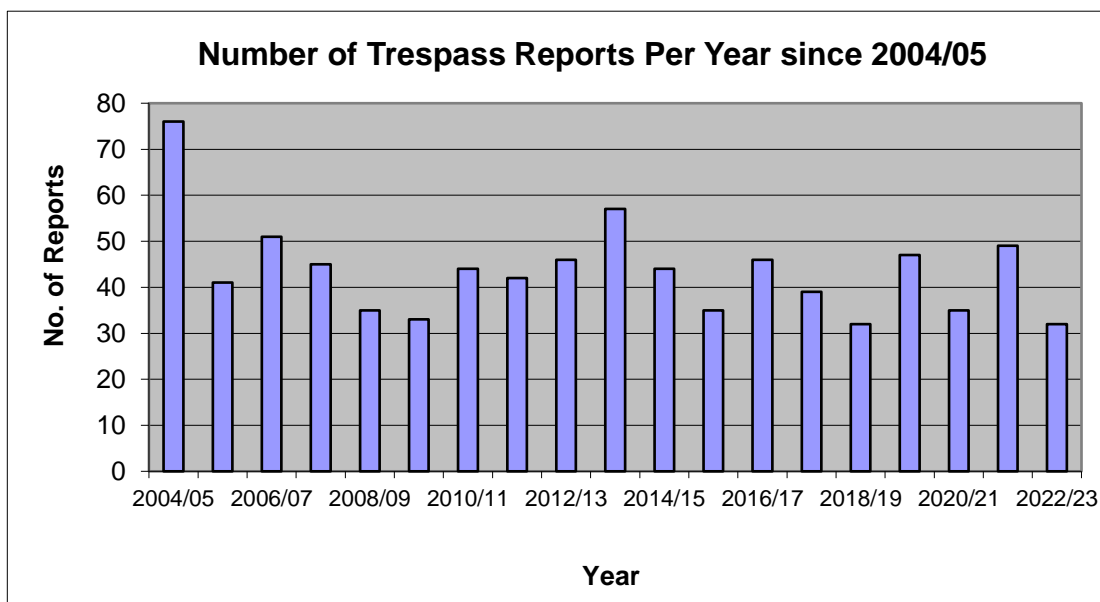
Education letters to provide information, advice or mediation were sent for over 70 percent of incidents. One formal warning letter was issued.

Trespass Incidents by Year

Annual Comparison: Fig 1

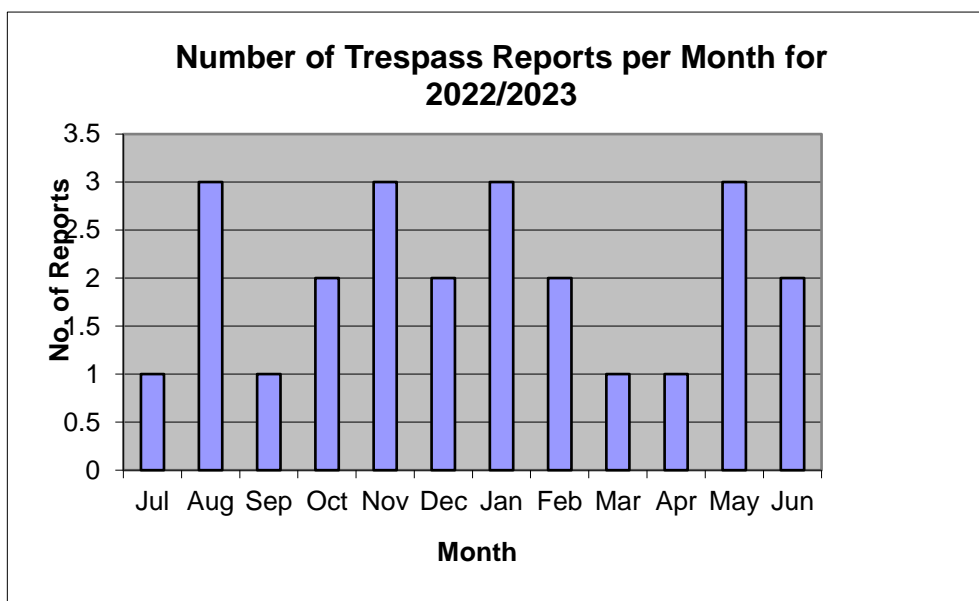
32 chemical trespass complaints were logged by RCO in 2022/23 and 24 were assessed as worthy of investigation. The statistics presented in this annual report cover the 24 investigations only.

The 24 investigations include two Regional Trespass incidents. These are recorded as single incidents but both involve multiple complainants and probably involve more than one chemical application. Widespread off-target herbicide damage to grape vines in the Clare Valley was reported by 14 grape-growers in February-early March 2023. Over 25 reports, mostly from Township Living properties, about off-target garden damage by Overwatch® Herbicide, were received in June-early July 2023 from various Yorke Peninsula towns and also Snowtown and Balaklava. Given the geographical spread of this Overwatch® damage, it is very likely that more than one application is involved.

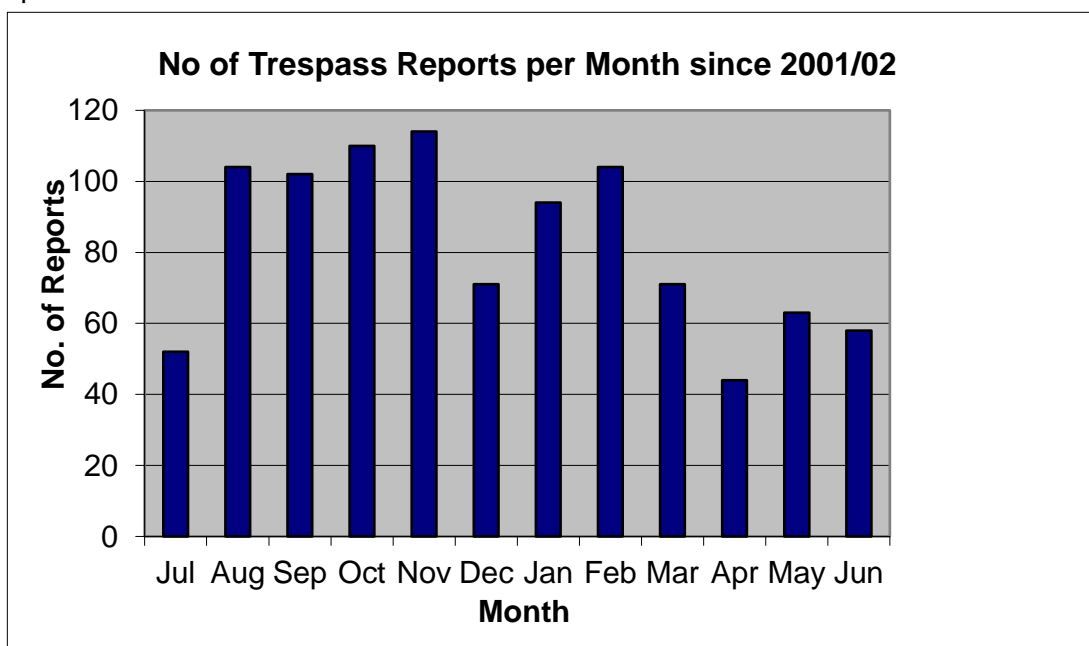


Trespass Incidents Per Month 2022/23: Fig 2.

1-3 complaints per month were received throughout the year. There was no evidence of a seasonal trend associated with the number of complaints.

**Monthly Comparison across Years: Fig 3**

Since chemical trespass data collection began, the main period for chemical trespass reports has been August to February with a dip in December. This period starts with post-emergence weed control and fungicide application in winter field crops and moves into the active growth period of grapevines and other horticultural crops. The reason for the dip in December is unknown but might just be a lower level of reporting at this time because of other end-of-year pressures.

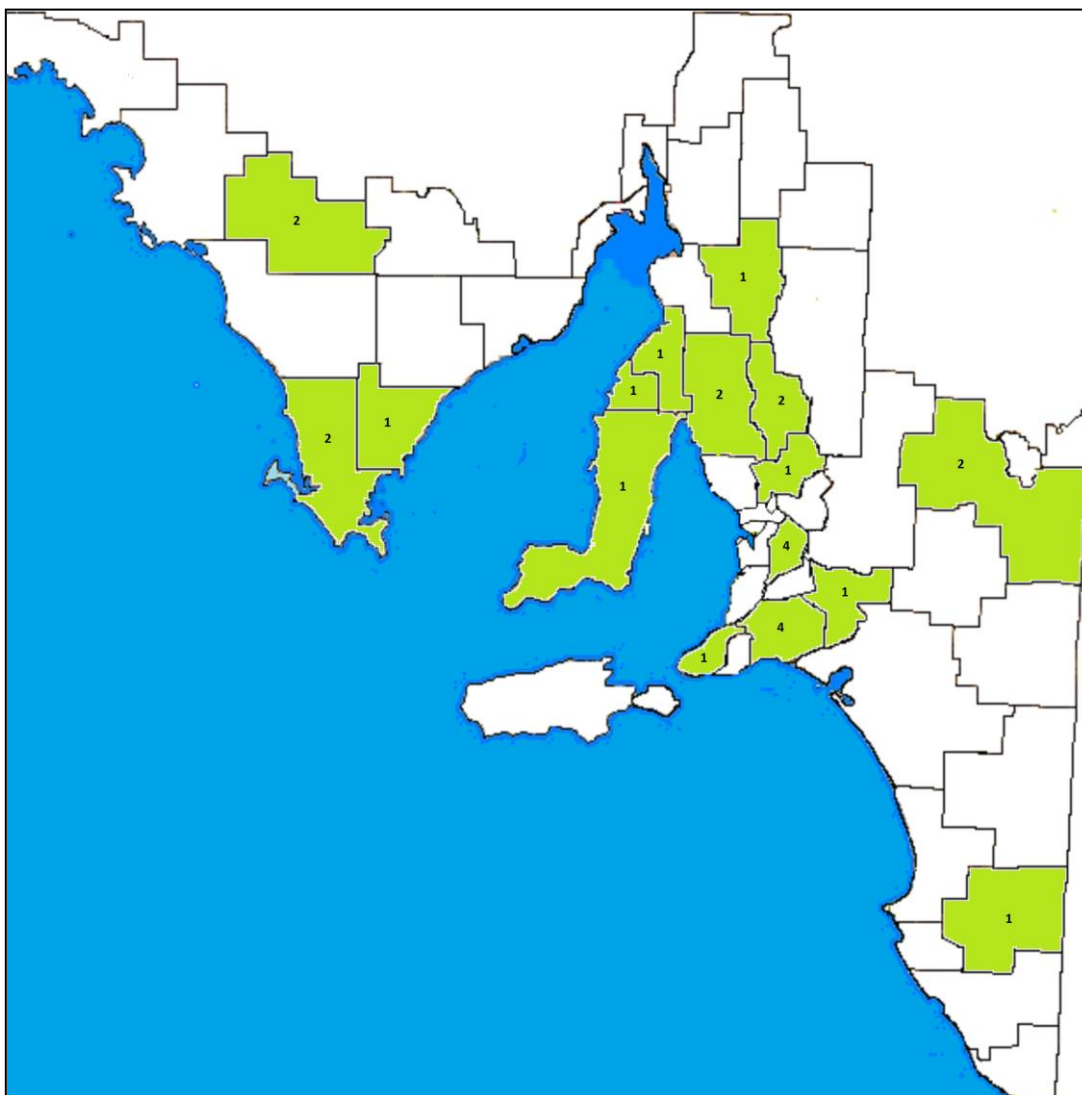


Trespass Incidents by Council Area

The highest number of complaints in a Council region in 2022/23 was four each in Adelaide Hills and Alexandrina. With regard to the regional trespass incidents mentioned above, the widespread grape vine damage in Clare Valley involved reports from multiple locations in Clare & Gilbert Valleys Council. The reports of off-target Overwatch® Herbicide damage involved multiple locations in Yorke Peninsula Council, a handful in Copper Coast Council and two each in Barunga West and Wakefield.

Council	Reports	Council	Reports
Adelaide Hills	4	Murray Bridge	1
Alexandrina	4	Northern Areas	1
Barunga West	1	Tatiara	1
Clare & Gilbert Valleys	2	Tumby Bay	1
Copper Coast	1	Wakefield	2
Light	1	Wudinna	2
Lower Eyre Peninsula	2	Yankalilla	1
Loxton Waikerie	2	Yorke Peninsula	1

Chemical Trespass Complaints by Council Area: Fig 4

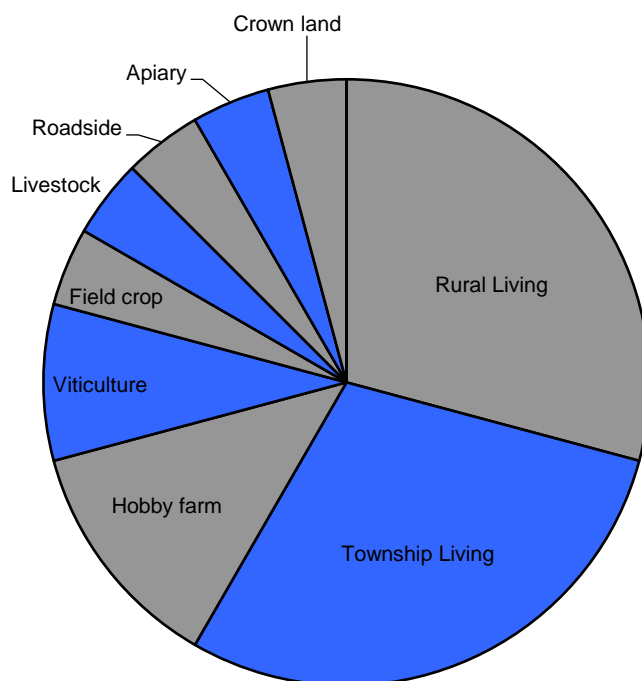


Trespass Incidents by Affected Land Use: Fig 5

Rural Living and Township Living accounted for nearly 60 percent of the complaints received in 2022/23. Furthermore, most of the reports included in the Overwatch® Herbicide regional trespass incident involved garden damage on Township Living properties.

The widespread off-target herbicide damage to grape vines in the Clare Valley that was reported in February-early March 2023 is a trade risk for the viticulture sector.

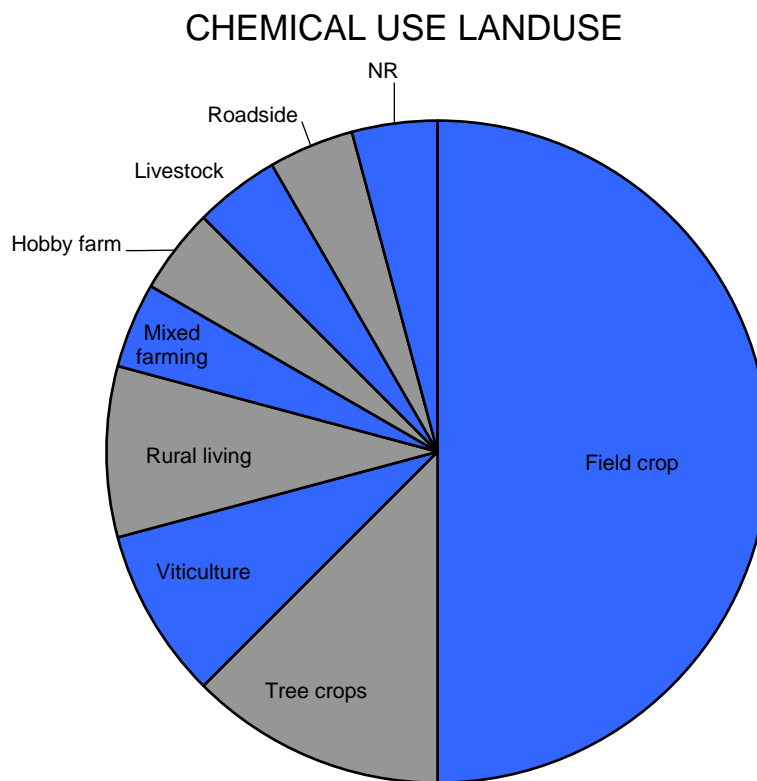
Off-target herbicide damage to viticulture, particularly summer damage that is generally thought to be caused by spraying of summer weeds in unsuitable weather conditions by dryland cropping farmers, has been a recurring problem in SA. Significant resources have been devoted to educating growers about spraying in suitable weather conditions. The occurrence of widespread grape vine damage in the Clare Valley in the 2022/23 summer is very disappointing, and came in the wake of similar damage reported in the 2021/22 summer. None of SA's other major grape-growing areas experienced any similar off-target vine damage in either of these years. The reasons why only the Clare Valley was impacted are unclear. PIRSA investigated the reports but was unable to identify the particular herbicide source(s) that might be responsible.



Trespass Incidents by Source Land Use: Fig 6

Field Crops generated half of the chemical trespass complaints in 2022/23. As mentioned in the Affected Land Use discussion, the herbicide source(s) causing the grape vine damage in the Clare Valley was not identified but is thought to be herbicides used for summer weed control on surrounding cropping properties. Similarly, the source(s) of Overwatch® Herbicide causing off-target damage on Yorke Peninsula is very likely to be applications prior to sowing field crops of wheat, barley, canola, field peas and faba beans. Both of these scenarios advance Field Crops as the main land use source for chemical trespass in 2022/23.

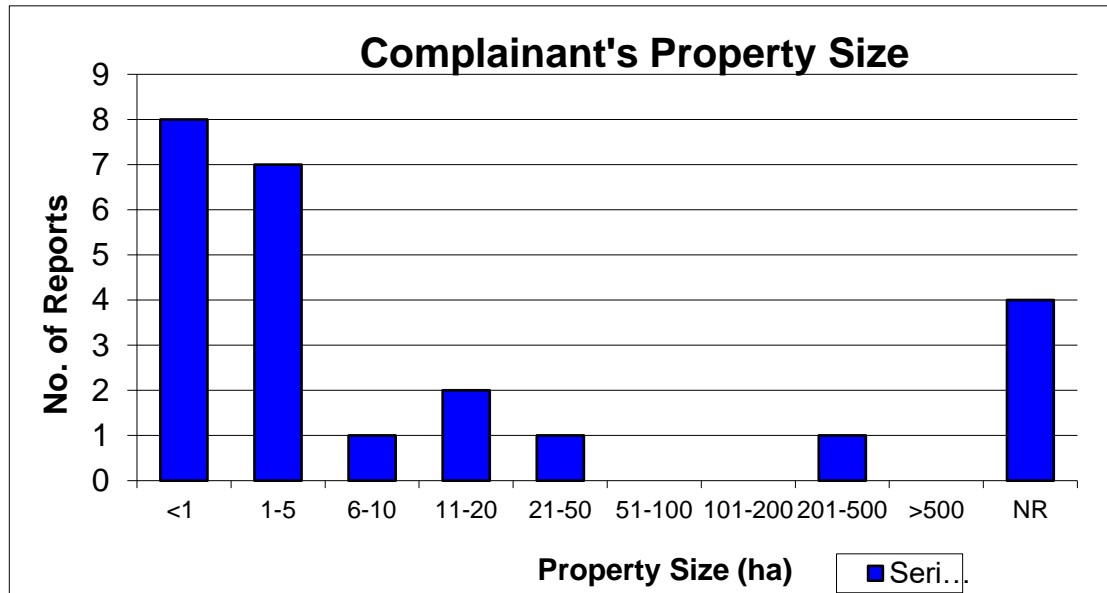
There was a very high number of complaints about viticulture properties in 2004/05 and 2006/07. Since 2006/07, Field Crops has outranked Viticulture in most years as the source land use that generates the most complaints.



Property Sizes of Complainants and Chemical Users

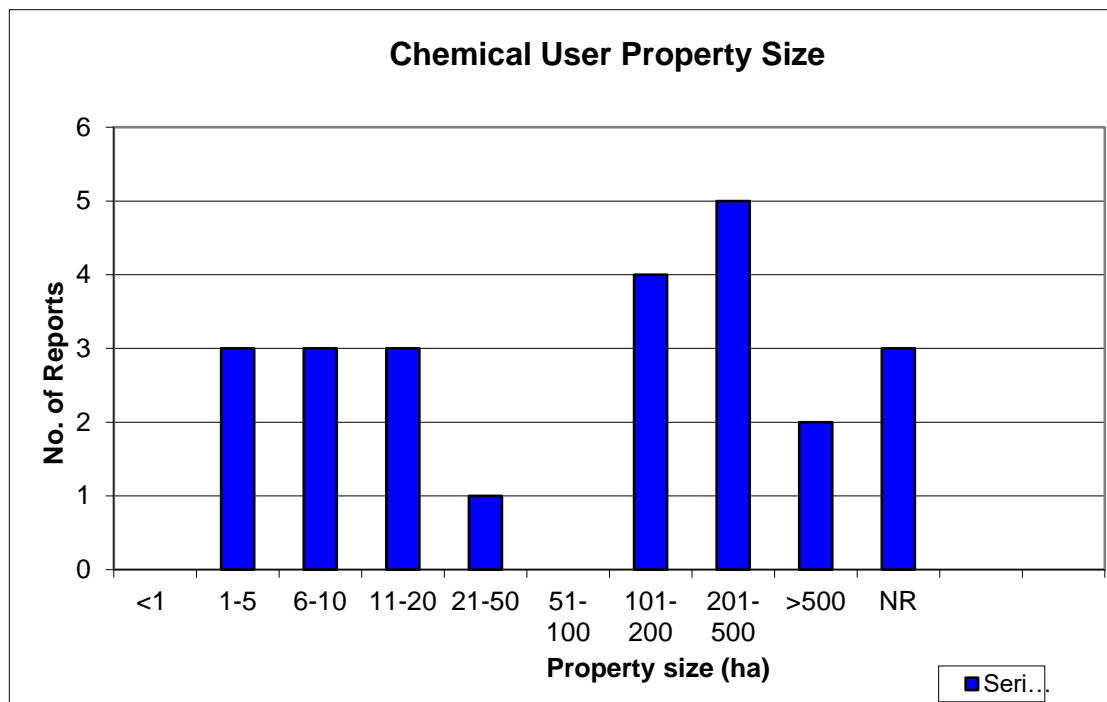
Traditionally, most chemical trespass complaints are made by owners of small properties. In 2022/23, over 60 percent of the complaints were made by owners of properties smaller than 5 ha. This is consistent with the highest number of complaints coming from township or rural living properties.

Figure 7: Complainant's Property Size



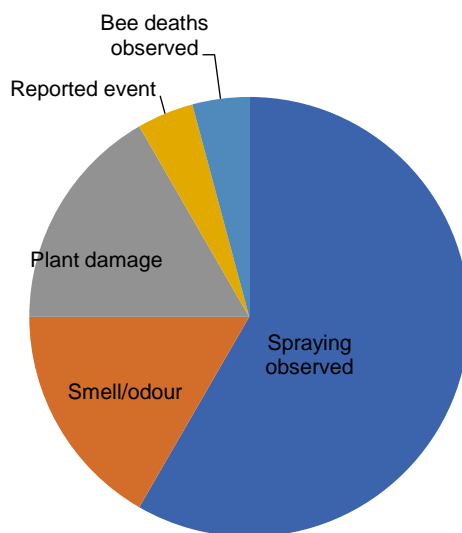
For the chemical use properties, there was a fairly even spread from one to over 500 ha.

Figure 8: Chemical User Property Size



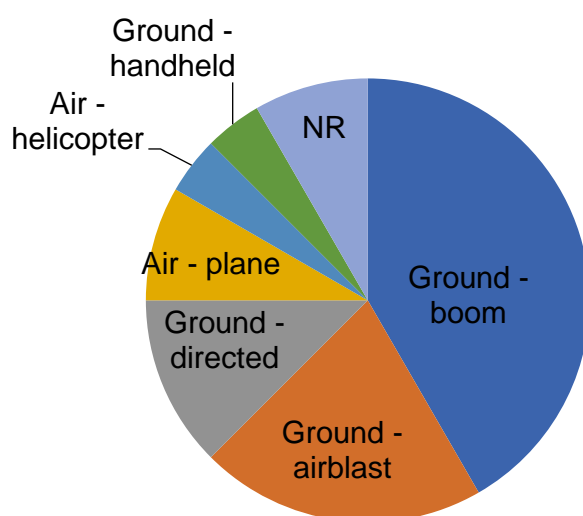
Reported Method of Detection: Fig 9

Observation of spraying was the main method of detection of chemical trespass in 2022/23, based on number of incidents only. The grape vine damage in the Clare Valley and the Overwatch® Herbicide damage on Yorke Peninsula, largely in home gardens, were manifested by plant damage. The herbicide applications that might have caused this off-target damage in these incidents were not identified.



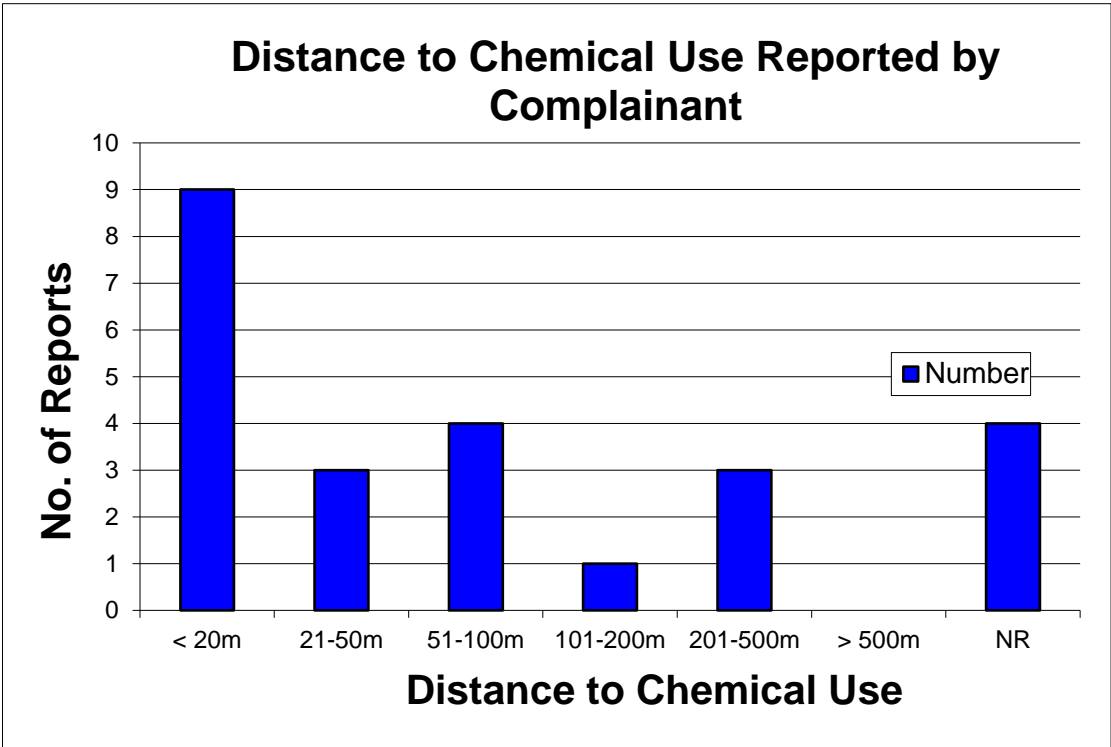
Reported Application Method: Fig 10

Boom-sprayer applications caused the greatest number of complaints, consistent with Field Crops being the land use responsible for the most complaints.



Distance to Chemical Use Reported by Complainant: Fig 11

Typically in chemical trespass complaints, there is only a relatively small distance between the complainant and the chemical use. Thirty-eight percent of the chemical trespass complaints in 2022/23 involved a separation distance of less than 20m between the complainant and the chemical use.



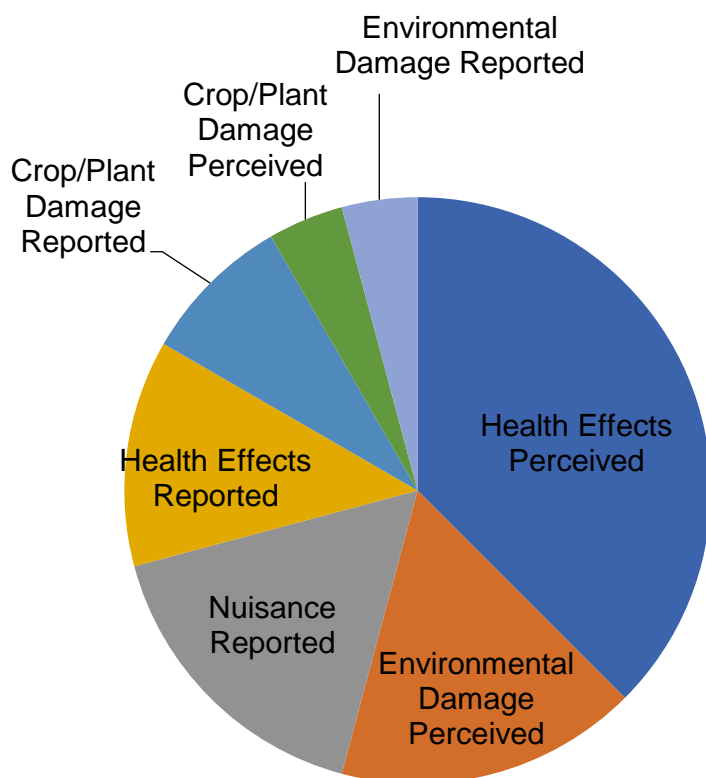
Reported Adverse Effects from Alleged Chemical Trespass Incidents: Figure 12

People reporting chemical trespass incidents are asked about their main concern regarding the alleged event. Perceived health effects was the main reported adverse effect, followed by perceived environmental damage and nuisance.

Three complainants alleged health effects:

- One reported mostly pre-existing medical conditions, including cancers, but there was no evidence of an association with agricultural chemical use
- One incident involved minor health impacts – headache, obnoxious odour, eye irritation, skin irritation - to multiple people at a tourist attraction near the application site
- One reported an allergic reaction by a child

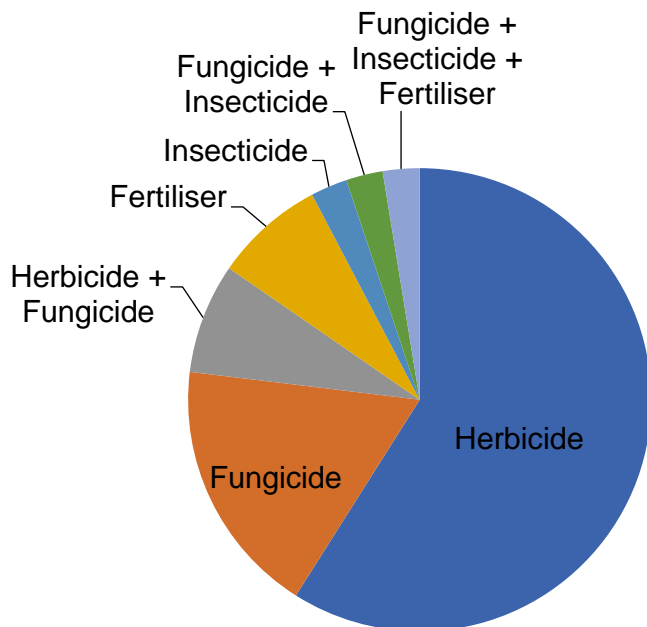
RCO is not aware that any complainant consulted a doctor or other health professional concerning their reported health effects.



Contaminants: Figure 13

Over half of the complaints involved a herbicide(s) application only.

Consistently, the overwhelming majority of chemical trespass complaints involves herbicide use. Herbicides are the most widely used type of agricultural chemicals, and herbicide chemical trespass can produce visible symptoms of off-target plant damage. Chemical trespass of insecticides or fungicides might go unnoticed because there are no readily visible effects.

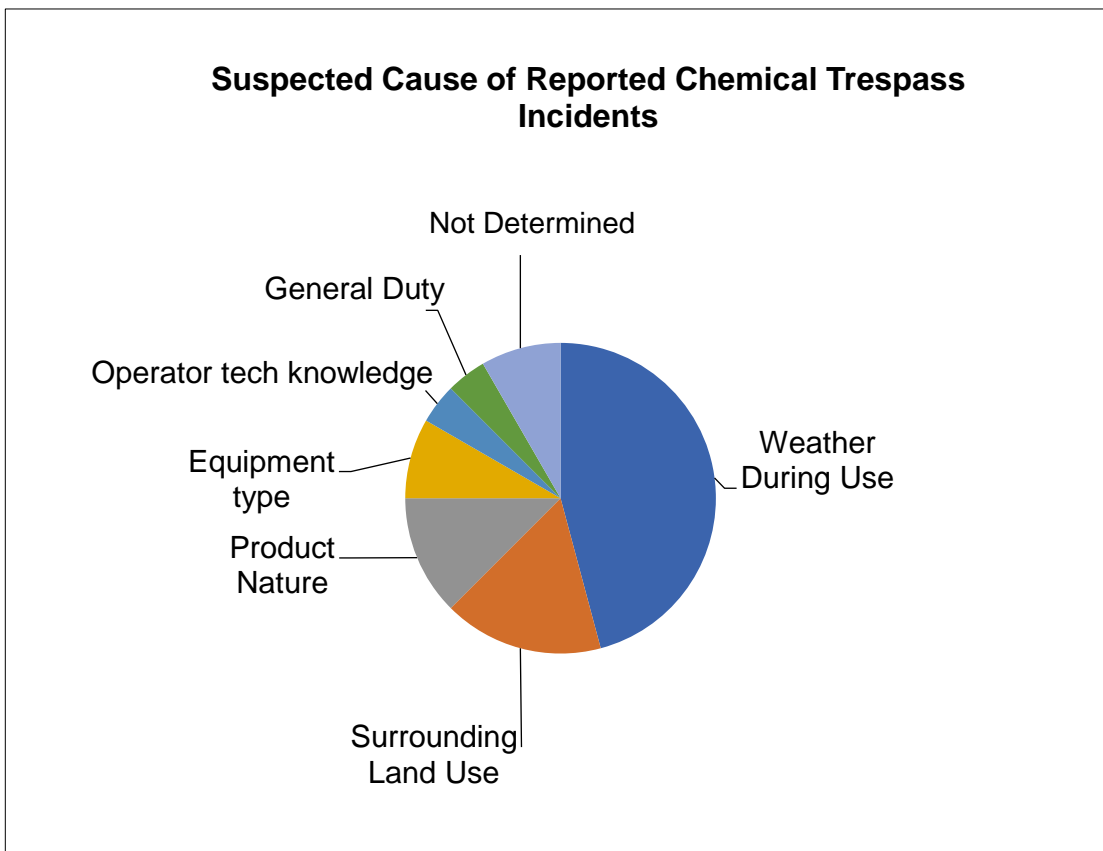


Suspected Cause of Reported Chemical Trespass Incidents: Figure 14

Weather during use was the principal suspected cause of chemical trespass (46 percent), followed by Surrounding Land Use.

Weather during use generally means unsuitable wind speed (usually too high) or wind blowing towards a sensitive area. The wind was blowing towards the complainant for 8 of the 11 reports where weather during use was considered to be the cause, and was parallel to the complainant for two. Wind speed was unreasonably high in three of these 11 cases.

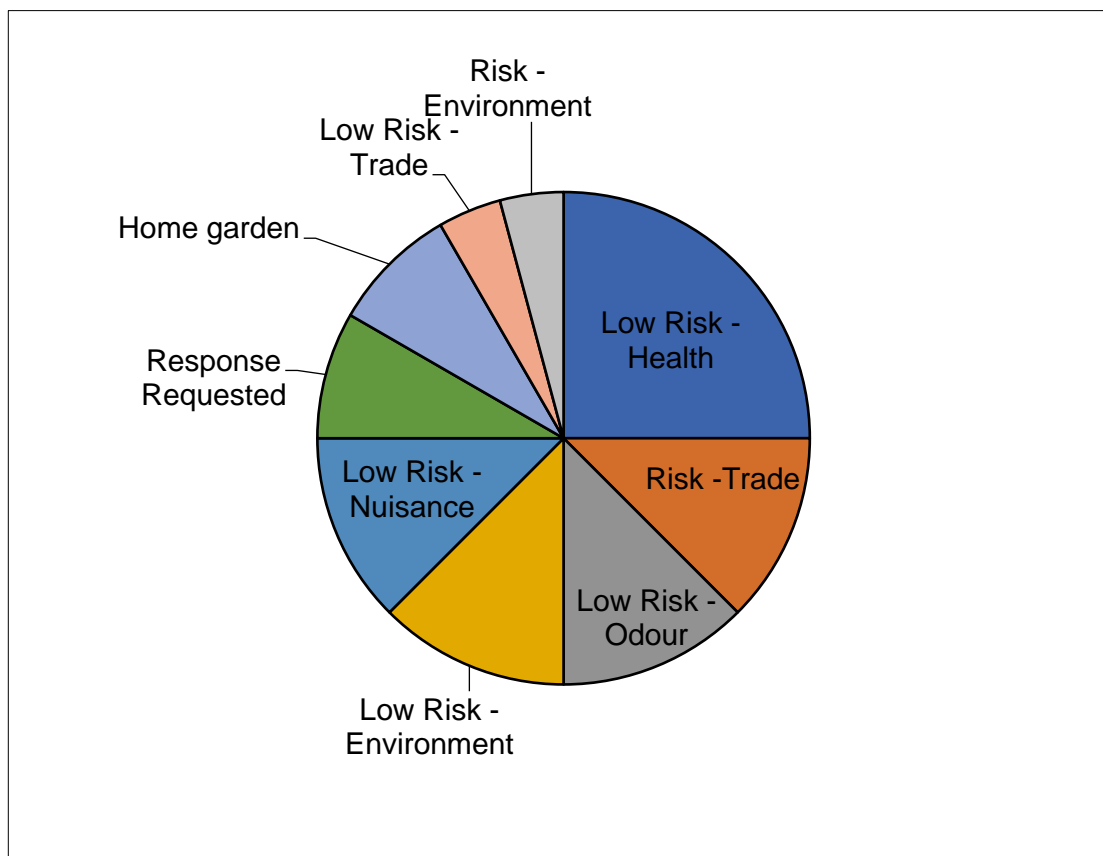
The four complaints where Surrounding Land Use was the suspected cause involved Rural Living or a Township setting adjacent to agriculture or horticulture. Chemical trespass concerns often exist at the interface between different land uses.



Risk Assessment of Reported Chemical Trespass Incidents: Figure 15

RCO performs a risk assessment of each incident to help determine the most appropriate response. Two-thirds of the complaints received in 2022/23 were considered to be low risks of various types.

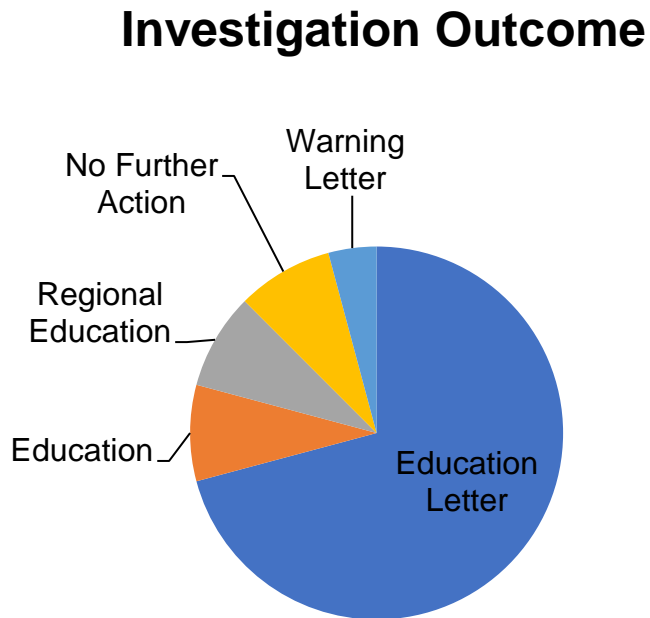
Three reports were assessed as a trade risk. One was the regional herbicide damage to grape vines in the Clare Valley. The second was a bee poisoning where fipronil insecticide was detected in the dead bees but the chemical use and user were not identified. The third was not a primary production trade risk but was a risk to the patronage of the tourist attraction mentioned in the “Adverse Effects” section.



Outcome of Chemical Trespass Investigations: Figure 16

Education was the overwhelming response for incidents in 2022/23. Education letters to provide information, advice or mediation were sent for over 70 percent of incidents. Less formal education or regional education was provided for a further 17 percent of incidents.

One formal warning was issued, which equals the previous lowest number in 2005/06.



5. Other Chemical Trespass Activities

SURVEYS OF AGRICULTURAL CHEMICAL USE

In March 2023, RCO examined the Group 4 herbicide application records of 11 Mid-North farmers west of the Clare Valley and six farmers east of the Clare Valley. RCO has undertaken chemical use audits and examined application records previously of other farmers surrounding the Clare Valley. This 2023 study was both a continuation of this ongoing program and a response to the off-target herbicide damage that occurred in the Clare Valley in the 2023 summer. The aim was to understand better the recent use of Group 4 herbicides in the region, and to assess compliance with label changes for 2,4-D products that were introduced in 2018. RCO provided individual feedback to the participants about their records and applications and distributed a summary report.

The Yorke Peninsula Country Times published an article on 20 June 2023 about apparent Overwatch® Herbicide damage to gardens on Yorke Peninsula. The article invited readers to report suspected off-target herbicide damage to RCO. RCO subsequently received approximately 25 reports of off-target damage, mostly in home gardens, from numerous locations on Yorke Peninsula and also Snowtown and Balaklava. RCO commenced an examination of application records from Yorke Peninsula farmers who had used Overwatch® Herbicide in 2023.

MESONETS

The Mid-North Mesonet was launched in September 2019 and the Riverland and Mallee Mesonet was launched in February 2021. The Mesonet network delivers a weather monitoring and warning system to provide highly accurate and targeted data on the development and presence of adverse conditions for spraying, as well as other measures.

Department of Primary Industries and Regions has no involvement in maintaining and operating the Mesonets. This function is performed by Conditions Over The Landscape: [COtL – Weather data for the prevention of spray drift](#)

The Mesonet weather stations had initial capability to measure Vertical Temperature Difference, which indicates the presence of inversion conditions. In May 2023, some Mesonet stations were upgraded to enable detection of **hazardous** surface temperature inversions by measuring wind turbulence as well as temperature difference. The remainder are able to predict hazardous inversions with a high degree of accuracy through machine learning.

CODE OF PRACTICE FOR SUMMER WEED CONTROL

RCO updated this Code of Practice (COP) in late 2018 to reflect amendments to 2,4-D label instructions that were introduced in October 2018. PIRSA publicised the amended COP at that time, mainly through agricultural chemical resellers and consultants, and again in spring 2019.

The COP is available on the PIRSA website:

https://pir.sa.gov.au/data/assets/pdf_file/0008/235547/Summer_Weed_Control_-_Code_of_Practice_2019.pdf

EDUCATION

RCO undertakes education about agricultural chemical use in response to identified needs. Through PIRSA's Media Unit, RCO usually issues a media release annually in spring to remind chemical users about avoiding off-target herbicide damage to grape vines and other horticultural crops from Group 4 herbicides used to control summer-growing weeds. There were other important issues also competing for publicity in late 2022, so a media release about the risks of off-target herbicide damage was not published until 24 January 2023.

https://pir.sa.gov.au/alerts_news_events/news/biosecurity/think_before_you_spray

RCO received the first report of off-target herbicide damage to grape vines in the Clare Valley for the 2022/23 summer on 10 February 2023. The chemical trespass event(s) responsible for this damage are likely to have occurred after mid-January 2023.

RCO will aim to revert to the preferred timing for future media releases about summer weed control so that they are made before the risk period has commenced.