**Australian Scientists, Citizens and Organisations With Concerns related to the Review of Australia's Agvet chemicals regulatory system**

# Consensus Statement and Request for Senate and peer review

**12 March 2021**

Doctors for the Environment Australia

IPEN a toxics-free future

Friends of the Earth Australia

PAGWA Pesticide Action Group WA — FOR A HEALTHY ENVIRONMENT FOR ALL LIFE

gene ethics working for a GM-free future

Community Overspray Groups (NSW) Est. 2017

NTN NATIONAL TOXICS NETWORK

Alliance for a Clean Environment

Promoting Community Right to Know and Environmental Health and Justice in WA

**Tasmanian Public & Environmental Health Network (TPEHN)**
http://www.sourcewatch.org/index.php?title=Pollution_Information_Tasmania

POLLUTION INFORMATION TASMANIA

# Background

The Commonwealth Government appointed a Panel in September 2019 to review Australia's Agricultural and Veterinary (agvet) chemical regulatory system. The Panel released an issues paper on 4 March 2020 and after stakeholder consultation subsequently released a draft report and recommendations on 16 December 2020 for further consultation, which ended on 26 February 2021.

Environmental health experts, independent scientists and civil society organisations have serious concerns about the proposed recommendations of the panel.

The recommendations promote greater access to agvet chemicals through increased reliance on: industry self-regulation; third party (rather than public regulator) assessment; exemptions from full assessment for many uses, including urban uses; and new product approvals based primarily on overseas assessments but without accepting international decisions for restrictions or bans. In effect, these recommendations would make the regulatory objective of protecting health and safety and the environment secondary to fast tracking industry's access to new chemicals.

The Panel's recommendations fail to address the evidence that stakeholders provided, which shows the existing regulatory system has allowed significant impacts on human health, biodiversity and aquatic ecosystems to occur. The panel's recommendations would allow these failures to continue.

The draft report has failed to undertake robust accounting of all the costs and benefits of the proposed recommendations. The Panel did not attempt to apportion any cost to the externalised impacts of agvet chemicals to: public health; biodiversity; ecosystem services (e.g. bee and insect pollination); natural capital degradation; potable water treatment; and fisheries productivity.

Indigenous communities' views about Agvet chemicals being used on Native Title lands, and the cultural and environmental impacts these toxins may have on indigenous lands and waters, are notably absent from the draft report.

There were notable deficiencies in the appointed Panel's expertise that may have contributed to the inadequate recommendations including: absence of contemporary knowledge of agvet chemical impacts on human and environmental health; and modern regulatory options for managing agvet chemical risks.

# Principal concerns

### 1) Failure to utilise the scientific evidence available

The *Panel* failed to incorporate the weight and quality of independent scientific evidence[1],[2],[3],[4],[5], of proven health and environmental impacts of agvet chemicals in Australia to formulate a safer, more transparent system. Together, these failings externalise significant costs to: personal health (Fritschi, et al., 2005); the public health care system (Jensen, 2014); the environment; fisheries productivity; and trade.

[1] https://haveyoursay.awe.gov.au/53499/widgets/312307/documents/183688
[2] https://haveyoursay.awe.gov.au/53499/widgets/312307/documents/183621
[3] https://haveyoursay.awe.gov.au/53499/widgets/312307/documents/183597
[4] https://haveyoursay.awe.gov.au/53499/widgets/312307/documents/183639
[5] https://haveyoursay.awe.gov.au/53499/widgets/312307/documents/183666

The panel mostly used industry stakeholder opinions to buttress its recommendations to reduce regulation, rather than referring to the scientific evidence to inform the best response to systemic problems. The negative outcomes of co-regulation or self-regulation in other industries (eg smoking, alcohol, mining, banks) were not discussed in the draft report. This evidence should be transparently weighed against the de-regulatory recommendations.

The Panel recommends that comparable science-based international regulatory assessments should be sufficient for chemical entry to Australia, without data being made available to the Australian regulator for even minimal review. The Panel accept and promote those decisions aligned with increased and quicker access to agvet chemicals but accuse the same international regulators of political-based decision making where product approvals are removed or restricted.

The Panel's recommendations do not strive for reduced pesticide use. This contrasts sharply to multiple FAO, UN reports, which highlight the need to reduce pesticide use to protect biodiversity.[6],[7]. The Panel's recommendations would place Australia in conflict with the *UN's Convention on Biological Diversity*, now drafting a post-2020 Global Biodiversity Framework.[8]

Without scientific justification, the Panel dismisses the need for regular and systematic re-assessment and re-registration of all agvet chemicals, even though they are deemed essential by comparable regulators in the EU, USA, Canada and Japan. The recommendations for a Commissioner-led *ad hoc* review process are very much a second best proposition and the use of regulatory science instead of the scientific method is unlikely to keep Australian regulation up to speed with scientific knowledge on agvet chemical degradation of human, animal and environmental health.

## 2) Red and green tape cutting puts health and safety in danger.

The Terms of Reference frame this Inquiry as a 'red tape cutting exercise', to 'maximise profits for the agricultural sector'.

The agvet chemical regulator, the Australian Pesticides and Veterinary Medicines Authority (APVMA) legislated responsibility is the protection of human health and safety, the environment and trade, from the impacts of agvet chemicals. The Panel's recommendations seek to make health and safety a secondary goal for the regulator, behind quick access to new chemicals.

The proposed red and green-tape cuts will facilitate chemical companies having a greater role to self-assess and self-manage the risks of their own chemical products. This 'self interest' approach would inevitably endanger the health of farmers, workers, communities and environments exposed to these chemicals.

The recommendation to remove from regulation all the registered chemicals that are used in urban pest management and inside our homes - around 30% of products - would seriously compromise the health and safety of the Australian community and environment.

[6] 2019 FAO State of the World's Biodiversity for Food & Agriculture Report
[7] 2019 IPBES Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. https://doi.org/10.5281/zenodo.3553579
[8] https://www.cbd.int/conferences/post2020

## 3) Independence of the Review Panel questioned

The chair of the "Independent Review Panel" appears to have a serious conflict of interest as he is also Chair of the Agricultural Biotechnology Council of Australia (ABCA) "the national coordinating organisation for the Australian agricultural biotechnology sector ... established to pursue recognition of the current and potential benefits of agricultural biotechnology." The independence of the review panel is therefore compromised.

CropLife Australia and the National Farmers Federation were two of the three founding members of ABCA. CropLife Australia's nineteen corporate members represent 85 per cent of crop protection and 95 per cent of crop biotechnology products used by Australian farmers.[9].

When the agvet review began, the panel first convened an Agvet Chemicals Review Stakeholder Group which included several of ABCA's fourteen members - CropLife, the National Farmers Federation, Animal Medicines Australia and Dairy Australia.

The Stakeholder Group was asked to raise regulatory, technical and business issues pertinent to the scope of the review, identify matters of concern, and propose constructive options where possible. In doing so, the selected Stakeholders were influential in setting many parameters for the conduct and content of the review, before any other consultations began. This also compromised the independence of the review as many of its 139 recommendations favour corporate chemical interests.

## 4) Banned and unsafe agvet chemicals remain in use in Australia

The Panel draft report acknowledges the current APVMA regulatory review and adverse event reporting processes are not delivering for Australia. However, they do not propose recommendations to remedy these central failings. Instead, the recommendations seek to reassure the public that agvet chemical risks can be managed with an expanded post-market monitoring program for chemical residues. This is not a measure that protects people or the environment from unsafe exposures. Similarly, the suggestion that a Commissioner be appointed is no guarantee that a chemical's safety would be reviewed when new evidence of harm emerges or overseas regulatory decisions to remove or restrict use are made.

The Panel seeks to allow new chemicals to be sold and used, with minimal Australian regulatory assessment or oversight, if a comparable overseas regulator has registered it. This allows chemical corporations a 'free pass' onto the Australian market, with less regard for the patterns of chemical use in our unique and fragile environments, though they differ greatly from overseas contexts. In contradiction, the Panel opposes removing from Australian use the many agvet chemicals that are now unavailable, classed as unsafe, by the very same comparable overseas regulators.

The Panel's recommendations for ad hoc chemical review would leave the APVMA with no mandatory and systematic process to ensure that all agvet chemicals sold and used here meet contemporary scientific and regulatory standards.

[9] https://www.croplife.org.au/about/our-members/

## What's needed now

**Pause the agvet regulatory reforms until a Senate inquiry appraises the scientific, financial and regulatory aspects of the Panel's recommendations, particularly:**

- **gather evidence from scientists with expertise in the adverse effects of agvet chemicals on human health, environmental health, biodiversity and fisheries productivity;**
- **compare the safety and performance profiles of the proposed Australian agvet regulatory scheme with the European Union's agvet chemical regulatory system;**
- **assess alignment of recommendations to 2020 UNEP Assessment Report on Issues of Concern: Chemicals & Waste Issues Posing Risks to Human Health and Environment[10], Voluntary Guidelines on Sustainable Soil Management[11] and other relevant international guidance literature**
- **commission the Auditor-General to assess the net public costs of the regulatory reform proposals, including increased financial burdens on public health systems, the environment, fisheries and local communities, and also to test the report's assumptions on the costs and benefits of future trade and markets.**

## Conclusion

The Panel's Draft Recommendations are not a suitable basis for the much needed reform of Australia's agvet chemical regulatory system. They do not reflect current scientific evidence and are not aligned with international best regulatory practice in agvet chemical management. The recommendations will not decrease the public health burden due to pesticide–related cancers and chronic disease. They also fail to address growing community concerns about pesticide impacts on our environment, such as pollinators and the Great Barrier Reef. We urge the Senate to critically review the Panel's proposals before enacting any of its recommendations.

## References

Fritschi, L., Benke, G., Hughes, A., Kricker, A., Tumer, J., Vajdic, C., . . . Armstrong, B. (2005). Occupational exposure to pesticides and Risk of Non-Hodgkins Lymphoma. *American Journal of Epidemiology, 162*(9), 849-857.

Jensen, G. (. (2014). *Health Costs in the European Union- How much is related to EDCs?* www.env-health.org: Health and Environment Alliance (HEAL) .

[10] https://wedocs.unep.org/bitstream/handle/20.500.11822/33807/ARIC.pdf

[11] http://www.fao.org/land-water/land/land-governance/land-resources-planning-toolbox/category/details/en/c/1043063/

## Signatories

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| Bruce Maynard (Convener) | Community Overspray Groups (NSW) |
| Kerry Cochrane (President) | Australian Institute of Ecological Agriculture Cooperative Ltd |
| Jerry Coleby Williams | Curator, botanical horticulturalist, writer |
| Denise Cauchi (Executive Director) | Doctors for the Environment Australia (DEA) |
| Pam Miller and Tadesse Amera (co-chairs) | International Pollutants Elimination Network (IPEN) |
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| Cam Walker | Friends of the Earth |
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