



Agricultural and Veterinary Chemicals Legislation

Rural Chemicals Program

Introduction

Agricultural and veterinary chemicals are subject to regulation for purchase and sale, licensing, use, transport and storage, disposal, workplace safety and environmental responsibility. This Fact Sheet briefly summarises the applicable legislation, identifies the responsible government agency and provides contact details for additional information and advice.

Purchase & Sale of Chemicals

➤ ***Agricultural and Veterinary Chemicals Code Act 1994***

Administered nationally by the Australian Pesticides and Veterinary Medicines Authority (APVMA)

The APVMA administers the National Registration Scheme for Agricultural and Veterinary Chemicals. The scheme registers and regulates the manufacture and supply of all pesticides and veterinary medicines used in Australia, up to and including the point of sale. The Scheme is underpinned by the *Agricultural and Veterinary Chemicals Code Act*, which outlines the requirements for:

- Manufacture of Agricultural and Veterinary chemicals
- Registration of Agricultural and Veterinary chemicals (labels and permits)
- Sale of Agricultural and Veterinary chemicals

The APVMA manages the risk assessment process for the registration of chemical products, which involves independently evaluating scientific data and providing the opportunity for public comment before registration. The APVMA also issues Permits for off-label use, reviews currently registered products and investigates adverse experience reports.

Registration of chemicals includes approval of label directions for each approved pesticide product. Label directions specify how, and under what circumstances, the pesticide may be used to treat the specific target pest or pests. Labels give directions on clean-up, storage and disposal, and personal and environmental safety. Once sold, pesticides are regulated by each State's control-of-use legislation.

For further information visit the **Australian Pesticides and Veterinary Medicines Authority (APVMA) website at: www.apvma.gov.au or contact: 02 6210 4700.**

➤ ***Controlled Substances Act 1984,***

➤ ***Controlled Substances (Poisons) Regulations 1996***

Administered in SA by the Department of Health, Environmental Health Service

The Department of Health manages public health related issues involving drug and chemical sale, supply, possession, labelling, storage, transport and disposal. The *Controlled Substances Act* relates to poisons and other substances as defined in the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP) as adopted and modified by the *Controlled Substances (Poisons) Regulations 1996*.

The *Controlled Substances (Poisons) Regulations 1996* regulate the manufacture, sale, storage, transport and possession of certain substances classed as poisons. This includes provisions for:

- Licensing of persons to possess either an S4 and/or an S8 drug
- Licensing of retailers to sell S7 Poisons
- Licence conditions for sellers of S7 poisons such as the requirement to sell only to people with chemical competency qualifications.

For further information visit the **Population Health website** at: www.dh.sa.gov.au/pehs or **contact: 08 8226 7100**.

Commercial Pest Control Licensing

➤ *Controlled Substances (Pesticides) Regulations 2003*

Administered in SA by the Department of Health, Environmental Health Service

The *Controlled Substances (Pesticides) Regulations 2003* define the requirements for licensing a pest control business for the safe handling, storage and transport of pesticides within a pest management business. This includes provisions for the following licences:

- A Pest Controller's Licence
- A Pest Management Technician's Licence

For further information visit the **Population Health website** at: www.dh.sa.gov.au/pehs or **contact: 08 8226 7100**.

Use of Agricultural and Veterinary Chemicals

➤ *Agricultural and Veterinary Products (Control of Use) Act 2002 and Regulations 2004*

Administered in SA by Primary Industries and Resources South Australia, Rural Chemicals Program

A person who uses agricultural and veterinary chemicals must do so in a responsible way so that damage to trade, human health and the environment is kept to a minimum.

This Act requires users of chemicals to:

- Only use registered chemicals or obtain a Permit from the APVMA, and follow label directions.
- Take reasonable care to prevent off-target chemical damage.
- Obtain a prescribed qualification before using specified chemicals such as Schedule 7 poisons or Restricted Chemical Products.
- Keep certain records of chemical use, such as veterinarians prescribing off-label use.
- Manufacture fertilisers in accordance with listed standards for fertilisers.

For further information visit the **Rural Chemicals Website** at: www.pir.sa.gov.au/ruralchem or **contact: 08 8226 0549**.

Storage and Transport

➤ *Dangerous Substances Act 1979 and Regulations 2002*

Administered in SA by the Department of the Premier and Cabinet, SafeWork SA

Certain agricultural and veterinary chemicals are classed as dangerous substances and must be transported and handled safely. Dangerous substances are classified and grouped into different classes in the Australian Dangerous Goods Code.

The *Dangerous Substances Act* requires:

- Licensing for the bulk transportation and storage of dangerous goods.
- Personal responsibility for taking reasonable precautions and care for:
 - Keeping; Handling; Conveying; Using, and Disposing of dangerous substances.

For further information visit the **SafeWork SA website** at: www.safework.sa.gov.au or **contact: 1300 365 255 local call cost for landline phones** during business hours. During alternative hours and for mobile phones call **08 8303 0400**.

Work Safety

- **Occupational Health, Safety and Welfare Act 1986 and Regulations 1995**
Administered in SA by the Department of the Premier and Cabinet, SafeWork SA

Occupational Health, Safety and Welfare regulations describe how hazardous substances should be properly managed in the workplace so that work-related illness or disease from exposure to hazardous substances can be prevented. Hazardous substances are those that are labelled with words such as 'Hazardous', 'Caution', 'Poison' or 'Dangerous Poison'.

These regulations include the requirements for:

- Businesses to keep records of Material Safety Data Sheets (MSDS) for hazardous substances. (MSDS contain specific information on chemical hazard classifications, safety precautions and emergency procedures).
- Keeping a register of hazardous substances.
- Training to ensure safe work practices.
- The safe labelling of hazardous substances.
- The use of personal protective equipment.

For further information visit the **SafeWork SA website** at: www.safework.sa.gov.au or **contact: 1300 365 255 local call cost for landline phones** during business hours. During alternative hours and for mobile phones call **08 8303 0400**.

Environmental Responsibility

- **Environment Protection Act 1993**
Administered in SA by the Environment Protection Authority (EPA)

This Act and regulations provides the legislative basis protecting the environment by minimising any environmental harm from the use of agricultural and veterinary chemicals.

The General Environmental Duty of this Act requires that a person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm.

In some circumstances, a licence may be required under the *Environment Protection Act 1993* to:

- Store bulk chemicals and manufacture chemicals
- Receive, store, treat or dispose of waste agricultural and veterinary chemicals
- Undertake activities that produce chemical waste
- Operate a business for transport of chemical waste.

For further information visit the **Environment Protection Authority website** at: www.epa.sa.gov.au or contact: **08 8204 2000 (Freecall 1800 623 445 for South Australia non-metropolitan callers only)**.

Disposal of Chemicals

- **Agricultural and Veterinary Products (Control of Use) Act 2002**
- **Environment Protection Act 1993**
- **Controlled Substances (Poisons) Regulations 1996**

The Environment Protection Act requires persons to take all reasonable and practical measures to prevent or minimise any resulting environmental harm when disposing of chemicals. Causing a risk to human health or safety when disposing of poisons is an offence under the Controlled Substances (Poisons) Regulations.

In addition to these requirements, the Agricultural and Veterinary Products (Control of Use) Act requires that, when disposing of agricultural chemicals, fertilisers and certain veterinary chemicals, a person must take care to prevent or minimise contamination of: non-target land; animals or plants outside the target land; human health and safety; and the environment.

Additional Information

➤ Household Hazardous Waste and Farm Chemical Collection Program (State Government Initiative)

Zero Waste SA, a branch of the SA Government, provides this service. Collections are organised in conjunction with local councils. Licensed professional waste management contractors set up temporary collection points in metropolitan and country areas of the State. Householders and farmers are then asked to deliver their unwanted chemicals to the collection points for free disposal. Hazardous household waste (including household agricultural and veterinary products) can also be delivered to Zero Waste SA's Hazardous Household Waste collection depot at Dry Creek. This service is only available to householders and farmers (not businesses). The depot is open on the first Tuesday of every month (excluding public holidays) between 9.00 a.m. and midday. Special weekend openings are arranged each year.

Further information can be obtained by visiting the Zero Waste SA website at:

www.zerowaste.sa.gov.au/prog_house.php or calling **(08) 8204 1961 (collection programs) or (08) 8204 1947 (collection depot)**.

➤ ChemClear (Industry Initiative)

Rural residents with waste chemicals of greater than 200mL can dispose of these chemicals through an alternative rostered collection program called ChemClear. This program is a joint initiative of CropLife Australia Ltd, Animal Health Alliance (Australia) Ltd, Veterinary Manufacturers and Distributors Association (VMDA), National Farmers Federation (NFF), Australian Local Government Association and Agsafe. This program only accepts chemicals sold through member companies of CropLife Australia, Animal Health Alliance and VMDA. Further information on eligibility is available by visiting the website: www.chemclear.com.au or by calling **1800 008 182 from any region in Australia**.

➤ *drumMUSTER* (Industry and Government Initiative)

This is the national program for the collection and recycling of empty, cleaned, non-returnable crop production and on-farm animal health chemical containers. It is a joint initiative of the Australian Local Government Association, CropLife Australia Ltd, Animal Health Alliance (Australia) Ltd, National Farmers Federation (NFF) and Veterinary Manufacturers and Distributors Association (VMDA). The program is funded by a levy paid on purchase of chemicals in non-returnable containers over 1 litre or kilogram in content, which is reimbursed to participating councils for costs of running a *drumMUSTER* collection. Details of collections are available from local councils or chemical resellers, or by visiting the website: www.drummuster.com.au.

➤ Guidelines for Responsible Pesticide Use (State Government Initiative)

The EPA in conjunction with other relevant State Government departments has developed a guideline on the safe environmental usage of pesticides. It details the majority of State Government legislation relating to environmental consequences of pesticide use that must be complied with in South Australia. The guideline targets both home and agricultural pesticide users and offers advice and direction on a wide range of issues to do with pesticide use and provides links to further information to the reader. **Further information** may be obtained by contacting the EPA on **(08) 8204 2004 or Freecall (country callers only) 1800 623 445** or visiting the website: http://www.epa.sa.gov.au/pdfs/guide_pesticides.pdf

General

All Legislation mentioned in this fact sheet can be viewed at the following websites:
www.legislation.sa.gov.au/

Further Information

PIRSA Rural Chemicals Program. Phone: (08) 8226 0549.

E-mail: PIRSA.Ruralchemicals@state.sa.gov.au; Website: www.pir.sa.gov.au/ruralchem