



Agricultural chemical products – permitted and prohibited uses

Introduction

The label of a registered agricultural chemical product specifies how the product can be used. The information on the label must be approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and is based on an APVMA assessment of the product for such characteristics as efficacy and risks to trade, occupational health and safety (OH&S), and the environment.

The use of agricultural chemical products in SA is regulated through the *Agricultural and Veterinary Products (Control of Use) Act 2002*. This Act aims to maximise the economic benefits of using agricultural and veterinary chemicals and fertilisers, while managing the risks of such use in terms of harm to plants, animals, trade, human health and the environment.

The *Agricultural and Veterinary Products (Control of Use) Regulations 2004* describe permitted and prohibited uses of registered agricultural chemical products. The Regulations allow limited extensions to the specific directions of use on the label in certain situations where there is no perceived change to the level of risk to trade, OH&S and the environment.

This fact sheet explains, by way of examples, what uses of agricultural chemical products are permitted and what uses are prohibited in SA.

Definitions

Off-label use is use of the product in a manner that is not specifically described on the label.

General Principles for Use of Agricultural Chemical Products

The following principles of use should be observed in order to avoid potential crop or environmental damage and unacceptable residue levels in produce.

Apply the product only to a crop or in a situation that is specified on the label.

1. If the crop or situation is specified for **SA** or **All States**, follow the associated directions for use. **Do not** apply the product at a rate or frequency that exceeds the rate or frequency of application specified on the label for that crop or situation in SA.

OR

2. If the crop or situation is not specified for SA or All States, the product may still be used if the use is specified for at least one other Australian State. **Do not** apply the product at a rate or frequency that exceeds the **highest** rate or frequency of application specified on the label for that crop or situation.

Observe any withholding periods specified on the label.

1. PERMITTED USES

A. Use of the product on crops or in situations specified for SA or All States

A.1 Against target pests listed for that crop or situation

This is obviously the preferred scenario. The product must not be used at a rate or frequency that exceeds the rate or frequency specified on the label for the crop or situation in SA. When the product is used according to directions, the APVMA is satisfied that it will be effective against the target pests (weeds, insects, diseases, etc) listed on the label and that any risks are acceptable.

A.2 Against target pests NOT listed for that crop or situation

Under SA's legislation, it is permissible to use the product in a specified crop or situation to deliberately or inadvertently target pests that are not listed for control in that crop or situation. Such use does not change the level of risk to the crop, user or environment provided that the rate or frequency of use specified on the label for the crop or situation in SA is not exceeded. Control of non-listed pests may be ineffective, however. A particular pest may be not listed because there is no, or insufficient, information to make a label claim for its control or because research has shown that the treatment does not control the pest.

Example 1

Nufarm TriflurX Herbicide is registered for control of various weeds before planting chickpeas in **all States** except WA. The specified rates are copied from the label in the following table.

State	Rate/soil type		
	Light	Medium	Heavy
Qld only	1.25-1.7 L/ha	1.25-1.7 L/ha	1.25-1.7 L/ha
Vic only	800 mL/ha plus 1.6 L/ha Avadex Xtra		
SA only	1.25 L/ha	1.25 L/ha	1.25 L/ha
NSW, ACT only	1.2 – 1.5 L/ha	1.5 L/ha	1.7 L/ha

The rate used in SA before planting chickpeas **must not** exceed 1.25 L/ha because that is the rate specified for this State, although up to 1.7 L/ha is permitted in some other States. The mixture of TriflurX and Avadex Xtra must not be used because it is not specified for SA.

Example 2

Bayer Le-mat Insecticide is registered for control of four insect pests in pastures, cereals, oilseeds and legume crops in **all States**, with specific exclusions. The pests, States and rates are copied from the label in the following table.

Pest	Rate
Redlegged earth mite (Not QLD)	100 mL/ha
Blue oat mite (QLD NSW ONLY)	
Lucerne flea (Not QLD)	
Pasture mite (Bryobia mite) (NSW ONLY)	120 mL/ha

The rate used in SA for these crops **must not** exceed 100 mL/ha because that is the rate specified for this State, although up to 120 mL/ha is permitted in NSW for pasture mite. Other pests not specifically listed for SA on the product label can be either deliberately or inadvertently targeted at up to 100 mL/ha. Pasture mite (Bryobia mite) can be targeted – despite the label listing it for NSW only – but not above 100 mL/ha. This may potentially reduce the level of control of this pest if 120 mL/ha is usually required for effective control. The user can accept this risk or may decide to use an alternative treatment, if available.

B. Use of the product on crops or in situations not specified on the label for SA but specified for at least one other State

B.1 Against target pests listed for that crop or situation in another State

The first choice should always be to use a product that is registered for the crop or situation in SA or All States. Sometimes this may not be possible. There may be no products registered for the crop or situation in SA or the products that are registered may not control the particular pest(s) to be targeted. In these circumstances, under SA's legislation it is permissible to use a product that is registered for the crop or situation in another Australian State. The product must not be used on the crop or in the situation in SA at a rate or frequency that exceeds the **highest** rate or frequency specified on the label for the crop or situation.

This approach assumes that the behaviour of a particular product in SA will be similar to its behaviour in the other State(s). If the product is registered for use in a particular crop somewhere in Australia, a Maximum Residue Limit (MRL) for the active constituent(s) in the product has been established for that crop. Copying an approved use from another State should provide equivalent levels of control and crop safety in SA but should not cause the MRL to be exceeded, nor increase the OH&S and environmental risks.

If the particular pest(s) are listed on the label for the crop or situation in another State, a SA user might **assume** (at his or her own risk) that the product will control the same pest(s) in this State. The treatment is not endorsed by any other party, however, because there is no specific label claim for its use.

B.2 Against target pests NOT listed for that crop or situation in another State

Such use is permitted in SA but would be difficult to justify unless the user had reliable evidence from another source, e.g. research trial data, that the product might be effective against the unlisted pest(s).

Example

Nufarm Chlorpyrifos 500EC Insecticide is registered for the control of six insect pests in avocados in Qld, NSW and WA, **but not SA**, at 1 or 2 L/ha and 50 or 100 mL/100 L water. Consequently, the product can be used in avocados in SA at up to 2 L/ha or 100 mL/100 L water, on the basis of its permitted use in at least one other State. Light brown apple moth is one of the pests listed for control in NSW and WA, so the user might assume that the treatment will control this pest in avocados in SA also.

2. PROHIBITED USES

C. Use of the product on crops or in situations not specified on the label for any Australian State

A product **MUST NOT** be used for a crop or situation that is not specified on the label. If the product is not registered for use in a particular crop anywhere in Australia, no MRL for the active constituent(s) in the product has been established for that crop. Consequently, **any** use of the product in that crop could lead to violative residues that may present a trade risk.

Use of the product on crops or in situations not specified on the label could also lead to crop or environmental damage. A particular use may not be specified because there is no, or insufficient, data to support the claim but it may also be not specified because the use has been tested and found to be unacceptable.

Example

Nufarm Bumper Fungicide is registered for use on stone fruit in SA and all other States but not for use on other tree crops anywhere in Australia. Consequently, it **must not** be used on any tree crops **apart from stone fruit** in SA.

A person must not use a registered agricultural chemical product in SA in contravention of the off-label use regulation except as authorised by a permit. The maximum penalty is \$10 000.

3. PERMITS

If use of a product on crops or in situations not specified on the label is considered necessary, and no alternatives are available, an application for a **permit** can be submitted to the APVMA. Further information on permits and minor uses is available on the APVMA website.

Further information

For information about the Agricultural and Veterinary Chemicals (Control of Use) Act and Regulations:

PIRSA Rural Chemicals Program

Phone: (08) 8226 0549

E-mail: PIRSA.Ruralchemicals@state.sa.gov.au

Website: www.pir.sa.gov.au/ruralchem

The Act and Regulations can be viewed online at www.legislation.sa.gov.au or purchased from Service SA Government Legislation Outlet, 101 Grenfell Street Adelaide.

For information about the registration of agricultural and veterinary chemicals and the off-label permit scheme:

Australian Pesticides and Veterinary Medicines Authority (APVMA)

Phone: (02) 6272 5158

Website: www.apvma.gov.au

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